

1 THE COURT: Ladies and gentlemen of the jury, good
2 morning. And we are ready to proceed.

3 Ms. Hollander, you are up?

4 MS. HOLLANDER: Yes, Your Honor.

5 The Defense calls Dr. John Esposito.

6 (Whereupon, the oath was administered by the Clerk.)

7 JOHN ESPOSITO,

8 Testified on direct examination by Ms. Hollander as follows:

9 Q. Good morning.

10 A. Good morning.

11 Q. Would you state your name and spell it for the court
12 reporter, please?

13 A. John Esposito, E-S-P-O-S-I-T-O.

14 Q. And Doctor Esposito, where do you live?

15 A. In Washington, D.C.

16 Q. Okay. And what do you do for a living?

17 A. I am a professor at Georgetown University.

18 Q. And what do you teach there?

19 A. I teach courses on Islam, the Muslim world, global
20 terrorism.

21 Q. Can you tell us a little about your educational
22 background starting with college? Where did you get your
23 first degree?

24 A. I was in a Catholic monastery, and so my first degree was
25 at St. Anthony's College, and I earned a Bachelor's Degree in

1 philosophy.

2 Q. And where is St. Anthony's?

3 A. It was in New Hampshire, although it no longer exists.

4 Q. And did you get another degree after that?

5 A. I earned a Master's Degree in theology at St. John's
6 University in Jamaica, New York.

7 Q. Was that in any particular kind of theology?

8 A. It was Catholic theology, scripture; catholicism
9 basically.

10 Q. And I take it you also have a doctorate degree, a Ph.D.

11 A. Yeah. I have a Ph.D. from Temple University in religion.
12 My major was Islamic studies and my minor Hinduism and
13 Buddhism.

14 Q. And do you have any post doctorate work that you did?

15 A. I did post doctorate years at Harvard University and at
16 Oxford University.

17 Q. And Oxford is where?

18 A. Sorry. In the U.K., in the United Kingdom.

19 Q. And Harvard is in Boston?

20 A. Yes.

21 Q. Cambridge.

22 What teaching positions have you held before your current
23 position?

24 A. My first position was as a professor of theology at
25 Rosemont College, and then I went to the College of Holy Cross

1 where I was the chairman of the Religious Studies Department
2 for nine years, and the director of the Center For
3 International Studies for I forget now, three to five years.
4 And then I moved after about 20, 22 years to Georgetown
5 University in 1993.

6 Q. Is Holy Cross a religious organization?

7 A. It is a Catholic college run by the Jesuits.

8 Q. And is it in the United States?

9 A. It is in Worcester, Massachusetts.

10 Q. Now, maybe you just said this. Were you the director of
11 the college of International Studies --

12 A. I directed the Center for International Studies for quite
13 a few years.

14 Q. And at Georgetown what is your official position there?

15 A. I am a university professor, professor of religion and
16 international affairs, and professor of Islamic studies, and
17 director of the Prince Alwaleed bin Talal Center for
18 Muslim-Christian understanding.

19 Q. And I am going to ask you about each of those, but let me
20 start with did you -- Do you have any religious study other
21 than at the university, before you went to the University?

22 A. I was in a religious order for ten years, and so, yeah.
23 It was pretty intensive study of religion and practice of
24 religion.

25 Q. So at what age did you join this order?

1 A. I went in at 14 and left when I was 24 years old.

2 Q. And what was the religious order?

3 A. Capuchin Franciscan Fathers in New York and in
4 Massachusetts and New Hampshire.

5 Q. Is that a Roman Catholic order?

6 A. Yes, Roman Catholic.

7 Q. And were you studying to become a Catholic priest?

8 A. Yes, I was; yeah.

9 Q. Did you ever become a priest?

10 A. No.

11 Q. Why not?

12 A. That is an existential question. I liked what I was
13 doing, but I couldn't see myself doing it the rest of my life,
14 and I probably also wanted to get married. And since I had
15 been married for 43 years, I think it is a fairly good bet
16 that I wanted to be married.

17 Q. Just to be clear, did you convert to any other religion?

18 A. No.

19 Q. So --

20 A. I am a Roman Catholic.

21 Q. Have you ever studied anything about the Jewish faith,
22 Judaism?

23 A. Yeah. I have -- in studying Old Testament and studying
24 the development of christianity, and also I have taught
25 courses that dealt with Judaism, and I have co-authored three

1 or four books on world religions that deal with all five of
2 the major world religions--Judaism, Christianity, Islam,
3 Buddhism, and Hinduism.

4 Q. And what were the names of those books?

5 A. World Religions Today, Religion and Globalization,
6 roughly, because two of them just came out this month,
7 Religions of the East, and Religions of the West.

8 Q. Okay. As someone with your background and your history
9 of Catholicism, how did you decide to specialize in Islam?

10 A. Actually I was finishing a Ph.D., and I thought I would
11 be finishing it up in Hinduism. When I went to Temple
12 University, I went there because it was a secular university
13 and I wanted to continue not to be in a
14 religious-church-related university. I wanted the experience
15 of being in a secular university. But the requirement was for
16 everyone, no matter what you were going to do, that you take a
17 course in world religion. So I had intended to major in
18 Catholic studies, which you could do in this secular
19 university. And as a result, I became interested in Hinduism
20 and Buddhism --

21 THE COURT REPORTER: If you could slow down a
22 little, please.

23 THE WITNESS: I am known for speaking fast. I
24 apologize.

25 I was ready to finish my degree, and the chairman of the

1 department suggested that I study Islam. And I kind of fought
2 him tooth and nail not to, because I didn't know very much
3 about Arabs and Muslims, and I wondered why. And I had a lot
4 of stereotypes, and it made it even less appealing. Then
5 eventually I agreed to take a course and decided to major in
6 it.

7 Q. (BY MS. HOLLANDER) You have mentioned that you authored
8 four books on world religions. Have you authored more books
9 than that?

10 A. I have; about 35 to 38 books, and also I have been the
11 editor in chief of all of Oxford University Press' major
12 reference works on Islam in the Muslim world, and have a
13 six-volume encyclopedia that is coming out in two months,
14 another one.

15 Q. An encyclopedia on?

16 A. On the Islamic world.

17 Q. Have any of your books been translated into other
18 languages?

19 A. My books have been translated into 28
20 languages--European, Asian, Middle Eastern, pretty global;
21 Chinese, Japanese.

22 Q. Do you work in all those languages?

23 A. Would that I did. No, I don't, no.

24 Q. What languages do you work in?

25 A. Arabic.

1 Q. And do you also work with any polling organizations?

2 A. I am associated with the Gallup organization, which is a
3 polling organization. I am what they call a senior scientist.
4 Gallup has a group of experts, for example, a Nobel prize
5 winner in economics, and others, that advise them on projects.

6 Q. So we are clear, what is Gallup polls? What does that
7 mean?

8 A. The Gallup I am associated with is the Gallup World Poll,
9 which is a poll of 90 percent of the world's countries. And
10 within in that it includes a poll of some 35 Muslim countries
11 from north Africa to southeast Asia.

12 Q. What does that mean, to poll?

13 A. What they do -- It is the most comprehensive and
14 systematic poll. What happens in the poll is that they go
15 into countries and they grid them, and so then you send people
16 not into only cities but villages and rural areas, and
17 one-on-one interviews in local languages where you ask people,
18 "How do you feel about your life, your political system, your
19 economic system? Is religion important to it? How do you
20 feel about the West." In Muslim countries for example, "What
21 is your attitude towards violence? What is your attitude
22 toward terrorism? What is your attitude with regard to 9/11?"

23 And then that data is gathered--it is more than some
24 50,000 one-on-one interviews--and then analyzed. And out of
25 that I co-authored a book called Who Speaks for Islam? What a

1 Billion Muslims Really Think.

2 Q. And the book was co-authored with?

3 A. Dalia Mogahed, who runs Gallup's Islamic Studies Program.

4 Q. So am I correct that what you did as a senior scientist
5 is you were one of the people with Dalia who analyzed this
6 information that the interviewers got. Is that correct?

7 A. Yeah. You look at the data and then you write up the
8 data and talk about its implications--what does that have to
9 say --

10 Q. Speak slowly.

11 A. How do we understand these people, and what they believe,
12 and what are the implications.

13 Q. And you said that you work in Arabic. Where did you
14 study Arabic?

15 A. At the University of Pennsylvania. And then I was given
16 a scholarship to study at the Middle East Center for Arab
17 Studies in Shemlan, Lebanon.

18 Q. Can you say the name of the city?

19 A. Shemlan, S-H-E-M-L-A-N, Lebanon, in the Middle East.

20 Q. And try to keep a little slower, especially when we have
21 these unusual names.

22 You I believe -- you have a Center for Christian-Muslim
23 Understanding. Is that correct.

24 A. Yeah, it is a Center for Muslim-Christian Understanding,
25 yeah.

1 Q. And what is that center?

2 A. It was created in 1993 at Georgetown, a group of
3 Christian and Muslim businessmen who were concerned about the
4 relationship between Islam and Christianity and between the
5 Muslim world and the West. And it is to address that
6 relationship through conferences and programs, both in the
7 United States and overseas. And we also brief government
8 officials, et cetera.

9 Q. Is this part of Georgetown University?

10 A. Yes, it is part of Georgetown University. It is located
11 in the Walsh School of Foreign Service, which is the School of
12 International Affairs.

13 Q. What is the name of this center?

14 A. Prince Alwaleed bin Talal Center for Muslim-Christian
15 Understanding. That name, by the way, only came into play
16 three years ago when the Center received a substantial
17 endowment. Prior to that it was simply called the Center for
18 Muslim-Christian Understanding.

19 Q. So who did it received an endowment from?

20 A. From Prince Alwaleed bin Talal, who I believe is the
21 wealthiest businessman in the Arab world.

22 Q. And are there other centers that this prince has also
23 started?

24 A. Yes. The Prince created two centers after 9/11 in the
25 Arab world at the American University of Beirut and the

1 American University of Cairo, because he was concerned that
2 Arabs should know more about Americans. So he funded two
3 centers in American studies.

4 And then he three years ago gave funding to Georgetown
5 and to Harvard, and most recently in the U.K. to Cambridge
6 University in England and Edinburgh University in Scotland.

7 Q. So he funded a center that was already in existence in
8 Georgetown. Is that correct?

9 A. Yes.

10 Q. Okay. Do you know if Prince Alwaleed is a practicing
11 Muslim?

12 A. Yes.

13 Q. Now, have you -- Do you do any consulting work?

14 A. Yes. I have -- In my career and to today I consult with
15 both U.S. government agencies as well as governments in Europe
16 and Asia.

17 Q. And I am going to ask you a little more specific, but can
18 you just list some of the U.S. government agencies that you
19 have consulted with?

20 A. State Department, Central Intelligence Agency, Homeland
21 Security, FBI, Pentagon; and then also with separate military
22 organizations; for example, the Marines. I briefed everybody
23 from General Schwarzkopf to more recently General Shinseki,
24 who was in charge of the American battle in Afghanistan after
25 9/11.

1 Q. And what do you brief these people about?

2 A. Basically a wide range of things, but clearly on Islam,
3 on the Muslim world, on specific countries, but very much
4 focused often on the issue of terrorism, global terrorism.
5 Many of the units -- For example, the units at the Pentagon in
6 recent days that I have done consulting with tend to be units
7 that deal with counterterrorism. The same thing is true in
8 some of my briefings with let's say the FBI. It will often be
9 with their terrorism or counterterrorism units.

10 Q. Have you ever done any briefing with the United States
11 Army War College?

12 A. Yes. I have spoken there to senior officials.

13 Q. And have you done any consulting with the Joint Chiefs of
14 Staff?

15 A. I recently finished a piece that is -- was commissioned
16 by the head of the Joint Chiefs of Staff to produce a little
17 book that will be given to the next president, and I worked
18 with several others on the chapter that dealt with the whole
19 question of terrorism and the causes of terrorism.

20 Q. Have you ever consulted for the State Department or any
21 of our foreign embassies?

22 A. Yes. I have consulted with State throughout the years,
23 both at mid level, at the intelligence level, at the level of
24 the Assistant Secretary and the Secretary of State.

25 Q. Does this consulting continue up to the present day?

1 A. Yes.

2 Q. Do you know if any of your books are used by the United
3 States Military?

4 A. Yes. My books -- For example, several years ago -- In
5 fact, in the New York Times it was a Sunday sort of story
6 about the general who was put in charge of Iraq had all of the
7 senior officers read six books, and two out of the six were my
8 books.

9 Q. Have you ever lectured in other countries?

10 A. Yeah, I speak all over the world--Europe, Middle East,
11 south Asia, southeast Asia, China, Japan.

12 Q. Have you ever been to the West Bank?

13 A. Yes, multiple times.

14 Q. Have you been to Gaza?

15 A. Once, yes.

16 Q. And are you able to read the Quran in Arabic?

17 A. Yes. In order to do my work, I have to be able to do
18 that, yeah.

19 Q. Are there any associations that you are a member of or an
20 officer of?

21 A. I have been -- I am in many associations, but I have been
22 president of the Middle East Studies Association, which is the
23 largest Middle East organization in the world of experts. The
24 American Council for the Study of Islamic Societies, the
25 United Nations Alliance of Civilizations, I was a member of

1 the high level group which included people like ArchBishop
2 Tutu, former heads of government. I was just named last week
3 by the U.N. General Secretary as an ambassador for the
4 Alliance.

5 Q. What is the Alliance of Civilizations?

6 A. The Alliance of Civilizations was an international group
7 put together really after 9/11, and it brought together
8 experts or prominent people from around the world. Some of
9 them weren't specific experts in the area. And it looked at
10 relations between the Islamic world and the West, and wound up
11 a bit of a kind of fact-finding. Then we developed a report.
12 But also in light of that report we also developed a set of
13 recommendations on major projects that would improve
14 relations, and we are now involved in operationalizing those
15 projects around the world.

16 Q. And have you received any awards for your work?

17 A. Yeah. I am fortunate enough to have gotten quite a few,
18 but two would be the American Academy of Religions, the Martin
19 E. Marty award for religion and the public understanding of
20 religion, and Pakistan's highest civilian award for my
21 contributions to the study of Islam and the Islamic world,
22 among others.

