

As per our letter of May 18th and our agreement of July 19th, we began and have now completed the preliminary stage of our investigation into the captioned air disaster. Although we provided oral progress reports in July and August as to various intelligence leads gathered domestically, this is the first written report as to the full results of our domestic and European investigation. We also detail recommendations for specific action to obtain admissible evidence.

TABLE OF CONTENTS:

- I. ASSIGNMENT
- II. REPORTED RESULTS OF LAW ENFORCEMENT INVESTIGATIONS
 - A. Generally Agreed Facts
 - B. Theories As To Disputed Facts
- III. OTHER PRIVATE INVESTIGATIONS
- IV. INTERFOR'S INTELLIGENCE FINDINGS
 - A. Sources
 - B. Intelligence
- V. INTERFOR'S INTELLIGENCE CONCLUSIONS
- VI. INTERFOR'S RECOMMENDATIONS
- VII. CONCLUSION

I. ASSIGNMENT:

As the overall assignment, Defense trial counsel retained us to investigate the facts of the disaster, gather intelligence, develop leads, locate witnesses, locate and obtain physical evidence, and to locate expert witnesses and advise and consult with counsel as it may direct. The first stage assignment was to determine the facts and then to identify the sources, nature, extent, form and quality of available evidence; and then to recommend the action to obtain such evidence in court-admissible form, and to estimate the likelihood of obtaining same and the costs.

II. REPORTED RESULTS OF LAW ENFORCEMENT INVESTIGATIONS:

The assignment commenced some six months after the disaster during which time law enforcement agencies of Great Britain, Federal Republic of Germany and the United States have investigated the matter. Reports of their results and theories have been published in various journals via direct quotes attributed and unattributed from official investigative sources. Review of same shows that many key facts have been established while others remain in dispute. Therefore, it is useful to summarize same before we state our independent findings.

A. Facts Generally Agreed By Law Enforcement:

The flight originated in Frankfurt on a Boeing 727 on December 21, 1988. The flight landed in London's Heathrow airport. A second plane, a Boeing 747, was then used for the continuation leg to New York JFK under Number 103. All continuing passengers deplaned in Heathrow and then boarded the 747 with the London passengers. The flight crashed over Lockerbie, Scotland, due to a bomb explosion, with all lives lost.

Law enforcement investigators have determined that the bomb was made of Semtex explosive and concealed in a suitcase which was in a cargo hold, that it weighed approx. 1.25 pounds (568 grams), that it exploded over Lockerbie, and that it was sufficient in explosive power to cause the plane to crash.

The detonator functioned from a barometric pressure timing device designed to set and reset so as to evade pressure security measures. The explosion took place at a time when the plane was supposed to be over water; however, a navigational drift had it still over land at the time. The perpetrators' objective was to strike at the U.S.A.

The bomb was similar in manufacture to that placed in various audio/visual equipment found by West German police in October, 1988, at a terrorist apartment in Neuss, West Germany. Among the 13 PFLP suspects arrested there were Hafez Dalkamoni and Abdel Ghadanfar, close associates of Ahmed Jibril in PFLP.

Usual security measures for examination of passenger luggage were in place in Frankfurt and London. The procedures were followed in London. It is disputed whether they were followed in Frankfurt. Several warnings were issued to airlines prior to the flight. [You are most familiar with this latter matter so we have not investigated exactly what warnings were received by PanAm, although we have investigated what warnings were issued to and between governments, as discussed in our Findings section of this report].

At least five passengers were CIA: Beirut Dep. Station Chief Matthew Gannon, agents Ronald Lariviere, Daniel O'Connor and Bill Leyrer, and U.S. Army major, Charles McKee, assigned temporarily to CIA. They had flown in from Cyprus to connect with Flight #103. Four U.S. Air Force scientists with secret documents were reportedly on the flight. CIA agents quickly arrived at the crash site and acted very strangely and nervously in securing the CIA passengers' luggage.

