

October 10, 2005

BY FACSIMILE AND U.S. MAIL

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Re: Peter Lance/1000 Years For Revenge: ABC History Project

Dear :

We have been retained as litigation counsel by Peter Lance. As you know, Mr. Lance is a former investigative correspondent for ABC News, 20/20, Nightline, and World News Tonight. He is a five-time Emmy Award winner and the author of several books, including 1000 Years For Revenge (International Terrorism and the F.B.I.), published by Regan Books (Harper Collins) (the "Book"). We are writing with respect to your improper use of Mr. Lance's work in connection with your up-coming television special, the ABC History Project, the first two hour segment of which is entitled "The Mozart of Terror" (the "Program"). (For ease of reference, you are collectively referred to throughout as "ABC.")

As you are aware, ABC engaged in lengthy and serious negotiations with Mr. Lance's agent, Richard Arlook of the Gersh Agency, to purchase the rights to the Book for use as the basis for all or part of the Program – as did NBC. ABC was aware that NBC was interested in acquiring the rights to the Book and made special efforts to assure Mr. Lance that his work would be the primary source for ABC's Program. For example, on January 28, 2005, Cyrus Nowrasteh, the writer of the six-hour ABC script, made a special trip to Santa Barbara to meet with Mr. Lance during which he showed Mr. Lance a copy of the Book which he had underlined and on which he had made extensive notes throughout. In person, by telephone and in subsequent e-mails, Mr. Nowrasteh made it clear to Mr. Lance that "1000 Years For Revenge" was, as he put it, "the one book" that he and ABC intended to form the basis of much of their six hour mini-series.

Accordingly, a two-week bidding war ensued between ABC and NBC in which ABC offered to pay Mr. Lance a \$50,000 option payment and another \$140,000 when the mini-series commenced principal photography. Ultimately, Mr. Lance decided to option the Book to NBC. At the time that Mr. Lance entered into his agreement with NBC, Mr. Nowrasteh, ABC's writer, stated to him explicitly that – ABC having failed in its efforts to purchase the rights to the Book, ABC would nevertheless use Mr. Lance's Book without compensation for its own competing project. At the time, Mr. Lance took that statement to be an expression of disappointment, an empty threat. Unfortunately, it turns out to have been a true statement of ABC's intention in view of ABC's blatant use of Mr. Lance's work in its script.¹

ABC attempts to justify its theft of Mr. Lance's work by claiming that it utilized John Miller's highly flawed book "The Cell" (an in-house Disney-Hyperion work first published without annotation), even though many of the scenes (including those lifted from the Book) were not even mentioned in "The Cell." Even more disturbing is the fact that ABC has used the pro-FBI slant in "The Cell" to turn into heroes a number of FBI officials who, Lance accurately points out, were negligent on the road to 9/11. Thus, in its reported \$30-40 million dollar mini-series dubbed "The History Project," which ABC purports to reflect the true story of the years leading up to 9/11, ABC, has, in multiple instances, distorted history by relying on a flawed in-house work to justify its wholesale appropriation of Mr. Lance's research and expression.

It is particularly insidious that in much of his script Mr. Nowrasteh mirrors Mr. Lance's accurate portrayal of FBI failures – then, by utilizing the character of Mr. Miller as a narrative device, he ends up turning FBI failures into successes. One of the most glaring examples is a long sequence at the end of the two-hour script (encompassing 45 of 238 scenes and 22 of 96 script pages) in which Mr. Nowrasteh – per John Miller's point of view – recounts the capture of Ramzi Yousef, the original World Trade Center bomber and architect of the 9/11 attacks on whom Mr. Lance reported uniquely in his Book. The incident, Mr. Lance accurately reported, was directed entirely by agents of the State Department's Diplomatic Security Services ("DSS") and agents from the Drug Enforcement Administration ("DEA") with minimal FBI involvement. Yet Mr. Nowrasteh, per Mr. Miller, has John O'Neill, the FBI official elevated to the role of central hero in the mini-series, directing the Yousef takedown operation – when, in fact, as Mr. Lance reported, the FBI had no up-front involvement in the apprehension of Yousef.

