

Taking flight

Whooping crane's future  
in S.C. looking brighter. 1B



TIGERS TRIUMPH

Clemson proves too much for College of Charleston;  
USC comes up short against Georgia Tech. 1C



# The Post and Courier

THE SOUTH'S OLDEST DAILY NEWSPAPER

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★ \$1.50

terrorist attack, is about to become a reality.

A maze of hallways in the building leads

See *SEAHAWK*, Page 6A



ALAN HAWES/STAFF

Motley Rice attorney Michael Elsner  
looks over Sept. 11 lawsuit documents  
in the firm's library in Mount Pleasant.

## Database uncovers links terrorists work to conceal

BY TONY BARTELME  
*Of The Post and Courier Staff*

MOUNT PLEASANT—Osama bin Laden's Swiss bank records, Khalid Shaikh Mohammed's phone records and videos made at terrorist training camps in Afghanistan.

Working in hushed offices with spectacular views of Charleston Harbor, analysts and translators are feeding these and reams of additional information into a weapon against Islamic terrorists: a computer database stuffed with thousands of photos, bank receipts and documents

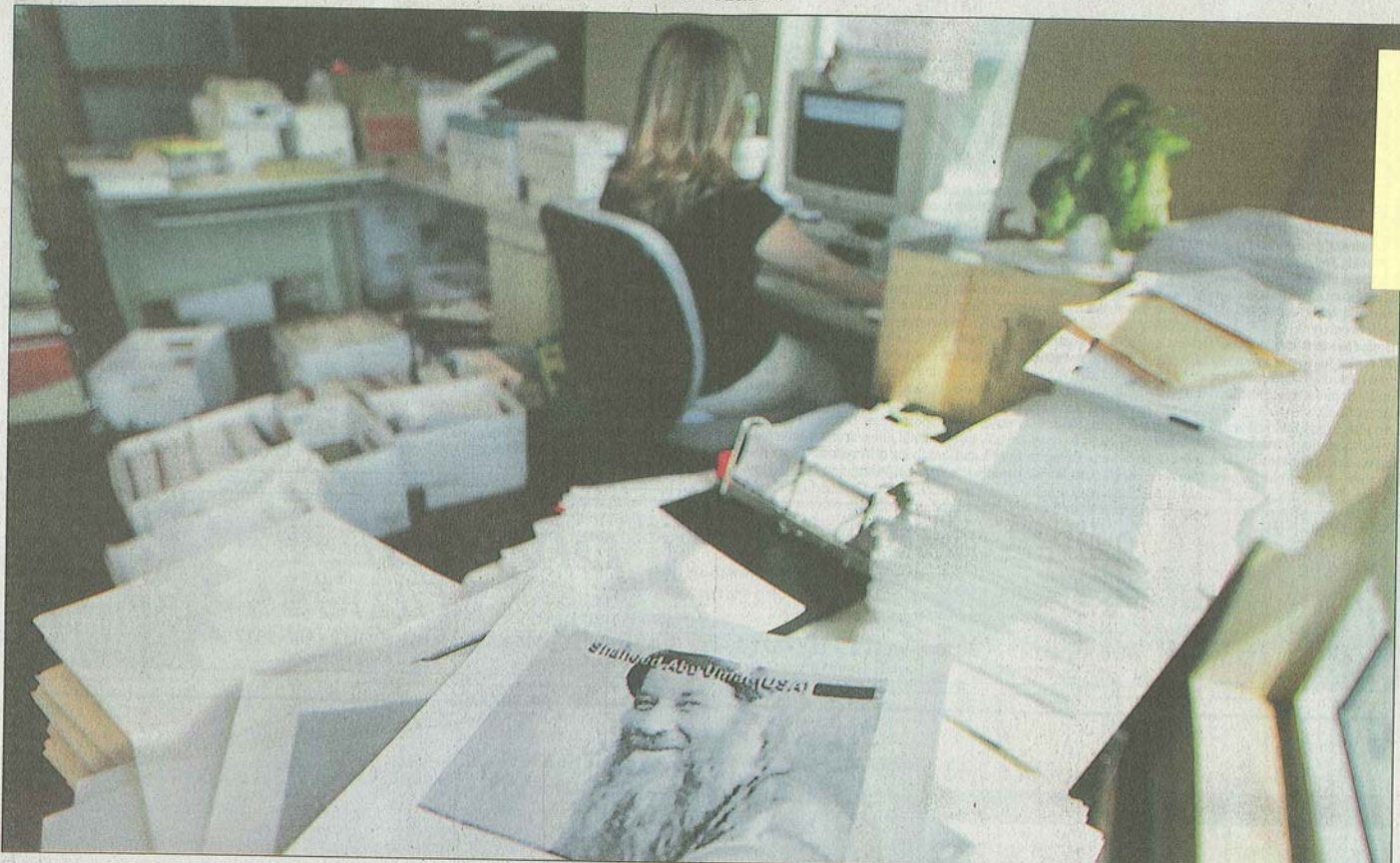
### U.S. IN IRAQ

Troops find vast underground  
insurgent hideout. 4A

from 35 countries.

This trove of terrorist financial records belongs to Motley Rice, a law firm in Mount Pleasant leading the way in a web of Sept. 11 lawsuits and a separate case filed on behalf of victims of Palestinian suicide bombers.

See *DATABASE*, Page 7A



A Motley Rice document analyst works among stacks of papers in the firm's library as a photo of a suspected terrorist sits on one of the stacks.

ALAN HAWES/STAFF

# Database compiles information about terrorists

DATABASE from Page 1A

The firm's database may be one of the most comprehensive of its kind anywhere, according to a senior counterterrorism official with the FBI. "In many ways, it exceeds what the U.S. government has."

Last year, when bombs tore through trains in Madrid, Motley Rice investigators used information in their database to help Spanish police link the bombings to al-Qaida.

