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Spitzer's mouthpiece has his own secrets to hide

03/18/2008 @ 11:03 am

Filed by Peter Lance

As the sex scandal hurricane engulfed Eliott Spitzer last week, one of his closest advisors at the eye of the storm was Dietrich "Dieter" Snell. An ex U.S. Attorney from the same office conducting the prostitution probe, Snell is now defending Spitzer in the "Troopergate" scandal and reportedly [raking in](#) hundreds of thousands of dollars in legal fees for the international law firm he joined last year.



A former Southern District prosecutor who later became Senior Counsel to the 9/11 Commission, Snell is also one of the ex Feds who rewrote history in the Commission's "Final Report" by relying entirely on the tortured "confession" of 9/11's purported "mastermind" to pinpoint the origin of the "planes as missiles" plot.

He's the same investigator who dismissed as not "sufficiently credible" the testimony of a decorated Navy Captain who was part of a secret data mining operation that uncovered evidence of 9/11 hijackers in the U.S. more than a year before the attacks.

A former Deputy Attorney General under "the Sheriff of Wall Street," Snell is now attempting to quash the subpoenas of investigators probing whether Spitzer misused state troopers to investigate his chief political rival, protecting his ex boss and mentor with a "separation of powers" [defense](#) worthy of Dick Cheney.



Despite Spitzer's sudden flameout, there are currently three separate probes pending of Troopergate, the scandal that erupted when Spitzer's aides reportedly used State Police to investigate the travel expenses of Senate Majority Leader Joseph L. Bruno.

The *New York Daily News* estimated that while the initial use of state resources to benefit Bruno was \$72,000.00, the cost to the taxpayers of defending Spitzer, who refused to cooperate with the New York A.G.'s office, could amount to \$1.54 million. And [\\$400,000](#) of that

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figure will probably go to Snell's law firm.

But from this reporter's perspective it is Dieter Snell himself who ought to be in the hot seat answering questions, not about a petty state corruption probe but questions that go to the heart of the greatest mass murder in U.S. history: 9/11.

It was just four years ago Saturday, March 15th, 2004, when Snell led me into a windowless conference room at 26 Federal Plaza, the building that houses the FBI's New York Office (NYO). It was then the temporary New York quarters of the 9/11 Commission's staff.

Months earlier, Commission Chairman Gov. Tom Kean had read my first investigative book for HarperCollins, *1000 Years for Revenge*, which presented probative evidence that Ramzi Yousef, mastermind of the first WTC bombing in 1993, had designed "the planes" operation as early as the fall of 1994 in Manila and that his uncle Khalid Shaikh Mohammed (KSM) had merely carried out the plot after Yousef was captured in February of 1995.

Sen. Chuck Grassley (R-IA), one of the top FBI oversight lawmakers on the Hill, had read the book and pronounced it a "must read for the FBI, Congress, the 9/11 Commission and anyone whose job it is to protect national security," so Gov. Kean directed Commission Executive Director Philip Zelikow to arrange for my testimony.

Cherry Picking the Evidence

But I was cautious. A source I had on the Commission staff told me that Zelikow and staffers on both side of the aisle were "cherry picking" the evidence, in an effort to remove Yousef, from the 9/11 scenario.

Why? Because as I'd reported in *1000 Years*, the FBI's NYO could have stopped Yousef in the fall of 1992 while he was building the 1,500 pound urea nitrate-formaldehyde device that he detonated on the B-2 level below the Twin Towers on February 26th, 1993, killing six and injuring 1000.

It was a plot directly funded by al Qaeda and tied to the cell around blind Sheikh Omar Abdel Rahman. If the Bureau's elite Joint Terrorism Task Force had simply done its job and stopped Yousef then, he would never have executed the first attack on the Towers or escaped New York the night of the bombing to commence the 9/11 plot from Manila, half a year later.

