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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION**

American Civil Liberties Union, American :
Civil Liberties Union Foundation; :
American Civil Liberties Union of :
Michigan; Council on American-Islamic :
Relations; Counsel on American-Islamic :
Relations Michigan; Greenpeace, Inc.; :
National Association of Criminal Defense : Case No. 2006-cv-2095
Lawyers; James Bamford; Larry Diamond; : Case No. 2006-cv-2140
Christopher Hitchens; Tara McKelvey; and :
Barnett R. Rubin, : Honorable Anna Diggs Taylor
Plaintiffs :
v. :
National Security Agency/ :
Central Security Service, and Lieutenant :
General Keith B. Alexander, in his :
official capacity as Director of the National :
Security Agency and Chief of the Central :
Security Service, :
Defendants :

**BRIEF ON BEHALF OF AMICI CURIAE STANLEY J. CATERBONE
and ADVANCED MEDIA GROUP
IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**


/s/

Date: February 20, 2007

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STATEMENT OF INTEREST OF AMICUS CURIAE

Stanley J. Caterbone is a private citizen and the majority shareholder of the United States incorporated business Advanced Media Group. Stanley J. Caterbone was a whistle-blower and shareholder in 1987 involving the United States Defense Contractor International Signal & Control, Plc., known as ISC. In 1992, International Signal & Control was indicted and found guilty of among other things a Billion Dollar Fraud and export violations concerning illegally shipping cluster bomb technologies, missile defense systems, and other defense systems to foreign interests including South Africa, Iraq and Saddam Hussein. Cluster bombs and related technologies are known to have been exported to Iraq by the Chilean Arms Dealer Carlos Cardoen, a joint venture partner of International Signal & Control. The Central Intelligence Agency is confirmed to have been involved in a covert program to arm Iraq during the 1980's with close ties to International Signal & Control, which allegedly included the help of the National Security Agency, a former end user of International Signal & Control technologies under the early 1980's program Project X. A Presidential Finding in 1984 by the Bush Administration was executed to implement the program of arming Saddam Hussein and Iraq with the cluster bomb technologies. Serious allegations of these programs were the focus of investigations that included the knowledge and supervision of then appointed nominee for the Director of Central Intelligence Agency, Robert M. Gates.

Since 1987, Stanley J. Caterbone has been the victim of vast civil conspiracy that started in 1987 to cover-up allegations of fraud within International Signal & Control during the negotiations and merger of International Signal & Control and Ferranti International of England. Stanley J. Caterbone alleges that warrantless surveillance was used to obstruct justice and moot his constitutional rights in an effort to divert attention away from his allegations of fraud within International Signal & Control back in 1987, and afterwards to the present as a means to deny his access to the courts for remedy and relief, and Federal False Claims Act violations. The business of Advanced Media Group has been greatly compromised and intellectual property stolen during the late 1980's and early 1990's that included information technology contracts with the United States Government.

In January of 2006, Stanley J. Caterbone was detained at every airport security check point, which was during a policy of random checks, and taken out of line during travel from Philadelphia, Pennsylvania, to Houston, Texas, and on to Puerto Vallarta, Mexico. At the Houston Airport, Stanley J. Caterbone was falsely accused of carrying plastics explosives and taken to an interview room by Homeland Security officials. Stanley J. Caterbone was also detained for three days in Mexico, and was not provided with an opportunity to gain access to a flight out of the country by Mexican Officials.

The interest of *amicus* in this case is ensuring that constitutional rights of private citizens are not compromised and justice subverted through information obtained from warrantless surveillance upon which there is no just cause for any allegations or association with terrorism. Whistle-Blowers are inherently supportive of a system of checks and balances within our government that go beyond our constitutional doctrines regarding the same. Whistle-Blowers ensure that the rule of law is universally applied to all government officials in all branches of government. The Federal False Claims Act and its provisions protect individuals from abuse of power, while providing relief and remedies for those that were wronged and those that had the courage to cite a wrong.

It is too easy for present and future administrations to abuse their power and utilize warrantless surveillance as a means of subverting and obstructing justice for those that are engaged in Whistle-Blowing cases that concern National Security. Without the proper oversight and judicial review, a Whistle Blower can be placed on terrorist lists for malicious reasons without the knowledge or just cause. This is in direct conflict with keeping our democracy free of corruption while adhering to the spirit of the constitution in the manner our founding fathers envisioned.

BRIEF IN SUPPORT OF AMICUS CURIAE

Background Information: The following transcripts from National Broadcast Television, ABC News Nightline and ABC News 20/20; provide material information as to the activities of International Signal & Control and the importance of these matters with regard to National Security.

ABC NEWS 20/20 FEBRUARY 1, 1991

[Lynn Sherr ABC News 20/20 Correspondent] – This is the story of how this deadly weapon, designed for the U.S. military made its way from this country to Iraq. And how American Soldiers may face the devastation of a cluster bomb if a ground war breaks out in the Persian Gulf. Federal Officials believe Saddam Hussein got his arsenal thru a lethal combination – bureaucratic foul ups in the U.S. Government and simple greed.