"We were the first to make that connection," said Michael Elsner, a lawyer working on the Sept. 11 lawsuit. The firm also has given to the Department of Defense and other U.S. agencies valuable intelligence documents, including an extensive list of Taliban members along with their photos.

All told, the firm and its far-flung team of investigators have acquired more than 1.3 million pages of documents. So sensitive is this data that the firm's communications have been monitored by foreign governments and other entities, Elsner said. "We've received threats," he added, declining to be specific.

But whether the information in this database can generate a winning court case remains the trillion-dollar question.

So far, lawyers for the Sept. 11 litigation have had more success acquiring Jordanian intelligence records on Abu Musab al-Zarqawi, al-Qaida's ringleader in Iraq, than persuading U.S. judges.

Family members of people killed in the attacks filed the lawsuit in August 2002, alleging a network of more than 200 banks, charities and businesses contributed to al-Qaida. Since then, the case has inched through federal courts, with lawyers on both sides still wrangling over who should be sued.

Earlier this year, a federal judge in New York removed a group of wealthy Saudi Arabian leaders from the lawsuit.

This month, that same judge will hear arguments from other defendants hoping to be dismissed from the case. Lawyers for the Sept. 11 families think their arguments are stronger against this second group, but another unfavorable ruling would be a heavy blow.

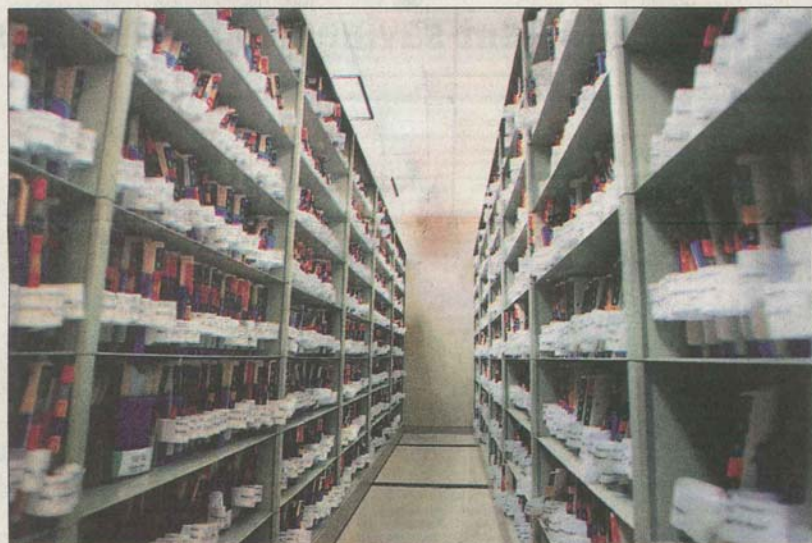
No one understands the stakes better than Ron Motley, the firm's high-flying chief. A London newspaper reported earlier this year that he has spent \$18 million of his own money on the Sept. 11 case. Motley, who often works from his yacht, Themis, declined to confirm the \$18 million figure, though two years ago, he said he had chipped in \$10 million.

