

www.PlaneSafe.org

NATIONAL AIR DISASTER ALLIANCE / FOUNDATION

2020 Pennsylvania Ave., NW # # 315 # Washington DC 20006-1846
(888) 444-6232-phone # (215) 540-0623-fax

June, 2002

Dear Member,

It has been almost nine months since September 11th (9/11) and it is no wonder that we have a sense of frustration, anger and lack of trust. Is airport and/or airline security better? Politicians and industry say "yes," and "marginally better" seems to be a popular term; but the majority of the traveling public is saying "NO," as we continue to hear stories of security breaches and inconsistencies. The same politicians that delayed and refused to pass a national aviation security bill until Thanksgiving are asking us to "trust" them today.

What can we do? I am asking our members to make the time and contact your U.S. Senators and Members of Congress like never before. This is an Election Year and 100% of the Members of the House, and one-third of the U.S. Senators will face the voters.

NOW is the time to use your voice and your vote from now until November. You can write to them, and if you receive a standard "9/11 form letter" tell them that is not enough. You can call, call, and call, and push, push, and push until they agree to meet with you at their home office. Learn the name of their transportation expert, or similar staff person, and put yourself on a first name basis with that person.

Let them know that we want the TRUTH, and to support the "McCain-Lieberman Bill" to establish a National Commission to investigate everything about September 11th, appoint independent people with integrity, disclose ALL that they learn, and enact whatever measures are necessary to protect the people. The "McCain-Lieberman Bill" was filed Dec. 20, 2001, and we still have no Commission!

Tell them we must have the HIGHEST STANDARDS IN THE WORLD FOR AVIATION SAFETY AND SECURITY. WE CANNOT AFFORD LESS. Tell them to pass legislation so that aviation safety and security recommendations can be judged first on their MERITS, and avoid the years of delays and "failed math and cost-benefit analysis." September 11th proved that using "cost-benefit analysis" to evaluate aviation safety was a failure that we cannot afford to repeat.

The victims of 9/11 and all aviation disasters, must have justice, and everything should be done to reduce the grief and hardships suffered by our families and friends. I hope the information in this newsletter better educates all of our members about the injustices being forced on the 9/11 victims.

If you are in the Washington DC area we hope that you will join us JUNE 11th, and support the September 11th Advocates as we rally for the TRUTH and passage of the "McCain-Lieberman Bill." If you cannot join us on June 11th, contact your Member of Congress and U.S. Senators today, tomorrow, next week AND next month. We need to work harder than ever before to push Congress to support ALL the victims' families.

Sincerely,

Gail A. Dunham, President

P.S. Mark your calendar! Save the Date! Join old and new friends at the NADA/F

8th Annual Meeting September 28-29, 2002. Turn the page for more information!

An operator at (202) 224-3121 can connect you directly to your Senator or Representative's office at the Capital. If you want local contacts, that office can give you direct dial numbers for district offices in your state.

Contacting the White House: MAIL: The White Hou

The White House 1600 Pennsylvania Ave.

Washington DC 20500

E9X: (505) 426-2461 Telephone: (502) 426-1414

Email: president@whitehouse.gov Website: www.whitehouse.gov

Letters to the Editor are also important!

NADA/F's www.PlaneSate.org under NEWS click
on a list of the 200 largest newspapers in the U.S.

Tuesday, June 11th RALLY NOW 11 Am, to support the National Commission on Terrorist Attacks – also called the "McCain-Lieberman Bill."

"We Need This Bill to Become Law. We Need an Investigation, Changes Cannot be Made. Without Changes, America Can Never be Safe." September 11th Advocates Please join us on the Steps of the Capital at 11 AM.

Please Join us on the <u>Steps of the Capital at 11 AM.</u>

SSVP to rallynow2002@hotmail.com or

Sprate Bill 1867 To Establish the Mational

Senate Bill 1867 – To Establish the National Commission on Terrorist Attacks YES – WE WANT THE TRUTH!!