1000 Years For Revenge contained probative evidence suggesting that prosecutors in the SDNY – including Dietrich Snell – had received evidence from the Philippines National Police (PNP) in early 1995 that, if acted upon, would have tipped the Feds to the 9/11 plot six years earlier.

Snell had prosecuted Yousef in 1996 for Bojinka, a non suicide plot to blow up airliners over the Pacific that was separate from the "planes as missiles" scenario, and as I saw it, he should have been called before the 9/11 Commission as a *witness*, testifying under oath about what he and other SDNY officials knew of this second suicide plot involving airliners.

The Fox and the Chicken Coop

Instead, Snell was given a senior Commission leadership role and put in charge of determining the single most important conclusion in the Commission's investigation: the origin of the plot. Without knowing precisely when the plot began, no U.S. officials could be held accountable for failing to stop it.

So four years ago, when I learned that Snell would take my "testimony," I was properly skeptical.

Also, my source had warned me that despite the televised public Commission hearings, and the appearance of transparency, more than 90 percent of the witness intake to the Commission had been anecdotal and unrecorded.

So I prepared my "[testimony](#)" ahead of time.

In the presence of an FBI agent assigned to the Commission staff, Snell sat across from me at a conference table. There was no stenographer or recording equipment present. The sandy-haired former AUSA took out a small spiral notebook and began to take notes as I read my statement.

Because I was writing a second book on the failures of the Feds on the road to 9/11, and because Snell had played such a key role in the prosecution of Yousef, I ended up asking him as many questions as he asked me.

I wanted to know why he had flown over eleven PNP officials to testify at the Bojinka trial but not Col. Rodolfo B. Mendoza, the top PNP investigator who had interrogated Yousef's partner Abdul Hakim Murad, a pilot trained in four U.S. flight schools. It was Murad who was to have been the original lead pilot of the plot – the role later assumed by hijacker Mohammed Atta.

I wanted Snell to answer why he and other SDNY Feds had kept the hunt for KSM secret for more than two and a half years, only quietly passing his name to the press in January of 1998 when the plot was well underway, when they had arrested Yousef, his nephew, via a very public \$2 million rewards program that had caused one of Ramzi's cohorts to "rat him out." Why not use the same method to capture his uncle KSM who was executing the "planes operation?"

"That's Classified"

But each time I asked a question, Snell would smile and say, "That's classified" or "I can't discuss that." At the end of my testimony I told him I would send along the transcript of my March 19, 2002 interview with Col. Mendoza, which documented Yousef's creation of the planes-as-missiles plot in 1994.

I had evidence from the PNP that Yousef's Toshiba laptop, passed on to the CIA in January of 1995, contained the full blown "9/11" plot, including seven targets: the WTC, the Pentagon, the White House, CIA headquarters, the Transamerica and Sears Towers, and an unnamed nuclear facility.

But as it turned out, that was evidence that Snell, as an alumnus of the SDNY, did not want to hear. Why? Because it corroborated the findings of the PNP that Ramzi Yousef was the architect of the 9/11 attacks and that, in turn, put blood on the hands of the FBI's NYO for failing to stop him back in 1992.

Given Snell's apparent bias, I sent the additional evidence directly to Commission co-chairman Tom Kean. In a cover letter, I asked him to make sure that it was a part of the permanent Commission record.

But when the Commission's final report was published, that evidence was flushed – reduced to a single footnote that didn't even mention Col. Mendoza by name, even though he was the investigator who had first uncovered Yousef's suicide-hijack plot.

Rewriting History

In the Commission's final Staff Statement #16, largely authored by Snell, the Commission removed Yousef from the "planes as missiles" plot and supported the fiction that the plot didn't even begin to germinate until 1996, well after Yousef's capture. The new finding, per Snell, was that KSM merely "pitched" the idea to Bin Laden in '96 but it didn't get a green light from the Saudi billionaire until 1998.

Worse, Snell and the staffers based their evidence for the origin of the plot *entirely* on the word of KSM, who we now know was subjected to waterboarding and torture in his interrogation.