23 Q. Do you ever speak to organizations or religious groups?

24 A. Yeah, throughout my career, but certainly in the last 10
25 or 20 years I speak to various Christian groups, both at

1 national conventions and often in churches, in Protestant
2 churches, in churches. If it is a Catholic church, it is
3 usually in the basement, but -- I am sorry. I shouldn't have
4 gotten into that, but as a Catholic I had to. I have spoken
5 to major Jewish organizations, to certainly major Muslim
6 organizations.

7 Q. One of the organizations we have heard about in this case
8 is an organization called CAIR, the Council on
9 American-Islamic Relations. Have you spoken at any of their
10 events?

11 A. Yes. I have spoken at a number of their events in
12 different parts of the country.

13 Q. And why do you -- have you agreed to speak for CAIR?

14 A. CAIR is a religiously-oriented group. You can tell from
15 its title. It has the word Islamic in there. And it is
16 concerned with issues of discrimination with regard to Muslims
17 in the workplace and in society. And I believe and am
18 concerned about issues of ethnic discrimination across the
19 board. So if an organization is engaged in that work and if I
20 can if they invite me to speak, and that somehow is, you know,
21 is a positive for them in terms of pulling in an audience, I
22 am happy to do that.

23 Q. Do you consider CAIR a mainstream organization?

24 A. Yes. I do this, I should mention, for a number of
25 groups. I have done it for major Jewish organizations, too.

1 Q. And by the way, are you being paid for your time for the
2 work you do on this case?

3 A. Yes, I am.

4 Q. Now, one last area to cover before we get into the
5 details. Have you ever studied the Muslim Brotherhood?

6 A. Yes, I have; for many years.

7 Q. And we are going to get into more detail later, but can
8 you generally tell us what the Muslim Brotherhood is?

9 A. The Muslim Brotherhood is a religiously-oriented
10 organization. It began as a social movement, but it has also
11 been involved in politics. And it was established in the late
12 '20s and into the '30s as both a way -- a movement that was to
13 revitalize the society religiously as well as in opposition to
14 a British colonial influence and domination. So it had that
15 kind of political slash -- you know, political resistance
16 movement; but primarily established as a social movement.

17 Q. And we will talk about it more later, but have you taught
18 any courses about the Muslim Brotherhood?

19 A. Yes, very often. The Muslim Brotherhood is very much a
20 part of both my -- many of the courses I teach, such as the
21 one I am teaching now on Islam and global terrorism, as well
22 as courses that I teach on mainstream Islamic Movements and
23 Islam in general.

24 Q. And have you written about the Muslim Brotherhood?

25 A. Yes, quite extensively.

1 Q. And we will get into this later, but have you actually
2 met members of the Muslim Brotherhood?

3 A. In order to -- In general to be an expert on a group, you
4 need to, and I have met and known leaders of the Muslim
5 Brotherhood in Egypt, in Sudan, in Jordan, and other places
6 over the years and interviewed them.

7 MS. HOLLANDER: Your Honor, at this time I move
8 Doctor Esposito as an expert in Islam and the Muslim
9 Brotherhood.

10 THE COURT: Mr. Jacks, any objection?

11 MR. JACKS: No, Your Honor.

12 THE COURT: And he is accepted as an expert in those
13 areas.

14 MS. HOLLANDER: Thank you, Your Honor.

15 Q. (BY MS. HOLLANDER) Now, Doctor Esposito, remember to try
16 to speak a little more slowly. You are kind of a fast
17 speaker.

18 Let me start by asking you to tell us and tell the jury,
19 what does -- This is kind of a two-part question, but I think
20 it goes together. Can you tell us what the word Islam means,
21 and can you briefly describe the basic tenants of the
22 religion?

23 A. Islam, the word Islam in its root means two things: One,
24 submission, submission to God, to follow God, to follow God's
25 will; and two, peace. If you look at the word I-S-L-A-M, the

1 route is S-L-M. From that comes salam, peace, as also in
2 Hebrew you have shalom. So it is the notion that if you
3 follow God that will also bring peace to yourself.

4 All Muslims, however different they are, and Muslims are
5 very -- can be sort of very diverse in terms of groups and
6 orientation, but all share in common five basic beliefs or
7 practices. The first is, if you will, the creed; the
8 confession of faith--there is no God but the God, the one true
9 God. And Muhammad is the messenger or prophet of God.

10 Q. Is that called the Shahada?

11 A. That is the Shahada. To bear witness, that is what the
12 word means--Shahada; to witness that there is only one true
13 God.

14 The second is prayer five times a day, from early morning
15 through nighttime.

16 Q. Now, are those prayers at specific times, or are
17 there prayers --

18 A. They are specific times. And to the extent that a Muslim
19 can, they will pray at exactly that period of time. That is
20 why it is not uncommon for Muslims, if they can, to in a
21 workplace to look for a place to go and pray, or if you are
22 overseas in the Muslim world, people will stop their work and
23 pray where they are or go to a mosque. So it is five times a
24 day.

25 And then another pillar would be the fast of Ramadan,

1 which is for one month every year. From sunrise to sunset, no
2 food, no drink, no sex, no smoking.

3 Q. What is the purpose of that?

4 A. It is two-fold. One is a kind of discipline. It is like
5 fasting in many religious traditions, a form of asceticism.
6 But also, as in fasting in religious traditions, it is a
7 period of time for one to spend more reflectively. And so the
8 month of Ramadan is, for example, a time when families often
9 come together. And it is a time to reflect on your religion,
10 your life.

11 It is also a time when Muslims in general -- It is
12 probably the most common time when Muslims fulfill another of
13 the obligations, which is alms giving or zakat.

14 Q. Alms?

15 A. Alms giving, A-L-M-S. My Brooklyn accent, yeah.

16 Q. We lost the L.

17 A. Yeah, I know. Alms. It is akin to tithing. It is a 2.5
18 percent wealth tax. So it is not just an income tax. A
19 Muslim is expected to give 2.5 percent of their wealth every
20 year to the less fortunate members of their community. So
21 that is the fourth pillar. While that can be done at almost
22 any time in the year, in general Ramadan is a time to do this.

23 And then the final pillar, which is the pilgrimage to
24 Mecca, the Hajj, and that is an obligation on all Muslims who
25 have the health and money to go at least once in their

1 lifetime. Some go very often if they can do it. So there are
2 five basic, if you will, practices.

3 Q. And we have seen some people who have the name Hajj. Is
4 that a name or is it an honor?

5 A. It is an honorific term often. Someone who goes on the
6 Hajj will often put the term Hajji in front of their name.
7 But also, as you can imagine, because Hajj is such an
8 important thing, some people simply are given the name Hajj by
9 their parents.

10 Q. Now, does Islam have any relation or relationship to
11 Christianity or Judaism?

12 A. It does. And that was probably the reason why I
13 determined ultimately to study Islam. I was raised to think
14 of a Judeo-Christian tradition, and that groups like Islam
15 were with Hindus and Buddhists.

16 And I discovered in my studies that in fact there is a
17 Judeo-Christian Islamic tradition--that is, that Muslims
18 believe that they worship the God of Abraham, Moses, and
19 Jesus, they recognize the revelations to Moses and Jesus,
20 Moses and Jesus are -- And the great biblical prophets are
21 often Muslim names. For example I have a friend who has two
22 boys. One is named Mousa--Moses; the other Issa--Jesus. And
23 in the Quran the biblical prophets are there.

24 And one of the things I find notable as a Catholic and as
25 a Christian is the extent to the role that Jesus plays in the

1 Quran. In particular, Mary, the Virgin Mary, she appears more
2 in the Quran than she does in the New Testament So there is an
3 integral relationship. What they share in common is a view
4 that there is one true God, that God sends prophets and has
5 sent his revelation. That moral responsibility is important;
6 that you are morally responsible in this life, and that there
7 are consequences for your actions if you are moral or
8 immoral--if you will, heaven hell, death and judgment.

9 Q. Does the word Muslim mean anything particular? We know
10 that people who are members of this religion are called
11 Muslims. Does that word mean something --

12 A. Muslim -- Actually, again if you just break the word out,
13 S-L-M or S-L-I-M, you have M-U-S-L-I-M. Muslim is one who
14 follows Islam, one who submits. So that is what the term
15 Muslim means. Sometimes also rendered as Moslem when it is
16 transliterated.

17 Q. And we have heard the term Allah. What does that mean?

18 A. Allah is the Arabic term for God. Allah simply means
19 literally the God, and it is Arabic -- the Arabic term which
20 means that for both Muslims and for Christians Allah would be
21 -- For Arab, a Muslim and Christians, Allah would be the term
22 for God.

23 It is a little bit akin to, for example, until 20 or 30
24 years ago Roman Catholics used the Latin term Deus for God.
25 It simply was the Latin word for God. It didn't mean that

1 Deus was God's proper name. So Allah means God or the God.

2 Q. Now, sticking to terms, one of the other terms that you
3 have mentioned that we have heard a great deal of in this
4 case, and you said is one of the five pillars of Islam, is
5 zakat. And can you tell us what zakat really means? Is it
6 more than what you just said about tithing?

7 A. Zakat -- Built into zakat -- A major focus in the Quran
8 as, by the way, also exists in the old and New Testament but a
9 major focus is on the issue of social justice, and
10 particularly concerned about certain classes of people--the
11 poor, the needy, orphans, and widows in particular. And zakat
12 basically says to believers, "You are stewards in terms of
13 creation, and so what you have comes from God and you have an
14 obligation, to the extent that you can, to take care of those
15 members of your community that are poor, in need, that are
16 widows or orphans, or are students and can't afford to go to
17 university, so this is part of your obligation. You need to,
18 you should every year take that percentage of your wealth and
19 distribute that."

20 Q. Do Muslims ever give zakat to non-Muslims?

21 A. Historically the purpose of zakat, and of giving within
22 the Muslim community, as occurred historically in most
23 religious communities in terms of Jews and Catholics as well,
24 is that, you know, with tithing, is that the money was to
25 support members of your community, and that continues to be

1 the case.

2 However, in more recent times you also find, for example,
3 organizations that are funded by zakat, zakat donations
4 responding to international events. We saw this with, for
5 example, Katrina relief, and we have seen it in other
6 instances.

7 Q. Is this part of the process of acculturation?

8 A. Yes, I would say that this is true. I have -- Actually
9 we did a book looking at Judaism, Christianity, and Islam in
10 the United States, and what you see is the way in which
11 religious groups when they come tend to be very concerned
12 about obviously their community, and then that gets broadened.

13 MR. JACKS: I am going to object on grounds of
14 relevancy. I submit this is very far afield from where we
15 are.

16 THE COURT: Well, this is background information,
17 and you may spend some time on it.

18 MS. HOLLANDER: I am moving on, Your Honor, but we
19 have had -- This relates to an issue in this case, giving --

20 THE COURT: That is fine. I have said you can spend
21 some time. Go ahead.

22 MS. HOLLANDER: Thank you.

23 Q. (BY MS. HOLLANDER) I need to ask you -- You mentioned
24 orphans and widows, and let me break that down a little bit.
25 Does Islam as a religion have a definition, or are there

1 definitions of orphans that might be different than what we
2 are used to, which is a child who has lost both parents?

3 A. You have the basic definition of an orphan who has lost
4 -- a child who has lost both parents. But also if you have a
5 child who has lost a father, because this institution grows
6 out of a patriarchal society in which --

7 Q. What do you mean by a patriarchal society?

8 A. It is a male-dominated society, and, therefore, the
9 notion is that men are responsible for supporting the women
10 and children in the family. So if, for example, a father dies
11 in a car accident or is killed in a conflict, his death is
12 seen as creating a situation in which his wife obviously is a
13 widow and his children are seen as orphaned. Their economic
14 base has been taken away from them.

15 Q. Are orphans particularly important in Islam for a
16 particular religious reason?

17 A. I think they are, for two reasons. One, the Quran is so
18 concerned with orphans. And also it is important to remember
19 that the prophet Muhammad was an orphan. So part of the
20 tradition deals with, from the very earliest time, both
21 Muhammad being an orphan, Muhammad's concern about orphans,
22 and so it is very much integrated, not only in terms of
23 Muslims' sacred scripture, but also in terms of, if you will,
24 history and culture.

25 Q. And you mentioned that widows are particularly important.

1 Is there a religious reason for that?

2 A. Yeah, I think there are a couple of reasons. Again, the
3 Quran emphasizes the question of widows. This was important,
4 for example, even historically, and it is reflected in the
5 Quran in that in the early Muslim community when Muslims were
6 in contact with the Meccans, which the Meccans were the ruling
7 group in that area, and they were in conflict, and as a result
8 there was warfare, and so there were a lot of widows created.
9 So there was a concern there. And also the Prophet's first
10 wife was a widow. So both in terms of scripture and, if you
11 will, Islamic tradition, concern for widows has always been a
12 major area.

13 Q. Now, one of the other terms -- Your task here is defining
14 some terms for us. One of the other terms that we have heard
15 a great deal about is martyr. And I want you to explain to us
16 whether martyrs have any particular significance in this
17 religion.

18 A. Martyrdom is -- Yes. I mean, I would consider martyrdom
19 as playing a very important role in the history of Islam, as
20 it did in the history of Christianity.

21 A martyr is one who witnesses -- The term for martyr is
22 shahid. It comes from the same term root as the confession of
23 faith, the Shahada--there is no God but God. So a martyr is
24 one who bears witness to one's faith, and is someone who winds
25 up giving his or her life for one's faith or one's community.

1 Q. Now, in your study, do you know or do you have an opinion
2 as to what Palestinians particularly mean when they use the
3 term martyr?

4 A. The term martyr as it is used among Palestinians is
5 actually used very broadly. And this has been true for
6 Muslims in recent decades. In other words, it winds up being
7 used of anyone who struggles in a good fight and winds up
8 giving up their life. So it will be used of Palestinian
9 Muslims, as well as Palestinian Christians, that they were
10 martyrs. And it will be used by religious folk or religious
11 people who were associated with religious organizations, but
12 also by people who belong to secular organizations.