S.B. 1867 will Establish a National Commission on Terrorist Attacks Upon the United States to examine and report upon the FACTS and CAUSES of the attacks of September 11, 2001, and to ascertain, evaluate and report on the evidence developed by all relevant governmental agencies.

Tell Members of Congress to support the "McCain-Lieberman Bill", and that every person in the U.S. is entitled to a full disclosure of what happened 9/11; why, and what can be done to prevent similar disasters. "We must make the future for ourselves, our families and loved ones, and for all American citizens as safe as possible. As responsible taxpayers, we want to be certain that the systems we have in place are working, and if that the systems we have in place are working, and if

problems fixed. To do this, we ALL must know whether in the days leading up to and on Sept. 11th breaches in safety, security and communications occurred that should have been avoided. First, we must insist upon answers and accountability and then we must insist on changes to be made that will protect us all, so that not one more innocent American is protect us all, so that not one more innocent American is

where recognize the need for balance between security and full and fair disclosure. We are proud to live in a country where free discourse is possible; where the responsibility of concerned citizens, appeal to you to help us in making concerned citizens, appeal to you to help us in making concerned citizens, appeal to you to help us in making certain this bill becomes law." September 11th Advocates concerned citizens, appeal to you to help us in making concerned citizens, appeal to you to help us in making the concerned citizens, appeal to you to help us in making the concerned citizens, and so you to help us in making the concerned citizens is the second to help us in making the concerned citizens.

TLC - TRIAL LAWYERS CARE FREE LEGAL HELP FOR 9-11 VICTIMS (888) 780-8637 * www.911LAWHELP.org

Thousands of trial lawyers have pledged to provide free legal services to the victims of the September 11th disasters, who are eligible and choose to make claims under the Victim Compensation Fund, established by the federal government.

TLC, Trial Lawyers Care, is the largest pro bono legal effort ever undertaken, and was founded in New York City on October 15, 2001.

Some people may decide not to use the Fund, and rather to pursue their wrongful death action in the courts, and hire an attorney for that legal help. People need special assistance, legal and otherwise, to assess their personal

Situation.

NADA/F does not endorse individual attorneys; however, family members need legal help, and we encourage everyone to take the time and themsefully research the best course of action for themselves and their family members.

TLC website: www.911LAWHELP.org NEWS is updated daily, and the website has links to other organizations helpful to the victims' families.

The Department of Justice website also has considerable

information about the Fund: www.usdoj.gov and www.usdoj.gov/victimcompensation/
A copy of the "The Airline Stabilization Bill," also called the "Aviation Bailout Bill", and also called the "Air

A copy of the Tire Airline Stabilization Brit, also called the "Air transportation Bailout Bill", and also called the "Air Transportation Safety and System Stabilization Act," which includes the Victims Compensation Fund, passed on September 21, 2001, and can be viewed on our website: www.PlaneSafe.org under LEGISLATION.

The issues of the Victims Compensation Fund for the 9/11

The issues of the victims Compensation Fund for the 9/1 victims are complex, and NADA/F feels they can greatly reduce access to the courts and justice for the victims' families

We believe that September 11th was preventable and something must be done to reduce the grief and hardship of the victims. We encourage you to contact Members of the House of Representatives, U.S. Senators, and the President with your concerns.

SPEAK OUT FOR SAFETY AND SECURITY ...

Contacting Congress: U.S. Senators: The Honorable (full name) MAIL: United States Senate

Washington DC 20510

vog.enate.gov

Representatives: The Honorable (full name)
MAIL: U.S. House of Representatives

Washington DC 20515

vog.əsuon.www :ejisdəW

SAVE THE DATE! 8th Annual Meeting September 28-29, 2002

Annual Meeting Events Include...

- ✓ A special time to connect and share with other family members, aviation professionals and more. Join old and new friends!
- ✓ Special Guest Speakers and Air Safety/Security Panels
- ✓ Updates from our members on safety/security issues and support for victims' families.
- ✓ Presenting Awards to recognize those who have made a difference.
- ✓ Adopting NADA/F Goals 2003
- ✓ Election of NADA/F Officers and Board Members for 2003
- ✓ BOOKS Table
- ✓ And much more...