B. Reported Theories of Law Enforcement Investigators as to Facts in Dispute:

B.1 The perpetrators were either (1) Iranians seeking to avenge the U.S.S. Vincennes' shooting down of an Iranian commercial airliner, or (2) a Popular Front for the Liberation of Palestine (PFLP) group headed by Ahmed Jibril and led by Hafez Dalkamoni seeking to strike at America while undermining Yasir Arafat's then recent renunciation of terrorism, or (3) Hizbollah or another combination of anti-American terrorists seeking to strike a CIA led counterterrorism team returning from Beirut. While the PFLP theory is predominant, the issue has not been resolved.

The PanAm Frankfurt smuggling operation worked as follows: an accomplice boarded flights with checked luggage containing innocent items. An accomplice Turkish baggage handler for PanAm was tipped to identify the suitcase, then switched it with an identical piece holding contraband, which he had brought into the airport or otherwise received there from another accomplice. The passenger accomplice then picked up the baggage on arrival. It is not known how this method passed through arrival customs where such existed, but this route and method worked steadily and smoothly for a long time.

The Turkish baggage handlers attended mosques in Cologne and Bonn which were fundamentalist Islamic sects. It was there that they were recruited.

Khalid Jafar was a regular "passenger" accomplice for the drug route.

The BKA/DEA/CIA surveillance operation continued to monitor the route without interfering with it, apparently seeking intelligence. As they realized the extent of the operation they decided to try to channel the operation into less numerous areas so that they could concentrate their surveillance focus. So BKA began a combination of arrests and visible police presence at other drug operation locales in West Germany, which eventually induced the operators to concentrate where there was no such visible presence, at Frankfurt airport, PanAm.

CIA had another motive to channel the operation to PanAm's baggage area. It had for some time been surveilling separate activities there involving shipments [contents unspecified] to and from the East Bloc via PanAm through Frankfurt, Berlin and Moscow. This would enable them to more efficiently monitor both operations now.

The CIA unit involved in this Frankfurt airport surveillance works in West Germany with BKA and has a control at an unknown location in the Washington area. We cannot say with certainty that the activities of this unit were fully reported if at all up the channels to CIA HQ; it appears that it eventually operated to some or a large extent as an internal covert operation without consistent oversight, a la Oliver North or Edwin Wilson. To distinguish what it knew as opposed to what CIA HQ definitely knew, we refer to that unit as CIA-1.

Meanwhile, in March, 1988, CIA-1 received BKA surveillance reports of a secret meeting in Vienna between a French delegation led by Jean Charles Marchiani, assistant to French Interior Minister Charles Pasqua, and an Iranian delegation. Soon after that meeting Al-Kassar and a Briton, Alain Main, bought weapons via two British firms, Hall & Watts and Creative Resources Associates [the latter owned by Main], and a Polish firm, Cenzin, which were transshipped to Iran. A few days later the French hostages in Lebanon were released.

From the Vienna meeting surveillance reports CIA-1 investigated then identified Al-Kassar as a major player in the drug routes, and then identified his background and blood ties to Duba. It decided to try for the same deal as the French to get back the American hostages.

BKA/CIA-1 approached Al-Kassar and offered to allow him to continue his drug smuggling routes and especially into the U.S. if he helped arrange release of the American hostages via his well-placed contacts. Al-Kassar agreed to the deal but continued his terrorism activities and told his cohorts that their smuggling through PanAm/Frankfurt at least was now protected and safe to the U.S.

However, Al-Kassar helped CIA-1 in sending weapons ostensibly to Iran through his buying connection, supposedly to further the U.S. hostage release. He also helped in another CIA-1 enterprise. He offered or agreed to use his other arms routes to purchase and transship arms to the Nicaraguan Contras. [Our sources provided us detailed lists of items and dates and means of transportation for these shipments].

Al-Kassar did this of course to induce CIA-1 to close its eyes and even protect his PanAm Frankfurt drug route. At the same time he became a CIA "capability". He even helped finance some of the Contra shipments with his drug profits. He also deceived CIA-1 by weapons shipments for terrorism in shipments which either included arms for or which were supposed to be for the Contras. Some of these bombs were similar to those as used earlier in a terrorist attack against a U.S. Army frequented nightclub in Berlin and some were those later used against U.S. Army facilities in West Germany.