13 Q. Can it include suicide bombers?

14 A. It can.

15 Q. Or other --

16 A. It has -- Yes. There is a debate within Islam and among
17 religious scholars about that question, but certainly there
18 are some religious scholars who would include a suicide
19 bombing.

20 Q. Now, is --

21 A. Suicide bombers. Sorry.

22 Q. Or more generally, people who commit terrorist acts?

23 A. Yes.

24 Q. Is suicide permitted in the religion in Islam?

25 A. Historically in Islam, as in Christianity, suicide is

1 forbidden and it is -- It is just absolutely forbidden.

2 Q. So how do religious leaders come to the conclusion that
3 someone who commits a violent act, and let's say suicide
4 bomber, can be a martyr?

5 A. What they in effect do is redefine the meaning of the
6 term. So what they say is that this isn't suicide; that
7 suicide usually refers to somebody who has given up on life,
8 given up on God, sees life as meaningless, and so it is a kind
9 of self-destructive act. But instead, they define what these
10 people, these suicide bombers, are doing as an act of
11 self-sacrifice, and argue that these are people who are dying
12 for something--they are dying for a just cause, they are dying
13 to free their people from occupation, et cetera. And so they
14 spin it that way.

15 But again, I would underscore that you have a rigorous
16 debate and disagreement among religious scholars over this
17 notion.

18 Q. So in your research involving Muslims, have you found
19 those who are on both sides of the issue of whether one can
20 consider a suicide bomber a martyr?

21 A. You have major religious leaders, for example, in Saudi
22 Arabia saying suicide is suicide and suicide bombing is
23 suicide.

24 Q. Meaning?

25 A. It is not accepted. It says that there is no

1 justification; that suicide bombing is an act of suicide and
2 suicide is forbidden in Islam; and you have other religious
3 leaders, some in Egypt and other places, and in the U.K.

4 On the other hand, you have some religious leaders who
5 say that suicide bombing is wrong and acts of terrorism are
6 wrong, but that suicide bombing in Israel is legitimate, and
7 then they give an argument for why this exception.

8 Q. And we are going to talk about that in a few minutes.
9 Let me ask you first, though, if you can define another word
10 that we have heard a lot of in this case, and that is jihad.
11 And tell us -- Start by telling us -- I assume that is an
12 Arabic word.

13 A. Yep.

14 Q. What the definition would be.

15 A. Yeah. Jihad occurs multiple times in the Quran, and so
16 if you are looking for its sort of primary reference point, in
17 the Quran you have the phrase jihad fi sabil Allah.

18 Q. Slow down a --

19 A. Fi, F-I, sabil, S-A-B-I-L, Allah, A-L-L-A-H. So jihad fi
20 sabil Allah.

21 Q. And that means?

22 A. To struggle in the path of God. Its basic meaning is the
23 struggle that all believers have to lead a good life; that it
24 is a struggle to do good, to lead a moral life, to do what one
25 should be doing.

1 Jihad historically in Islam has had multiple meanings, so
2 it means to struggle, to lead a good life, a moral life. It
3 also can mean the struggle if one is attacked or one's
4 religion is attacked, to defend ones self-against attack; so,
5 if you will, defensive warfare, fighting in what we in Western
6 civilization call a just war.

7 But the term jihad has also been used in highjacking by
8 terrorists for offensive wars or acts of terrorism. And it
9 has also been appropriated historically by some Muslim rulers
10 to legitimate their wars of expansion. So instead of arguing
11 and saying, you know, "We are going out and I want you to
12 conquer people," they will say, "We are defending," you know,
13 "and spreading Islam," when in fact they were spreading the
14 Islamic empire, and so they would justify, if you will, wars
15 of imperialism. And, of course, you can see that right down
16 to Saddam Hussein at times.

17 Q. Now, Matthew Levitt, Doctor Levitt testified in this
18 case, and he has written a book about Hamas. And in that book
19 he on page 9 relied on you for his definition of jihad stating
20 that, and I quote, "According to John Esposito, a leading
21 scholar on Islam" -- I assume you agree with him.

22 A. In all humility, I always agree with people that say nice
23 things about me.

24 Q. He says, "According to John Esposito, a leading scholar
25 on Islam, jihad can refer to"--and this is a quote from you,

1 and I want you to confirm whether this is accurate--"fighting
2 injustice and oppression, spreading and defending Islam, and
3 creating a just society through preaching, teaching, and, if
4 necessary, armed struggle or holy war."

5 A. Exactly. I have written and said that kind of thing
6 often, and I think that is a very -- It is a comprehensive
7 definition of jihad in terms of all of the different aspects
8 that it has.

9 Q. Is jihad connected to holy war in the Quran?

10 A. No, it is not used for holy war in the Quran. It is also
11 not used -- For example, it is not used as the equivalent of
12 the word killing. The Quran has its own -- When the word
13 killing is used, it is usually a word like Qital, Q-I-T-A-L,
14 so it is not used in that sense there either.

15 The kind of -- The meaning of holy war comes after the
16 fact; you know, just as, for example, the notion of holy war
17 in Christianity, while it exists, is not to be found in the
18 New Testament.

19 Q. So is it fair to say that in order to understand what is
20 meant when someone says jihad, you have to know the context?

21 MR. JACKS: Object to the leading.

22 THE COURT: Do you want to rephrase, counsel?

23 Q. (BY MS. HOLLANDER) How can you determine whether someone
24 -- how someone is using the term jihad?

25 A. You have to know, if you will, the person and the

1 context; you know, who said it, when, where, in what context
2 to what purpose. If I can give you an example.

3 MR. JACKS: Object to non-responsive, Your Honor.

4 THE COURT: Overruled. Go ahead.

5 Q. (BY MS. HOLLANDER) Go ahead.

6 A. When I was a young professor, I had a lunch with a
7 Palestinian professor, and I talked about the fact that I was
8 being asked -- In those days it was not that common for
9 American academics to consult with the State Department or
10 government agencies. And I said I was a little bit concerned.
11 I was delighted to do it, but I was concerned that academics
12 didn't do it, and how would people see it.

13 And we were having lunch in the Faculty Club at Temple
14 University, and he said out loud, because it was just common
15 language, he said, "Well, if you really believe in this and
16 this is important to America and your country," he said, "That
17 is your jihad," meaning "That is your struggle." And so you
18 have to know the context in which he was telling me to engage
19 in jihad.

20 Q. And what about economic jihad? Is that a term that you
21 are familiar with?

22 A. In modern times in particular, any kind of struggle, for
23 example, socially or economically, will be identified. If it
24 is to improve a neighborhood, somebody will use the phrase
25 social jihad, social welfare. Economic jihad, yes; to support

1 those who are struggling in the community in a variety of
2 ways, or struggling globally.

3 Q. Could it also mean -- In other words, by struggling
4 globally, do you mean struggling --

5 A. Economic jihad --

6 Q. Let me ask you what you mean.

7 A. Economic jihad could mean give money to people who are
8 not only here, but let's say overseas, who are poor, who are
9 destitute; or give money to support a political struggle
10 overseas, you know, support the Chechnians or the Bosnians,
11 but economically, and so it can be referred to as an economic
12 jihad.

13 Q. So that, too, would it depend on the context?

14 A. Yep. Yes.

15 Q. And Mujahidin, the word that I always mispronounce that
16 you will correct me, what does that term mean?

17 A. Mujahideen again means as with Muslim, one who, the M-U.
18 So Mujahid, M-U and then J-A-H-I-D-I-N, one who struggles,
19 Mujahidin; one who struggles in the path of God.

20 In the situation of armed conflict, as the Afghan/Soviet
21 War, the Mujahidin were those who struggled against the
22 Soviets and fought against the Soviets. So again, it is a
23 generic term that can be used for freedom fighter as well as
24 used by a terrorist to refer to themselves.

25 Q. So again do you have to know the context?

1 A. Yes.

2 Q. Earlier in this trial we saw a news report --

3 MS. HOLLANDER: And it might be easiest just to
4 bring it up. It is HLF Search No. 109. And it is at page
5 140.

6 Q. (BY MS. HOLLANDER) And this will appear on your screen
7 there, and then I will ask you a question.

8 A. Yeah.

9 MS. HOLLANDER: Actually can we go back and see if
10 we can find a date?

11 THE WITNESS: Okay. I see the date, 1991.

12 Q. (BY MS. HOLLANDER) 1991. Okay. And I will ask you some
13 questions about UASR in a moment.

14 MS. HOLLANDER: But for now let's look again at
15 page 140.

16 THE WITNESS: Yeah.

17 Q. (BY MS. HOLLANDER) And this was an interview in 1991
18 with Sheikh Yassin. And you know who he is. Correct?

19 A. Yes; the founder of Hamas.

20 Q. Okay. And the part that the Government pointed out was
21 where it says -- he was asked, "What is the name of the
22 military wing?" And he was referring to Hamas. And his
23 answer was, "The Palestinian Mujahideen." Correct? Do you
24 see that?

25 A. Yes.

1 Q. Now, would that be -- The use of the term Palestinian
2 Mujahideen, would that be -- in your opinion, is the only
3 definition of that the Hamas military wing?

4 A. That would be a generic definition in the sense that you
5 would refer to, for example, the Bosnian Mujahideen, those in
6 Bosnia who were fighting. Or you could refer to the Chechnian
7 Mujahideen. So it would be referring to those who are
8 struggling -- in a struggle or a fight. It could refer to any
9 Palestinian who was engaging in that fight, whether they were
10 members of Hamas or not.

11 Q. Have you ever seen that term used by any of the other
12 political organizations, like Fatah or --

13 A. Yes. In fact, if you look in the last few years in
14 particular, the last, I don't know, seven or eight years, it
15 is kind of interesting that the Palestinian National
16 Authority, which is secular, wound up appropriating terms like
17 jihad, shahid, martyr, and Mujahideen freedom fighters for
18 themselves as well, even though they were supposedly a secular
19 group fighting for a secular cause. So it is the generic
20 sense that these people are freedom fighters or strugglers.

21 Q. When you say that they appropriated the term, do you mean
22 that they --

23 A. Use it. They often use it. Because it shows that from
24 points -- Within a religiously oriented society, if you want
25 to legitimate even more what you are doing or mobilize

1 support, even the secular forces realize that this lends more
2 weight.

3 Q. And one of the other terms that we have heard is the term
4 Islamist. Can you define what that term means?

5 A. An Islamist is one who is Islamically-oriented,
6 religiously oriented, and it usually is used for people who
7 are engaged in social movements or political movements and are
8 motivated not only by their patriotism or their nationalism,
9 but see themselves as doing it because they are religious
10 folk.

11 And you can have mainstream activists or Islamists or
12 movements. These are people who function within society, run
13 social services and a whole lot of things, you know, analogous
14 to Salvation Army, et cetera, or you can have extremists,
15 violent terrorists -- well, terrorists.

16 Q. Can you compare this to anything we know in Christianity?

17 A. Well, I think that, you know, historically, you for
18 example look at -- In America you have varieties of social
19 organizations, and you have both secular and religious, let's
20 say Christians or Jews, who will give money for building
21 schools and hospitals, et cetera.

22 But religiously-oriented people, some of them, will
23 establish organizations that are not simply secular but are --
24 have a religious name to it and religiously inspired because
25 they are religious. And so you will then have social services

1 and the hospitals they create will have a religious name to
2 it, St. Jude's, Beth Israel, or one could have Makaset if you
3 were dealing, you know, in a Muslim context. So I think that
4 that would be the equivalent.

5 And today you see it, for example, both here in the
6 United States and overseas in many place where is you have a
7 variety of both Muslim and Christian groups, evangelical
8 groups in particular, that are more and more visible in the
9 Muslim world who engage in these kinds of activities.

10 Q. Now, another word we have heard throughout this case that
11 was translated from the Arabic was the word that translated
12 into the word front. For example, we heard the Islamic Action
13 Front of Jordan. We have heard about the American Front, the
14 European and Canadian Front. Do you have any idea what this
15 word was in Arabic and what this means?

16 A. One of the terms that is used, Arabic terms, is Jabhat.
17 If you look at the Islamic Action Front of Jordan, it is the
18 political party or political wing of the Muslim Brotherhood.
19 And when you are translating a word--this is true in any
20 language--into let's say English, trying to find the precise
21 meaning is often difficult. It can have multiple meanings.
22 This particular term could be equivalent, would be
23 organization, or it could mean kind of an umbrella group or
24 coalition.

25 For example, in Algeria a major Islamic movement there

1 was the Islamic Salvation Front. Now, that sounds like one
2 group, but the term there, front, meant an umbrella group that
3 included, other Islamic groups, or even just other
4 Islamically-oriented individuals. So the term front in this
5 context simply means something like organization, association,
6 or coalition.

7 Q. And the word sheikh we have heard this term a great deal.
8 What does that mean?

9 A. Sheikh is a very generic name. It is used of religious
10 leaders; Sheikh Yassin, we have heard his name already. But
11 it also is an honorific term. So, for example in the Arab
12 world -- Let's say in the Gulf, in Saudi Arabia or one of
13 those countries, a cabinet minister might be called Sheikh.
14 It is sort of honorific. Or a student who is a Muslim student
15 might say of his teacher, whether Muslim or not, sometimes I
16 will have a student say, "You are my sheikh." So it is an
17 honorific term. "You are my" --

18 Q. Teacher?

19 A. Teacher. Or "You are somebody who I would follow."

20 Q. And is it also sometimes just part of someone's name?

21 A. Yes. You can have somebody who actually just has the
22 name like Sheikh Ali so and so, and there sheikh can be the
23 equivalent of a first name.

24 Q. And actually jihad can also be a name. Is that true?

25 A. Yes. It is -- It can be a first name or a last name.

1 Q. Now, we have seen a lot of videos where people in
2 response to fundraising, for example, will shout the word
3 takbir or shout Allah akbar. What -- Start with takbir. What
4 does that mean?