Here is how the cluster bomb works. An artillery shell, an airplane, or a rocket launcher sends the bombs toward their targets. Each bomb carries hundreds of smaller bomlets, something like hand grenades. Cluster bombs can be used against ground troops or tanks, and can even scatter mines to lie dormant for days. The bombs can spray thousands of pounds of sharp objects – pins or even razor blades. The shrapnel can rip through anyone or anything in its way, causing massive casualty among civilians or ground troops. You can see the destruction in these buildings in Lebanon after a cluster bomb attack.

How did Iraq obtain the cluster bombs and the ability to make their own? It was incredibly simple. Investigators believe it started with International Signal & Control, A government contractor with 5,000 employees based in Pennsylvania, which build key components of cluster bombs in a subsidiary in California. 20/20 has learned Federal Investigators believe ISC provided the technology, that is the plans, to this man, Carlos Cardoen, Chilean arms dealer. Authorities believe he used the plans to build the cluster bombs in Chile, then he shipped them to Iraq.

What's wrong with all this? If the cluster bomb technology actually left the country, that is illegal without U.S. Government permission, investigators say ISC never got. It is also illegal for a foreigner, like Cardoen, to take the plans out of the United States without a license, which sources tell us, he never obtained. The man who opened the door to Iraq for Cardoen, was this man Nasser Bedouin. He is a Lebanese born middleman for Cardoen who is based in the United States. Bedouin traveled often to Bagdad, and arranged for sale cluster bombs and other military hardware to Saddam Hussein's army. In his first television interview, he told us about the business of dealing in deadly weapons.

[Nasser Bedouin, Arms Dealer] – I can sell you a knife to peel an apple, if you cut someone's throat, that's your business. Weapons do not kill, who behind them kill.

[Lynn Sherr ABC News 20/20 Correspondent] – With slick promotional videos, Cardoen marketed his arms throughout the world. Arab countries were favorite customers.

[Cardoen Marketing Video] – Each one of the bomblets of the cluster bomb is multi purpose and contains an incendiary, anti personnel and anti armor detection.

[Lynn Sherr ABC News 20/20 Correspondent] – This letter from Cardoen authorizes Bedouin to sell cluster bombs to Saddam Hussein during his war with Iran. This letter says Cardoen's company is willing to take its share in helping Iraq in its time of need. We can provide you with our cluster bombs at the lowest possible price. According to these contracts the sale of cluster bombs to Iraq was an extremely lucrative business. February 24, 1984 3,000 cluster bombs sent to Saddam Hussein's army worth \$21 million dollars. A few months later, another 3,000 cluster bombs, another \$21 million dollars. The supply of cluster bombs eventually totaled more than \$400 million dollars. In fact, Bedouin is suing his former boss for commission payments.

According to Bedouin, Cardoen not only sold the bombs produce in Chile to Saddam Hussein, he actually set up a factory near Bagdad. So the Iraq President could mass-produce his own cluster bombs. That was one of the first attacks by the military when the attack began. It's unknown whether that plant is totally out of commission.

[Nasser Bedouin, Arms Dealer] – He set up a factory to manufacture the cluster bomb. Um, ah later stage for the fuses. And this is a complete project. I mean its completer from raw material to finished product. Because the purpose in Iraq is to have control over the weaponry they have put in their strategy.

[Lynn Sherr ABC News 20/20 Correspondent] – Federal Investigators are now trying to bring Carlos Cardoen to justice. But why didn't they find out about him sooner? He has been selling cluster bombs to Iraq for nearly a decade. The U.S. Patent Office knew about Cardoen back in 1986. But they didn't tell anyone else in the Federal Government about them. In a move that went apparently unchecked in the highest levels of the government, Cardoen applied for his own patent for cluster bombs in 1986. Based on some changes on previous designs, he received the patent two years later. Getting the Patent is not illegal. But at a time when U.S. shipments of arms to Chile were banned, as to all sales to Iraq, Why didn't the Patent Office raise any questions why was this foreigner dealing in U.S. arms?

Experts say bureaucratic infighting regularly causes such lapses. The Departments of Commerce, State, and Defense, are supposed to control arms sales, and communicate with one another.

[Anthony Cordazman, Correspondent] - Even today, the same squabbling goes on, every day within the Commerce, State, and Defense. The Administration can never agree on what kinds of laws can be passed to correct this.

[Lynn Sherr ABC News 20/20 Correspondent] – Carlos Cardoen denied our requests to speak on camera. In an interview last year, he denied he did anything wrong.

[Carlos Cardoen, Chilean Arms Dealer] - And as long as a human being is an animal that needs to defend himself, weapons are going to exist. I think that is wrong. As a human being I believe that weapons are wrong. But they are a fact. And we have to live with facts.

The former head of ISC, James Guerin, who dealt with Chilean, said he did not provide anything to Cardoen to build weapons. But Nasser Bedouin tells a different story.

[Nasser Bedouin, Arms Dealer] – I believe that Dr. Carlos Cardoen got the plans to build the cluster bombs from the United States.

[Lynn Sherr ABC News 20/20 Correspondent] – Questions about the cluster bombs come at a time when questions are being focused on how so many American designed weapons got into the hands of Saddam Hussein. Senator John McCain.

[Senator John McCain] – There's not just one Saddam Hussein on this globe. There's lots and lots of them who at this time as we speak are acquiring technologies to give them the capabilities of weapons of mass destruction because it's a way of gaining victory on the cheap.