CIA-1 gave Al-Kassar a free hand. It is believed that U.S. Customs at JFK were ordered by CIA to allow certain baggage to pass uninspected due to national security interests. Thus the drug smuggling operation was now secure.

At about the same time, Summer 1988, the CIA HQ and State Dept. decided to send a special team of American counterterrorist agents led by CIA agent Gannon and U.S. Army Major McKee, comprised of up to eight agents in all, to Beirut to reconnoiter and prepare for a possible hostage rescue. They had cash to buy information and started to gather intelligence. Eventually they located and photographed the locale of the hostages.

This is the background as we move into Autumn, 1988.

AUTUMN 1988

Jibril, Duba and George Habash were under pressure to concentrate on terrorism against America. Duba was under pressure from Iran because it funds Syrian intelligence and it wanted action. Iran sought revenge for the U.S.S. Vincennes' shooting down of an Iranian civil airliner. They were also under pressure from Hizbollah for an anti-U.S. attack. Hizbollah had "pull" as it has led the way in anti-American field operations in Lebanon. And Qadaffi of course wanted results.

But the Iranians, like Jibril, Al-Kassar, Syrian intelligence and Qadaffi, now wanted as much deniability as possible for terrorist acts.

Jibril had to keep his troops happy as did Habash and they needed a terror success to maintain morale and induce further funding. Of course they are personally committed to terrorism for their political goals. So the combination of these factors spurred Duba to nominate Jibril to take action.

Jibril noted the success of the Nidal/Al-Kassar drug/arms operation. Jibril wanted to make use of Nidal/Al-Kassar's route and capabilities for safehouses, arms, etc. shipments for his mission. He noted its success but did not know of the CIA-1 protection.

Jibril met Al-Kassar at Restaurant Ajami at 58 Rue Lincoln, Paris, after an earlier meeting with him and Abu Nidal at Warsaw's Hotel Selec, asking them to cooperate.

Al-Kassar needed to show at least token support for terrorism, which was the ostensible rationale for his role, and gave his consent. Nidal could hardly refuse a widely agreed action against America, even if he wanted to.

Al-Kassar and Nidal were not filled in on Jibril's plans, [terrorists compartmentalize information and distrust each other], but Al-Kassar assumed from what he learned that Jibril would attack Israel or El Al in London or Madrid. He did not suspect and would have been upset by a plan to attack the U.S. at Frankfurt airport, as it would threaten his safe, secure route under CIA-1 cover.

Jibril had spied on the Nidal/Al-Kassar drug operation and identified some of the players. He realized that he now had the perfect target and route, the Frankfurt baggage loading area. And he noted the route's perfect perpetrators: Turkish fundamentalists not previously connected with terrorism. There are many Turks working for the various airlines at Frankfurt airport. Jafar as the accomplice was also a safe choice as he was not previously identified with terrorism.

Jabrill met with Jafar and the Libyan bomb maker known as the "Professor" in Bonn on December 13, 1988. We have not learned the substance of their discussion, but sources speculate that Jafar was offered money to make a private drug run to raise money "for the cause". We do not know if he was the only courier candidate chosen by Jibril.

The question now was to select the weapon and then plan the ultimate target and date.

The Interterror Group had by then perfected a Semtex bomb placed in audio equipment and as well in a suitcase lining. The sophisticated barometric timer would avoid baggage pressure security devices and continue past a takeoff, landing and second takeoff. This was an advancement of the state of the art. All this would help confuse the identity of the perpetrators.

The bomb device had been made by the "Professor". However, a Syrian explosives expert under codename "Patel" was brought in by Jibril to consult and was seen in West Germany prior to the disaster and suddenly left after for Lisbon.

Ali Racep, a Syrian living in Sofia, Bulgaria, (tel. 9223294), reportedly arranged the bomb components and their shipment into West Germany in November, 1988, via a route provided by Al-Kassar.