<u>DoubleTree Hotel, Pentagon City, close to Washington National Airport</u>. For the special \$99 rate call (703) 416-4100 or (800) 222-TREE. Mention NADA/F or NATIONAL AIR DISASTER ALLIANCE for the special rate.

Meeting will be from 9:30 AM Saturday morning through 4:30 PM on Sunday. Continental breakfast and conversation starts at 8:30 AM Saturday and Sunday. Saturday evening dinner will again be at the Rooftop Dining Room with a terrific view of Washington DC. Socializing will start Saturday at 5:30 PM before dinner. Actually, prepare for lots of socializing while we visit from early until late. Everyone is welcome—survivors, family members, aviation professionals, government officials, members of the media, and all those impacted by aviation disasters recently and long ago.

Saturday morning will include our traditional personal introductions and a time for caring and sharing.

Meeting Speakers and Special Guests:

Lynda Carter "Wonder Woman" will be receiving special recognition for her wonderful volunteer work at the Pentagon Family Command Center.

Gary Winston, Assistant State Attorney, Miami FL. Prosecutor for the State of Florida vs. SabreTech, Inc. related to the fatal crash of ValuJet flight 592, May 11, '96. Learn more about the history of the case, and how the state and federal government in Miami FL decided to seek criminal prosecution for those responsible for the deaths of 110 people on board ValuJet 592.

Mary Schiavo, former Inspector General, DOT Additional Speakers will be announced, plus surprises! We are planning a terrific program!

Optional Friday activities will include a behind the scenes Security Tour of Washington National Airport at 10:30 AM Friday. Last year the airport tour was cancelled as the airport was closed, but we anticipate the tour is a GO for this year. Tourmaster will be our own Board Member Bob Monetti, also President of PA103.

Friday 2:00 PM optional meeting at the FAA.

Advance reservations for the Friday meetings will be a MUST due to security.

Registration fee is waived for those having a Letter to the Editor published promoting NADA/F's goals:
Aviation Safety, Security and Support for victims' families. Check our website under NEWS for a list of the 200 largest newspapers in the U.S. to help you with addresses for your local and national newspapers.

Questions or suggestions? Contact our meeting Co-chairs: Joan Pontante (315) 593-3279
Japontante@juno.com and/or
Audrey Ulozas (954) 783-4598 judaud@attbi.com
We look forward to seeing you in September!

NADA/F Board Members for 2003...

The nine-member Board, and the Board Member Liaisons are elected by the general membership at the Annual Meeting. The present Board can also appoint Board Members during the year. The following are members of the Nominating Committee for Board Member recommendations for 2003. If you would like to serve as a Board Member, or help in any way please contact the following:

Tom O'Mara t.j.omara@att.net (651) 408-8310
Jeff Josefson jeffjosefson1@juno.com (401) 885-2039
Mary Kahl Mkahlcul8@aol.com (724) 864-0026

Annual Meeting Awards...

The following Awards will be presented at the Annual Meeting. Join us to recognize people who are making a difference. If you would like to nominate someone please forward the nomination as soon as possible.

- ✓ The Aviation Safety Award
- ✓ Aviation Safety Journalism Award
- ✓ Broadcast Journalism Award
- ✓ The ASA 529 Triumph Award In memory of Atlantic Southeast Airlines flight 529, honoring an ordinary person who performed an extraordinary feat, and/or has made a difference for aviation safety and security.
- ✓ Special Awards to recognize Service and Dedication to NADA/F's goals of Safety, Security, Survivability and Support for Victims' Families.

Membership Donations and Newsletter Sponsors...

Please consider a donation of \$20 per person, per year for membership, or as much as you can afford, tax deductible, to the NATIONAL AIR DISASTER FOUNDATION.

We are true to our founding goals, and your donation can make a difference as we work together to prevent these devastating disasters, and provide the long-term support needed for family members.