[Lynn Sherr ABC News 20/20 Correspondent] – McCain has introduced legislation that would severely penalize and company or countries that would sell weapons illegally or harbor arms dealers.

[Senator John McCain] – To provide many of the kinds of weapons that we have today to many nations, which are clearly offensive in nature, and are clearly far exceed their requirements to defend themselves, is frankly unconscionable and must be brought to a stop.

[Lynn Sherr, ABC News 20/20 Correspondent] – Basically what you are saying is hit them in the pocketbook.

[Senator John McCain] – Hit them in the pocketbook and public exposure. No corporation or nation likes to be branded as a nation that is involved in this illicit trafficking.

[Lynn Sherr ABC News 20/20 Correspondent] – But public exposure and pressure will not shield American Soldiers. If Saddam Hussein uses the cluster bombs he already has.

[Senator John McCain] – And if there is one good thing that has come out of this Persian Gulf war it's to dramatically heighten the awareness of the people of the world to the American people of how dangerous this proliferation of weapons of mass destruction can be.

[Hugh Downs, ABC News 20/20 Correspondent] – God those things are vicious. Have there been any indictments yet Lynn?

[Lynn Sherr ABC News 20/20 Correspondent] – Ah, no Hugh, no indictments yet. Carlos Cardoen has not been indicted, even though Federal Agents raided his headquarters office in Miami. And U.S. Customs people took a number of documents, but no indictments yet, but there are investigations going on.

[Hugh Downs, ABC News 20/20 Correspondent] – If these things are dropped from airplanes, and we have air supremacy, as it now has been said by our leaders, is there that much to worry about for our troops?

[Lynn Sherr ABC News 20/20 Correspondent] – We're told yes, because you don't need to an airplane to a cluster bomb, they can also be used on rocket launchers and on unguided missiles, both of which Iraq has. And incidentally, we talked about that bomb factory, even if it was badly damaged, the cluster bomb factory he already has, were told in three to six months it can be operational again, and anyway he likely has a big stockpile.

[Hugh Downs, ABC News 20/20 Correspondent] – We of course, have these weapons also, and I understand they are called something different?

[Lynn Sherr ABC News 20/20 Correspondent] – Yes, if you're listening to a Pentagon Briefing, don't listen for the term cluster bomb, there calling them Aerial Denial Weapons.

[Hugh Downs, ABC News 20/20 Correspondent] – Thank you Lynn.

END

ABC News Nightline - September 12, 1991

[Ted Koppel] – incidentally the function of the senior review panel is to advise one man, the director of central intelligence. And at least part of the period in question there was an acting director of the CIA – Robert Gates. We'll attempt to pull some of these threads together when we come back.

Commercial Break

[Ted Koppel] – When all is said and done, why should your or your representatives in Congress care, eventually after all President Bush spoke and acted against Sadaam Hussein more forcefully than anyone could have expected.

[Former President George H. Bush Speech] – We're dealing with Hitler revisited, a totalitarianism, a brutality, that is neglect and unprecedented in modern times.

[Vidoe-Gary Milhollin, Director, The Wisconsin Project] – The more we gave Sadaam, the more dangerous he got. And ultimately we had to go to war to destroy what we sold him.

[Ted Koppel] – But it's not a question of holding the Bush or Reagan Administrations to account for having made mistakes with regards to their policies toward Iraq – The issue is how those policies were implemented.

As we reported over the past few months, The Atlanta Branch of an Italian Bank, BNL, was able to funnel \$Billions, some of it in U.S. Credits to Iraq's Military Procurement Network. The U.S. Government knew, and turned a blind eye. Sophisticated Military Technology was illegally transferred from a major U.S. company in Lancaster, Pennsylvania (International Signal & Control), to South Africa, and Chile, and from there onto Iraq. The Iraqi borne designer of a chemicals weapons plant in Lybia, set up shop in Florida, producing and shipping to Iraq chemical weapon components. The CIA, FBI, and other U.S. agencies were made aware of the operation and did nothing to prevent it.

During the 1980's and into the 90's senior officials of both the Bush and Reagan Administration encouraged the privatization of foreign policy, certainly towards Iran and Iraq. The policy may have had merit - but there weren't willing or in some instances weren't successful in fighting it out in Capital Hill – so they found other ways. They made a mockery of the Export Control System, and they found ways of encouraging foreign governments to do what our laws prohibited. They even knew or if not were guilty of the grossest incompetence that U. S. companies were collaborating with foreign Arms merchants in the illegal transfer of American Technology that helped Sadaam Hussein build is formidable arsenal.

This week, the CIA again told ABC News Nightline that our allegations over the past few months regarding covert operations to supply Iraq with U.S. Arms and weapons technologies simply were not true.

The CIA's Inspector General said a statement from the Agency [On Screen] - "...Has found to factual support whatsoever for such an operation or for the involvement of Mr. Gates".

[Ted Koppel] – At least one member of the Senate Intelligence Committee, Bill Bradley of New Jersey, feels that there may be reason to doubt both those claims, and he'll raise the issues next week during the Gates Confirmation Hearings, next week.

The CIA also told us that it's Inspector General has found no evidence of any "off-the-books" illegal activity. But the CIA concedes, "off-the-books activities, are not documented." Precisely so that deniability can be preserved.