One reason this shipment may have been necessary was that in late October, 1988, a terrorist safehouse in Neuss, West Germany, was raided by BKA/BND. They were tipped by Al-Kassar intermediaries who wanted to avoid terrorist operations near to and which could spoil his CIA-1 protected Frankfurt drug routes. They arrested 14 persons, including Dalkamoni, Ghandanafar and Marwan Khreesat, and found numerous bombs in audio equipment.

BKA bungled the job though. First they quickly released Khreesat. He has since been publicly identified as a double agent, i.e. a terrorist informing to BKA. However, he is now suspected of having been a triple, working all along for the terrorists. Second, they did a sloppy job finding and then investigating the various devices - one BKA technician, instructed to "check" a radio, thought he was to fix it and opened it. It exploded, killing him.

This Semtex bomb was similar to that used in the disaster.

In any event, Al-Kassar actually brought the bomb in personally. His brother Ghassan's wife, Nabila Wehbe, travelling on a South Yemen diplomatic passport, flew from Damascus to Sofia on November 13, 1988, picked up the bomb components from Racep, and then flew to Paris. Al-Kassar picked up the bomb from her, and on November, 25, 1988, rented a car from Chafic Rent-a-car, 46 Rue Pierre Charron in Paris, and drove to Frankfurt, (carrying other contraband as well). He had previously been arrested twice by West German border guards but each time was suddenly released after a telephone call was made. Sources speculate that he apparently felt secure because he had "protection".

As to the target, Jibril preferred not to interfere with Al-Kassar's successful PanAm route to avoid a clash with Duba, and neither did Duba since he made money from the drugs.

Jibril chose American Airlines as his target.

It was at this time, approximately the beginning of December, 1988, that tips and warnings filtered in. Our sources have identified the warnings as follows.

First. About three weeks prior to the disaster, a Mossad agent in a position to personally observe tipped his HQ that a major terror attack would take place at Frankfurt airport against a U.S. airline. Mossad HQ warned CIA HQ and BKA HQ.

Thereafter the law enforcement presence, but not airline security, visibly increased around the other american carriers, but not PanAm. Sources report that CIA-1 wanted to steer the warned of act to a place where it could observe same best, PanAm. CIA-1 suggested that BKA visibly secure the other american carriers and thus deter an attack there.

Nidal and Al-Kassar meanwhile did not know Jibril's exact plans. From their own spies they now realized that he was planning a bomb attack at or via Frankfurt airport. They did not have the political pull to dissuade him. Duba was caught between two conflicting forces: (1) his money from Al-Kassar's drugs and (2) his intelligence orders and pressure to help Jibril hit America. He chose the latter. Al-Kassar and Nidal assumed first that Jibril aimed at Lufthansa but then thought it could be American or PanAm. Their spies told them that it would happen in the next few days.

This was on or a few days prior to December 18, 1988.

Second. Nidal and Al-Kassar then figured out the most likely flights for Jibril's bomb. They wanted to protect their route's CIA-1 cover. On or about December 18, 1988, via intermediaries, they tipped BKA that a bomb would be placed on this regular PanAm Frankfurt-London-New York flight in the next three days. They figured that BKA would increase visible security, thus dissuading Jibril in case that was in fact his target. So, 2-3 days before the disaster, and unwittingly, these terrorists tipped off the authorities to what proved to be the very act.

BKA told CIA-1.

Third. CIA-1 reported to its control who reported to CIA HQ, which sent warnings to various embassies, etc., but not apparently to PanAm. CIA-1 thought that BKA surveillance would pick up the action and that BKA would stop the act in case the tip was correct.

Meanwhile, CIA-1 learned from Al-Kassar further information about the special McKee-led CIA team in Beirut. Al-Kassar had earlier, [possibly within a month or so], reported to CIA-1 what to him was very disturbing news, which CIA-1 then had confirmed from its control.

The earlier news was as follows. After some time the special team learned of Al-Kassar and started investigating him and learned his CIA-protected drug/arms smuggling and terrorism support activities. They also realized that some CIA unit was protecting his drug smuggling into the U.S. via Frankfurt airport.