¹ The NBC project has now been cancelled and NBC has returned all rights in the material to Mr. Lance.

In fact, as Mr. Lance reported in the Book, FBI agents arrived late at the Su Casa guesthouse in Islamabad where Yousef was arrested – so late that they failed to canvas the 20 room building and allowed Khalid Shaikh Mohammed (“KSM”) (Yousef’s uncle and the man the FBI now says was the “mastermind” of 9/11) to escape – a gross act of negligence that Mr. Lance points out as part of the true “history” of FBI failures in the years leading up to 9/11. Mr. Nowrasteh includes a scene (reported only by Mr. Lance) in which KSM actually hangs around the Su Casa long enough to give an interview to a stringer for “Time” magazine – but Mr. Nowrasteh, per Mr. Miller’s ex-post facto involvement in the script, makes it look like John O’Neill and his FBI agents were running the Yousef takedown from start to finish. The distorted pro-FBI slant in the script is particularly troubling in light of the fact that Mr. Miller recently took a job as chief spokesman for the FBI in Washington, D.C.

Thus, when it makes for good drama, Mr. Nowrasteh and ABC apparently have no problem exploiting Mr. Lance’s unique telling of the story – but under the guise of relying on Mr. Miller’s pro-FBI book “The Cell,” Mr. Nowrasteh and ABC end up perpetrating a historical fraud. In light of the facts contained in Mr. Lance’s Book, ABC’s conclusions as set forth in the Program, repeatedly distort the truth and ABC should not be engaged in so misleading the public.

Unfortunately, ABC has engaged in misconduct beyond these historical inaccuracies. Mr. Lance has been able to read a copy of what he believes to be the shooting script for the Program and was shocked to discover that ABC has, indeed, improperly and unlawfully copied his Book, without his permission and without compensation. Despite ABC’s claim that it is basing its Program on “The Cell,” that book does not even mention many of the incidents reported in the script. These incidents come, instead, from Mr. Lance’s Book and from his expensive, time-consuming and back-breaking labor in uncovering the information reported in his Book.

Wholly apart from ABC’s wholesale appropriation of Mr. Lance’s independent and unique research and discoveries, ABC’s script for the Program does precisely what is absolutely prohibited by copyright law in the cases of works of history: In numerous instances, it copies verbatim or closely paraphrases Mr. Lance’s original *expression* concerning various individuals, locations and events²; and as a whole, it copies Mr. Lance’s unique organization and ordering of the events recounted (which are not simply chronological and do not follow any pattern dictated by the material itself).

² Indeed, the very *title* of your Program segment comes from a name *coined* by Mr. Lance for Ramzi Yousef, the “Mozart of Terror.” Mr. Lance uses that name several times in the Book and it is the title of the second chapter of Mr. Lance’s second 9/11 book entitled “Cover Up.”

American Broadcasting Companies
Touchstone Television
September 7, 2007
Page 4

In this letter, we do not attempt to present an exhaustive scene by scene analysis of the copying either of the Book's organization and structure or of its expression. However, we are prepared to present a full analysis of copying of structure/organization and expression of particular incidents if necessary. The purpose of this letter is to demonstrate something we believe ABC already knows: That Mr. Lance can easily establish that both types of copyright violation have occurred, entitling him to a variety of remedies, including obtaining an injunction against the release of the Project, and to substantial compensatory and punitive damages.

Collectively the scenes and sequences used by the ABC scriptwriter that are based on Mr. Lance's organization of the historical events (many of which also copy or paraphrase his expression) represent more than 80 of the 96 pages in "The Mozart of Terror" script. These events are laid out in a way that is unique to the narrative in the Book as opposed to any inherent historical chronology.