One thing is undeniable, this gun sight video of a stealth fighter bomber from the 32nd Tactical Fighter Wing, last February attacking a bomb factory, on the outskirts of Bagdad – U.S. Technology in the air, destroying U.S. Technology on the Ground. The factory was built by Carlos Cardoen.

For all of us here at ABC News, Good night.

END

ABC News Nightline - July 1991

[Ted Koppel] – Carlos Cardoen's role in shipping arms to Iraq has been known for years. His connection with Robert Gates has not. By the mid 1980's Cardoen was the largest private supplier of weapons to Iraq. In all he has believed to ship a half billion dollars worth of arms and advanced technologies to Bagdad. At a factory 500 miles north of Santiago, Cardoen produced tens of thousands of bombs and other equipment, absolutely essentially to Iraq during it's eight year war with Iran.

The material would be loaded aboard regular Iraqi airway flights flown from Santiago to Bagdad. Cardoen did not simply ship weapons, he set up entire factories capable of producing bombs and other explosives the components would be shipped from all over the world and then assembled in Iraq. One of those factories turned out Cluster Bombs.

As we first reported on the 24th of May, much of the sophisticated military technology that Cardoen was shipping to Iraq came from the United States. This company in sleepy Lancaster, Pennsylvania, is believed to be the source for some of the Cluster Bomb technology. But there was more. Nasser Bedouin is also an arms dealer. He acted as a middleman between Carlos Cardoen and Iraq.

[Nasser Bedouin on Video] – I am aware of Carlos Cardoen getting some type of technology from the air fuel bomb from the United States. I believe Iraq has a viable fuel air explosive.

[Ted Koppel] – These explosives are designed to explode just above ground level like miniature atomic bombs, literally sucking all available oxygen out of the air. It is clear that Carlos Cardoen's special relationship with the United States was not known by all Departments. When the Commerce Department inquired about that relationship in early 1987, it received a cable from the U.S. Ambassador to Chile saying "although Cardoen is involved with the sale of armaments, and he has made his fortune from it, he is considered to be a responsible recipient of U.S. products. In fact by 1987, the covert relationship between the CIA and Cardoen was already well established.

In 1983 the Reagan Administration had become alarmed at how poorly the Iraqi military was doing against Iran. A decision was made at the highest level of Government to begin helping Iraq.

Indeed ABC News has learned only today, that around that time, in 1983 Ronald Reagan issued a highly classified Presidential Finding stating that it was important to the National Interests that arms and technical assistance be covertly funneled to Iraq and with the help of the CIA. More on the significance of that Presidential Finding in a moment.

What it unleashed was a flood of US help to Iraq. A former CIA operative who was involved in the program has told us of a series of covert operations, in which loads of 727's were flown into Iraq. On one such mission in 1987 our source tells us he accompanied a planeload of Soviet built one hundred twenty-two missiles. The Soviet equipment was shipped because it would be compatible with what the Iraqi's already had. By 1987, there was at least one such flight a week into Bagdad.

Our former CIA source recalls bringing in \$100 dollar bills in a bowling bag, they would also carry whiskey, cartons of cigarettes and copies of Penthouse magazines to speed up the unloading process, which usually took place at night. Once the White House has authorized the Covert Assistance Program to Iraq, the CIA took over. In effect the former CIA operative told us the covert operation amounted to here is what we want you to do, and we really don't want to know too much about how you do it.

Our source tells us that he has at least one meeting in 1986 in Florida between Robert Gates and Carlos Cardoen, the Chilean Arms Dealer. Other sources have told us of other such meetings. Here in the United States and in Europe. Which brings us to an unsolicited statement that was telephoned in to Nightline from the Central Intelligence Agency almost a month ago on June 17th. Allegations, the statement read that Robert Gates facilitated illegal shipments to Iraq during the 1980's are totally without basis. Since we had never requested a statement of Mr. Gates, we didn't know quite what to make of it at the time. But then today we learned of that Presidential Finding, authorizing the Covert shipment of arms to Iraq.

It would be true then that Robert Gates did not facilitate illegal shipments to Iraq, under the Presidential Finding, the shipments would have been quite legal. But during this last set of confirmation hearings, back in 1987, Robert Gates assured the Senate Confirmation Committee that he would always keep the Committee current on ongoing covert operations. Indeed the CIA is supposed to provide the Intelligence Committee with quarterly reports. According to well-informed sources on the Committee it has had no briefings on the Covert arms pipeline to Iraq. That, said one Senator on the Committee would be a total breach of trust. What would it do to the Gates Nomination? I asked. It would probably be enough said the Senator, to derail the Nomination.

Again, an excerpt from Mr. Gates Testimony before the Senate Intelligence Committee in 1987:

[Robert Gates 1987 on video] – If you cannot have a system in which you can have some confidence between A the branches of government, and confidence between the senior officials of the Government, A that they abide by the rules, and B that they will deal with one another honestly, then I think the system begins to collapse.

[Ted Koppel] – Late this evening, the Whitehouse communicated it's response to the charges contained in this report, the Whole story is unfounded. "There were never any sales; covert or overt to Iraq or Iran through a third country. And Mr. Gates never met with Carlos Cardoen."

Well be back with more, in a moment.

[Ted Koppel] – For the viewers, this is Alan Freidman, New York Correspondent for the Financial Times of London, and a member of the team investigating Robert Gates. Alan I'd like to begin by repeating a statement, and let me put my specs on for a moment, the White House. "This story is unfounded and there were never any sales covert or overt to Iraq or Iran through a third country. And Mr. Gates never met with Carlos Cardoen".

