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## • Standing up



June 3, 2009

## [Attempted Censorship by U.S. Attorney](#)

Attempted Censorship by U.S. Attorney — A Book to Watch!

By Ann Sparanese

On June 16, the paperback edition of *Triple Cross: How Bin Laden's Master Spy Penetrated the CIA, the Green Berets and the FBI* by Peter Lance will be released by HarperCollins. This is happening despite a prominent U.S. Attorney's best efforts to stop it.

Since this book was first published in hardcover in 2006, Patrick Fitzgerald, US Attorney for the Northern District of Illinois in Chicago (the same Patrick Fitzgerald of the Valerie Plame investigation) has repeatedly attempted to have the publisher bury the book, and to prevent publication of the paperback edition. Lance, who is a five-time Emmy-winning investigative reporter with other books on terrorism under his belt, spent four years compiling "evidence that the best and the brightest in the two bin Laden offices of origin...had committed multiple acts of negligence in the 12 years leading up to 9/11 in their failure to stop the al Qaeda cell, trained by Ali Mohamed."

U.S. Attorney Fitzgerald sent [three threatening letters](#) to the publisher charging libel, and held up the publication of the paperback edition for 18 months. [Just yesterday Fitzgerald sent an additional [letter to HarperCollins](#), threatening to sue; things are heating up.] Initially, HarperCollins did not react to the threats, calling the book "an important work of investigative journalism," but when Fitzgerald continued to protest, using ~~U.S. Attorney Chicago letterhead~~, a U.S. Attorney Chicago fax machine on one occasion [Correction via Sparanese 6/5/09] the publisher decided to re-vet the entire book, which took a year. When finished, only inconsequential sentences were rewritten or corrected, leaving the essential arguments, evidence and documentation completely intact. This is an instance of a publisher standing up to one of the most powerful government officials in the U.S., but it is also an example of the chilling effect of censorship attempts, because for over a year Lance could do no other work than re-vetting every sentence of his book. Not a great situation for any author but perhaps the most responsible action by HCP in this case because now the situation is clear: though Fitzgerald's name no longer appears in the title, Lance's book remains intact and contains some new material, including a section on Fitzgerald's attempts to kill the book.

I've been in communication with this author, and I really believe his is a book and an issue to watch. Until this new edition of *Triple Cross* hits the stands on June 16, it is still in jeopardy. The first edition of *Triple*

*Cross* received no major reviews, and most likely you do not have a copy in your library. I have a feeling the publisher does not intend to make a big splash of it! Please read about it on [Lance's website](#) and order it to make sure your library users have access to this information: ISBN 978-0-06-118941-8.

Whether or not you are totally convinced by the arguments in this book (meticulously researched material, definitely NOT conspiracy theories) what is important is that *Triple Cross* holds high level government officials accountable for negligence in their dealings with known terrorist operatives during the period leading up to the 9/11 attacks. It is unacceptable that this particular high-level government official has acted so aggressively to stop a book because it is critical of him – this must be the case, since nothing libelous was written. If anything, we need more genuine investigative journalism and discussion of this kind.

And there is something else: For me, as someone who fought, along with many of you in ALA and other organizations, against the USA PATRIOT Act, illegal surveillance, torture policies, and other violations of civil liberties that have been foisted upon us in the name of the “War on Terror,” *Triple Cross* is important because it makes a clear and compelling case that official negligence, misplaced priorities, turf wars, and arrogance – not lack of the appropriate laws and methods to fight terrorism – contributed greatly to the debacles that have since befallen the American and, indeed, the people of the world. And not one person high in the chain of command has been held accountable for any of it! So (1) tell HarperCollins you appreciate them standing behind this book and (2) please purchase it for your library. Don't let it be buried. Let it lead to more public examination and discussion of ongoing U.S. policies and priorities.

Peter Lance will be holding a press conference to detail the attempted book-banning on June 16th in the John Peter Zenger Room of The National Press Club. You can learn more about *Triple Cross* and get updates on Lance's anti-censorship campaign at <http://www.peterlance.com>. If you want more information about how Lance's critical coverage of Fitzgerald might have led to Fitzgerald's attempts to bury the book, you can read his attached article, “[The Chilling Effect](#).”