With respect to the "war on terror," innumerable individual events occurred between 1989 and September 11, 2001, involving countless organizations (including, most particularly, United States law enforcement and intelligence organizations) and individuals (including law enforcement, on the one hand, and terrorists, on the other). There is no one natural or inevitable way to organize these facts, all of which relate to the general subject of the "road to 9/11" or, more narrowly, the investigative failures that paved that road. Mr. Lance chose his unique method of organizing those varied and numerous facts; ABC has simply copied it throughout its Program script.

For example, ABC could have focused on the role of the C.I.A., the N.S.A. or the Defense Intelligence Agency. Mr. Lance – and ABC – focus on the New York office of the F.B.I. and the Office of the U.S. Attorney for the Southern District of New York. Similarly, there are many diverse events in the history of al Qaeda's development, including, for example, Osama bin Laden's beachhead in Africa after his move from Afghanistan to Sudan in 1991, and his return to Afghanistan in 1996, or the story of al Qaeda spy Ali Mohamed who trained the Yousef World Trade Center bombing cell and played a key role in the al Qaeda downing of two Blackhawk helicopters in Somalia in 1993. But, of all the possible ways to focus the story, ABC has chosen to use Mr. Lance's unique tracking of Ramzi Yousef and his cells in New York, Manila and Islamabad. That select focus is not a coincidence.

The story of the intelligence failures preceding 9/11 has filled dozens of different books, more than 40,000 pages of trial transcripts and thousands of print articles and broadcast reports. But, only Peter Lance (and, by copying, ABC) has selected and focused on those facts that make up the story of terrorist Ramzi Yousef, his uncle KSM, F.B.I. informant, Emad Salem, and F.B.I. agent, Nancy Floyd.

ABC's Program, in numerous instances, copies the unique sequence of events as told in Lance's Book – far from a mere chronological recounting of historical facts. Among numerous other similarities, both works start with the events of September 11, 2001, then go back in time to tell the story of the 1993 World Trade Center bombing, including the details of Yousef's planting of the bomb to his cell's dramatic near-death escape, the heroic plight of firefighter Kevin Shea (previously reported only by Lance), Yousef's reaction to the bombing and eventual flight from JFK, and to the FBI's sting of Yousef accomplice Mohammed Salameh at a New Jersey Ryder dealership. Both works focus on FBI agent Nancy Floyd (who is not even mentioned by name in "The Cell"), her re-recruitment of informant Emad Salem (and his demand for \$1.5 million from the FBI), as well as Salem's undercover taping of blind Sheik Omar Abdel Rahman and Rahman's subsequent arrest (including even describing it in the context of Janet Reno's questioning of whether to jail a religious figure).

Both works follow Yousef to Manila and track his activities at Karaoke bars and his bomb-making operations at the Dona Josefa apartments. The ABC script mirrors Lance's unique chronology and organization of events in scene after scene, including in the last sequence (over thirty pages long) in which it recounts the tracking of Yousef to Islamabad via Istaique Parker (a South African student who informed agents and the U.S. Embassy about Yousef), the details of Yousef's arrest and his return to the United States, as well as the escape of 9/11 mastermind KSM after he gave an interview to "Time" magazine – a fact reported only by Mr. Lance in the Book. In short, ABC could have selected and organized the hundreds of events leading to 9/11 in any number of ways. Instead, it chose to copy Mr. Lance's unique organization and presentation of those events – expression that is fully protected by the U.S. Copyright Act.

Moreover, not only did ABC select and focus on the same unique set of facts and sequence of events (which alone confirms ABC's copying of the Book) but ABC employed substantially similar – and at times verbatim – expression of those facts. ABC's copying of the expression of Mr. Lance's work include the following examples³:

³ We are prepared to illustrate the copying, from outlines of the respective materials to show ABC's appropriation of organization, structure, and selection and presentation of facts and events, as well as detailed side by side comparisons of copying and close paraphrasing of expression. However, in order to avoid burdening you at this juncture and safe in the knowledge that you are quite familiar both with your own Script and Lance's Book, we have included only some of the examples of copying of organization/selection, expression and both.