5 A. Takbir, the best way to understand the meaning of takbir
6 is -- It is like saying -- In many traditional
7 audiences -- For example, years ago in this country, when you
8 would be speaking to an Arab immigrant audience, you wouldn't
9 have applause at the end of the talk. That is a very Western
10 phenomenon. So if I were giving a talk and my wife were
11 coming to it, I would say, "Don't be nervous if you don't hear
12 any applause. It doesn't mean I am a failure." You would
13 hear dead silence. But if you did well, somebody might say
14 takbir. It is almost like saying, "That's great." And then
15 somebody would say, "Allahu akbar"--God is most great.

16 And Allahu akbar, therefore, is a term -- It is -- To say
17 "God is most great" is so generic that it means it can be used
18 in almost any context; i.e., if something good happens to you,
19 you attribute it to God. But it can also be used as a battle
20 cry, as it was by the -- Sorry. By the Afghan mujahideen
21 against the Soviet Union. It would be A battle cry as one
22 went into war--God is most great; sort of like dying for God
23 and country. It can also be used by terrorists to mobilize
24 people.

25 Q. So again --

1 A. It is an affirmation that God is the greatest thing in
2 the world, that God controls our destiny.

3 Q. So again, does one have to know the context?

4 A. You always have to know the context with any such terms.
5 It is a little bit like when the Crusades were called for and
6 the Pope said, "God wills it," you have to know the context in
7 terms of what were they going to do in terms of what God
8 willed.

9 Q. Now, we have also heard a lot of Arabic names in the
10 course of this case, and one of the things that we have
11 learned is there is something called an Abu name. And what is
12 an Abu name?

13 A. Abu means the father of so and so, of a person; you know,
14 usually of the son. And so, for example, in an Arab village
15 when I first lived in Lebanon, a man and wife, the mother
16 would be called Um -- if the son's name was Nabil, Um Nabil,
17 the mother of Nabil, and the father would be called Abu, the
18 father of, Nabil. And in the village, that would be the way
19 in which people would identify them once you had a son, rather
20 than calling you by your given sort of first name.

21 Q. Has Abu, A-B-U or A-B-O-U, we have seen it spelled both
22 ways, also become parts of last names?

23 A. Yes. As with a lot of these terms, they can then become
24 simply appropriated as part of a last name. It almost looks
25 like a hyphenated name, Abu so and so.

1 Q. And if you wanted to distinguish between whether you --
2 in English whether you were referring to someone by the kind
3 of informal father of or somebody's last name, how would you
4 do that?

5 A. If I were in court, for example, in the United States --
6 It all depends on the country. In terms of our custom, you
7 would wind up staying, you know, Mr. Abu Khalil, for example.
8 We would use the phrase mister.

9 Q. Have you ever been to a zakat committee in the West Bank?

10 A. No, not to my knowledge. What I mean by that is that I
11 have done interviews and gone to organizations, but I don't
12 remember any of them being a zakat committee.

13 Q. So you are not claiming any expertise in how the zakat
14 committees run or who controls them.

15 A. Correct. I have no firsthand experience. I have just
16 read about them.

17 Q. Now, Doctor Levitt testified in this trial about zakat
18 committees. And I take it you have read his book.

19 A. Yes, I have.

20 Q. Would you rely on what he says about zakat committees?

21 A. I think that, as with any book, there are parts of it
22 that I find acceptable and parts that I don't. But it is a
23 little bit difficult -- The book, both on my part and also
24 with some other reviewers, has come in for some criticism.
25 And part of it, from my point of view, is somebody who works

1 in certain areas as an expert, is the methodology employed.

2 Q. Well, he testified that he didn't see any reason to go to
3 a zakat committee, and that he had only interviewed two Hamas
4 prisoners. In your opinion, is that -- Someone who has never
5 been to a zakat committee, would you rely on him as an expert?

6 A. I think if you are writing about something in the past,
7 that existed in the past, let's say 100 years ago, then
8 obviously then your scholarship is you go back and you just
9 look at text of what somebody else wrote. But if you an
10 expert on a contemporary phenomenon, I think that your
11 expertise suffers enormously if you haven't had firsthand
12 experience.

13 If nothing else, the problem you have into is if you
14 don't have firsthand experience, then you are reading what
15 other people say, and if they disagree how do you make the
16 judgment that you have to make as an author or expert on who
17 is right, if you have got one person in their book saying one
18 thing, another person in the other book saying the other
19 thing? So it affects your, you know, your credibility.

20 Q. Now, Doctor Levitt has also testified and written about
21 the Muslim Brotherhood. Do you agree with what he has said
22 about the Muslim Brotherhood?

23 A. It would depend on what that was. I mean, I couldn't say
24 that I would disagree with everything that he said about the
25 Muslim Brotherhood.

1 Q. Well, let me ask you specifically. In your opinion of
2 the Muslim Brotherhood -- Now, you have mentioned earlier --
3 Let me go back a little bit. You mentioned earlier you
4 interviewed members of the Muslim Brotherhood. Can you tell
5 us who you have interviewed --

6 A. I have interviewed most -- The head of, for example, the
7 Egyptian Muslim Brotherhood would be called the guide. I have
8 interviewed the heads of the Muslim Brotherhood, some of the
9 leadership and some of the younger members of the Muslim
10 Brotherhood.

11 Q. In other countries?

12 A. In Egypt, in Jordan, in Israel, Palestine, in Sudan,
13 among other places.

14 Q. In your opinion, is there a central -- kind of a central
15 Muslim Brotherhood that has chapters in all these countries?

16 A. I think that the best way to see the Muslim Brotherhood
17 is as an organization which began in Egypt and then was spread
18 to other countries and was emulated. But these organizations
19 now in Sudan and Jordan are very much the Jordanian Muslim
20 Brotherhood, the Sudanese Muslim Brotherhood.

21 Do these people stay in contact with each other? Yes.
22 Would they, you know, meet from time to time? Yes. But it is
23 not as if there is kind of a central organization with a CEO,
24 the equivalent of a CEO, who would have the power to, for
25 example, give commands to people outside that area, you know.

1 One could give advice, but not commands.

2 So, for example, the guide of the Egyptian Muslim
3 Brotherhood, since it was, if you will, the mother ship, you
4 know, would certainly be somebody who has a voice, but the
5 Jordanian Muslim Brotherhood would not necessarily feel that
6 it had to follow.

7 And there is a historical example of this. When the
8 Muslim Brotherhood spread to the Sudan, the Sudan is right
9 next to Egypt. The Egyptian Muslim Brothers felt they would
10 be in command. And in fact the Sudanese Muslim Brotherhood
11 ultimately basically said, "We are Sudanese. We have our own
12 leadership." So in a sense, you know, "Yes, we have a certain
13 kind of brotherhood relationship, but it is our own
14 operation." I think that is the way I would put it.

15 Q. The Government introduced a document that was found at
16 Mr. Elbarasse's house that talked about the international
17 Muslim Brotherhood directing branches to form Palestine
18 committees.

19 In your opinion, could the international -- Is there an
20 international Muslim Brotherhood that could direct other
21 Muslim Brotherhoods?

22 A. I guess I have both a question and answer. The question
23 would be, you know, who said that? What is the authority of
24 that statement? But in terms of the question that you asked
25 me, I would say no. I wouldn't agree with that statement or

1 the conclusion in that statement.

2 Q. And we have also heard in this case -- There is a
3 document the Government introduced that was a document -- Let
4 me just put it up.

5 MS. HOLLANDER: It is Elbarasse No. 3, and it is
6 page -- Start with the -- Put up the first page of the Arabic
7 and then we will go from there.

8 Q. (BY MS. HOLLANDER) . This has a date on it. Can you read
9 the date?

10 A. I can see it here, yeah.

11 Q. 1991?

12 A. Yes.

13 Q. Okay. And is there an author on that page? Do you see
14 an author anywhere?

15 A. It is kind of fuzzy here.

16 MS. HOLLANDER: Let's go to the first page of the
17 English, because the English is easier to see.

18 Q. (BY MS. HOLLANDER) Do you see an author anywhere? I
19 don't believe there is an author to this document.

20 A. No.

21 MS. HOLLANDER: Go to page 21, please, of the
22 document. And if you highlight No. 4, paragraph No. 4.

23 Q. (BY MS. HOLLANDER) This statement, this unauthored
24 statement from 1991, in essence says that the Muslim
25 Brotherhood wants to overthrow Western governments. You can

1 read that statement.

2 A. Yeah.

3 Q. And let me ask you a question about that. In your
4 opinion, is that a valid stance that you have ever seen the
5 Muslim Brotherhood take in any country?

6 A. No. If I read that statement I would say it was clearly
7 made by a -- If it is authentic, it would be made by a radical
8 or terrorist organization. That is not something that I would
9 associate with the Muslim Brotherhood.

10 Q. Is the Muslim Brotherhood a violent organization?

11 A. Historically -- It depends on which Muslim Brotherhood we
12 are talking about. But, for example, in Egypt in the last, I
13 don't know, 20 or 30 years, the Muslim Brotherhood has
14 functions within society socially as well as politically. It
15 has been elected to office. Despite at times strong acts of
16 repression, documented by international organizations as well
17 as our State Department, they have not responded violently.

18 In Jordan the Muslim Brotherhood has historically worked
19 within the Kingdom and with the King and participated in the
20 political system, as if you will, quote unquote, often a loyal
21 opposition. So in those countries --

22 The Sudanese Muslim Brotherhood, it is a different story.
23 It depends on what period of history; particularly in terms of
24 the Sudan in opposition both working with the government as
25 well as in opposition to the government, and at times they

1 have been involved in conflict.

2 Q. But this particular statement is not one you have ever
3 seen in relation --

4 A. No. I mean, if it is -- As I said, if it is authentic,
5 it would represent, it would seem to me, a terrorist comment,
6 an individual or a group. It wouldn't represent a Muslim
7 Brotherhood -- You wouldn't guess that it was a Muslim
8 Brotherhood statement.

9 Q. Are there --

10 A. And if you go to their website, by the way, you can
11 document that.

12 Q. And what is the Muslim Brotherhood website?

13 A. It is -- It has both an Arabic and an English website,
14 and you can go on the website and they have most of their
15 major documents. And certainly in terms of positions such as
16 this kind of position, I mean, you would see -- In other
17 words, you know, what is the agenda, what is its relationship,
18 what is its goals, you know, and you see an organization that
19 has developed over time and you have -- Many of their major
20 documents are there.

21 Q. So this could be one individual's position?

22 A. It could be one individual, or it could represent some
23 sort of radical group. But without knowing who the author is,
24 or really -- It is hard to say.

25 Q. Now, do you know whether the Muslim Brotherhood still

1 exists in the West Bank and Gaza independently from Hamas?

2 A. The Brotherhood exists, but it is much more nuanced than
3 it was--that is, much more -- It is not as clear when you
4 approach it as, let's say, it would have been years ago. That
5 is, years ago you had a Muslim Brotherhood in Palestine. Then
6 Hamas was formed as, if you will, a kind of militia. Okay?
7 And you could clearly distinguish between the two.

8 In recent years, as Hamas has become a greater presence
9 and force within Gaza, and more recently has come into itself
10 politically, that kind of distinction has become far more
11 blurred. But clearly you would still have people within the
12 West Bank and Gaza who would see themselves as Muslim Brothers
13 but not necessarily as members of Hamas. Some might vote for
14 Hamas, the way you would vote -- prefer this political leader
15 over another, but not necessarily be formal members of Hamas.
16 So I think one still has to distinguish. And there are also
17 now other Islamic groups as well.

18 Q. One of the documents that the Government showed us
19 was -- had a quote in it that said that "Given that all the
20 founders of Hamas were brethren, Hamas' structure borrowed
21 heavily from the Movement." And do you agree with that?

22 A. Yes. And that wouldn't be surprising. That would
23 be -- Yeah.

24 Q. And have you ever heard the Muslim Brotherhood referred
25 to as the Movement? As the Islamic Movement?

1 A. Yes. The phrase Islamic Movement is -- Again, if you
2 just think about the words, it is a very generic term. So,
3 for example, one can say the Islamic movement being global
4 Islam, and so the Islamic movement across the world. Or one
5 can say, if you know the context, in Egypt and somebody says
6 in a certain context the Islamic Movement, they would be
7 referring to the Muslim Brotherhood. But it would depend on
8 which movement.

9 If you are in let's say Gaza, if you say in a context --
10 You would expect in a context that is predominantly, let's
11 say, Hamas, one might say the Islamic movement and mean Hamas.
12 On the other hand, one could be referring to other Islamic
13 movements there, smaller groups. You could be referring to
14 Islamic Jihad, Palestine Islamic Jihad. And you have now what
15 are called Salafi, S-A-L-A-F-I, Jihadist Movements. So
16 depending on the context, one might be using the phrase the
17 Islamic Movement to refer to a specific movement, as opposed
18 to just this kind of generic sense of Islamic movements
19 globally.

20 Q. So again, you would have to know the context?

21 A. Yes.

22 Q. In your opinion, is there any proof that the Muslim
23 Brotherhood wants to overthrow governments or create an
24 Islamic state through violent jihad?

25 A. The proof actually runs directly against that. If you

1 look historically of the track record of the Muslim
2 Brotherhood, not only its statements but what it does, in most
3 countries, certainly in Egypt, in Jordan, it participates
4 within government and within society, usually as a major
5 social movement. And when able to function in politics, when
6 governments have opened up and allowed free and fair
7 elections, which is not all that common in the Arab world,
8 then they will participate in government.

9 Q. And somewhere in the Government's case we heard the name
10 Moustafa al-Mansour as the head of the worldwide Muslim
11 Brotherhood. Have you ever heard of this person?

12 A. Never heard of this person as the head of the worldwide
13 Muslim Brotherhood movement. There may be people who say that
14 or make that claim, but in my work I could not say, A, that
15 that kind of movement exists in the way that you are
16 describing it; and B, that this person has that authority. I
17 have never heard, for example, a major Muslim Brotherhood
18 leader referred to someone who is beyond them as the sort of
19 CEO of the Movement.