They also learned of a CIA drug smuggling protection for hostage help deal and that it was known and agreed by Syrian intelligence which had a master plan to blame Iran if the deal was exposed. They had communicated back to Langley the facts and names, and reported their film of the hostage locations. CIA did nothing. No reply. The team was outraged, believing that its rescue and their lives would be endangered by the double dealing.

By mid-December the team became frustrated and angry and made plans to return to the U.S. with their photos and evidence to inform the government, and to publicize their findings if the government covered up. They did not seek permission to return, which is against the rules. The return was unannounced. The team was surveilled by Al-Kassar (probably Syrian) agents when making its travel plans, which included connecting with Flight 103 in London on December 21, 1988. Sources report eight CIA team members on that flight, but we only have identified the five names reported herein.

Al-Kassar contacted his CIA-1 handlers sometime in the third week of December, 1988, communicated the latest news and travel information and asked for help. There were numerous communications between CIA-1 and its control.

Fourth. 2-3 days before the disaster a BKA undercover agent reported to his superiors a plan to bomb a PanAm flight in the next few days. BKA passed the intelligence to CIA-1.

Again, CIA-1 wanted to warn "its people" but did not want to blow its surveillance operation and undercover penetration or to risk the Al-Kassar hostage release operation. Warnings were sent via the State Dept. to its embassies, [these may be the same warnings as described above].

CIA-1 and/or its control apparently "planned" [control was distracted by the McKee team's planned return and events were moving quickly as were decisions) that BKA's surveillance would pick up the action at the airport and then come up with an anonymous "tip" to plausibly explain why it was suddenly examining the checked luggage.

We do not know what if any tips were given to the other American carriers, but law enforcement (not airline) security suddenly tightened even more around them, but not PanAm.

Jibril or his on-scene lieutenants then decided to scratch American Airlines and finally select PanAm. We do not know exactly when this decision was made, but the dates point to 2-3 days before the flight.

Sources speculate that, although Jibril knew this jeopardized Nidal/Al-Kassar's drug route, he felt that he was too committed to stop and had to go through with his plans, and, in a bit of double-dealing, rationalized that any exposure of the act and blame would fall on his rival Nidal.

Jibril through an intermediary activated the Jafar/Turkish baggage handler connection via PanAm. For the Turk and Jafar this was another normal drug run. Jafar does not profile as a suicidal martyr type.

Fifth. An undercover Mossad agent tipped BKA within 24 hours before takeoff as to the plan to place a bomb on that very PanAm flight.

BKA passed that to CIA-1 and asked for instructions. CIA-1 so reported to its control.

CIA-1 did not reply to BKA.

The bomb was ready. Within 24-48 hours before the flight a black Mercedes had parked in the airport lot and the Turkish baggage handler picked up a suitcase from that auto and took it into the airport and placed it in the employee locker area. This was his usual practice with drugs.

Sixth. On December 21, 1988, a BKA surveillance agent watching that PanAm flight's loading noticed that the "drug" suitcase substituted was different in make, shape, material and color from that used for all previous drug shipments. This one was a brown Samsonite case. He, like the other BKA agents on the scene, had been extra alert due to all the bomb tips. Within an hour or so before takeoff he phoned in a report as to what he had seen, saying something was very wrong.

BKA passed that information to CIA-1. It reported to its control. Control replied: don't worry about it, don't stop it, let it go.

CIA-1 issued no instructions to BKA.

BKA did nothing.

The BKA was then covertly videotaping that area on that day. A videotape was made. It shows the perpetrator in the act. It was held by BKA. A copy was made and given to CIA-1. The BKA tape has been "lost". However, the copy exists at CIA-1 control in the U.S.

Jafar boarded the flight after checking one piece of luggage. The suitcase first emerged from hiding and was placed on the luggage cart in substitution for Jafar's only after all the checked suitcases had already passed through security. The suitcase was so switched by the Turkish PanAm baggage loader.

The method bypassed all airline security measures in place. The only measure for airlines to defeat this method would be for security guards to personally conduct all luggage under their personal view from start to actual loading and then closing of the baggage cargo holds on the plane. Only El Al does this.