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Filed under: [Books](#), [Disinformation](#), [Intellectual Freedom](#), [International](#), [Journalism](#), [Publishing](#), [Secrecy](#) by — Rory Litwin @ 12:59 pm

## 10 Comments »

1. Factual nit to pick. You state that Mr. Fitzgerald issued threatening protest letters ” using U.S. Attorney Chicago letterhead,” — a possible violation of USDOJ policy, yet the letters you link to all have a return address to *post office box* and are clearly written in a personal capacity. It would be unfortunate for your spirited defense of Mr. Lance's work to itself contain actionable statements of defamation.

I see no evidence in your supporting links of the misuse of office your article accuses Mr. Fitzgerald of.

Further, I have read the first version of Mr. Lance's book and aside from displaying an accute paranoia, it seems to show a complete lack of understanding of the basics of grand jury procedure and grand jury secrecy or the Federal Rules of Criminal Procedure.

Mr. Lance ascribes all manner of dark intention to acts that merely reflect compliance with proper grand

jury practice and pretty plain vanilla prosecution standards.

There was a point in the book where it was so over the top that I thought maybe it was meant to be a satire of some kind—in which case the re-release would benefit from the addition of zombies, look what zombies did for *Pride and Prejudice*.

I realize from the letters, that Fitzgerald seems to take the defamatory statements in the book very seriously. I find them to be so obviously false and beyond serious consideration as to border on hilarity.

*Comment by [Cynthia Kouril](#) — June 4, 2009 @ [4:18 pm](#)*

2. Just to be clear - if you're addressing Ann Spanese, address her in the third person. She didn't post her piece here, but I did as the owner of the blog. I can't speak for her.

*Comment by [Rory Litwin](#) — June 4, 2009 @ [4:30 pm](#)*

3. Sorry, Rory, it was not clear from the format that Ms. Spanese was not affiliated with this blog.

However, by making a conscious editorial choice to post it, rather than being a passive host, you do take responsibility for content under the Electronic Communications Decency Act.  
FYI.

Nothing said herein should be construed as legal advice and you should consult your own attorney.

*Comment by [Cynthia Kouril](#) — June 5, 2009 @ [5:48 am](#)*

4. Wow.

Well, I guess I can only say that I fully accept legal responsibility for publishing what Ann wrote but that is not the same thing as sharing her position in a debate. Publishers don't have to agree with what they publish to take legal responsibility for it as publishers.

If you want to know what I think, to me it sounds like an interesting issue. I don't know if Peter Lance is right or wrong but I tend to think he has a right to be heard and have his views scrutinized by the public.

*Comment by [Rory Litwin](#) — June 5, 2009 @ [5:55 am](#)*

5. And if you really want to make a legal case out of it, I think it is clear from the format that Ann is not affiliated with the blog. You just didn't examine the blog closely before making that assumption.

*Comment by [Rory Litwin](#) — June 5, 2009 @ [5:57 am](#)*

6. Ms. Kouril... You seem to be implying that Ann Spanese might be guilty of libel or otherwise vulnerable in a lawsuit because of the short piece that appears here, and that by publishing her post I might be vulnerable in a lawsuit also. Is this really what you intend to suggest?

*Comment by [Rory Litwin](#) — June 5, 2009 @ [1:15 pm](#)*

7. I think it is clear from the format that Ann is not affiliated with the blog. You just didn't examine the blog closely before making that assumption.

I'm sorry, and I'm not trying to be argumentative, but what about the format would alert me that the author was not affiliated with this blogsite? there is no legen that says "cross posted from X" or "originally posted on X" or an actual disclaimer saying that she was unaffiliated.

I genuinely don't know what would have tipped me off that the author was unaffiliated

*Comment by [Cynthia Kouril](#) — June 5, 2009 @ [1:20 pm](#)*

8. At the bottom of the post it says that I am the person who posted it. Also, the "About" page of the blog states that it is my blog, and not a group blog.