1. ABC copied Mr. Lance's report of the details of the bombing of the World Trade Center on February 26th, 1993, by Ramzi Yousef and his cell. ABC's detailed description of the placement of the 1,500 lb. urea-nitrate bomb on the B-2 ramp under the North Tower of the WTC is almost identical to Mr. Lance's, down to the description of the 295 cubic yard Ryder van and the "cheap cigarette lighter" used by Yousef to ignite the fuses. In recounting this famous historical event, ABC had dozens of possible choices with respect to details to focus on, but it tracked Mr. Lance's original and unique account of the story. Script pages 9-12, Scenes: 27-45; Book pages 116-118.

- The Ryder Ford Econoline...had 295 cubic yards of cargo space. On his lap Yousef balanced... four containers of highly volatile nitroglycerine in a box with a slurry of urea-nitrate... The boxes were surrounded by four-foot red tanks of compressed hydrogen connected by...slow burning fuses run through surgical tubing. Book pp. 116-117.
- LARGE BOXES pack the 295 cubic yards of cargo space in the back of the van, filled with a thick paste, connected with tubing, fuses and metal cylinders. Blasting packets are attached to each nitroglycerine cylinder by Yousef. Script pp. 9-12.
- "When Ismoil shut off the ignition, Yousef carefully handed him the box of nitro. The bomb maker then went into the back and painstakingly inserted a nitro glycerin container..." Book pp. 116-117.

Yousef opens a small box beside him and carefully removes containers of nitro glycerin. He hands the box to Ismoil, turns in his seat and slides to the back of the van. Script pp. 9-12.

2. ABC also copied Mr. Lance's unique focus on Monica Smith, one of six people killed in the blast, and her husband Eddie's reaction to her death vs. the other five victims. Both the Book and the Script begin the interaction at the same moment and follow the same course. Clearly, ABC is not simply reporting "facts" in some inherently required, chronological way; rather, ABC has taken Mr. Lance's selection of those facts as his chosen way of describing the dramatic and personal toll of the bombing, as well as his expression of those facts. *See* Script pages: 9-10; 15; 17; 19-20, Scenes: 30; 50; 55; 64-65; Book pages: 117; 119-120.

In the book Monica is described as "a pretty 35 year old immigrant from Ecuador" who was 7 months pregnant. Book, p. 117. In the script Monica is described as "35, pregnant, of Ecuadoran origin." Script, p. 19-20. The dialogue of Ed regarding her death is almost identical.

- "What about the baby?" he said. There was a pause, then the detective said, "Sir, do you have any idea how bad it was?" Book, p. 120.
- "ED: What about my baby? Did my baby make it?" "M.E's ASST.: "...Sir, do you know just how bad the explosion was?" Script, pp. 19-20.

3. ABC copied Mr. Lance's description of the details of the near death of FDNY firefighter Kevin Shea, who responded to the blast and fell from a fractured section of the B-2 ramp while searching for victims with his partner firefighter Gary Geidel. *See*, Script pages: 15-17, Scenes: 51-52; Book pages: 121-122; 127.

Apart from the fact that Peter Lance was the first and only author to tell the story of F.D.N.Y. firefighter Kevin Shea and how he fell from the B-2 level into the crater created by Yousef's 1,500 lb. bomb, in this instance, ABC again copied Mr. Lance's selection and organization process and his prose (including even his imagery in using the word "ornaments" to describe burning cars) in recounting Shea's story (truncating Shea's name to "Firefighter KEVIN" and Geidel's name to "GRAY," and inaccurately having Shea pulled up by his partner as he was dangling over the edge where the floor gave way.⁴)

⁴ A simply false description of the events in what is being presented to your viewers as a fact-based documentary.

