

Mission Ready

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The Terrorists' Secret Weapon: America's Penchant for Suing

It is frequently said that al-Qaida is fiendishly clever, and that it bases its attacks upon careful study of the culture being targeted. It would be damning, indeed, if the terrorists factor into their plans the American propensity for litigation, in order to "finish the job" begun by their attacks upon the national economy.

Before the smoke cleared at the site of the World Trade Center, opportunistic attorneys—veterans of successful multi-million dollar class action lawsuits against the tobacco, asbestos, and firearms industries—began to solicit the victims of 9/11. Within days thousands of family members joined in a massive tort action. United and American Airlines, already teetering on the edge of bankruptcy, now confronted the prospect of million, perhaps billion dollar, lawsuits and decades of expensive litigation. The manufacturer of the four downed jetliners, Boeing, was being sued for the "gross negligence" of not having designed an invasion-proof cockpit door. The airline terminal security companies were being sued for not having read the minds of the terrorists. The owners of the terminals were being sued for having hired the security companies. The owners of the Twin Towers were being sued, as were their architects, for not creating buildings that could withstand attack by jetliner. All in all, hundreds of millions of dollars worth of damages were being sought by American citizens—not in the hopes of their attorneys actually winning the cases, but in the hopes of a settlement.

The Congress, in one of its rare moments of expediency, approved the establishment of a vast reimbursement fund for the victims of 9/11. Have you ever wondered why no similar fund was established for the victims of the Oklahoma City terrorist bombing? The answer is simple: there were no businesses to protect from bankruptcy. Congress knew that if the severely

wounded airline industry were to collapse, the effect upon the national economy would have been catastrophic. The terrorists' dream of plunging the world's greatest economy into chaos was about to be realized—not by the actions of fifteen box cutter wielding fanatics, per se, but by the grieving American citizens who were persuaded to jump on the bandwagon of class action lawsuits.

So Congress made a stipulation: any family member who accepted an award out of the emergency fund (at an average of \$ 1.5 million per family) must drop out of any suit in progress, and agree never to join in a related class action suit. Although most of the surviving members agreed, hundreds of families rejected the reimbursement, and signed onto class action suits that, to this day, plague the above mentioned entities.

It may come as a surprise to the reader to hear that in Israel, the democracy most frequently harassed by terror, there are virtually no class action suits. Although one thousand of their fellow citizens have been killed by suicide bombers, Israelis do not blame the bus company, or the café owner, or the shopping mall management for the attacks and subsequent destruction; they blame the terrorists. They have the common cause, and the common sense, to realize that endless litigation against businesses already reeling from terrorist attacks, would only further damage their country. Every Israeli citizen understands that he or she is in a war against organized terror groups who target the national economy, and that crippling lawsuits against hapless businesses, on the chance of settlement, would only aid and abet the terrorists. There is a lot we Americans can learn from them.