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### **Preliminary Legal Assessment, for Public Consumption, of NIST's Final Decision on Architects & Engineers for 9/11 Truth's WTC 7 Request for Correction**

It is well known that on September 11, 2001 (9/11), on the morning of the terrorist attacks in New York City, the two World Trade Center (WTC) towers completely (and rapidly) collapsed, resulting in the tragic deaths of over two thousand people, including first responders and citizens working in and visiting the WTC, and exacerbating the already tragic loss of the passengers and crews on the hijacked aircraft. What is less known is that also on 9/11 a third WTC building, WTC 7, completely collapsed later in the day, without having been struck by an aircraft. WTC 7's collapse was rapid, symmetrical, and in every respect appeared to be a controlled demolition. There were also reports on 9/11 from witnesses that there were explosions in WTC 7 prior to and at the time of its collapse.

The National Institute of Standards and Technology (NIST) was charged with investigating and reporting the cause of WTC 7's collapse. NIST issued a report on WTC 7's collapse in 2008. On April 15, 2020, Architects & Engineers for 9/11 Truth (AE), along with 88 architects and engineers and 10 members of the families of 9/11 victims, together referenced herein as the Requestors, filed a Request for Correction (RFC) pursuant to the Information Quality Act (IQA, aka Data Quality Act) with NIST. The RFC was filed because NIST's conclusion that fires initiated by debris damage from the collapse of one of the towers, WTC 1, caused the collapse of WTC 7 was simply incompatible with the then-available scientific and witness evidence. NIST denied the Requestors' RFC on August 28, 2020, without providing a detailed point-by-point response to the Requestors' data quality arguments. The Requestors filed an appeal of this decision with NIST under the IQA on September 28, 2020.

On June 30, 2021, seven months after its self-imposed two-month deadline, and only after being prompted by the Requestors' June 1, 2020, Notice of Intent to Sue for unreasonable agency delay, NIST issued its long overdue decision on the Requestors' IQA appeal. NIST's response to the appeal is cursory, is only five pages, looks on its face as if it were rushed, and is clearly evasive. It is also clearly in violation of federal law.

The Requestors' Appeal clearly established that NIST's denial of the RFC was demonstrably in error in concluding that the NIST WTC 7 Report did not violate the IQA and NIST's own Information Quality Standards (IQS). The Appeal and RFC make an irrefutable case, using clear logic, established scientific principles, and careful documentation. The evidence presented by AE and the other Requestors is dispositive that the collapse of WTC 7 on 9/11 was not due to fires but rather due to a controlled demolition (use of explosives and incendiaries). The Requester's Appeal and their RFC clearly establish that the NIST WTC 7 Report was

factually inaccurate, methodologically unreliable, scientifically unsound, illogical, and biased. NIST's WTC 7 Report was not simply wrong, it blatantly violated the IQA and NIST's own IQS requirements of objectivity, utility, transparency, and reproducibility.

NIST asserts in its June 30<sup>th</sup> Response to the Requestors' IQA Appeal that both NIST's initial denial of the RFC and NIST's rejection of the Requestors' later appeal are justified because there are "differences" in NIST's modelling, assumptions, and evidence collection approaches compared to those of AE and the other Requestors. Therefore, NIST argues, different results are to be expected. NIST's Response appears to be in essence that reasonable people can use different approaches and reasonable people can disagree. That assertion may be true in other circumstances, but it hardly applies here. While it is true that if one party uses a scientifically incompetent, factually false, and/or dishonest approach and another party uses a scientifically competent, factually correct, and honest approach, that "different" results are to be expected, this does not mean that both parties' analyses and results are accurate, honest, legal, or equally valid.

Ignoring publicly available eyewitness accounts of explosions at the WTC, including at WTC 7, mischaracterizing and failing to replicate the actual behavior of the WTC 7 building during its collapse, such as the sudden initiation of 2.5 seconds of symmetric free fall, and eliminating from the model and analysis one or more known-to-be-present components of the WTC 7 structure (that would have strengthened the structure) — all of which NIST did — could certainly be described as using a "different" approach. But such an approach, while clearly "different," is nonetheless arbitrary and capricious, if not outright dishonest. Such agency action is subject to being held unlawful and set aside by a federal court under the Administrative Procedures Act (APA).

AE and the other Requestors' RFC and Appeal show, based on undisputed facts, established scientific laws, and valid logic that NIST's WTC 7 analysis and collapse sequence, which NIST takes great care to qualify as involving "estimates" and as "probable," is actually impossible. That is, NIST's WTC 7 collapse sequence cannot even be fairly described as just improbable; it has been demonstrated to be literally impossible by the Requestors. Only an analysis and model that includes the simultaneous removal/failure of multiple building columns, such as Professor Hulsey's model, which is relied on in the Requestors' RFC and appeal, can predict the WTC 7 collapse behavior actually observed and filmed. This simultaneous removal/failure of multiple columns in a building is, of course, the essence of a controlled demolition.