- “Then...a part of the floor gave way. Pieces of concrete began to break off. Geidel slipped into a knee-deep hole, and... Shea went over the edge.” Book, p. 122.
- Then, suddenly pieces of concrete begin to break off. Gray slips, grabs some rebar, crawls into a small hole... Kevin dangles over the edge.” Script, p. 16.
- Kevin Shea didn’t realize it at the time, but burning cars were hanging like Christmas tree ornaments, dangling from the edge of each level as he fell. Book, p. 127.
- “flashes of orange flame can be seen below – Dimly, CARS can be seen hanging like ornaments from the edge of the above level.” Script, p. 16.

4. ABC copied Mr. Lance’s description and placement of Yousef’s claim of credit for the bombing from the lounge of Pakistan International Airways at JFK Airport as he waited to escape the night of the blast. This sequence with Yousef in the first class lounge, watching news reports alleging that Serbian terrorists were responsible for the WTC bomb, and calling in responsibility on behalf of his “Fifth Battalion of the Liberation Army,” was entirely based on the writing of Peter Lance. *See* Script pages: 18-19, Scenes: 62-63; Book page: 132.⁵

- “by evening, as (Yousef) waited in PIA’s first class lounge (for flight #714) and watched Channel 2’s coverage... the local TV anchor reported that a group ... calling itself the Serbian Liberation Army had taken credit for the blast. Suddenly, Yousef felt a pang of jealousy. When the television death toll had climbed to five, Yousef got up and went to a pay phone...he dialed an NYPD 800 tipline that had run at the bottom of the television screen. Yousef claimed credit for the Trade Center bombing in the name of the Liberation Army-Fifth Battalion.” Book, p. 131.

⁵ The specific recounting of this event exists only in the Book. Thus, its expression in the midst of the broader WTC bombing chronology was unique and original. ABC could not have included this dramatic moment in its Script were it not for Mr. Lance’s judgment and skill.

- Yousef waits for an exit flight on Pakistan International Airwaves (#716) and watches a T.V. report that Serbian terrorists had claimed credit for the blast. Upset, he calls the NYPD tipline and takes credit for the bombing on behalf of the “Fifth Battalion of the Liberation Army.” Script pp. 18-19 (Summary of action described.)

5. ABC copied Mr. Lance’s detailed description of the FBI’s re-recruitment of Egyptian American asset Emad Salem by Special Agent Nancy Floyd, including how FBI officials had previously spurned Salem and desperately asked him to go back undercover after the 1993 World Trade Center bombing. *See* Script pages: 13-15, Scenes: 48-49; Book page: 53; 134-135.

- “a barrel chested 41 year old who had emigrated to New York from Cairo....” Salem: “I am very nervous about it. Nobody listened and I am very concerned that the FBI will involve me in this.” Book, p. 53.
- “43 years old, barrel chested... an immigrant from Egypt.” Salem: “I told you all of if this would happen – but they wouldn’t listen to me. Now I am nervous, that they will come and get me, involve me....” Script, pp. 13-15.

6. ABC has copied the description of the FBI’s subsequent, almost comic, sting of Mohammed Salameh, one of Yousef’s cell members as he sought to retrieve the deposit for the Ryder truck from a New Jersey leasing agency. This sequence is practically a verbatim rendering of the incident as organized and expressed by Mr. Lance. *See* Script pages: 28-33, Scenes: 84-100; Book page: 138-141.

In the Book, as in the Script, the scene takes places at DIB Leasing, a Ryder dealership in Jersey City. The FBI is waiting to seize Mohammed Salameh when he returns to try and collect the deposit he left for the blown van used in the WTC bombing. The Feds are stymied when news crews show up because of an earlier leak to the press, and FBI agent Bill Atkinson, posing as a Ryder Loss Prevention analyst, prolongs the sting, frustrating agents on the outside waiting to arrest Salameh as he exits the office.

While there are fragmentary accounts of this incident in various news articles, ABC has copied Mr. Lance's original construction.

