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WORLDNETDAILY EXCLUSIVE

LAW OF THE LAND

Elena Kagan shielded Saudis from 9/11 lawsuit

Sided with kingdom in case brought by victims of terror attacks

Posted: May 12, 2010
3:47 pm Eastern

By Aaron Klein
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NEW YORK – President Obama's nominee for the Supreme Court, Elena Kagan, helped shield [Saudi](#) Arabia from lawsuits filed by families of 9/11 victims seeking to target countries and leaders who helped finance al-Qaida.

"I'm very concerned about her views on executive power and her views with respect to the separation of power," Stephen A. Cozen, the lead attorney in the case for 9/11 victims, told WND.

"I believe she must be asked questions about whether or not citizens who are attacked inside the U.S. have the right to file suits domestically against terrorism financiers," said Cozen, the founder and chairman of Cozen O'Connor, a Philadelphia-based [law firm](#) with 24 offices throughout the country.

Cozen recounted to WND an April 2009 meeting he held with Kagan to present the case for his clients – thousands of family members and others affected by the Sept. 11, 2001, attacks who sought damages from the Saudi kingdom, Saudi high commissioners and the country's rulers.

Cozen's suit documented evidence the Saudis funneled millions of dollars to al-Qaida prior to the 9/11 attacks and that the kingdom continued to finance terrorism thereafter.

He was arguing to bring his case to the Supreme Court after it was dismissed by a lower court and an appeals circuit, which had cited the Foreign Sovereign Immunities Act of 1976 as



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barring lawsuits against leaders of foreign governments.

Cozen, however, documented how both the Supreme Court and U.S. government briefs allowed for such lawsuits in the past, finding the Immunities Act did not hold in similar cases.

Kagan's friend-of-the-court brief argued Cozen's case would interfere with U.S. foreign policy. She urged the Supreme Court not to hear the case.

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In her brief, Kagan acknowledged inconsistencies with the lower court rulings and even conceded there were legitimate questions about whether the Immunities Act should apply in Cozen's case for the 9/11 victims.

Still, she sided with the Saudis, who had presented their case directly to Kagen that the terror victims lawsuit was harming U.S.-Saudi relations.

The Supreme Court sided with Kagen and refused to hear the case.

Kagan's brief prompted Sens. Arlen Specter, D-Pa., and Sen. Lindsey Graham, R-S.C., to submit a bill to amend the Foreign Sovereign Immunities Act.

Specter at the time strongly denounced Kagan.

"She wants to coddle the Saudis," he said.

Kristen Breitweiser, whose husband was killed in the 9/11 attacks, told the Philadelphia Inquirer last year, "I find this reprehensible."

"One would have hoped that the Obama administration would have taken a different stance than the Bush administration, and you wonder what message this sends to victims of terrorism around the world," she said.

Cozen, meanwhile, told WND he believes Kagan is "eminently qualified" for the Supreme Court. Still, he said he is concerned about her decision in his case and her views on the separation of powers.

WND recently reported Kagan has advocated for an increased presidential role in regulation, which, she conceded, would make such affairs more and more an extension of the president's own policy and political agenda.

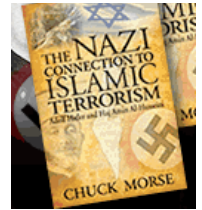
Obama nominated Kagan as U.S. solicitor general in January, and the Senate confirmed her in March. She was a dean of Harvard Law School and previously served alongside Obama as a professor of law at the University of Chicago.

A former clerk to Abner Mikva at the D.C. federal appeals court, Kagan was heavily involved in promoting the health-care policy of the Clinton administration.

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