NIST, in its Response to the Requestors' Appeal, as in its denial of the RFC, fails to even provide a response to most of the specific relevant data quality arguments contained in the Appeal. This agency conduct is arbitrary and capricious under the APA. NIST's own IQS requires NIST to provide a "point-by-point response" to any relevant data quality arguments contained in a request for correction.

NIST's conduct is also arbitrary and capricious under the APA because NIST's analysis and computer modelling of the WTC 7 building collapse remains a "black box." The contents of NIST's model remain secret, notwithstanding having been repeatedly requested by AE and the other Requestors as well as by other independent architects, engineers, scientists, and investigators. NIST claims that its WTC 7 Report, its Initial Decision on the RFC, and its Response to the Appeal are all "transparent" and that NIST has also complied with the

“reproducibility” standard under the IQA and NIST’s own policies. This is nothing short of Orwellian doublespeak. If independent scientists cannot see the details of NIST’s analysis and modelling, including the input and assumptions used therein, because all of these are being kept secret by NIST, there is in fact zero transparency. Further, there can be no independent replication of NIST’s analysis and findings based on a black box (i.e., no reproducibility). Independent scientists, architects, and engineers, absent psychic powers, cannot replicate NIST’s analysis in order to determine if they can obtain the same results when they are not allowed to see the steps and information NIST included in its analysis and modelling. It is an understatement to say that it is difficult to replicate the unknown.

NIST’s use of the qualifying terms “estimates” and “probable” cannot be asserted with a straight face to be solutions to the transparency and reproducibility problems created by NIST’s secrecy and black box approach. Neither can the fact that NIST allowed public comment on its black box analysis. A black box remains a black box whether or not the exterior of the box is shown to the public. Allowing the public to comment on what little they are allowed to see hardly solves the transparency and reproducibility problem. NIST’s stated reliance on the fact that AE and the other Requestors are able to post their alternate analysis on their website is equally mystifying. The fact that AE and the other Requestors have been willing to tell the public the truth about WTC 7’s collapse hardly excuses NIST making knowing misrepresentations to the public, contrary to its obligations under law.

While NIST claims that NIST’s independent review on appeal established that NIST’s point-by-point responses to the original request for correction are sound, there is no sign of such a point-by-point review in either NIST’s Initial Decision on the RFC or in NIST’s June 30<sup>th</sup> Response to the Appeal. It is therefore impossible for NIST’s stated conclusion in its Appeal Response — that NIST’s prior (purported, but non-existent) point-by-point responses to the RFC were sound — to have been made in good faith. For this reason, as well, the agency’s conduct is arbitrary and capricious under the APA. Given the irrefutable facts, scientific principles, and logic presented in the Requestors’ RFC and Appeal in the form of several specific discrete data quality arguments (i.e., point-by-point), NIST’s failure to do a point-by-point evaluation in either its denial of the RFC or its denial of the Appeal reflects that NIST did not review the details of the Requestors’ arguments, contrary to NIST’s representation in its Response, or that NIST’s review was in bad faith, biased towards a predetermined outcome.

NIST also asserts that the NIST WTC 7 Investigation carefully evaluated other collapse hypotheses, including “hypothetical blast events.” However, what NIST fails to reveal is that, unlike Professor Hulsey in the University of Alaska study, NIST fails to evaluate WTC 7 collapse scenarios involving the simultaneous removal/failure of multiple building columns, which is what occurs in a controlled demolition. NIST also failed to evaluate WTC 7 collapse scenarios involving use of nanothermite/thermite to achieve such a simultaneous removal of multiple columns (without the level of noise NIST asserts conventional explosives would cause), notwithstanding that NIST personnel have knowledge of the capabilities of such high-tech incendiary and explosive materials. NIST arbitrarily included only certain “blast” scenarios, scenarios that could not have predicted/matched the observed behavior of WTC 7 during its collapse, and arbitrarily excluded other scenarios involving use of high-tech incendiaries and explosives that would predict — and do match — the actual behavior of WTC 7 as it collapsed

on 9/11. Although NIST asserts that it carefully considered the seismogram data, the Requestors in their RFC and Appeal show that the seismogram data is simply incompatible with NIST's conclusions.

For all of the above reasons, and more, NIST's denial of the Requestors' Appeal is arbitrary and capricious and not in accordance with law. Because NIST's decision amounts to a whitewash and coverup of critical evidence regarding one of the most horrible and despicable bombing crimes in history, in good conscience it cannot be allowed to stand unchallenged.

A handwritten signature in cursive script that reads "Mick G. Harrison".

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