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The April Gallop versus Cheney, Rumsfeld, Myers 9/11 Court Case

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Meeting of the Minds: Cheney, Rumsfeld, Myers. "Did Not Happen," Says Judge Chin in Dismissing April Gallop's Case. Will the Higher Court Agree?

In 2009, the federal district court judge who heard April Gallop's very strong lawsuit against Cheney (et al) received a request from the defendants to dismiss the case. This is normal; every sued person wants to get rid of a case. When the judge got that request from Cheney, he granted it. This, too, is normal for judges. In fact when the defendant is a powerful corporation or a government official it is 'very, very normal' for the case to be dismissed. Of course it should not be normal. The judge should earn his pay and live up to the public trust by ruling according to law.

If a case gets dismissed, a plaintiff can appeal to the Circuit Court, and that is likely to be his/her last chance. Should the appeals court agree with the district judge's decision, in federal suits, that is almost always the last stop. Although a citizen has the right to ask for Supreme Court review, the Supreme Court usually declines the request. A case such as this one, which claims that Cheney arranged the 9/11 attack on the Pentagon, is virtually guaranteed to die on the vine.

Apparently this is how our system blocks the ordinary person from rolling back the control of the unacknowledged power holders. To put it another way, American courts, like courts in Colombia, Denmark, and almost everywhere else, are tools of the powerful. Possibly we could say they are tools of criminals – not counting smalltime criminals. The conclusion to be drawn is that if your leaders want to bomb your building with you in it (as they did with April Gallop and her infant son), they can do so. Only 'rule of law' would stop these leaders, and they appear to be satisfied that the rule of law is no longer in effect.

This means we are all in the greatest possible danger, does it not? So it will behoove citizens to get up of their respective duffs and deal with the case at hand. You can easily do so because this case is unbelievably sloppy. Even if you have never read a case dismissal before, you will perceive that this one must surely be 'off.'

You will need to act fast, because the case has already been in the Circuit Court, in Connecticut, for three weeks today, and a ruling can come down soon. If you value your life, you will try to stop that ruling from being an affirmation of the dismissal. Once the dismissal happens, Gallop's case, with its amazing insights into 9/11, will be legally barred from being adjudicated. It will be like Jim Garrison's JFK case. "So near and yet so far…."

The following is an outline of the legal basis on which the defendants (Cheney, Rumsfeld, Myers, and ten John Doe's) asked for a dismissal. These six 'reasons to dismiss,' conjured

up by the US Attorneys, are the ones that the judge accepted, that is, Judge Denny Chin of United States District Court for Southern District of New York.

Note: the capital letters below do not indicate shouting – cases are always written this way. If anything, the defendants must be hoping their 'reasons' will stay hush-hush. Please don't let that happen! It is truly up to you now. Why waste time marching in 9/11 protests? Better to shout, shout, and shout about this case. If you let the Constitution slip away, do you think you will ever be able to get it back? Not a snowball's chance in hell.

Reasons for Dismissal of Gallop v Cheney:

I. PLAINTIFFS CANNOT CURE THEIR DEFICIENT COMPLAINT WITH AFFIDAVITS [Note: plaintiffs had recently tendered sworn statements – i.e., affidavits, from two men who have published a lot of evidence about the fakery of 9/11, namely theologian Ray Griffin and physics professor Steven Jones.] II. PLAINTIFFS HAVE FAILED TO ALLEGE A CONSTITUTIONAL CLAIM III. PLAINTIFFS' CONSPIRACY CLAIM IS INSUFFICIENT. IV. APRIL GALLOP'S CONSTITUTIONAL CLAIMS SHOULD BE DISMISSED AS UNTIMELY AND BARRED BY THE DOCTRINE OF INTRAMILITARY IMMUNITY V. ALL OF APRIL GALLOP'S CLAIMS ARE BARRED UNDER THE DOCTRINE OF JUDICIAL ESTOPPEL VI. PLAINTIFFS' COMPLAINT IS FRIVOLOUS AND MAY BE DISMISSED FOR THAT REASON ALONE. [Note: the two plaintiffs are April Gallop and her son Elisha. He was a baby, visiting the Pentagon, on 9/11].

Now for the defendant's explanations as to why each of the above six reasons should legally hold. Judge Chin agreed with all of these. The original text is being paraphrased, except where quote marks are shown. The "Comments" are mine (MM):

I. These affidavits only contain "conclusory statements and personal opinions without evidentiary support." *Comment: It is true, per common law and Federal Rules of Civil Procedure, that an affidavit should state facts not opinions. But both men, Griffin and Jones, reference their well-known books that contain much evidence. Expert opinion is, of course, an admissible form of evidence at trial.*

II. "Plaintiffs concede that their complaint is alleged 'without reference to any binding or even analogous precedent.'" *Comment: How could a person get access to 'precedent' of government officials blowing up their employees' work station during business hours? It just doesn't happen that often.*

"Defendants are entitled to qualified immunity because plaintiffs have failed to allege that defendants violated clearly established constitutional rights" in regard to the complaint that Cheney blew up that particular part of the Pentagon "in order to destroy certain financial records." *Comment: While the Constitution's Article I, section 9 does mumble something about Congress's duty to publish receipts of all public expenditures, I agree that there is no express constitutional right not to have financial records bombed, vaporized, etc.*

"Factual allegations contained in the complaint, must be enough to raise a right to relief above the speculative level." *Comment: The 'relief' Gallop is looking for is medical care for injuries to her son's head. As for the 'speculative level,' plaintiffs' allegations include testimony that Secretary of Transportation Norman Mineta provided to the 9/11 commission. Mineta said a young man in the White House kept coming into the room to tell Cheney how close the plane was getting, and asked if orders NOT to shoot had been*

changed. Cheney replied in the negative. So, it's a Cabinet member's word against that of a vice president.