20 Q. Now, I want to ask you about another document that the
21 Government has relied on.

22 MS. HOLLANDER: If you will pull up Ashqar Search
23 No. 5.

24 Q. (BY MS. HOLLANDER) And this is a document that the jury
25 has seen a number of times that was taken from the home of --

1 Actually photographed in the home of Mr. Ashqar. And you can
2 see the date is 1993.

3 MS. HOLLANDER: And if you just go to the first page
4 of the Arabic, you can see this was originally an Arabic
5 document. And now if you go to page -- I believe it is page
6 14. This is the English, the rest of us who have to look at
7 it in English.

8 Q. (BY MS. HOLLANDER) Can you see that?

9 A. Yeah, I can see it.

10 Q. I want to ask you about this particular document. And it
11 is -- Again, we don't know too much about it except it says "A
12 suggested work paper on rearranging the frame of work on the
13 inside." And we have been told in this case that the inside
14 refers to Palestine.

15 Now, this paper, if you look at the roles assigned to
16 each party --

17 A. Yes.

18 Q. -- has a role assigned to -- Do you see the role assigned
19 to the Muslim Brotherhood?

20 A. Yes.

21 Q. And the role assigned to Hamas?

22 A. Yes.

23 Q. Looking at the role assigned to the Muslim Brotherhood,
24 education, social, and charitable work, economic work, Dawa,
25 and financial affairs, is that consistent with what you know

1 about what the Muslim Brotherhood does?

2 A. Yeah. That is -- Yes. And most experts would say -- I
3 don't know anybody who would differ on that first section.

4 Q. And what is dawa?

5 A. Dawa, it means -- It is to spread the word of Islam or to
6 -- Dawa is like propagation of the faith. It is to help
7 Muslims become better Muslims, or to spread Islam to
8 non-Muslims. It is the call, the call to people--Dawa means
9 the call--the call to people to Islam.

10 Q. Okay.

11 MS. HOLLANDER: And let me refer you to page 20.

12 Q. (BY MS. HOLLANDER) And on this page it continues to talk
13 about the social and charitable work. And it says, "This work
14 is considered the Movement's pulse among the masses and its
15 banner in solving their problems and alleviating their
16 worries, as the enemy does not provide even the least minimum
17 of services, and many of the families live in abject poverty
18 due to the absence of a dependable provider."

19 Is that the kind of work you would see the Muslim
20 Brotherhood doing?

21 A. Yeah.

22 Q. Is that a statement that would be consistent with
23 something you have seen in Muslim Brotherhood literature?

24 A. Yes.

25 Q. Now, you said that as a researcher you have met with

1 members of the Muslim Brotherhood. And although I am not
2 asking you to testify about Hamas, have you met with leaders
3 of Hamas also?

4 A. Yes.

5 Q. Is that something --

6 A. Not lots of leaders, because -- But I met with certainly,
7 for example, leaders of Hamas in Jordan quite a few years ago.
8 And I have run across leaders of Hamas in national -- one or
9 two international conferences, but not -- I have never met
10 with leaders of Hamas, for example, within Gaza.

11 Q. Would you be willing to write about Hamas in Gaza, having
12 never met with the leaders in Gaza?

13 A. Not -- I would write about it in -- if I were writing,
14 you know, a general book, but not -- If I were writing a
15 monograph as sort of an expert on Hamas, no.

16 Q. Just because you have met with these people, does that
17 mean anything about whether you support them or not?

18 A. No. When you do research -- You know, for example if you
19 are doing research on -- I know researchers who worked, let's
20 say, on the Vietnam war. And they might go and interview
21 generals and political leaders who they agreed with or not
22 agreed with. You go and interview the players to have
23 credibility.

24 You don't have much credibility in general if you -- For
25 example, when I speak to the military about Islamic Movements,

1 if somebody in the audience at the end of my going on in this
2 sort of definitive way said, "Have you ever met a member of an
3 Islamic Movement," and I say, "No," I know for a lot of them
4 they would be thinking, "Well, that is nice, but then, you
5 know, how do you know really what you are talking about? You
6 are just saying what they say when you read something that
7 they have said, or you are saying what other people say they
8 say but they don't mean."

9 So when you do research, if you have got live people that
10 you are researching, or a movement, it is expected that you
11 will interview.

12 Q. Now, you have also -- We have heard a great deal in this
13 case about a man named Qaradawi, Sheikh Qaradawi. And he
14 spoke at a fundraiser for HLF at one point. And I am going to
15 ask you some specific questions about him because he has come
16 up. But first, who is he? Do you know who he is?

17 A. Yeah. Yousef al-Qaradawi is a very, very prominent
18 Islamic scholar, leader, mufti, expert, who gives opinions
19 that people around the world would follow. Not only are they
20 in books, but, for example, you can go on his website or other
21 websites and see his opinions or Fatwas, or you can ask him a
22 question.

23 So he is very well-known throughout the Arab world,
24 throughout the Muslim world, and in Muslim communities in
25 Europe and America. Not all Muslims would agree with him or

1 follow him, but he is a very prominent religious leader.

2 Q. We have heard some evidence in this case that he spoke in
3 favor of suicide bombers and the destruction of Israel. Have
4 you actually met with Qaradawi?

5 A. Yes, I have met Qaradawi.

6 Q. Is this correct, what we have heard?

7 A. Yes. I would qualify it a little from the way you just
8 phrased it. Qaradawi is somebody who would on the one hand
9 denounce acts of terrorism, and so, for example, he denounced
10 the 9/11 attacks, and I believe in fact his first statement
11 was on 9/12, the day after the attacks. In general he would
12 denounce suicide bombing.

13 But when it comes to suicide bombing in Palestine, he
14 has, since probably the mid 1990s, been supportive of those
15 actions, and taken issue with Muslim religious leaders who
16 were not.

17 Q. So has he issued Fatwas that oppose suicide bombing in
18 other contexts?

19 A. Yes. He has issued Fatwas that opposed suicide bombing
20 in other contexts, and in fact issued a very prominent Fatwa,
21 along with American religious leaders and others, that
22 basically said to American Muslims in the military that they
23 could participate in the invasion of Iraq and in killing of
24 Muslims. So he has -- You have to look at, again, what he
25 said and what context he is talking about. There are

1 different positions out there.

2 Q. Well, what is the justification, from your study of him,
3 for suicide bombers or terrorism in Israel?

4 A. He has justified -- His argument runs something like
5 this: That the situation in Palestine, that Palestine is a
6 war zone, and that Palestinians are people under occupation.
7 So he sees this as a war zone, people under occupation. And
8 he sees, therefore, in that context that all Israelis are part
9 of the system. In fact, he would say that not only -- and do
10 Israelis serve in the military, but most Israelis are in the
11 reserve, et cetera. And, therefore, he sees this as a war
12 zone in which fighting and killing is legitimate.

13 He also sees suicide bombers as people who are
14 sacrificing themselves against a superior military power;
15 people who don't have the military wherewithal, equipment, et
16 cetera, and, therefore, are using their bodies as a weapon
17 against military might. And, therefore, for him, the way he
18 would legitimate it is it is a sacrifice for a noble and just
19 cause. That is the way he argues it.

20 Q. Now, part of -- One of his statements that we have heard,
21 and I believe it is also somewhere in the Hamas charter, is a
22 statement about Jews -- hiding behind trees and killing Jews.
23 Are you familiar with this?

24 A. Yes.

25 Q. With what I am talking about?

1 A. Yeah.

2 Q. First of all, where does that come from historically?

3 A. The statement comes -- The context for the statement
4 would be two-fold: One, the relationship of Muslims in the
5 early period, and this is reflected also in the Quran itself,
6 to Jews. On the one hand in the Quran, the Quran says that
7 Jews and Christians are people of the Book.

8 Q. What does people of the Book --

9 A. Sorry. People that have a revelation from God. So the
10 Quran recognizes the revelation of the Torah to Moses and the
11 Gospels to Jesus. And so, therefore, the notion is Jews,
12 Christians, and Muslims, quote, we are all people of the Book.
13 So you see that in the Quran.

14 But what you also see in the Quran, and in fact -- and it
15 reflects early history that some Jewish tribes align
16 themselves--I am giving you the Quranic narrative--align
17 themselves with the opposition; those who are oppressing the
18 Palestinians, the Meccans. Okay. So they were seen as the
19 enemy. And, therefore, those Jews were seen as enemy who were
20 to be fought, killed to the extent that they were threatening
21 the security, and -- well, fought and killed.

22 You then have reflected in a tradition that has come
23 down, a tradition that is -- of the Prophet, that is
24 attributed to the Prophet, you have a tradition that expresses
25 this same kind of conflictual situation, and that in this kind

1 of conflict you are to fight against your enemy.

2 And so that quote has been used and also abused by
3 religious preachers, for example, in different contexts.

4 THE COURT: Let's go ahead and take the morning
5 break. Let's take a 20-minute recess. That clock is not
6 correct. We will try to get it fixed, but let's take a
7 20-minute recess.

8 (Whereupon, the jury left the courtroom.)

9 THE COURT: We will be in recess.

10 (Brief recess.)

11 THE COURT: Counsel?

12 Q. (BY MS. HOLLANDER) We were talking about Yousef
13 Qaradawi, and I actually only had one more question about him.

14 From what we have heard of him, it certainly sounds like
15 he is very -- Since he has taken this historical reference and
16 made it --

17 MR. JACKS: Object to leading and improper question.

18 MS. HOLLANDER: I haven't finished the question.

19 MR. JACKS: She is making a comment in her question
20 and opinion, and we object to that.

21 THE COURT: Well, she hadn't finished the question.
22 Go ahead and finish and let's see what you were going to say.

23 MS. HOLLANDER: Thank you.

24 Q. (BY MS. HOLLANDER) The comment that you were responding
25 to that Qaradawi made about Jews in the historical sense -- He

1 has spoken in modern times, and so it sounds like he is very
2 anti-semitic or anti-Jewish. And my question to you is, in
3 your opinion do you believe that that is true of this
4 particular person, based on what you know about him?

5 A. If you look at Qaradawi's work--I actually just finished
6 working on him for a new book that I have--he goes out of his
7 way to say that he is not anti-Jewish, but he is anti-Israeli,
8 anti-Israel occupation of Palestine, and that that is what he
9 is talking about. So he will talk about Jews again as people
10 of the Book, et cetera, but when it comes to Palestine he
11 defines that situation politically.

12 Q. And you are just telling us what he says; not necessarily
13 agreeing with him.

14 A. Right.

15 Q. Do you know whether the United States government has had
16 any negotiations or conversations with any Muslim Brotherhood
17 organizations around the world?

18 A. Yes, it has.

19 MR. JACKS: Your Honor, I am going to object to
20 relevancy.

21 MS. HOLLANDER: That is my only question, Your
22 Honor.

23 THE COURT: Okay.

24 Q. (BY MS. HOLLANDER) Now, I want to turn to a slightly
25 different subject. The Government has introduced parts of two

1 magazines called the Middle East Affairs Journal, and one of
2 them was the Middle East Affairs Journal for summer/fall 1998.
3 And I believe that is -- I always get these backwards. I
4 think it is HLF Search No. 108.

5 MS. HOLLANDER: Is Mr. Lewis not here? I don't have
6 the whole thing in front of me, and I was kind of counting on
7 his being here.

8 Q. (BY MS. HOLLANDER) Okay. The Government introduced two
9 documents, both of them are the Middle East Affairs Journal.
10 And this one, which is HLF Search No. 108, was from 1996, and
11 the other one, HLF Search No. 106, is from 1998.

12 And let me ask you, first, are you familiar with the
13 Middle East Affairs Journal?

14 A. Yes, I am.

15 Q. And the organization that put this journal out was the
16 United Association for Studies and Research.

17 A. Yes.

18 Q. Does it have an acronym? Is it just UASR?

19 A. Yeah, UASR.

20 Q. We have heard some testimony about UASR in this trial.
21 Have you ever done any work with that organization?

22 A. Yes.

23 Q. And what did you do?

24 A. They were a think tank based in Virginia, and often some
25 of the members of that think tank would come to conferences

1 that we had, and we would meet at conferences. We did a
2 conference together. And so I had contact with that think
3 tank, along with people in a lot of other think tanks, yes.

4 Q. Did you consider UASR, when you were meeting with him, to
5 be a Hamas organization?

6 A. No. I mean, I had no way of knowing whether they were or
7 they weren't.

8 Q. And the head of that organization Ahmed Yousef, do you
9 know who he is?

10 A. Yes. I had a number of professional occasions over quite
11 a few years in Washington to see him. I probably saw him, on
12 an average, maybe two times a year, three times a year,
13 something like that.

14 Q. And during what period of time? In the '90s?

15 A. It would have been in the '90s, and perhaps into the
16 early part of this century.

17 Q. And do you know where he is now?

18 A. Yes.

19 Q. And where is that?

20 A. He is in Gaza. I had lost track of him for like three or
21 four years, and then I heard that he -- or he then surfaced.
22 He had been in Gaza; had left the United States.

23 Q. And do you know what his position is now?

24 A. Yes, as a senior political advisor to Haniya, the elected
25 leader in Gaza.

1 Q. And he is a Hamas leader. Correct?

2 A. Yes.

3 Q. Now, this journal had an advisory board in 1998, and I
4 want to put this up on this elmo and ask you if you are
5 familiar with any of the individuals who are on the advisory
6 board. I will do it in part here.

7 A. Yeah, I can see it.

8 Q. Can you see it? Okay. I will have to move it up, but
9 are you familiar with any of those individuals?

10 A. Yes. Ahmed Yousef, Anisa 'Abd al Fattah. I am familiar
11 with quite a few of them. Sana Abed-Kotob from the University
12 of Maryland, who now works for the American government.
13 Khurshid Ahmad. Charles Butterworth, who is a prominent
14 American academic. Louis Cantori, recently deceased, but a
15 prominent academic. Ibrahim Abu-Rabi, know him. John Entelis
16 at Fordham University, a North African specialist. Graham
17 Fuller, former senior CIA and Deputy Director of the National
18 Security Council. Bruce Lawrence from Duke University.
19 Sulayman Nyang of Howard University in Washington. Fathi
20 Osman from the West Coast. Louay Safi. Sayyid Mohamed Syeed.
21 And William Zartman.