We also welcome Newsletter Sponsors for a \$2,000 donation. Special thanks to Baum, Hedlund, Aristei, Guilford & Schiavo for sponsoring this newsletter.

CHOICES EVCING 9/11 EVMITIES

It has now been more than eight months since the terrorist hijackings. The vast majority of the victims' families have not selected either the means by which they might get answers to questions of negligence and liability and hold accountable the appropriate guilty parties.

As of May 14, 2002, only 469 of approximately 3000 victims' families have selected the Victims Compensation Fund as their means of receiving some compensation. No payments have been made public.

Nine wrongful death negligence lawsuits (most of which were filed by my firm) have already been filed by those seeking redress through the courts. Congress, in its post 9/11 legislation, limited the families' ability to collect judgements, including punitive damages, to the airline's insurance. No such protections were extended to the security companies.



Mary Schiavo

This means that some 84% of the families have not as yet made their legal choice. They have until December 21, 2003 to file a claim with the Fund. Families that choose to file wrongful death statute expires. While most states, including New York, Virginia and Pennsylvania, have a two-year wrongful death statute, it should be noted that some states have one, three and six-year wrongful death statutes. We are unaware of any decision applying any of these latter statutes of limitation. All cases must, however, be filed in U.S. District Court, Southern District of New York.

Neither of the main choices available to the families is without risks and limitations.

The Federal Government wants everyone to forgo their legal rights and claims for the wrongful death and negligence of carriers, security companies and others, and to instead, submit claims through the Victims Compensation Fund. Mr. Feinberg and his staff have put out the tag line, trustingly repeated by families, Congress and the media, that the average family will receive \$1.6 million, recently raised to \$1.85 million more than 100 family methors of the 256 passengers of those hijacked airlines, and with a number of families of victims in the World members of the 256 passengers of those hijacked airlines, and with a number of families of victims in the World greater than \$1.85 million. Not one of the other families, pursuant to the charts and formula, will even get one million dollars. Most of them would receive between nothing and \$250,000.

What the Fund advocates have failed to accurately report is that the supposed average payment is the hypothetical amount a family might be entitled to BEFORE the deduction of collateral sources such as insurance and pensions paid through the savings, wages and work of the victims.

But the greatest problem with filing claims with the Fund is not the extremely poor compensation being offered (relative to other aviation crash settlements) but the fact that the families, in filing with the Fund, totally surrender their rights to discover what went on in the years of known security violations by the airlines, security contractors

and the government.

Throughout our history of aviation the normal course for redress of negligent acts or omissions causing air crashes has been private litigation. Even in previous air disasters where the planes were brought down by criminal acts, the redress for families of victims was through the courts for a very good reason. It was and is the government's job to catch criminals. The right to "catch" the negligent and hold them accountable for the wrongful death of their family members belongs to family members. The law wisely reasoned they would do a better job because they have the most at stake and they care more than anyone else about the issues. The extremely large numbers of victims and the extensive property damage, especially in the two World Trade Center tower crashes, presented some problem of recovery that previous aircraft disasters, involving major airlines, did not have. This was the problem of insufficient insurance coverage for ground and property claims. The frequently cited \$1.5 billion of airline insurance per aircraft available to cover tens of billions in wrongful death, injury and vastly larger property damage claims are not all the sums available to cover claims. The problem of recovery was made far more difficult, however, by the ex post facto laws passed and signed into law after September 11, disallowing collection from the airlines greater than their insurance coverage. Furthermore, by requiring the filing in New York City, some legal analyses are preordained in ways that may be very inhospitable to ground claims.

For passengers on the four aircraft, however, federal laws and regulations and the terms and conditions of their tickets or contract of passage means they are covered for all perils, including terrorism, hijacking and murder. That was decided as long as 30 years ago, after four planes were hijacked in a September 12, 1970 Islamic jihad staged in Europe which ended in Jordan. Passengers' claims are clearly established, are still permitted under the post 9/11 legislation, and are covered risks under the prevailing industry insurance policies.