Ah, ah a fairly carefully drafted statement one would think.

[Alan Friedman, New York Correspondent for the Financial Times of London] – Yes Ted, I think that is right, I would agree with the statement that there were never any **sales** Iraq through a third party. Indeed what we found was that some of the cluster bomb technology and fuel air technology was given smuggled down to Chile, for use that were used and made and shipped on through to Iraq. In terms of the um statement by the White House that there were never any meetings between Mr. Gates and Mr. Cardoen, we have a number of sources, some of them personally involved in these operations, one of them who was personally and physically an eye witness present at a meeting, in Florida, with Mr. Gates and Mr. Cardoen in 1986. And who was told my Mr. Gates, about other meetings that he had with Mr. Cardoen.

[Ted Koppel] – Now Congressman Gejdenson, I realized that we sort of unleashed an awful lot of material on you today, but to what degree does this fit in with those thousands of documents that you subpoenaed with the information that you have?

[House Representative Sam Gejdenson of the House Foreign Affairs Committee] – Well we just got the documents after a several month battle with the Administration to pry them loose and it took the vote of a subpoena by the subcommittee to start the flow of those documents, but its certainly consistent with the information that we got with Committee staffs with some of those people that said they were at those meetings, ah as well. I think that the important thing to remember here is that the United States in 1982 under the Reagan Administration took Iraq off the terrorist list at a time when some of the worst terrorist of the world were being harbored by Saddam Hussein, and we suddenly changed our policy and continued to keep Iraq off the terrorist list, enabling the export of dual use, ah items that can be used for dual use from the United States to Iraq, as well as these sales that went indirectly to Iraq.

So, all through a time when they were harboring terrorists, and they killed 5,000 Kurds in 1988, and as recent as six days before the invasion of Kuwait, when I and several members of Congress, tried to stop the subsidy of grain sales to Iraq, the Bush Administration continued to impose any sanctions against Iraq.

[Ted Koppel] – Well of course there's a huge difference between grain sales and the shipment of entire plants for the building of a cluster bomb factory.

[House Representative Sam Gejdenson of the House Foreign Affairs Committee] – Except for what I think you find is that a pattern by both the Bush and Reagan Administrations to trying to assist Saddam Hussein. What we found at one Hearing was a document from the State Department, ah that said that the United States was ready to sell weapons to Iraq as long as they were for the personal protection of Saddam Hussein. A policy that ignored all the outrages, a policy that ignored I think the intent of the Congress and the American People. And that the allegations that we've gotten from a number of sources seem to be consistent with that. The United States did everything it could under the Reagan and Bush Administrations to assist Saddam Hussein.

[Ted Koppel] – Alan, I know that one of the things that we discovered in our investigations was and I'd like you to elaborate on it a little bit was that frequently there was Federal Agencies, Law Enforcement Agencies that was trying to uncover what was going on we found that they were stymied at every turn. Can you talk about a that a little bit?.

[Alan Friedman, New York Correspondent for the Financial Times of London] – Yes I think that if we look back at other discoveries that we made, you can say that when we found ISC, the company in Lancaster, Pennsylvania, that was, that had cluster bomb technology, shipped down to Chile that was part of this covert operation for Iraq, we found that the CIA had detailed knowledge over a period of 4 ½ years of all sorts of shipments from ISC to South Africa, some of which were later trans shipped to Iraq, we found that Federal Law Enforcement Officers and Agencies were unable to do anything about it because they just weren't told. Likewise, we were just told of the case that the man that built the Rapta Chemical Weapons plant in Libya, who ah, even though the CIA were tracking him very carefully here in the United States, was allowed to build a chemical weapons plant here in Florida, and shipped dangerous cyanide with the help of CIA Contract Shippers to Iraq. All of these things were going on and the investigators seem unable to do anything about any of these things. We seem to have part of the Government trying to investigate, and part of the Government trying to ship.

[Ted Koppel] – Congressman Gejdenson I'd like to get your reaction to that and see if your experiences have been similar in some of the findings that ah or some of the conclusions that you have reached, but we'll take a break first and be back in just a moment.

[House Representative Sam Gejdenson of the House Foreign Affairs Committee] – Well we saw it ah from across all of the agencies. We had Dennis Kloskey who was then in charge of export licensing at Commerce testify before our committee in April that he suggested to Mr. Gates and others that ah meetings at White House to stop the export of dangerous technologies to Iraq. The following day ah Mr. Kloskey resigned from the Government. We were told by Mr. Kloskey that the White House, the people in that room representing the President argued for a policy that assisted Saddam Hussein in getting dual use technologies. We had Congressman Rose who I know has been on your show testifying about the grain sales being tied up with funding weapons to Iraq as well. So across the government, this thing went on. It's hard to believe that somebody like Mr. Gates in his position didn't know about it.