22 Q. Were these people who you would consider Hamas
23 supporters?

24 A. No, none of them would be.

25 Q. And turning to the next page, the table of contents for

1 this document, this has a number of articles, including one
2 that you wrote. Correct?

3 A. Yes. It actually was a speech that I gave at CSIS, which
4 is a think tank in Washington, and then I believe Ahmed Yousef
5 asked me if he could publish that speech.

6 Q. And there is also an article by a Ronald Neumann. Do you
7 know who he is?

8 A. Yes. Ronald Neumann was, is, a distinguished diplomat
9 who served in the Clinton and then more recently the Bush
10 Administration. His last position was ambassador to
11 Afghanistan. And he had been prior to that Deputy Assistant
12 Secretary of State for the Near East.

13 Q. And one of the other people who wrote for this magazine
14 was Robert Pelletreau.

15 A. Robert Pelletreau was the ambassador to Bahrain, Egypt,
16 and Tunisia, and was responsible when he was ambassador to
17 Tunisia for--that was at a time when Yasser Arafat was living
18 in Tunisia--for U.S. relations, and then became the Assistant
19 Secretary of State for Near East during the first Clinton
20 term.

21 Q. Would you consider them Hamas supporters?

22 A. No, definitely not.

23 Q. Now, there is also an article -- On the next page there
24 is an article here by a Sheikh Jamil Hamami. And this is a
25 name we have heard in this case. And the article is entitled,

1 "Islamic-Christian Relations in Palestine in a Civil Society:
2 'An Islamic point of view.'"

3 A. Yeah.

4 Q. In preparation for your work here, did you read this
5 article?

6 A. Yes, I did.

7 Q. This article was published in 1998. And I don't know if
8 you can see that. Can you read what it says in the note about
9 Sheikh Hamami?

10 A. "One of the leaders of the Islamic Movement in the West
11 bank considered a voice of moderation within Muslim ranks. He
12 was imprisoned more than once during the Intifada, as well as
13 after the establishment of the Palestinian Authority. He is
14 also a member of the Higher Islamic Council of Palestine."

15 Q. And having read this article, is it your opinion that
16 this is a moderate article?

17 A. It is a surprisingly progressive position. The reason I
18 say surprisingly is I am -- He writes on a position that I
19 deal with, which is how to understand Muslim-Christian
20 relations --

21 MR. JACKS: I would object to him giving his opinion
22 about this article. I believe the article can speak for
23 itself and the jury can reach its own conclusion if they chose
24 to read it.

25 THE COURT: Okay. Overrule that objection. He may

1 render an opinion on it.

2 MS. HOLLANDER: Thank you.

3 THE WITNESS: It is -- I am sorry. I lost my train
4 of --

5 Q. (BY MS. HOLLANDER) I was asking whether you agree with
6 the statement that this is a moderate opinion?

7 A. The way I would describe it without -- would be simply to
8 say that it is -- would be regarded as a very progressive
9 position, vis-a-vis, let's say, traditional positions--that
10 is, that he strikes into new territory in talking about
11 redefining or reinterpreting the notion of the relationship
12 between Muslims and non-Muslims in a state, and talks very
13 clearly about equality of citizenship, et cetera, which is a
14 very kind of modern interpretation or modern notion.

15 Q. You mean equality between --

16 A. Between Muslims and Christians; that there ought to be
17 complete equality of citizenship, rights, ability to serve in
18 government. This would be regarded as a reinterpretation of
19 traditional Islam, so it would be seen as a progressive or
20 reformist position.

21 Q. Would you think that this article by Jamil Hamami would
22 be something you would expect from a radical fundamentalist?

23 A. It would leave somebody of that position -- When people
24 take that kind of position, they usually come under strong
25 criticism from radical fundamentalists as basically

1 compromising the religion, selling out.

2 Q. Doctor Esposito, I have one final question for you. In
3 your opinion, why is it important for us here to understand
4 Islam?

5 A. Well, I think that when --

6 MR. JACKS: Your Honor, I am going to object on the
7 grounds of relevancy. That is not his purpose to tell us
8 that.

9 MS. HOLLANDER: In the context of this case, Your
10 Honor.

11 THE COURT: I will overrule the objection. He may
12 answer that. Go ahead.

13 MS. HOLLANDER: Thank you.

14 THE WITNESS: I think that when you go to make a
15 judgment about any, you know, sort of -- that involves any
16 people or culture, it is very important that you understand
17 the people and the culture involved so that you have a context
18 for making an informed judgment.

19 Q. (BY MS. HOLLANDER) And is there anything particular
20 about Islam that you think needs to be understood in the case?

21 A. I think the challenge that people have when they don't
22 know another -- a group -- I saw it growing up as an ethnic
23 Italian, and if people didn't know what Italians were like, or
24 when I didn't know somebody who was Irish, I would generalize
25 from one or two instances. So I grew up at a time where

1 Italians were seen as the mafia. And it was important to me
2 that people understand who I was and, you know, what Italians
3 were, what Catholics were like, so they could make a variety
4 of distinctions. And I think that is very important.

5 Just as if you don't know anything about Christianity,
6 you don't want to judge Christianity by people who blow up
7 abortion clinics or commit other acts of violence. You want
8 to be sure that you know the broader context of people that
9 you are looking at.

10 MS. HOLLANDER: I will pass the witness, Your Honor.

11 THE COURT: Any counsel have any additional
12 questions, Defense counsel?

13 MS. MORENO: No, Your Honor.

14 MR. WESTFALL: No, Your Honor.

15 MS. CADEDDU: No, Your Honor.

16 THE COURT: Mr. Jacks?

17 CROSS EXAMINATION

18 By Mr. Jacks:

19 Q. Doctor Esposito, you made reference to the organization
20 CAIR, C-A-I-R.

21 A. Correct.

22 Q. And I believe you said that you have appeared at their
23 functions many times. Is that correct?

24 A. I have spoken at functions a number of times. Yeah. I
25 don't know what many would be, but a number of times, sure.

1 Q. Could give us an idea --

2 A. How many?

3 Q. Yes, approximately.

4 A. In my lifetime, make six, five, something like that.

5 Maybe six.

6 Q. Over what period of time?

7 A. The last 15 years, something like that. I think CAIR
8 began, I am not sure, but around 1995, let's; say so the last
9 13 years, yeah.

10 Q. And when was the last time you spoke at a CAIR function?

11 A. A couple of months ago. But I speak an awful lot. I
12 don't remember exactly when. I will be speaking in Tampa in a
13 week, a week and a half, at a CAIR function.

14 Q. And where was the CAIR function that you spoke at a
15 couple of months ago?

16 A. California? It wasn't California. It might have been
17 Dallas.

18 Q. Are you having a hard time remembering where it was?

19 A. Yeah. I speak at least three times a week nationally and
20 internationally. But it is a matter of record so, I mean,
21 that is --

22 Q. I know. I am just -- My question is did you have to
23 search your memory as far as where you last spoke for a CAIR
24 -- at a CAIR function? You weren't sure that it was in
25 Dallas?

1 A. I know I spoke at a fundraiser in Dallas, and it may well
2 have been CAIR, but that wasn't in the last few months. That
3 would have been about six months to a year ago, as I remember
4 it.

5 Q. Did you speak at one in August during the time that this
6 trial was going on or when the jury selection process was
7 going on?

8 A. This past August?

9 Q. Yes. August of 2008.

10 A. Entirely possible.

11 Q. You don't remember if you were in Dallas in August of
12 2008 --

13 A. That is right. Yes. If you saw my travel schedule,
14 yeah.

15 Q. So your answer is you don't remember that you were in
16 Dallas about --

17 A. I remember being in Dallas. I don't remember the exact
18 month. That is absolutely correct.

19 Q. Were you in Dallas for a CAIR function?

20 A. I said that I thought it was a CAIR function. It was a
21 fundraiser, and I think it was a CAIR function, and it may
22 have been in August. It may have been in July.

23 Q. And what was the -- Who was the beneficiary of this
24 fundraising?

25 A. It was the local -- It would have been the local CAIR

1 organization.

2 Q. What was the fundraising going to be used for?

3 A. It was for the work that CAIR does.

4 Q. Well, was there any specific purpose that these funds,
5 whatever they were going to be raised for, were going to be
6 used for?

7 A. Not that I am aware of.

8 Q. Are you familiar with the Muslim Legal Defense Fund?

9 A. Yes. I don't know a lot about it, but I know the name,
10 you know, yeah.

11 Q. Have you ever contributed to it?

12 A. No.

13 Q. Have you ever spoke on their behalf?

14 A. No.

15 Q. And do you know what their purpose is?

16 A. Not beyond what the words communicate, no.

17 Q. So you don't have any idea what the Muslim Legal Defense
18 Fund is created for or what its function is?

19 A. Other than what the obvious terms seem to say. There is
20 the Muslim Legal Defense Fund. There is also a Muslim
21 Advocates -- another association called Muslim Advocates, but
22 I don't work with them. I don't have anything to do with
23 them.

24 Q. And is the Muslim -- Do you know that the Muslim Legal
25 Defense Fund is to raise money to pay attorneys fees for --

1 A. Yeah.

2 Q. -- certain persons?

3 A. Yeah, sure. From the very title, that is what I would
4 have expected, but -- You know, I haven't read their charter,
5 but that is what I would have expected, yes.

6 Q. And to pay attorney fees for the Defendants in this case.

7 A. No, that I didn't know.

8 Q. You are not -- You have no idea that that is one of its
9 functions?

10 A. No.

11 Q. Do you know where it is headquartered?

12 A. No.

13 MR. WESTFALL: Your Honor, may we approach?

14 THE COURT: Come on up.

15 (The following was had outside the hearing of the
16 jury.)

17 THE COURT: Why is this relevant?

18 MR. JACKS: It goes to his bias, Your Honor, that he
19 has participated and spoken. I kind of question his veracity
20 when he talks about that he is not familiar with it, but that
21 goes to his bias.

22 MS. HOLLANDER: Your Honor, I think we need an
23 instruction that most of us are appointed CJA.

24 MR. WESTFALL: We are all CJA except one person.

25 MR. JACKS: Your Honor, the CJA defendants have been

1 out raising funds, so they are not excluded from --

2 MS. HOLLANDER: They have not been raising funds to
3 pay the CJA attorneys. And there is only one Defendant who is
4 getting any money that is not CJA, and this is totally
5 improper.

6 THE COURT: I just don't know the relevance. I
7 mean, in terms of his bias, but these other details you are
8 wanting to get into whether they are raising money for this, I
9 don't know how that is relevant to this case, other than just
10 injecting another issue.

11 MR. JACKS: I am going to stop now. He says he
12 doesn't know. I question the veracity of that, but I am stuck
13 with the answer.

14 THE COURT: So you are through with the issue?

15 MR. JACKS: Yes.

16 MS. CADEDDU: We request an instruction.

17 THE COURT: I will discuss that later. Remind me
18 later.

19 (The following was had in the presence and hearing
20 of the jury.)

21 Q. (BY MR. JACKS) You -- I think you said, in fact, your
22 next scheduled appearance on behalf of CAIR is in a couple of
23 weeks. Is that correct?

24 A. I am scheduled to speak at a CAIR event on November 14 or
25 15. I am not sure which date. I think it is a Saturday night

1 in November.

2 Q. And you are the keynote speaker. Is that correct?

3 A. Yeah, I am either the or one of the keynote speakers.

4 Q. And do you know who were the original founders or
5 officers of CAIR?

6 A. I have met one or two people who are among the original
7 founders. One is -- I don't remember the name, but somebody
8 based in California, and also any Nihad Awad who has been the
9 executive director since the beginning of the organization,
10 and Ibrahim Hooper, who is still -- has been also from the
11 beginning of the organization with them.

12 Q. And you said Nihad Awad is one individual you know, and
13 you said the other individual is from California?

14 A. I think the original founder is somebody from California,
15 but I don't remember his name, from maybe Santa Clara. I am
16 not sure.

17 Q. Does the name Omar Ahmad, does that refresh your memory?

18 A. Yes, that would sound right.

19 Q. And have you met him?

20 A. Yes.

21 Q. Several times?

22 A. Maybe twice.

23 Q. Do you also know him as Omar Yehia? Has he ever been
24 introduced by that name?

25 A. No.

- 1 Q. You indicated that you are being paid --
- 2 A. Yes.
- 3 Q. -- to be here?
- 4 A. Yes.
- 5 Q. What is your fee?
- 6 A. It is in the vicinity of \$400, but I am not exactly sure;
- 7 maybe \$400, \$420.
- 8 Q. An hour?
- 9 A. An hour, yes.
- 10 Q. And in terms of -- That is for in-court time, or is there
- 11 a separate fee for consultation?
- 12 A. It is \$400 or \$420 fee per hour for in-court or
- 13 preparation, whatever I would be doing related to the case.
- 14 Q. And do you know what amount you have incurred to bill?
- 15 A. No, I haven't bothered to figure it out. I haven't done
- 16 an invoice yet, no.
- 17 Q. Can you give us an estimate of the amount of time you
- 18 spent?
- 19 A. This could afford my salary if I undershoot it. Let's
- 20 see. I probably put in about 20 hours, 25 hours. I would
- 21 have to go back and look at my Blackberry, among other things,
- 22 which I don't have with me.
- 23 Q. You testified about the Muslim Brotherhood, and your
- 24 opinions about that organization. Is that correct?
- 25 A. Yes.

1 Q. And it is a 20th century organization. Correct?

2 A. Correct.

3 Q. And in terms of -- You said -- Do you consider yourself
4 an expert on the Muslim Brotherhood?

5 A. I do, and so do many other people.

6 Q. And what is the motto of the Muslim Brotherhood?

7 A. Well, you mean in terms of its crest, its crest?

8 Q. Well, what is the expression that the members of the
9 Muslim Brotherhood refer to as its creed or credo or motto?

10 A. I don't know. I have referred to it, but it is not a
11 major -- I don't think about that regularly. I think about
12 who the Muslim Brotherhood is and what it does.