The special, designated communications codename which BKA/CIA-1 had set up for their operations as described above is known at CIA HQ as "COREA". All communications concerning the surveillance operation and as described above as between or among BKA/CIA-1 and CIA-1 control were made via COREA. Thus all documents concerning all communications described above ought be marked at the top COREA.

This completes the recitation of intelligence as to the act.

Our sources report additional intelligence which may prove useful.

Kurt Rebmann is a West German equivalent of an assistant attorney general, based in Berlin. He has in his office safe files of communications and other materials concerning the BKA airport surveillance. He also received the BKA bomb tips as they were being passed to CIA-1.

Samir Kadar is a skilled terrorist working for Abu Nidal. He was a liaison of sorts for Nidal with the Interterror Group.

So was Abu Ibrahim acting for Yasir Arafat. It is not known if, and in fact is doubted that, Arafat knew in advance of the bomb plans.

Kenneth Sidney Young, a Canadian, is a veteran of the Central American drug smuggling scene, and was employed by Al-Kassar. He is currently under prison sentence in Calgary as per 1987, so did not play a role in the disaster.

At the Banco de Bilbao in Marbella, Spain, there are five separate accounts, under the several names of Kenneth Sidney Young, Monzer Al-Kassar, Hafez Assad, Abu Abbas and Ali Issa Duba. Much of the drug funds were filtered through these accounts, or some part of the profits deposited there. Account number 81568YR at Swiss Bank Corporation in Geneva was used for these funds transfers as well, as were Account 730603 at Banco Comercial in Madrid, Account 50307495 at Katherein Bank in Vienna, Account 230 at First National Bank of Chicago in Beirut, and Account 510230C-86 at Jammal Trust Bank SAC in Damascus.

Monzer Al-Kassar frequently dines and discusses his business at Chez Ting, a Chinese restaurant at Rue de la Faisanderie in Paris, and at restaurant Pre Catalan in Bois Du Boulogne in Paris.

British chief investigator John Orr has learned some of the information reported above, but we do not know exactly what parts, and has informed George Churchill Coleman of Scotland Yard's anti-terrorist unit.

V. INTERFOR'S CONCLUSIONS.

There are no contradictions among the sources as to the essential facts. The various persons comprising the intelligence agency sources have too many diverse interests and turf to project to be united in a disinformation effort. They are usually at odds with each other. The most telling intelligence is the corroboration by our terrorist underground sources. Therefore, it is our firm conclusion and opinion that our sources are correct as to why, how, where, when, by whom and what act was committed, and who had what prior warnings and when and what they did about it.

From this perspective the apparent contradictions in the reports of the official investigations might be explained as follows: (1) Jafar checked a suitcase, possibly in a manner which was not recorded or noticed, and we stand by our sources as to this; (2) The signs of an explosion in the CIA luggage was likely an anti-entry small explosive often used by them, and was likely triggered by the first explosion or a hurtling object; (3) the nervous CIA presence and strange behavior at the crash site indicates the sensitivity of the contents of the CIA passengers' luggage.

It is pointless to try to pin down further the exact motives and identities and roles of the terrorists. All had the same goal: to strike at America. They are known to work together, albeit in duplicity. Confusion of funders, planners, perpetrators and motive is a mark of Syrian intelligence planning.

We are also persuaded by the intelligence as to the BKA-CIA-1 surveillance, videotape and possession of key evidence by the U.S. Government, as well as the communications codename. The persons so reporting spoke from what appears to be detailed knowledge. It was our impression that more than one of these persons prefers to keep the truth hidden (and assumes that it will remain so) while others prefer that it emerge, although not in a position to do so.

From the perspective of intelligence analysis our findings are conclusive. From the perspective of journalists it is publishable speculation. From the perspective of trial lawyers it probably remains inadmissible speculation or hearsay.

Fortunately, the intelligence provides leads to admissible evidence. The videotape is the gem. But all the evidence is guarded by formidable constraints. Only carefully planned and tenaciously and narrowly pursued efforts will make acquisition possible.

VI. RECOMMENDATIONS.

We recommend an aggressive multi-step process designed to widen the paths to and reach the sources of evidence while weakening the defenses of the guardians and providing them an active playing field on which mistakes can be made.