[Ted Koppel] – We are suggesting a lot more that he knew about it. We're suggesting that he was actively involved in it let me just pass on a little information that we have gathered today, having to do with the Confirmation Hearings and was told earlier this afternoon. Alan Fryers, Senior Officer with the CIA and Clair George are not likely to be testifying voluntarily, indeed Alan Fryers said he will not be testifying before the Senate Intelligence Committee. The White House, as we have all heard throughout the day is putting on some pressure to get those Hearings underway before the August recess, August 2nd, of course, the Senate goes into recess. Ah, and there are indications now that a week from Monday, indeed the Hearings will begin, Mr. Gates will be asked to testify at that time, but I've been also told that there is no way that the Hearing will no way be completed before the August recess. And that Mr. Gates will be told that he will be recalled again after other witnesses have testified, after the August recess. So these Hearing now, are destined to go into September.

[House Representative Sam Gejdenson of the House Foreign Affairs Committee] – I think that is terribly important, because we have to what we have to remember here, unlike other appointees of the President, what the head of the CIA does is not transparent. If you're the Secretary of Housing, like Jack Kemp is, and I disagree with one of his programs, not only do I know about it, but the average citizen knows about what Jack Kemp's doing. Sometimes you agree with it and sometimes you disagree with him. In the case of the Director of the CIA, as is clear from repeated experiences, often times even the people in Congress were suppose to know about these activities are not informed. This has to do with National Security the standard ought not be somebody that can get by the Hearing process with White House pressure. The White House ought to be with us on this one, we ought to make sure that we have someone fully discloses what is going on to the appropriate committees and to Congress. Not someone involved in Iran Contra and not someone who hasn't told the entire truth. And not someone who is in question about these activities. This has to be a definitive decision by the Congress, that this individual will come clean with the Congress and fulfill not just the letter of the law, but the spirit of the law.

[Ted Koppel] – Alright, let me just interrupt here for a moment, because we're down to our last minute and a half or so, Alan, it is inevitable in this kind of investigation that you run into a lot of sleazy characters and I just want to get from you for our audience some sense of how much of the information that we have compiled here comes from the sleazy characters and how much comes from the few that we can really rely upon?

[Alan Friedman, New York Correspondent for the Financial Times of London] – I think, ah Ted the important thing to remember here is that we have had all kinds of allegations for the last three months when our team has interviewed dozens of people, we've been acidulously cross checking and we've waited to go ahead with this story until we've had very credible witnesses. Those who were documented CIA operatives and those who were physically with Mr. Gates during those meetings, and we asked some of them why would Mr. Gates take the risk and go out and meet with Mr. Cardoen and get directly involved and get his hands dirty in these operations, especially as he was deputy director of the CIA at the time himself. We were told that he went out because he wanted to give his improvtoire in order to make sure the job got done. We've talked to a number of top people and cross checked.

[Ted Koppel] – Alright, Alan Friedman thank you very much, Congressman Gejdenson, thank you very much, I'll be back in a moment.

END

Whistle-Blowing Activities – Starting in June of 1987, local, state, and federal authorities were called by Stanley J. Caterbone, including the Federal Bureau of Investigation, the Federal Securities and Exchange Commission, Congressman Robert Walker, the Pennsylvania Attorney General, the Lancaster District Attorney, Manheim Township Police, and a host of others.

The following is a memo of a meeting with ISC executive Mr. Lawrence Resch and Mr. Stanley J. Caterbone at his office at Financial Management Group, Ltd., which took place on June 23, 1987. Mr. Lawrence Resch, of San Clemente, California, was a long time associate of Mr. James Guerin who worked as a marketing consultant, and was an ISC executive prior to the company going public in 1982. He served as Director of Marketing and head of Lancaster operations for then defunct United Chem Con, an affiliate of ISC. He was sued by Ferranti International in 1990 for \$189 million dollars and indicted and found guilty by prosecutors for his role with ISC and served a jail term.

Upon the arrival of Mr. Larry Resch, Stan Caterbone met him in the lobby of Financial Management Group, Ltd, at which time Larry Resch said "Carl Jacobson could not attend, we had to suddenly fly him out of the country early this morning (flew to Chile)" The meeting was started with the subject of the financial difficulties of United Chem Con and possible alternatives. Larry Resch specifically addressed the possibility of moving the operations of United Chem Con to another facility, with specific regards to the Renovo Plant. Larry Resch specifically addressed the financing capabilities of Stan Caterbone, along with possible management opportunities. Larry Resch also gave financial statements and documents to Stan Caterbone for the latest fiscal year for United Chem Con. Stan Caterbone went on to allege that United Chem Con had embezzled some **\$15,000,000** from the United States Government for contracts that contained improprieties. Stan Caterbone also alleged improprieties of International Signal & Control and James Guerin, with specific regards to its role in the United Chem Con, and its business activities as related to government contracts. Stan Caterbone noted that he, as a legal shareholder of International Signal & Control was concerned about improper business activities. Larry Resch was taken by surprise by all of the above. Stan Caterbone became quite upset by the evasiveness and the lack of specifics with regards to Larry Resch's conversation. In efforts to thwart any further communication from James Guerin, United Chem Con, or International Signal & Control, Stan Caterbone demanded a retainer fee of **\$10,000** before anyone contacted him again. "

The following is a transcript of a meeting with Agent Howard Eisler, of the Pennsylvania Securities Commission on September 29, 1987. The meeting was solicited at the bequest of Agent Howard Eisler supposedly for an investigation into securities violations at Financial Management Group, Ltd., However, that also turned out to be untrue, or Agent Eisler also ignored all of the violations that occurred at the company headquarters. The meeting lasted approximately 4 hours at the residence of Stanley J. Caterbone. Also present were attorney Mr. Robert Byers, and client of Stanley J. Caterbone, Mr. Millard Johnson. Agent Howard Eisler, in November of 1987, requested that Stanley J. Caterbone

put any complaints or grievances in writing and never did anything with information or testimony from the meeting.