13 Q. Well --

14 A. It is related to -- Obviously it is related to, you know,
15 to God, et cetera, but I don't remember the exact words of the
16 motto, no.

17 Q. But they do have a motto or a creed?

18 A. Yes. It is listed right under -- If you go to the Muslim
19 Brotherhood web page or you go to the office of the Muslim
20 Brotherhood in Cairo, they would have a crest, you know,
21 like -- Not a crest --

22 Q. A logo?

23 A. A logo. And then they would have the motto below the
24 logo. But at this particular point I don't remember the logo.

25 Q. Is it similar to the Hamas motto?

1 A. The Hamas motto is similar in terms of its coming
2 from -- I am sorry. It is coming from the Muslim Brotherhood.
3 But when you actually look at the teasing out of what Hamas
4 stands for -- In other words, if you study its charter, then
5 its charter is at least 50 percent significantly different;
6 let's say any of the charters of the Brotherhood past and
7 present.

8 Q. My question was just about the Hamas motto and its
9 similarity to the Muslim Brotherhood motto.

10 A. It would be similar.

11 Q. And you don't know what the Muslim Brotherhood motto is?

12 A. I have said that four times. Yes.

13 Q. Do you know the Hamas motto?

14 A. I have seen it before, but no, I don't.

15 Q. Do you consider yourself an expert on Hamas?

16 A. I said earlier that I am not. I have written on Hamas,
17 but I don't consider myself an expert on Hamas because I
18 haven't spent as much time interviewing Hamas leaders,
19 including the fact that you can't interview Hamas leaders very
20 easily today.

21 MR. JACKS: Just a moment, Your Honor.

22 Your Honor, I would ask that Government's Exhibit
23 Demonstrative No. 9 be displayed.

24 THE COURT: Is that in evidence?

25 MR. JACKS: Yes.

1 THE COURT: All right. Yes, sir.

2 Q. (BY MR. JACKS) Doctor Esposito, I am going to show you
3 what has been admitted as a demonstrative exhibit.

4 MR. JACKS: And if you could, Mr. Lewis, just show
5 the first page of the exhibit, if you would.

6 Q. (BY MR. JACKS) Let me just ask you, Doctor Esposito, do
7 you recognize what is shown on the left hand side of the
8 screen as the cover of the Hamas charter.

9 A. Yes.

10 MR. JACKS: If you would, Mr. Lewis, go to the next
11 page, please.

12 Q. (BY MR. JACKS) Are you familiar with the Hamas charter,
13 Doctor Esposito?

14 A. Yes. I mean, I have read it a number of times. I
15 haven't memorized it, but I read it. I discuss it in fact in
16 my book on holy war.

17 Q. And that excerpt that is shown there on this page, is
18 that part of the introduction--"Israel will exist and will
19 continue to exist until Islam will obliterate it, just as it
20 obliterated others before it"?

21 A. Yes.

22 MR. JACKS: And would you go to the next page,
23 please, Mr. Lewis?

24 Q. (BY MR. JACKS) Is this also a part of the
25 Introduction--"this covenant of the Islamic Resistance

1 Movement (Hamas) clarifies its picture, reveals its identity,
2 outlines its stand, explains its aims, speaks about its hopes,
3 and calls for its support, adoption and joining its ranks"?

4 Is that also a part of the introduction?

5 A. Yeah.

6 Q. I think I talked over you. Was your answer --

7 A. Yes. I am sorry.

8 MR. JACKS: And if you would go to the next page,
9 Mr. Lewis.

10 Q. (BY MR. JACKS) And the excerpt on the top where it
11 states Article II--"The Islamic Resistance Movement is one of
12 the wings of Muslim Brotherhood in Palestine." Is that an
13 accurate recitation of Article II or part of article II?

14 A. Yeah, correct.

15 Q. And at the bottom, the excerpt from Article III says, "In
16 all that, they fear Allah and raise the banner of jihad in the
17 face of the oppressors so that they would rid the land of the
18 people of their uncleanness, vileness, and evils." Is that
19 a part of Article III?

20 A. Yep, yes.

21 Q. And jihad in that sense, would you agree, that that is
22 the --

23 A. Arms struggle against the oppressors.

24 Q. Militaristic jihad?

25 A. Yes.

1 MR. JACKS: And go to the next page, Mr. Lewis.

2 Q. (BY MR. JACKS) This shows to be an excerpt from Article
3 VI, quoting, "The Islamic Resistance Movement is a
4 distinguished Palestinian movement whose allegiance is to
5 Allah, and whose way of life is Islam. It strives to raise
6 the banner of Allah over every inch of Palestine, for under
7 the wing of Islam followers of all religions can coexist in
8 security and safety where their lives, possessions, and rights
9 are concerned. In the absence of Islam, strife will be rife,
10 oppression spreads, evil prevails, and schisms and wars will
11 break out." Is that an accurate recitation?

12 A. Yeah.

13 Q. When it speaks about every inch of Palestine up there, is
14 it your understanding that they are referring to all of what
15 now comprises the state of Israel?

16 A. Yes, that is where you have the -- I mean, the source of
17 the conflict. That is as it is greater -- Palestine is
18 greater Israel, and then the notion of some Israelis of
19 greater Judea and Samaria. So correct, the claims to the
20 total territory, yes.

21 Q. So Hamas is not just seeking the West Bank and Gaza.
22 They are seeking all of what comprises the state of Israel.

23 A. They would see that as -- Yes. I mean -- Yes.

24 MR. JACKS: If you could go to the next page, Mr.
25 Lewis?

1 Q. (BY MR. JACKS) And this excerpt from Article VII, "The
2 Prophet, Allah bless him and grant him salvation, has said,
3 'The day of judgment will not come about until Moslems fight
4 the Jews, killing the Jews, when the Jew will hide behind
5 stones and trees. The stones and trees will stay, "O,
6 Moslems, O Abdullah, there is a Jew behind me. Come and kill
7 him." Only the gharkad tree (evidently a certain kind of
8 tree) would not do that because it is one of the trees of the
9 Jews.'" And then it has a reference there.

10 Is that an accurate recitation of what is in Article VII?

11 A. Yes.

12 Q. And you said this phrase comes from the Quran?

13 A. No. You can see the reference right at the bottom,
14 "related to Al-Bukhari and Moslem." These are two -- the
15 names of two people who were collectors of the traditions of
16 the Prophet. This would be narrative stories about what the
17 Prophet said or did.

18 Q. Is there a term for those --

19 A. It is hadith.

20 Q. Hadith, H-A-D-I-T-H.

21 A. H-A-D-I-T-H. And so what this clearly indicates is it is
22 not from the Quran, but it is from one of those statements or
23 traditions, yeah.

24 Q. Okay. So it is attributed to Muhammad?

25 A. The Prophet. Correct.

1 Q. So it is something he said.

2 A. It is attributed to him.

3 Q. Correct. Whereas the Quran is what Muhammad says he was
4 told by the Archangel Gabriel?

5 A. Right. The Quran is seen as the word of God. The
6 traditions of the Prophet are what the Prophet -- what is
7 attributed to the Prophet in terms of what he either said,
8 did, yeah.

9 Q. Okay. And your point was that this phrase has been
10 adopted, if you will, by Hamas in its charter.

11 A. Yes, you have this as Article VII, yes.

12 Q. And you also said, I believe in your direct examination,
13 that this is the phrase that Yousef Qaradawi has repeated.
14 And, in fact, there was a videotape presented in this trial in
15 which he reiterated this phrase. Is that correct?

16 A. I was responding to the Defense lawyer. I didn't bring
17 it up, but yes --

18 Q. I understand.

19 A. But yes, I corroborated, yes.

20 Q. So this Yousef Qaradawi is -- recently he is still
21 repeats this phrase.

22 A. As recently as the statement that you have, yes.

23 Q. Okay. And you said that -- I believe you said it was
24 your opinion that he is not -- It is not an anti-semitic
25 statement. It is a statement against the government of

1 Israel.

2 A. I said that what Qaradawi would say is that -- not what
3 he would say, what he has said, is that the statement is
4 against the government of Israel, the Israeli occupation of
5 the land. That is not meant as against Judaism as a religion
6 or religious Jews. That is what Qaradawi has said. It is not
7 what I am saying.

8 Q. But that is not what he said, though, is it? I mean, he
9 didn't say -- When he repeats this phrase, he doesn't
10 substitute Israel or the government of Israel or Israelis. He
11 uses the phrase the Jews.

12 A. You would have to look at the context, yes. Because you
13 would refer to people -- I mean, when you are referring to
14 people in a context, for example, of let's say a country where
15 people are identified --

16 Q. May I interrupt you just --

17 MS. HOLLANDER: Objection, Your Honor. He is
18 answering the question.

19 THE COURT: Well, what were you going to say,
20 counsel?

21 MR. JACKS: My question was that he does not
22 substitute the word Israel or the government of Israel; that
23 he uses the word Jews.

24 THE COURT: Yes, and I think he was explaining that.
25 Go ahead.

1 THE WITNESS: When you are dealing with a situation
2 in which people are identified by -- as a Jew, as a Muslim, as
3 a Christian -- For example, in Palestine when you are
4 referring to the human beings, you would refer to them as
5 Jews, Muslims, or Christians. If he had said Israelis, that
6 really wouldn't have been accurate because there are Israeli
7 Christians and there are -- You know, but I am just -- I can't
8 say what his intention was. I can just tell you if you look
9 at the context I think it is clear. The context is he is
10 talking about the situation in Israeli and Palestine.

11 Q. I thought you just did try to tell us what his intention
12 was. Wasn't that what you were trying to do?

13 A. No. I said what I said. I said that basically when you
14 are dealing with a context in which people are identified in
15 that context by their religion -- For example, here we don't
16 do that normally in our society. But in some societies, in
17 Northern Ireland people are identified as Protestant or
18 Catholic. So if you are making a political statement even,
19 you are not talking about their belief or whether they
20 practice or not. You will say -- They would say they are
21 Catholic or Protestant. And in general this is a common
22 usage.

23 Q. Well, before you even start talking about context, how
24 about is it a good technique to just look at what they said
25 and what is said in black and white on paper, or what they

1 say? Is that a good reference to determine what somebody
2 means--just look exactly at what their words --

3 A. No text can be interpreted without looking at the context
4 in which they say it.

5 Q. And with regard to --

6 MR. JACKS: Would you go to the next page, Mr.
7 Lewis?

8 Q. (BY MR. JACKS) And this refers to the slogan of the
9 Islamic Resistance Movement, and it is Article VIII. "Allah
10 is its target, the Prophet is its model, the Quran its
11 constitution. Jihad is its path and death for the sake of
12 Allah is the loftiest of its wishes."

13 And does that refresh your memory regarding what the
14 slogan or motto of the Islamic Resistance Movement, Hamas, is?

15 A. It tells you exactly what their goal is in terms of
16 fighting against the occupation, yes.

17 Q. And that is their slogan. They have called it their
18 slogan or motto.

19 A. Yeah.

20 Q. And does that refresh your memory regarding the Muslim
21 Brotherhood as far as what their slogan or motto is?

22 A. The Muslim Brotherhood, the usual slogan is usually seen
23 and described in terms of the first sort of sense of Allah and
24 the Prophet is the model and the Quran is the constitution.
25 Usually in most statements the "death for the sake of Allah is

1 the loftiest of wishes," you will find that in Muslim
2 Brotherhood statements, but it is not sort of featured in
3 general as -- It is not interpreted in the same way that it
4 is, clearly, by a group like Hamas.

5 Q. I am not -- I am just asking you, do they have a slogan?

6 A. Yes.

7 Q. The Muslim Brotherhood.

8 A. And it would be similar to this slogan, yes.

9 Q. And again, it would have the reference to Allah as the
10 target or goal, the Prophet Muhammad is their model, the Quran
11 its constitution, jihad --

12 A. Jihad is the method or path, yes. And dying for God is
13 honorable or lofty, yes.

14 Q. You have talked about different aspects of the Islamic
15 faith and you have defined -- sought to define certain words.
16 And you have talked about the word martyr, and you said that
17 martyr or martyrdom is when a person gives ones life for their
18 faith.

19 A. When one sacrifices ones life for their faith or their
20 community.

21 Q. And you talked about the term Mujahideen. Do you recall
22 that?

23 A. Yeah, Mujahideen, yeah.

24 Q. And how does that literally translate?

25 A. One who struggles. Yeah, one who struggles.

1 Q. Has it been translated holy warrior?

2 A. Freedom fighter, holy warrior, a variety, but that is not
3 what the Arabic would mean. The Arabic literally means one
4 who strives or struggles.

5 Q. And in reference, for example, to the Mujahideen in
6 Afghanistan that were fighting against the Soviets, those were
7 soldiers or fighters. Correct?

8 A. Correct.

9 MR. JACKS: Let me ask you, Mr. Lewis, to pull up
10 HLF Search No. 109.

11 Q. (BY MR. JACKS) And I believe this is an exhibit you were
12 asked about on direct examination. I think it was page 140.

13 MS. HOLLANDER: I didn't ask about this on direct.
14 I asked about HLF No. 108 page 140 and 106 page 140. I didn't
15 ask about No. 109.

16 MR. JACKS: Okay. Mr. Lewis, go to No. 108 then.

17 MS. HOLLANDER: I stand corrected, Your Honor. It
18 is my confusion. I did ask about No. 109, and it was
19 something else.

20 MR. JACKS: Go back to No. 109, please, and go to
21 page 140.

22 Q. (BY MR. JACKS) And do you see -- You were asked
23 about -- This is -- First of all, let me orient you. This is
24 an interview of Sheikh Ahmed Yassin the founder of Hamas.
25 Correct?

1 A. Yeah, I see his name in there, but you would know the
2 context.

3 Q. And do you see where he was asked what was the name of
4 the military wing of the Hamas movement?

5 A. What paragraph would that be in? I see it. Yeah, I see
6 the arrow. What was the name of the military wing. Yeah, the
7 Palestinian Mujahideen.