Even so, some may choose the Fund and, therefore, a few words of caution are in order. First, a Fund election is non appealable, not rescindable, limited in claim amount, and the final amount will be reduced by all collateral sources. Some will receive nothing.

If one claimant goes to the Fund and another family member, who is also a wrongful death beneficiary, does not wish to go to the Fund, that family member should notify Mr. Feinberg that they will not be joining in the Fund claim, but instead will be pursuing private litigation remedies.

You should be aware of claims filed concerning your family by periodically checking the list of claimants on the Internet at http://www.usdoj.gov/victimcompensation/victimrepresentatives.pdf.

Finally, Fund claimants must explain to the Justice Department how they will distribute the funds to a surviving spouse, children or other relatives, particularly where the Personal Representative is not the person(s) who will ultimately receive the award.

Pending in Congress are at least five bills, which seek to, in whole or in part, rescind the collateral source deductions from families' Fund awards. To date these have not moved to the floor for debate nor vote, but with *NADA* we will keep a watchful eye on the progress of this legislation.

Also pending is Senator McCain and Senator Lieberman's bill to open a Congressional investigation of the nation's civil aviation and security failures, which made the terrorists' plot possible. With no NTSB investigation, this Senate investigation, in addition to discovery and trial in the judicial system, is crucial for exposing government and industry failures, and bringing about reform.

Mary Schiavo
Baum, Hedlund, Aristei, Guilford & Schiavo
Former Inspector General of the U.S. Department of Transportation
www.baumhedlundlaw.com

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Oliver's Astute Analysis: This Captain was one of the passengers if he frightened or offended them." hijackers was under a lot of duress. We apologize to our passengers to help with overpowering any attempted Airline Spokesperson: "Our Captain who asked the Other Finalists for the "Hall of Shame":

most positive thinking individuals in the VVTC aftermath.

Trade Association Lawyers: who argued to the FAA that He is a hero in our book.

requirements are determined by scheduled flight time, not flight time exceeds scheduled flight time. Rest "No penalty exists for circumstances under which actual

the crew falls asleep during an approach on its last flight of less about penalties, which might accrue to passengers if Oliver's Astute Analysis: The industry group couldn't care actual hours flown."

the day/night.

retracted and deactivated. See instructions inside door." of an engine cowl of an airliner flown by a major U.S. Aircraft Manufacturer: Stenciled on the exterior surface

understand exactly how to follow them and why they are understood, the operator must violate the instructions to Oliver's Astute Analysis: If these instructions are to be carrier. "Do not open cowl door until leading edge slats are

If the cracks were judicially placed, they could create cracked should reduce the cost of production considerably. with cracks in them. Certainly buying them already maybe the engineers should design the engine mounts Oliver's Astute Analysis: If there is no risk to safety, routine checks after cracks were found in engine mounts. Seven aircraft were grounded for what the airline calls seven centimeters long and there was no risk to safety." Airline Spokesperson: "The hairline cracks are about necessary.



Founder of the Ostriches Anonymous Association, current crash investigation and pilot performance, and Bob Besco, refired commercial airline pilot, expert in air for the Ostrich Watchers' Ball, and NADA/F 2001 Journalism Award, and Keynote Speaker Evans, Editor of "Air Safety Week," recipient of the for Carole Rietz Left to right: Paul, Susan, David Paul and Susan Smith graciously accepted the award

title is "Administrative Assistant" (Very understated title!)