- “When he showed up at the DIB office, Salameh began negotiating with Atkinson.... [He] owed \$271.69 for the three-day rental, leaving him with a refund balance of \$138.32... Salameh wanted his entire \$400 deposit back. Book, pp. 138-141.
- EXT DIB LEASING, JERSEY CITY - DAY.

SALAMEH: “Yes -- van was stolen. I need my refund. I want \$400.00.

The Script goes on to describe the negotiations in the identical manner as the book. Script, pp. 29-30. *E.g.*,

“Is not justice,” he explained. “This is not justice.” “But you’ve *lost* our van,” argued Atkinson... Book pp. 138-141

SALAMEH: “Is not justice. This is not justice.”

ATKINSON: But you lost our van...

SALAMEH: It’s stolen, not lost. I show you police report. This is not justice.. I want \$400.00... Script pp 29-33

7. In the midst of the Ryder sting sequence, ABC’s script flashes back to the murder of Rabbi Meir Kahane and the arrest of gunman Nosair, a key scene recounted almost identically as it was told in the Book. *See* Script, pages 26-27, Scenes 75-76, Book pages 33-34.

- “Nosair burst forward and fired two shots from a .357 magnum In the chaos that followed, Nosair rushed toward the door, but was stopped by 73-year old Irving Franklin. Nosair fired, striking the old man in the leg.” Book, p. 33.
- “A gunman steps up, .357 revolver aimed from his hip and shoots Kahane in the chest As Kahane slumps, his assassin dashes for the real exit. People grab him. He shoots an elderly man. . . .” Script, p. 26.

- “Nosair was expecting to find Mahmoud Abouhalima waiting outside, revving his taxi for the getaway. But with heavy security surrounding the rabbi’s lecture, NYPD uniforms had waved the big red head off.” Book, pp. 33-34.
- “Mahmoud Abouhalima “the Red” waits in a taxi as Nosair’s getaway driver . . . but he’s waved off by a doorman. . . .” Script, p. 37.

8. ABC also copied Mr. Lance’s description of the fire in Yousef’s Manila bomb factory the night of January 6, 1995, the capture of Murad by Capt. Aida Fariscal of the Philippines National police and the flight of Yousef and KSM. *See* Script pages: 56-61, Scene: 156-168; Book pages: 263-268.

- “On the night of January 6, Yousef and Murad were hard at work in Room 603 of the Dona Josefa apartments. Stripped to their underwear, they had several Casio timers finished and more under construction. Strewn about were wires, incandescent bulbs and SCRs. There was a toolkit and a small drill. Nearby... books on detonators, explosives and booby traps. The apartment was a makeshift lab of chemicals in bottles and boxes and the equipment to mix them with: thermometers, beakers, graduated cylinders and a mortar and pestle.” Book, p. 263.
- FOUR MEN, all Middle Eastern, shirtless, some wearing only underwear work late into the night assembling bombs. A pile of Casio watches, fuses, blasting caps, wiring, contact lens bottles, guncotton, beakers, hot plates, etc. A chemical lab. Script, p. 56.

9. ABC also copied the details of the aborted attempt by Yousef and Abdul Hakim Murad, his lifelong friend, to plant a bomb outside the residence of Pakistani Prime Minister Benazir Bhutto in 1994; leading to Yousef’s injury. *See*, Script pages: 50-53, Scenes: 140-143; Book page: 189-190.

In recounting the aborted assassination attempt by bomb on the life of Pakistani Prime Minister Benazir Bhutto, ABC follows Mr. Lance’s original telling of the story, which Mr. Lance organized in his own manner after interviewing a confidential Pakistani ISI source.

The only minor change is that ABC puts Yousef and Murad on a scooter when, in fact, they used a car to plant the bomb outside Bhutto's residence in Karachi's Clifton district.