[Stanley J. Caterbone, ISC Shareholder; Founder Executive Vice President of Financial Management Group, Ltd., and President of FMG Advisory, Ltd.,] - Chem Con is the big local minority-held corporation that was doing a lot of Defense contracts-it was associated with ISC. They went under last spring, beginning of the summer, and there was a lot of criminal allegations made, none of them substantiated. And I was connected with that. They sent a board member in to see me a week before this happened. Why. I don't know. Jim Christian owned it - now I hear rumors that I was tied to ISC and I am close to several people in that organization. Why they sent someone' in to California to see me, I don't know. They wouldn't answer me. They wanted me to talk to a guy from D.C., New York, a guy from the Caribbean. I don't know what the hell is going on.

[Mr. Robert Byer, Criminal Attorney for Stanley J. Caterbone] – the supposition was - I don't know how true it was a front for ISC.

[Stanley J. Caterbone, ISC Shareholder; Founder Executive Vice President of Financial Management Group, Ltd., and President of FMG Advisory, Ltd.,] - It was, I'll tell you why. Because when Chem Con was started, back to their inception, you look at ISC's books. They didn't have any money. Well, the fist thing Chem Con did was they went and got all that free money from the government and you look where that money went. I bet I know where it went. This guy named Guerin, James Guerin. And I know that they were selling contracts back. He runs ISC and he also has his fingers pretty deeply into Chem Con. He's the one who started Chem Con, Guerin is the one who started it.

[Mr. Millard (Bill) Johnson, Client of Mr. Stanley J. Caterbone] - Wasn't there some allegations about a tie to Wedtech? (Defense Contractor of New York)

[Stanley J. Caterbone, ISC Shareholder; Founder Executive Vice President of Financial Management Group, Ltd., and President of FMG Advisory, Ltd.,] - You bet. They were tied, you'd better believe they were tied with Wedtech. The same guys in Wedtech were invoked with ISC and Chem Con. ISC is sold over the London Exchange. (I bought my shares from Pennsylvania State Senator Gibson Armstrong) I owned a thousand shares. I sold it when things started to hit the fan-they just did a multimillion dollar merger with a company in London. They probably think this is going to cover their tracks. What they did was, they fronted all that money and started the contracts, went bankrupt, and now the government is stuck for \$18,000,000. I know right now in this town's viewpoint, I stole money, I am insane, and I am a lunatic I tell you I will not condemn Jim Christian until he tells to my face what happened. "I was framed and set up. I don't know maybe Jim Christian doesn't have the money. Maybe Guerin has it or somebody else has it.

ARGUMENT

Keith, 407 U.S. at 313-14. There, the Court explained that

[n]ational security cases . . . often reflect a convergence of First and Fourth Amendment values Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect 'domestic security.'

Id. The Court thus concluded that Fourth Amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the Executive Branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. . . . The historical judgment, which the Fourth Amendment accepts, is that unreviewed executive discretion may yield too readily to pressures to obtain incriminating evidence and overlook potential invasions of privacy and protected speech. . . . [T]his Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence . . . and voluntarily confined their activities to the least intrusive means The Fourth Amendment contemplates a prior judicial judgment, not the risk that executive discretion may be reasonably exercised.

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2007, I have mailed by U.S. Postal Service, by electronic means, or by facsimile the foregoing paper to the following (funds permitted) :

<p>ANN BEESON Attorney of Record JAMEEL JAFFER MELISSA GOODMAN (admission pending) CATHERINE CRUMP (admission pending) National Legal Department American Civil Liberties Union Foundation 125 Broad Street, 18th Floor New York, NY 10004-2400 (212) 549-2500</p> <p>MICHAEL J. STEINBERG KARY L. MOSS American Civil Liberties Union Fund of Michigan 60 West Hancock Street Detroit, MI 48201-1343 (313) 578-6814</p> <p>Kate Martin CENTER FOR NATIONAL SECURITY STUDIES 60 1 Thirteenth Street, N. W. 1120 19th Street, N.W., Washington, DC 20036 (202) 72 1-5650</p> <p>Joseph Onek Erin N. Linder Sharon Bradford Franklin THE CONSTITUTION PROJECT 1025 Vermont Avenue, Washington, DC 20005 (202) 580-6920</p> <p>Donald B. Verrilli, Jr. JENNER & BLOCK LLP S. 800 Suite 1200 South Washington, DC 20005 (202) 639-6095</p> <p>JENNER & BLOCK LLP 330 N. Wabash Avenue N. W. Chicago, IL 60611 (312) 222-9350</p> <p>Randy Gainer Davis Wright Tremaine LLP 1501 Fourth Avenue, Suite 2600 Seattle, WA 98101 - 1688</p> <p>Douglas N. Letter Thomas N. Bondy Anthony A. Yang Attorneys, Appellate Staff Washington, DC 20530 Civil Division, Room 7513 U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530</p>	<p>Lucy A. Dalglish, Esq. Counsel of Record Gregg P. Leslie, Esq. Elizabeth J. Soja, Esq. 1101 Wilson Blvd., Suite 1100 Arlington, VA 22209-2211 (703) 807-2100 Attorneys for Amicus Curiae The Reporters Committee for Freedom of the Press</p> <p>Kathleen M. Sullivan Derek L. Shaffer Constitutional Law Center Stanford Law School 559 Nathan Abbott Way Stanford, California 94305-8610</p> <p>ANN BEESON Attorney of Record JAMEEL JAFFER MELISSA GOODMAN (admission pending) SCOTT MICHELMAN (admission pending) CATHERINE CRUMP (admission pending) National Legal Department American Civil Liberties Union Foundation 125 Broad Street, 18th Floor New York, NY 10004-2400 (212) 549-2500 annb@aclu.org</p> <p>David W. DeBruin Theresa A. Chmara Julie M. Carpenter Michael B. DeSanctis Wade B. Gentz JENNER & BLOCK LLP 601 Thirteenth St., N.W., 12th Floor Washington, D.C. 20005 tel. (202) 639-6000 fax (202) 639-6066</p> <p>Margaret A. Costello DYKEMA GOSSETT PLLC 400 Renaissance Center Detroit, MI 48243 tel. (313) 568-5306 fax (313) 568-6893</p>
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Date: February 20, 2007