"GRAWA GNAS BHT NI GABH" bns THE 12TH ANNUAL OSTRICH WATCHERS' BALL



The Woeful, Winged Wonder of the Airways Mr. Oliver Ostrich

and to promote aviation safety. The "Oliver" is intended to enlighten, to entertain,

makes the most outrageous stupid statement!) (Editor note: In other words, the winner is the person who ignoring of significant aviation risks or opportunities. purposeful neglect to the denial, the discounting, or the contributes the most by conscious actions, decisions, or anonymously to the individual or organization that bns yllsunns befinesente and presented annually and "The Oliver" is recognized as the

the holidays. We'll improve safety when the rush is over. Oliver's Astute Analysis: We can't strand people during ",nossəs ləvsi traliday travel season." ts [anihis aht] bnuorg tonnso AAA ahT" . Isizitto noitsivA for the following "Oliver" sighting: "Reatheatlie Toffled Tailfeathers" NADA∕F Board Member, (ValuJet) received We are pleased to announce that Carole Rietz,

an email as OAA welcomes all potential watchers for the sightings." If you would like a free sample newsletter send newsletter will keep you up to date on "ostrich watcher www.properf.orgloaa (if it is not under construction). The Email: bbesco@properf.org and/or check the website: You too can be a voting member for only \$25 per year. selected by secret ballot of the OAA worldwide members. sanitized to preserve anonymity. The annual winner is All quotations and references are paraphrased and individuals, societies, groups, organizations, or institutions. by any sane, competent, reputable or respectable The OAA is in no way endorsed, recognized, or supported ridiculous, mildly ignominious, and generally blasphemous. autonomous, occasionally innocuous, purposefully OAA is totally humorous by design. The OAA is entirely sponsoring "The Oliver - Head-in The-Sand" award. The (AAO) is to promote aviation safety and risk awareness by The purpose of The Ostriches Anonymous Association

Dr. Robert Besco at bbesco@properf.org following final nominees, just send them to Watcher." When you see/hear statements such as the To receive this honor everyone can be an "Ostrich "Head-in-The-Sand" Award.

Annual Meeting – September 28-29th DoubleTree Hotel – Close to Washington National Airport Upscale hotel with Free shuttle to/from Washington National Airport. Also close to the subway. Reserve now! Only \$99 per night for the special NADA/F rate. Call (703) 416-4100 or (800) 222-TREE.

Confirm hotel reservations as soon as possible to guarantee the \$99 rate — available until the rooms are sold out, or September 14th, whichever comes first.

As an alternate hotel, the Marriott Residence Inn is next door. (703) 413-6630, or (800) 331-3131.

MEETING SCHEDULE...

For early arrivals there are optional Friday meetings at the FAA and Security Tour of Washington National Airport. Friday night optional dinner, \$18 per person, 7:00 PM, a casual full buffet at the hotel.

8:30 to 9:30 AM — Saturday and Sunday, Continental Breakfast and socializing, included with registration fee.
9:30 AM to 5:00 PM Annual Meeting, Saturday and 9:30 AM to 4:30 PM Sunday with break for lunch
12:30 PM to 1:30 PM. Optional lunch (\$18 per person). Pentagon Room with a wide variety of choices served via Buffet. Alternatives include the hotel coffee shop, or restaurants in the area.
Saturday morning meeting is a time for introductions and learning more about our members.

Saturday and Sunday afternoon Speakers and schedule to be announced.

Saturday Evening 5:30 PM Social Hour – 7:00 PM Dinner at the Rooftop Dining Room with a terrific view of Washington DC. Keynote Speakers will be announced!

FREE REGISTRATION to those who have a Letter to the Editor published regarding aviation safety—please mention NADA/F or www.PlaneSafe.org Registration fee waived if you send us a copy of your published letter, or, registration will be refunded if you bring your published letter!

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✓ Yes. I	will attend	the 8th Annu	al Meetin	g, Saturday	-Sunday, Se	eptember 28	3-29, 2001!		
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all activities fro	om Friday t	ĥrough Mon	day. Meal	s additiona	l.			_	
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I have enclosed	1 \$	as a co	ontribution	to help wi	th <i>NADA/F</i>	's work. <i>(Ti</i>	hank you!)		
Total	\$								
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Other Informa	ation								



For <u>hotel reservations</u> please call the DoubleTree directly, (703) 416-4100 or (800) 222-TREE. Request the special \$99 rate for *NADA/F*. Space is limited.