"Since this is my hometown, I prefer not to paint a bigger target on my back than is already there," Motley said. "Suffice it to say that I am prepared to spend as much as it takes to disrupt the flow of funds to terrorist murders."

## SEARCHING FOR MATCHES

On a recent afternoon at Motley Rice's headquarters, data-entry workers quietly pushed ahead with their work. They have a surreal view of the world. When they look out the windows, they see Fort Sumter and glorious sunsets over downtown Charleston. When they look at their computer screens or documents acquired by the firm's investigators, they have an insiders' window into the violent world of al-Qaida.

"When you read some of these things, you can get scared," said Tammy Cauley, a senior litigation paralegal who works



Reams of information from case files in Motley Rice's 9/11 lawsuit are being put into a computer database with thousands of photos, bank receipts and documents from 35 countries.

ALAN HAWES/STAFF

with the database.

Cauley has been with Motley Rice for more than 10 years and before that worked with another prominent trial lawyer in Mississippi, Dickie Scruggs. She was in the trenches when Motley and Scruggs took on the tobacco industry, a battle that eventually earned Motley's firm \$2 billion.

The fight against the tobacco and asbestos industries also generated vast amounts of data. The firm's ability to manage this data came in handy in the Sept. 11 case.

Cauley explained that the firm took Microsoft's Access software and linked it with a powerful program called Analyst's Notebook. Used by police and intelligence agencies, Analyst's Notebook helps investigators uncover links between seemingly unrelated persons, places and events.

The firm's consultants and employees customized these programs for the Sept. 11 lawsuit. Among other things, they created "name variation tables" to overcome one particularly troublesome challenge: Arabs sometimes spell names phonetically, especially when those names are translated into other languages. The name variation tables take this into account, constantly searching the database for possible matches.

Another hurdle: Programmers had to tailor the software to Motley, who has his own ways of referring to evidence. Motley may call an al-Qaida training manual the "Al-Qaida Cookbook," so the database has a special identification field called "Ron Hot Docs."

Because the database is so vast, it can find connections that would be easily missed. As Motley is prone to sometimes saying, "It does those Star Wars things."

Punch in a search for Osama bin Laden's financial information and the database creates a globe-shaped cluster of connections and links that Cauley described as a "Death Star." Users can then

explore smaller pieces of the Death Star to find meaningful connections and new leads.

For example, immediately after the Madrid bombings, Spanish police suspected Basque separatists. When police arrested two Moroccans, Motley Rice's European investigators plugged the names into the database.

Those names then showed up in documents acquired from German prosecutors investigating an al-Qaida cell in Hamburg.

The database also searched a cache of documents acquired from a Spanish al-Qaida investigation and found phone records linking the Moroccans to the leader of a Spanish al-Qaida cell.

The database is unique in that it combines information from so many countries, Elsner said. The firm's investigators worked closely with intelligence agencies in Russia, Bosnia, Spain and dozens of other nations.

The firm also hired agents in foreign countries who bought computer hard drives and took statements from people who witnessed al-Qaida and Taliban financial transactions.

Of the 1.3 million documents the firm has acquired, about 800,000 are in foreign languages.

Only a small percentage of that 1.3 million cache has been entered. And Cauley said the firm has yet to translate hundreds of thousands of documents. It's a costly process, and Cauley and others at the firm would like to be further along. As with any database, the larger it gets, the more valuable it becomes.

