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LET SLIP THE TORT LAWYERS

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September 10, 2003 -- A federal judge yesterday opened the way for a flood of 9/11-linked litigation against defendants who are every bit as much victims of international terrorism as those who died two

years ago tomorrow.

U.S. District Court Judge Alvin Hellerstein found that suits against the Port Authority, Boeing and two airlines may proceed.

Such is the law, Hellerstein says.

If he's right, then the law is - well, wrong.

A lot happened on that horrible morning, but it adds up to homicide.

Not negligence.

Lawyers picking through the facts years later will always be able to construct a counterfactual case against any defendant.

But "what if" scenarios don't address the fact that what happened in New York, Washington and Pennsylvania were acts of war.

Again, *not* negligence.

Liability, such as exists, resides with the hijackers themselves, al Qaeda and the enablers of international terrorism.

Sue Osama, in other words.

Alas, whatever else Osama may be, these days he's definitely not a defendant with potentially deep pockets.

Sue him, and there's no big payday somewhere down the road for survivors and the contingency bar.

The lawyers, of course, can fend for themselves.

Not that the survivors lack for resources, either. If they choose to.

Following the attacks, Congress created a victim's compensation fund - administered by Special Master Kenneth Feinberg - partly to convince relatives of victims to forego extended lawsuits.

However, only some 1,700 families, out of 2,275 claimants, have decided to accept a settlement with the fund. They have until Dec. 22 to apply for the federal fund.

Hellerstein's decision will now undoubtedly cause many more to dial 1-800-SUE-THEM.



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All the while claiming that it's not about the money; it's about accountability; it's about closure.

It never is about money, of course - and it's *especially* not about money when the sums at issue are really, really huge.

As they will be in this case.

The liability claims against American and United Airlines, Boeing and the Port Authority will run well into the billions.

If even partially successful, the lawsuits could drive both airlines into bankruptcy, thus putting even more pressure on the beleaguered industry as a whole.

The simple fact is that the planes operated as they were supposed to.

The World Trade Center buildings were constructed well and true.

People died because of the evil of individuals bent on taking down the symbols of American might and industry.

If the lawsuits are successful, how many businesses will be lost?

How many *jobs*?

Too soon to say.

A lot, we'd guess.

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