- “Murad pulled forward, next to the storm drain. Yousef opened the driver's side door, leaned down, placing the bomb at the base of the drain. Then he pulled back the cover.” Book, p. 189.
- Yousef brakes, returns to the gutter. He gets out – Yousef grabs a box from the scooter places it in the gutter opening – a BOMB attached to wires. Script, p. 50.
- “Minutes later, the car screeched up to the emergency entrance at Aga Khan Hospital in Karachi. Yousef was semi-conscious. Two of his fingers were badly damaged and his face was covered in blood.” Book, p. 190.
- Pelligrino: “He made it to a hospital, checked in under an alias – Yousef's wounds were treated over the course of two days. He did damage to his fingers and metal fragments had to be pulled form his left eye, which is messed up, distinctly different from his other eye.” Script, p. 52.

10. ABC also takes, wholesale, Mr. Lance's reporting and original expression of how, an alert PNP officer named Aida Fariscal broke Yousef's lair. The ABC script copies Mr. Lance's description down to the fact that Yousef and Murad were in their underwear as they built bombs and that Murad tried to bribe Captain Fariscal with \$2,000 in Amex checks that he had hidden in his socks – events that had not been described in any other book.

- At 12:40 a.m. on the morning of January 7, Fariscal was working as night duty officer in the Western District's Malate Station when Patrolman Fernandez walked back in. Fariscal, who'd sent him earlier to investigate smoke at the Dona Josefa, wanted to know why he'd taken so long. “More than an hour,” she said “what happened?”” The young cop gave his simple report. “There's no fire, Mom,” replied Fernandez.... “Just these guys from Pakistan playing with firecrackers.” Book p. 265.
- INT. POLICE STATION NO. 9 – MANILA – NIGHT

AIDA FARISCAL: "Tell Patrolman Fernandez and Sicario to meet me in five minutes."

DESK SERGEANT: "It's just a small fire ... someone was playing with firecrackers." Script p. 57.

- Then Murad pulled up in a taxi. Now, instead of having her men surround him, Fariscal, walked up to the terrorist nonchalantly... The patrolman and the sergeant got on either side of him and they started walking him out of the building, when suddenly Murad bolted; running. Fernandez drew his gun and fired a shot. The bullet zinged past Murad's ear. Then he tripped over the root of a tree "Please," he said to Aida, "if you help me get out from this mess, I will pay you. I have two thousand dollars U.S. in my sock. Book, p. 267.
- Murad is surrounded by Fariscal and the other two cops, but he attempts to flee:
- MURAD races into the street pursued by the cops. One of whom raises his gun and FIRES – misses.

Murad trips, falls –

MURAD: I'll give you \$2000 just go away. Script, pages 58-59.

11. ABC also copied the elaborately described details of the sting that led to Yousef's capture a month later in Islamabad, Pakistan, after Yousef recruited Istaique Parker, a young Islamic who he induced to carry out a part of the Bojinka plot. *See* Script pages: 66-78, Scenes: 178-199; Book pages: 285-288. Except for certain minor variations, ABC's staging of the sequence is virtually identical to Mr. Lance's telling of this historic event in the war on terror. The fact that ABC focuses on Yousef, the central figure of Mr. Lance's Book and that it tells the story of Yousef's capture, beat-by-beat, as Mr. Lance recounts it, speaks to ABC's utter dependence on Mr. Lance's description of events in Islamabad in 1995. (Parenthetically, while Mr. Lance devoted an entire chapter to this sequence in the Book, John Miller devoted only four lines to it in the work upon which you claim to rely.) *See* Book pp. 285-88, Script pp. 66-78, Scenes 178-99.

- “In the wake of the Trade Center bombing, Ramzi Yousef became a celebrity in the circle of radical Islam. The Che Guevera of fundamentalist Muslims, one ex-U.S. intel officer called him, ‘a killer afforded rock star status.’” Book, p. 187.
- MILLER: It's got to be done quietly. This guy's a rock star on the streets here. He's got a lot of friends, including high up in the government. Script p. 69.