## EXPOSING THOSE RESPONSIBLE

But will this investment pay off in the courtroom?

The firm now represents more than 6,000 victims and family members of Sept. 11. When it was filed, the lawsuit asked for \$1 trillion in damages, a num-

ber that reflects the wealth of the lawsuit's targets and Motley's flair for drama.

Among the lawsuit's most prominent defendants are Prince Sultan of Saudi Arabia, the third-ranking member of the Saudi royal family, and Prince Turki, former director of Saudi intelligence operations and now ambassador to Great Britain.

The Saudi leaders were among the first to ask a judge to remove them from the litigation.

Earlier this year, a judge did just that, ruling that the president, not the courts, has the authority to label foreign nations and their leaders terrorists.

The judge also said the lawsuits offered little or no proof that members of the Saudi royal family knew or should have known that al-Qaida was planning to attack the United States on Sept. 11, 2001.

For the Sept. 11 legal team, the ruling was a setback. In 2003, Motley had told The Post and Courier, "When I'm done with Prince Turki, he'll be a cooked goose."

Motley isn't ready to eat crow just yet. He hopes that the appellate courts will reinstate Turki and the other Saudis. Meanwhile, another group of defendants is scheduled to argue in New York that they should be removed from the litigation.

"We consider it a second chance to tell the story with characters we feel are more culpable," Elsner said.

Elsner has been working on the Sept. 11 lawsuit for more than two years and has flown across the world to meet with witnesses.

The premise behind the lawsuit is relatively simple: Follow the money and you will identify the financial infrastructure that supports Islamic terrorism. Once exposed, the courts can impose sanctions. And without money, terrorist networks may dry up, preventing future attacks.

## THE SANCTION QUESTION

The Sept. 11 litigation, Arab Bank case and other international lawsuits have raised a compelling question in this era of globalization: What powers do federal courts have over entities in other nations?

The answer is somewhat of a moving target and depends on who is being sued. Federal courts have ruled in the Sept. 11 case that foreign leaders are generally immune from being sued in U.S. courts.

But nongovernmental entities don't enjoy this "sovereign immunity." If a lawsuit results in a verdict against a foreign company, a federal court could order that the company's U.S. assets be seized. International treaties also allow other governments to seize assets or enforce a U.S. judgment in other ways. In such cases, the government can comply or risk economic sanctions and other consequences of violating a treaty.

The Lockerbie/Pan Am Flight 103 case against Libya is the most prominent example of citizens suing a foreign entity. That case was tried in Scotland, the scene of the explosion. After Libya lost the case, it eventually agreed to pay victims' family members more than \$2 billion. The United States then agreed to unfreeze Libyan assets and remove other economic sanctions.

Elsner said that despite the setbacks in the courtroom, the litigation already has achieved many of its goals.

First, he said, "it gave the families a voice." Among other things, the firm's legal team gave extensive information to the 9/11 Commission, the FBI and then Department of Defense.

It also put pressure on Saudis and others in the Middle East to clamp down on Muslim charities being used as terrorism fronts. "For the families, money has not been the driving force; it's about exposing those responsible."

While focusing on al-Qaida's money-men, Elsner and other Motley Rice lawyers also are taking aim at Hamas in a separate lawsuit on behalf of victims of Palestinian suicide bombers.

That lawsuit alleges that Arab Bank in Jordan provided services to Hamas and its terrorism front groups and that it administered a "death benefits" plan for the families of suicide bombers.

The lawsuit against Arab Bank has nothing to do with Sept. 11, but it was Motley Rice's experience in assembling and organizing evidence in that litigation that convinced a group of Israeli lawyers to seek the firm's help. "That case is about to explode," Motley said.

Still, the firm has found that targeting people who cut off their enemy's heads or blow up buses is much riskier than taking on tobacco companies and HMOs.

Over the past three years, as its investigators made more contacts with the foreign intelligence community, the firm learned that some of its phone calls and electronic communications had been monitored.

"We've gone to meetings with witnesses, and they knew of our internal communications," Elsner said.

Many were in the firm were "very nervous" about potential terrorist threats, he said. But over time, the anxiety waned. "At a certain point, we have to push those fears aside."

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