Taking the sole word of KSM on the origin of the plot was a bit like taking the word of David Berkowitz for when he committed his first "Son of Sam" murder. But as the primary author of Staff Statement #16, the Commission's last word on the plot origin, that's what Dietrich Snell decided to do.

To this day, KSM's questionable testimony has served to define the official record on the origin of the 9/11 plot, even though Snell himself admitted under oath, at the March 2005 German trial of an al Qaeda suspect, that he himself had never met Khalid Shaikh, that he'd merely submitted questions to KSM's interrogators, and that he (Snell) had no control over how or even *whether* questions were asked.

Back on the Ides of March, 2004, as I left 26 Federal Plaza, I had no idea that a group of Army investigators in the year 2000 had been on a parallel investigative track to mine. But Snell would soon reject their evidence as well.

Discrediting the Able Danger Findings

In the early winter of 2000, a multi-million dollar data mining operation funded by the U.S. Army uncovered evidence that Mohammed Atta and three other 9/11 hijackers were present in the country months before the 9/11 Commission would conclude they'd arrived, thus making a number of U.S. agencies, including the FBI, culpable for their failure to stop them.

In the fall of 2003, Lt. Col. Anthony Shaffer, a key player in what had been termed Operation Able Danger, told 9/11 Commission Executive Director Philip Zelikow of the Operation's stunning findings during Zelikow's visit to Afghanistan, where Shafer had been hunting bin Laden with Task Force 180.

By July 12th, 2004 as the Commission was wrapping up its investigation on the origin of the 9/11 plot, one of Shafer's Able Danger colleagues, Capt. Scott Phillpott, met with a top Commission leader to corroborate Shafer's findings.

The senior counsel he met with was Dietrich Dieter Snell.

Like Tony Shaffer's account, Capt. Phillpott's input about the al Qaeda connections to the New York cell of Sheikh Rahman would have defied the spin that Snell and the Commission staff had decided to sell.

Phillpott was a Navy veteran who had previously commanded three ships, a decorated veteran with immense integrity and reliability as a witness. But after the meeting, Snell spurned Phillpott's evidence on the hijacker's U.S. presence, and not a word of it showed up in the final Commission Report.

Nothing more might have come of it until August of 2005, when the *New York Times* broke the story of how tens of thousands of pages of Able Danger evidence had been ordered destroyed in March of 2000. The scandal grew, and by mid February 2006 the House Army Services Committee called Snell to testify.

Spitzer KO's Snell Appearance

But on the day of the hearing, February 15th, 2006, it was learned that Elliott Spitzer himself had intervened with the Committee's counsel to keep Snell from having to account under oath for his dismissal of the Able Danger evidence. Citing Snell's "heavy workload" in New York, Spitzer got him a pass from having to testify.

During his tenure on the 9/11 Commission, pushing the "origin of the plot" forward to 1996 and ignoring the Able Danger evidence weren't Snell's only lapses.

As Larisa Alexandrovna pointed out in a RAW STORY piece on February 28th, citing Phil Shenon's recent book, *The Commission*, Snell also seemed to defy his own staffers who wanted to explore the Saudi government's ties to Omar al-Bayoumi.

Al-Bayoumi was the San Diego based Saudi defense contractor whose company had multiple contracts with Prince Sultan, the father of Saudi Arabia's then U.S. ambassador Prince Bandar. The flamboyant Bandar was so tight with the Bush family that over the years he'd earned the nickname "Bandar Bush."

As reported in *Triple Cross*, Bayoumi played host to two of the 9/11 muscle hijackers, al-Midar and al-Hazmi, who flew AA # 77 into the Pentagon on 9.11:

“...using their own names, al-Midhar and al-Hazmi jetted from Bangkok to Los Angeles on January 15th. There they were met by Omar al-Bayoumi a Saudi, suspected of being an intelligence officer, who had visited the Saudi consulate in L.A. the same day. After three weeks the two would-be hijackers moved to San Diego, where they lived openly for the next five months. During that period al-Bayoumi helped them get settled, finding them an apartment across from where he lived. It was later reported by Newsweek and the Washington Times that al-Bayoumi may have been the recipient of funds sent to his wife indirectly from Princess Haifa bin Faisal, wife of the then-Saudi ambassador to the U.S., Prince Bandar.