12. ABC has copied the Book's description of Yousef's arrest at the Su Casa Guesthouse on February 7, 1995, by agents of the Diplomatic Security Service and the DEA. *See* Script pages: 79-81, Scenes: 200-206; Book pages: 288-289.

- “...(Parker) then comes out to the street and runs his hand through his hair.” Book, p.. 290.
- Outside the guesthouse Parker gives the signal that Yousef is inside. He runs his hands through his hair. Script, p. 82.
- “Then Riner moved forward and banged off a Polaroid. The flash startled Yousef, who was then confronted by Miller. “In a Georgia drawl, the agent said, ‘What's up, Ramzi?’” Book, pp. 290-91.
- A hood is place over (Yousef's) head...

MALIK: Ramzi Yousef? Salaam-aleykum!

And he KNOCKS him back into the room.

HANDCUFFED, he's hauled to his feet and slammed against a wall. Rehman Malik grabs Yousef by the hair, exposing his face, raises a want poster next to it. A FLASH from Scott Ramer's Polaroid camera. Yousef squints, blinks – Bill Miller steps up, smiles in his uniquely southern way:

MILLER: How ya doin' Ramzi? Script, p. 86.

13. ABC copied the Book's focus on Ed Smith's statement at the earlier sentencing of Yousef's WTC bombing conspirators Salameh and Abouhalima.

- “In preparation for the sentencing, Judge Duffy finally gave Eddie Smith a chance to find his own justice. In heart-rending testimony, he described the moment he knew that his wife, Monica, was gone. “I had lost my wife, my best friend, my idol and my son,” said Smith. “We would never get the opportunity to hold baby Eddie in our arms. We would never get to hear Eddie say his first word. Book, p. 205.
- SMITH: I had lost my wife, my best friend and my son. I would never get the chance to tell Monica how Much I loved her. We would never get the opportunity to hold baby Eddie in our arms. We would never get to hear Eddie say his first word. Script, p. 91.

These examples represent a fraction of the number of direct lifts from the Book to the script.

Although there have been numerous works regarding the planning of the September 11 attacks, by ABC's own admission (per Mr. Nowrasteh) it relied on and copied from Mr. Lance's Book in developing and producing its Program. As you well know, the sliding scale often used in copyright infringement cases is tipped in Mr. Lance's favor where, as here, there is not only strong (indeed, overwhelming) evidence of access, but the defendant itself acknowledges the use of the plaintiff's work in preparing its own work. (We have e-mails from Mr. Nowrasteh to Mr. Lance confirming such use.) Because ABC went well beyond the mere copying of historical facts – but actually took the unique selection, organization and expression of those facts – it is subject to all of the remedies available to Mr. Lance for copyright infringement, including both substantial monetary damages and injunctive relief.

American Broadcasting Companies
Touchstone Television
September 7, 2007
Page 16

Accordingly, ABC's improper and unlawful conduct is clear and Mr. Lance is entitled to reasonable compensation for the taking of his original work and creation, as well as public recognition that while the Program is based primarily on his research and work, ABC's conclusions differ radically from his own.

In fact, even apart from the copyright violations, ABC, a network with a respected news division, of which Mr. Lance is an Emmy-winning alumnus, should not even consider broadcasting a program that grossly distorts history. Indeed, in the spirit of its original desire to get the true story via Mr. Lance's Book, ABC should seriously consider making changes in its final cut of the Program to reflect the actual facts and thus set the record straight about the road to 9/11.

Mr. Lance is concerned not just with ABC's copyright violations of his work but by his former network's distortion of history. He is prepared to commence litigation if this matter cannot be resolved amicably.

Please contact me immediately to discuss a potential resolution.

Nothing contained herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of my client's rights or remedies, all of which are expressly reserved.

Sincerely,

Stanton L. Stein

cc: Mark Platt, Mark Platt Productions
Peter Lance
Ann Loeb, Esq.