/s/
Stanley J. Caterbone, Pro Se Litigant
1250 Fremont Street
Lancaster, PA 17603
717-427-4821 facsimile



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June 15, 2007

Stanley J. Caterbone
220 Stone Hill Road
Conestoga, PA 17516

Dear Mr. Caterbone:

This is in reply to your request that we forward your amicus curiae brief to the clerk of the court. Unfortunately, we will be unable to accommodate your request.

However, I can provide you with the address as follows:

Clerk of the Court
United States District Court for the Eastern District of Michigan
Theodore Levin United States Courthouse
231 W. Lafayette Blvd.
Detroit, Michigan 48226

I am returning your brief to you, and wish you the best of luck.

Sincerely,


Brenda Bove

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Michael J. Steinberg, Esq.
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Rana Elmir
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March 19, 2007

United States District Court
Eastern District Of Michigan Southern Division
The Clerk of The Court

Detroit, MI

Re: Brief On Behalf Of Amici Curiae Stanley J. Caterbone And Advanced Media Group
In Support Of Plaintiffs' Motion For Partial Summary Judgment

Dear Clerk of the Court:

Please see the attached for filing. On February 22, 2007, I did not have your address so I forwarded the filing to the ACLU Office in Detroit with a note to please forward it to you for filing. I have no way of confirming, so I am submitting another copy for you to file.

I thank you for your service in advance. If you require any additional information, please contact me by email at the above address.

Respectfully,

Stan J. Caterbone
Pro Se Litigant

Lancaster New Era

Dems' inaction on FISA harmful

It's things like this that make us wonder how serious some Democrats are about confronting the terrorist threat on America.

The Democratic-led House let a crucial government-eavesdropping law expire over the weekend before Congress began a 12-day recess.

The eavesdropping won't end; it just makes the task that much harder for our intelligence officials.

The House failed to adopt the bipartisan Senate version of the Foreign Intelligence Surveillance Act, which would have renewed an update of the law approved in August that makes it easier for the government to spy on foreign phone calls and e-mails that pass through the United States.

FISA, first adopted by Congress during the Cold War, would let the government initiate wiretaps for up to one year. It also would compel telecommunications to comply with wiretap orders while shielding them from civil lawsuits that may be filed against them as a result.

The provisions in the law have one purpose and one purpose only: to protect the American people from further terrorist attacks.

"American citizens must understand, clearly understand that there's still a threat on the homeland..." says President Bush. "We've got to give our professionals the tools they need to be able to figure out what the enemy is up to so we can stop it."

Some Democrats apparently don't see it that way. They downplay FISA's expiration and accuse the president of fear-mongering and misrepresenting the facts.

"This is not about protecting Americans. The president just wants to protect American telephone companies," argues Rep. Rahm Emanuel (D-Illinois), referring to the liability-protection provision that insulates telecoms from lawsuits.

While the eavesdropping can continue, the compliance requirement and liability protection for telecoms no longer apply. That means telecoms' cooperation must be voluntary. And without the liability protection, they're less likely to be so.

As a result, the government has to go back to the old way of getting orders approved by the Foreign Intelligence Surveillance Court -- a cumbersome process that ties intelligence agents up in red tape and causes needless delay.

To get a court order, the government has to prove "probable cause" before being allowed to tap a line inside the U.S. -- even if the communication originates and ends in a foreign country. This is difficult to do, and it takes time.

Indeed, by the time the government complies with the law, the phone numbers or e-mails that it wanted to track could be obsolete.

"More than likely we would miss the very information we need to prevent some horrendous act from taking place in the United States," says Mike McConnell, director of national intelligence.

The law does make provisions for emergencies, but the paperwork still must be completed within a few days.

Democrats who let the FISA law expire insist America is no less safe from another terrorist attack. But can they be so sure?

The only thing certain is that Americans are not now getting the full benefit of FISA protection. This is unacceptable.

We should be protecting the American people, not the terrorists.

The eavesdropping won't end; it just makes the task that much harder for our intelligence officials.

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