In fact, new information from declassified FBI files as reflected in Ms. Alexandrovna's [account](#) for RAW STORY shows that al-Midhar and al-Hazmi were living in a residence rented by al-Bayoumi from *the day they arrived in California*; not weeks later as reported in the 9/11 Commission Report. With respect to Snell's possible knowledge of the Saudi connection, Ms. Alexandrova writes:

Bayoumi moved to London in 2001 and lived there until his arrest immediately after the Sept. 11 attacks. Following his release, Bayoumi returned to Saudi Arabia, where he was interviewed in October 2003 by the Executive Director of the 9/11 Commission, Philip Zelikow, and Senior Counsel Dieter Snell.

Snell did not respond to requests for comment; Zeilkow could not be reached.

According to Shenon, several staff members working under Snell, “felt strongly that they had demonstrated a close Saudi government connection,” based on “explosive material” on al-Bayoumi and Fahad al-Thumairy, a “shadowy Saudi diplomat in Los Angeles.”

Shenon recounts how Snell, in preparing his team's account of the plot, purged almost all of the most serious allegations against the Saudi government and moved the “explosive” supporting evidence to the small print of the report's footnotes. (The Commission, pp. 398-399)

Two commission investigators who were working on documenting the 9/11 plot, Michael Jacobsen and Raj De, argued that it was “crazy” to insist on 100 percent proof when it came to al-Qaeda or the Saudi regime. In the end, however, and with a publishing deadline looming, Snell's caution and Zelikow's direction buried apparently promising leads.

Entering Private Practice

On April 30th, Snell left his job as Deputy Attorney General to join the law firm of Proskauer Rose, which has offices in seven U.S. cities as well as Paris, London and Sao Paulo. Within months, the firm had been retained by Spitzer's office to defend him in the Troopergate scandal.

Last July, New York Attorney General Cuomo's office issued [a report](#) finding that Spitzer's staff had acted improperly but not illegally. But the Senate Committee's probe is ongoing along with an investigation by the state's Public Integrity Commission. Also, after closing his inquiry into Troopergate last year, Albany District Attorney David Soares has reopened it. On Thursday Snell [charged](#) Soares with continuing on a "fishing expedition" and acting as "grand jury and grand inquisitor."

It was an ironic use of the term.

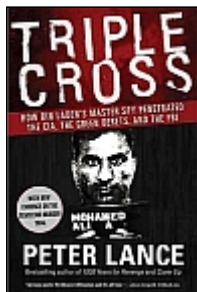
Elliott Spitzer prosecuted Wall Street white collar crime with the same venom he used on call girl services and high-end pimps. Using the Attorney General's office as a state-based strike force against local, state, even national corruption, he redefined the modern day inquisition.

As Governor, he apparently saw himself in the same role. Last year he reportedly [told](#) Assembly Minority leader James Tedisco that he was "a fucking steamroller" who would "roll over" Tedisco "and anybody else."

Steamroller or Sheriff, we now know that Spitzer also redefined the term hypocrisy.

On Tuesday after the *New York Times* broke the call girl story, Dietrich Snell, with a few key advisors, was reportedly [holed up](#) in Spitzer's Fifth Avenue co-op working on the damage control. In defense of Spitzer, and reportedly billing the public for his hours, he continued the spin in court on Thursday.

Disgraced and out of office, it's time that Spitzer made a full accounting of his public sins along with his private ones. In the process, his loyal retainer and counsel Dietrich Snell needs to come clean as well.



The [trade paperback](#) of *TRIPLE CROSS* will be published by HarperCollins in May. More information on Peter Lance's investigations can be found at his [website](#).