1. Discovery subpoenas to U.S. Government.

We recommend that trial counsel issue discovery subpoenas to the CIA, National Security Agency, National Security Council, FBI, and State Dept., specifying the videotape and all forms of written memoranda of communications, meetings minutes and reports as are the usual form for containing the type of reports as were likely received and/or generated by the CIA prior to and then after the incident under the codename COREA, as well as similar written materials, including inter-agency memos and analyses, as likely received and generated by the other U.S. agencies.

Interfor shall continue seeking to identify with as much specificity as possible the locations and persons possessing this evidence.

We have observed how these subpoena matters are handled initially by American intelligence agencies and note some "psychological" factors, and suggestions, which you may want to consider.

The legal officers for these agencies must make some form of internal review to determine first if the items exist and then what national security/political considerations and legal defenses can be raised, (usually under an umbrella of privileges for state secrets, intelligence or law enforcement).

It is almost certain that the clandestine division will prefer to deny the existence of the videotape and related evidence. The question is whether all the legal officers will formally deny the existence in writing. It is our thesis that our plan will make such admission inevitable, on the following theory.

Based on prior experience in a similar case as well as our knowledge of the internal agency mentality, we propose to play on the internal differences and especially on the widespread "cover your ass" ("CYA") mentality at every bureaucracy, including the CIA.

The subpoena response process filters through many layers of bureaucracy to the agents with prior knowledge. To them, their CYA means deny that the evidence exists; otherwise they take the blame for officially disavowed if not unauthorized or illegal activities.

However, the subpoena process quickly increases the number of inside personnel who are then identified to have had some after the fact knowledge without direct involvement and, as well, the number of persons who first acquire knowledge in seeking facts to answer the subpoena process.

For these latter persons their CYA is not served by denial of what they know or learn exists, since they have no personal career risk in other agents' participation in or prior knowledge of the facts; but they have CYA risk if they lie and are caught. So their CYA is only served by admitting the existence and letting "the other guy", i.e. agency legal counsel move to quash on national security grounds.

By subpoenas to multiple agencies you widen the number of officers who must inquire and then may learn. Also they have confidential reports in their own files. That increases the probability that their CYA will be served by admission of existence and let their superiors figure out what motions to make.

Also subpoenas to multiple agencies provide an opportunity for their persistent backbiting, i.e. an admission by one to embarrass another. Each has different interests and turf to protect. The greater the number of different people and agencies who are involved, the more difficult it is to coordinate a cover-up, absent direct orders from the very top.

Also, Congress is reported to have an interest and to have offered a reward. The passengers relatives group can mount pressure on Congress if they are tipped. In sum, this widens the field to include multiple players with different agendas.

Finally, you reported that the government previously admitted having certain information which it refused to publicize on national security grounds, so it would not be credible for it to deny any knowledge.

Thus it is our premise that such a subpoena process will eventually result in the government's admission of the existence of unspecified evidence, that it will make some form of motions to quash the subpoenas on national security grounds, and that a hearing will take place on the motion.

With multiple agencies they will act through an asst. U.S. attorney with security clearance. While again widening the number of persons in the know, that raises the possibility of some negotiation as to disclosure and limitations of use of the evidence.

If negotiations do not take place or fail, then the court must review in camera the government affidavits (some may be secret) and at least a description of the evidence, and may review the evidence itself, before it rules. Even if it rules out every piece of evidence, the fact of its admitted existence may help the defense in showing that the act took place in Frankfurt via bypassing security or via security intentionally left in the dark by the U.S. government.

The subpoenas to State Dept. among others should also seek evidence as to the issue of the source and timing and extent of warnings it received as well as the decision as to whom to warn. Although the sources may be protected, it will be less credible for the government to seek to shield this evidence on national security grounds at least as to the dates of the warnings and whom it warned. The warnings evidence may support PanAm's status as a victim.

2. Discovery Subpoenas to American Flag Airlines.

We recommend that trial counsel subpoena, depose and get documents from the security personnel of all American flag carriers using Frankfurt airport, as to what reports were received and

when, and what was the usual and what added security measures were taken as a result, and if they knew and can identify what West German law enforcement security was added and when. Then determine if the act as we have concluded would have bypassed that security as well.