*Comment by [Rory Litwin](#) — June 5, 2009 @ [1:32 pm](#)*

9. Ann distributed her piece by email. I believe my blog is the first place where it was posted to a website.

I am stunned by the fact that it was cross-posted to Free Republic and surprised to be confronted with legal language. I was not expecting this type of a response. I don't personally have an opinion about the situation, and I believe that Ann could be swayed by further information as well.

*Comment by [Rory Litwin](#) — June 5, 2009 @ [1:35 pm](#)*

10. If anybody wonders why HarperCollins and I spent months re-vetting TRIPLE CROSS after Patrick Fitzgerald sent multiple letters threatening to sue for libel, Cynthia Kouril's attacks on Ann Sparanese's defense of my right to publish the book are proof positive of how The Feds — and ex Feds — try and chill those who have the audacity to criticize them.

On first blush Ms. Kouril's comments attacking my book might appear to have some credibility.

But one needs to consider the source. She's a former Assistant U.S. Attorney in the Southern District, the very Federal prosecutor's office where Patrick Fitzgerald was head of the Organized Crime and Terrorism Unit.

The SDNY is the focus much of my criticism in TRIPLE CROSS. This is one of the two "bin laden offices of origin" which dropped the ball so many times on the road to 9/11.

Fitzgerald also directed Squad I-49 in the FBI New York Office (NYO) and, as I report, along with other SDNY and FBI officials was repeatedly outflanked by FBI master spy Ali Mohamed. To download the 32 page illustrated timeline from the hardcover edition of TRIPLE CROSS go to: <http://www.peterlance.com> and click on the TIMELINE in the upper right hand corner of the home page.

Cynthia Kouril blogs for firedoglake.com. Not only is she a Southern District alumna but so is her law partner (in private practice) Robert L. Folks.

Here's a link to her bio page: <http://firedoglake.com/author/13793/>  
The text follows:

"Cynthia Kouril is a former Special Assistant United States Attorney in the Southern District of New York under several different U.S. Attorneys..."

The Feds — current and former — are notorious for sticking together to defend themselves and they

tend to be extremely thin skinned when it comes to the kind criticism documented in TRIPLE CROSS.

Case in point: Andrew C. McCarthy: Fitzgerald's co-prosecutor in the 1995 "Day of Terror" trial vs. The blind Sheikh. On the night that TRIPLE CROSS first appeared in hardcover November 21st, 2006 McCarthy issued a statement attacking the book and me when I was a guest on "The O'Reilly Factor."

Here's a video link to broadcast which you should find amusing.

<http://www.peterlance.com/oreilly-2006-11-21.wmv>

The guest host that night was an ex-conservative congressman from Ohio named John Kasich. Even though the 604 page book, meticulously researched with 1,450+ end notes and 32 pages of documentary appendices had only been in bookstores a few hours McCarthy issued the following attack which Kasich and Fox News illustrated in large full screen graphics:

"This (the book) is scurrilously presented. Everything he (Lance) said we were hiding about Ali Mohamed was presented in open court. It is presented in a widely disingenuous way, relying on convicted terrorists and convicted murderers as sources."

Cynthia Kouril is another SDNY crony from this same "shoot from the hip" school calling TRIPLE CROSS "so over the top that I thought maybe it was meant to be a satire of some kind."

So with respect to her criticism above, I ask you to take it from the source. Clearly Fitzgerald's friends are starting to circle the wagons.

For more on TRIPLE CROSS please visit my website.

You can download a pdf of all four of Fitzgerald's threat letters and HarperCollins initial response, rejecting his libel claim at:

[http://www.peterlance.com/Fitzgerald\\_Libel\\_Claim\\_Letters\\_HCP\\_Response.pdf](http://www.peterlance.com/Fitzgerald_Libel_Claim_Letters_HCP_Response.pdf)

As to Ms. Kouril's clear threats to both Ann Spananese and Rory Litwin who maintains this marvelous blog, I ask you to consider whether or not, if my findings in TRIPLE CROSS are, as she alleges "beyond serious consideration as to border on hilarity" why would she go to the lengths she did to effectively threaten each of them with defamation?

As the Bard wrote, "Me thinks the lady doth protest too much."

*Comment by [Peter Lance](#) — June 6, 2009 @ [11:39 am](#)*

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