III. "The conspiracy claim should be dismissed … because plaintiffs have provided no factual basis to support a meeting of the minds" — per the rule that you need to show that the conspirators actually met and talked about the planned crime. "Furthermore, whether the claim is brought under the Federal Torts Compensation Act or Bivens, plaintiffs have provided only conjecture as to any conspiracy, admitting in their complaint that they 'do not know with certainty the outlines of the plot at its initiation.'" *Comment: If Cheney, Rumsfeld, and Myers didn't meet, but used the Defense Department's BCI (brain-computer interface) to exchange thoughts, would that meet the 'meeting of the minds' test for conspirators' get-together?*

IV. "Plaintiffs assert that under the doctrine of equitable tolling, the statute [of limitations] was triggered when April Gallop 'was able to reasonably perceive and believe in an inside job.' According to plaintiffs, 'the period never ran, or was repeatedly extended by additional acts of concealment in furtherance of the conspiracy.' Plaintiffs fail to provide any evidential support for these supposed acts of concealment, instead referring to an unspecified speech by defendant Cheney.. ..[T]he purpose of the time-bar… is to preclude the resuscitation of stale claims." *Comment: The issue is hardly stale, as the terrorist event of 9/11 is called upon constantly to support new legislation and new foreign policy actions. It may even 'bring on' World War III.*

"As alleged in plaintiffs' complaint, April Gallop was a career member of the United States Army and reported to work at the Pentagon on the morning of 9/11. [Hence] the doctrine of intramilitary immunity would bar plaintiff April Gallop's constitutional claims in any event.… [T]he FTCA does not permit military personnel to sue the United States government for compensation for injuries that "arise out of or are in the course of activity incident to service." *Comment: I agree that Gallop, as a soldier, would be barred from suing 'the government' — but she is suing Cheney and Rumsfeld in their personal capacities. I presume she feels that whatever the defendants did that day was done as interlopers not as authorized officials.*

V. Gallop already sued Riggs Bank, so the issue must now be 'judicially estopped.' **"**Plaintiffs also assert that the 'inconsistency' [that might arise between two judgments] does not threaten the judicial system, as articulated in Bates v. Long Island (identifying the two objectives that protect the judicial system to be to "preserve the sanctity of the oath by demanding absolute truth and consistency in all sworn positions" and to "protect judicial integrity by avoiding the risk of inconsistent results in two proceedings"). Quite to the contrary, April Gallop's complaint in the current action, if allowed to persist, threatens the sanctity of the judicial system in light of the inconsistent claims she asserted, and which were adopted by the Court, in the Riggs case." *Comment: It's nice to see a mention of 'absolute truth.'*

VI. "As explained in defendant's brief, the Court may in its discretion dismiss the complaint in its entirety as frivolous. In recent years, courts have repeatedly dismissed cases based on delusional conspiracy theories concerning the events of September 11, 2001… In this case, plaintiffs allege, despite substantial public evidence to the contrary, that no airliner hit the Pentagon, but that the damage to the facility on September 11, 2001 was the result of a government conspiracy "to bring about an unprecedented, horrifying and frightening catastrophe of terrorism inside the United States, which would give rise to a powerful

reaction of fear and anger in the public." *Comment: Such 'false flag' actions were standard office procedure throughout the twentieth century. Is it possible that judges don't know that?*

"CONCLUSION: For the foregoing reasons and those stated in defendants' memorandum of law in support of their motion to dismiss, defendants respectfully request that the Court dismiss the complaint in its entirety. July 24, 2009. Respectfully submitted, LEV L. DASSIN Acting United States Attorney for the Southern District of New York and HEATHER K. McSHAIN Assistant United States Attorney 86 Chambers Street, New York, New York 10007." *Comment: this motion in support of Cheney and Rumsfeld appears to me to be an inside job.*

On April 4, 2011, in New Haven, Connecticut, three judges of the Second Circuit sat to hear the appeal in Cheney v Gallop. It was soon announced in the press (of course I mean the alternative press; big media are keeping a lid on the existence of Ms Gallop) that one of the judges is Judge Walker, a first cousin of former President Bush. This fact should be ignored. It is such an egregious breach of ethics that it almost certainly has occurred for purposes of 'rubbing it in' to the public (as in "See? See what we can do to you?") Best to pay it no mind. Judge Walker is oath-bound to handle the case as he would for complete strangers.

The best use that can be made of this case – and I urge full frontal plagiarism of my comments above – would be to share it with persons who, after a decade, still go for the Arab-hijacker version of 9/11. Just ask them, "Do you think Ms Gallop is entitled to her day in court?"

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