If they received other and more reliable tips than PanAm, and/or if they benefitted from increased security directly or indirectly as a result of any warnings, and if that increased security was sufficient to catch the suitcase - then PanAm was a victim, left unwarned to defend itself.

If the act would have bypassed their increased security, then no warning or increased security would have prevented the act as against PanAm, absent direct BKA apprehension.

Since this effort incurs no national security defenses, it ought produce warning evidence helpful to Plan 1 above, and you might consider doing this before or at the same time as when starting Plan 1.

3. Discovery to West German Asst. Attorney & BKA

Through whatever legal procedures are available in West Germany, we recommend that trial counsel subpoena (1) the files of Mr. Rebmann and (2) BKA, for the BKA/CIA-1 documents.

4. Inquiries to Official Investigators.

We recommend that trial counsel take whatever formal and informal means as exist to touch base with UK and West German investigators to gather what help they may give. With the UK it would confirm that the explosive charge was sufficient to crash the plane no matter where loaded on the plane. With the West Germans, depending on whatever subpoena leverage trial counsel may have under West German law, this might be done as a negotiation in lieu of embarrassing disclosures from a public subpoena fight. It could show that the act would have defeated regular security measures absent law enforcement interception. This could also provide bits and pieces of evidence useful elsewhere. It also shows effort to follow every trail.

5. Interrogate the Turks.

We recommend that trial counsel arranges its and Interfor's interrogation of the baggage loading crew in Frankfurt after Interfor reviews deposition and interview reports. Trial counsel determines if polygraphs may be compelled of employees under German law. In any event Interfor will come prepared for and will attempt to polygraph them by consent after the interrogation. Interfor is deeply experienced in the psychology of interrogation, especially including terrorists, and has had success in inducing reluctant suspects to consent to take a polygraph. This is a critical effort.

6. Research and Infiltrate the Turks.

We recommend that, at the same time, Interfor performs deep and intensive background checks of each Turk and infiltration of their milieu via operatives. This is a major and long term (several months) effort conducted clandestinely and includes paid informers. There is a chance, albeit speculative, of amassing enough circumstantial evidence to confront the culprit and induce a confession. We will have no chance if we do not try. If we get that lucky, then we and trial counsel videotape the confession and, possibly, trial counsel seeks a short noticed deposition by Plaintiff and Defense counsel before turning the culprit over to the authorities.

7. Approach BKA Officers with Knowledge.

We recommend that Interfor carefully and patiently seeks entree to the BKA officers with prior knowledge, and those who later learned, and plays on guilt or whatever motives may induce them to talk. We have a report from one source that a major BKA officer retired in disgust. We propose to track him down. One of our sources is trying to arrange a covert interview with two BKA agents who were reportedly on the scene. These are also long term and clandestine efforts via intermediaries. Again this may at least provide further leads or corroboration if not direct evidence.

8. Interfor Surveys Frankfurt Airport Security with an Expert Witness.

You stated that this is essential for the trial. This will be done overtly and officially at the Frankfurt airport after the client arranges same with PanAm.

9. Interfor Consultation: Miscellaneous.

We will remain available to consult with trial counsel and to follow up any evidence or leads developed from Plans 1-8 above. If requested, we will seek to identify and investigate Plaintiff's witnesses as an aid to trial counsel's preparation for cross-examination or rebuttal.

VII. CONCLUSION.

It is our firm opinion that the intelligence gathered is singular because, unlike the other investigators, we know what happened, who did it, how, where, when and why, and that the U.S. Government possesses vital evidence. The intelligence provides leads to evidence. The leads require a major effort directed down narrow and sometimes murky paths. The results are speculative; however, this effort is the only chance to gather the evidence.

We await your review and comment. If you decide to explore our recommendations, then we shall estimate the time and costs as to Interfor's role. Until then we remain available for any further questions or discussion of our findings and recommendations.

Interfor, Inc.

By: _____
Juval Aviv, Pres.