8 Q. So he defined that term. Correct?

9 A. He used the term.

10 Q. Right.

11 A. He doesn't define it here. He just uses it. I don't see
12 a definition of it.

13 Q. Well, he was asked, "What is the name of the military
14 wing of Hamas prior to the Intifada?"

15 A. Right.

16 Q. And he says it was the Palestinian Mujahideen.

17 A. Yeah, he gives that name, yes.

18 Q. So he is using that term in the military fighter sense.

19 A. Correct, yes.

20 Q. So not in the sense of Palestinian struggling to be a
21 good Muslim. He is saying that it means the military wing of
22 Hamas prior to the Intifada.

23 A. Correct.

24 Q. And obviously, by the way, you are not a native speaker
25 of Arabic.

1 A. Native speaker? No. I am Italian-American.

2 Q. You said that the -- You were asked about the term
3 takfir. Am I pronouncing that right?

4 A. I was asked about the term takbir. There is a term
5 takfir as well.

6 Q. Which one were you asked about?

7 A. Takbir.

8 Q. And spell that, please, just for the record?

9 A. T A-K-B-I-R.

10 Q. And what does that mean?

11 A. It is like saying effusively hallelujah in a certain
12 religious context. If somebody really likes something, they
13 say takbir. It is almost like "That's great." And then
14 Allahu akbar, meaning God is the greatest.

15 Q. And how does it literally translate?

16 A. It means it is big, that is good, it is great.

17 Q. Is it used as a call to get people to say "God a great"?

18 A. Yeah, the equivalent of getting people, yeah, to
19 applause, be supportive, yeah; show approval. It is very
20 often used to kind of get people to show approval, for
21 example, for what they have just heard, for what somebody has
22 said in a speech or a position they have taken.

23 Q. You said that you have talked to some Hamas leaders?

24 A. Yes. I said that I met and interviewed some Hamas
25 leaders in Jordan, and that obviously I -- Today one would say

1 having known somebody like Ahmed Yousef, who is associated
2 with Hamas now, when I spoke with him I didn't know he was a
3 member of Hamas, but he would be Hamas, yeah.

4 Q. He obviously was.

5 A. I don't know that he obviously was at that time. I don't
6 know that he was a member of Hamas at that time, but he
7 clearly -- now he would be. He is the political advisor and
8 the role he plays, he would be a member of Hamas; yeah, yes.

9 Q. Who were the Hamas leaders you have interviewed or talked
10 to?

11 A. It was 15 years ago. I have no idea. I mean, they would
12 have been people who ran the Hamas office in Jordan, so they
13 wouldn't have been like the senior leaders of Hamas, you know,
14 like Rantisi and some others, so I wouldn't even remember
15 their names.

16 Q. Did you document it in your research?

17 A. No, because I wasn't writing on Hamas at the time.

18 Q. What was your purpose in meeting with them?

19 A. When I go to any area, I meet with members of government
20 if I can, members of the opposition, and I meet with Islamic
21 Movement people in any country that I go to. I do it in
22 Malaysia. I do it all over. In some cases I do extensive
23 interviews, and if the information sounds useful to something
24 I am writing, then when I go back to the hotel I take notes on
25 it. But that was simply going to just meet with -- Among

1 others, I met with Hamas people. I met with a lot of people
2 who belonged to both secular and religious movements.

3 And it was just to see the office and how big was it,
4 what did they do, and they were basically -- That was it. It
5 was a small operation, as I remember.

6 Q. Did you finish your answer?

7 A. Yeah.

8 Q. Okay.

9 A. Yes.

10 Q. What year was it that you met them?

11 A. I just said I have no idea. It was 10 or 15 years ago.
12 I travel lots of times. I don't have --

13 Q. Where did you meet them?

14 A. As I said, in Jordan, in Amman, the capital of Jordan.

15 Q. Where in Amman did you meet them?

16 A. I have no idea.

17 Q. You don't know where you were in Amman?

18 A. I don't know where I am in Dallas right now. I mean, I
19 just go to a place. I don't know the city. I have been to
20 Amman many times, but I couldn't -- If you and I went to
21 Amman, I couldn't -- and you gave me a street, I probably
22 wouldn't be able to take you to the street. I would need a
23 taxi driver to take me there.

24 Q. How did you get in touch with them?

25 A. They were -- When you are doing research, you meet people

1 -- For example, you go to a think tank, a Jordanian think
2 tank, and you talk to people in the Jordanian think tank. And
3 you say, "What are the most viable movements here? What are
4 the most viable political parties here?" And then often
5 people will either give you the name or they will put you in
6 touch with somebody and arrange for you to go there.

7 Q. Have you finished your answer?

8 A. Yes.

9 Q. How did you get in touch with these gentlemen?

10 A. I just told you the process I use. I have no idea.

11 Q. I am not asking the process. I am asking you --

12 A. I just answered you directly and said I have no idea.

13 Q. Are these the only two Hamas leaders that you have met?

14 A. To my knowledge -- I mean, I may have run into people in
15 meetings, you know, in Europe or some place in social
16 conversation, but not -- They are the only people that I know
17 to my knowledge that I was aware of were Hamas leaders, yeah.

18 Q. And you sought them out because they were Hamas leaders?

19 A. No. I just said I sought them out because when I go to a
20 country I attempt to talk to people who are -- particularly to
21 people who deal with the political and social situation, and
22 even more specifically, since I work on Islamic Movements, to
23 representatives of any Islamic Movement that might be there.

24 And so in Jordan I would have gone to see members of the
25 Muslim Brotherhood, I would have gone to see members of their

1 political party, the Islamic Action Front, and I would have
2 gone to see an office of Hamas or any other
3 Islamically-oriented group that would have been in Jordan, or
4 in any country I go to.

5 Q. And you do that for your profession. Is that your
6 testimony?

7 A. Yes, that is what I do. That is who I am.

8 Q. All right. But you don't have any notes from that --

9 A. That particular meeting, no, because it wasn't
10 consequential.

11 Q. And you cannot tell us who those leaders were?

12 A. No. It was probably a conversation that lasted for one
13 hour, and most of it was probably somebody telling me, you
14 know, "This is what our office is like. This is what we do
15 here." And if it had been of any consequence, I would have
16 taken notes on it and I would have written on it. I have
17 never referred to that particular office in my speaking or my
18 writing.

19 Q. And then you said that you may have met Hamas leaders in
20 a social setting in Europe or somewhere like that?

21 A. No, what I said was that I can't rule out the fact that I
22 may have run across somebody who was a Hamas leader at a
23 conference in Europe, because years ago before Hamas was
24 declared a terrorist organization, if you went to professional
25 conferences, for example, in Europe or any place, you would

1 have academics, you would have movements.

2 I just went two years ago to Kuwait. They had leaders of
3 various Islamic Movements; not Hamas. It was run by the
4 Kuwaiti government. But they had leaders of a variety of
5 movements. Fifteen years from now one of those people might
6 be identified, or a movement, as a terrorist movement. So I
7 said it was conceivable that 15 years ago I might, or 12 years
8 ago I might have run into somebody in a social conversation at
9 a conference when you are standing around during a break.

10 Q. Well, I mean, is it your testimony that they would have
11 been Hamas members or leaders and you would not have known it?
12 Is that what you are saying?

13 A. Sure, they could have been, as with anybody that you
14 don't know.

15 Q. Well, my question was not directed at who you may have
16 met in a social setting. My question was directed at your
17 statement that you may have met Hamas members in a social
18 setting, and I was trying to explore that answer. And so my
19 follow-up question is, what is the context that you were
20 talking about in terms of your answer that you may have met
21 Hamas members in social settings?

22 A. I think I have answered that. I will say it again. The
23 reality of it is -- it is entirely conceivable that 12 years
24 ago I could have met people that belonged to all kinds of
25 groups, political parties, or movements, and I would not have

1 been aware of it. So basically it was actually a throw-away
2 line. It was just when you asked me how many Hamas leaders
3 have I known, I basically said I have only known or run into
4 or talked to several that I know of. That is what I am
5 saying--several that I know of.

6 Q. All right. And now it is several. And just to follow up
7 on that statement, who are the several that you know of?

8 I told you before, I said that Ahmed Yousef would
9 have been one, and that -- I probably spoke to two people in
10 Jordan who I knew were members of Hamas because it was called
11 the Hamas office. I think I said that twice before.

12 Q. Do you know -- Let me ask this first question. Have you
13 met Mousa Abu Marzook?

14 A. Not that I am aware of. But I did see a picture of him
15 in some of the materials that were provided to me recently,
16 and in looking at his biography, his face looked familiar to
17 me. So I may have met him in Washington at a function, but I
18 don't remember having a specific conversation with him. But I
19 know that he did live in the U.S., and I think he was in
20 Washington. We may have overlapped at a time in Washington,
21 but it is not clear to me.

22 Q. And you do know who he is. Correct?

23 A. Yeah.

24 Q. And just for the sake of the record, who is he from you?

25 A. He is -- Today he is a Hamas leader who is reported to be

1 living in Syria.

2 Q. What is his position currently?

3 A. Political affairs or something like political affairs. I
4 really don't -- I don't deal with Marzook. I don't deal with
5 him academically, you know.

6 Q. I understand. But you say that you have studied Hamas,
7 and --

8 A. You remember I said early on that I am not an expert on
9 Hamas; that I have read about Hamas, that as I have studied
10 Hamas, like I have studied a number of groups, not in the way,
11 for example, I studied the Muslim Brotherhood. If I had, I
12 would have spent a lot of time interviewing Hamas leaders,
13 Hamas groups, et cetera. I have never done that. So Hamas
14 is -- I wouldn't -- If I had been asked, for example, to be an
15 expert witness on Hamas in this trial, I would have declined.

16 Q. Do you know what position Mousa Abu Marzook held before
17 he became the deputy political chief?

18 A. No, I don't.

19 Q. Did you know that he at one time was the head of Hamas,
20 the political chief of Hamas? Were you aware of that?

21 A. Yeah, I think that is what I said just a little while
22 ago. When I said political affairs I meant political chief,
23 or if that is the official title, yeah. I made that reference
24 I think about three minutes ago.

25 Q. Well, my question is did you know that he was at one time

1 the head of the Hamas Political Bureau, or sector as it is
2 called?

3 A. Yes. But -- Yeah.

4 Q. Do you know when he became head of Hamas or a high
5 ranking --

6 A. High ranking, no. I mean, in biography it was after he
7 left the United States, but I don't really know. I wouldn't
8 have an idea of what year that would be.

9 Q. If there was evidence introduced in this case that showed
10 that he was the leader of a Hamas delegation to Iran in 1990,
11 would that surprise you?

12 MR. DRATEL: Objection to the form of the question,
13 Your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: Would it surprise me?

16 Q. (BY MR. JACKS) Yes. That as early as 1990 he was a
17 leader in Hamas.

18 A. Not necessarily. I don't see any reason why I would be
19 surprised.

20 Q. Well, were you aware of that fact?

21 A. No.

22 Q. You talked about the United Association for Studies and
23 Research.

24 A. Yes.

25 Q. And you described it as a what?

1 A. Basically a function in Washington as a think tank. They
2 held seminars at their think tank in which they invited
3 speakers, Muslim, non-Muslim, even strong critics like Daniel
4 Pipes, and they produced a journal fairly regularly, both
5 in -- I think you actually have an example of it. I think
6 they have articles, or used, to both in English and Arabic.

7 So they were seen as one of the think tanks in
8 Washington. They probably would have been -- in those times
9 would have been invited -- I am trying to think now. But
10 right after 9/11 Secretary of State Powell invited leaders,
11 Arab and Muslim leaders in the area to a meeting at the State
12 Department, and I think somebody from a UASR was invited to
13 that meeting, so that was their profile.

14 Q. Did you finish your answer?

15 A. Yes.

16 Q. Do you know who founded the UASR?

17 A. The person I normally associate with UASR is Ahmed
18 Yousef, but I know that Marzook also was one of the -- or at
19 least reported to be one of the original founders of the UASR.

20 MR. JACKS: Could you, Mr. Lewis, bring up Secretary
21 of State Virginia No. 1? And if you would go to page --

22 Q. (BY MR. JACKS) Let me direct your attention, Doctor
23 Esposito -- this has been an exhibit admitted. It is from the
24 Secretary of State of Virginia. It is an annual report to a
25 corporation, United Association for Studies and Research, and

1 the individuals shown there under entry No. 2, Yousef Saloh,
2 is that the individual that you are -- that you have made
3 reference to?

4 A. No.

5 Q. All right.

6 A. Yousef Saloh, no.

7 Q. All right. And did you ever know Ahmed Yousef by the
8 name Yousef Saloh?

9 A. No.

10 MR. JACKS: Would you go to page 10, Mr. Lewis, and
11 the middle of the page?

12 Q. (BY MR. JACKS) And in terms of the officials connected
13 to the UASR, do you see Mousa Abu Marzook's --

14 A. Actually I can't read this screen.

15 Q. All right. Is that better?

16 A. This looks like it. I feel like I am doing an eye exam.
17 The second from the bottom, yeah, I can make that out, yeah.

18 Q. How about the name above that Mohammed Adlouni?

19 A. Say the last -- Could you spell that out for me?

20 Q. A-D-L-O-U-N-I?

21 A. No, I am not familiar with that name.

22 Q. What about Mohammed Akram? Do you know that name or
23 Mohammed Akram Adlouni?

24 A. No.

25 Q. But you were aware that Mousa Abu Marzook was one of the

1 founders of the United Association for Studies and Research.

2 Is that correct?

3 A. Yeah. When I did background, yes.

4 Q. I am sorry?

5 A. Yes.

6 Q. When you did background, what did you mean?

7 A. When I was looking over material, it was clear, and I
8 remember at the time -- I think there was a story in the New
9 York Times years ago in which they referred to him as one of
10 the founders. But in my experience, the main person that I
11 had always dealt with was Ahmed Yousef, so I always thought of
12 Ahmed as the person that ran the think tank.

13 Q. And how far back does your association with the UASR go?

14 A. Probably -- I came to Washington in 1993, so it would
15 have been after that period, and probably certainly late '90s,
16 maybe. I am not sure if they were in existence in 1995 or
17 '96, but it may have been as far back as that. It would have
18 been definitely in the last part of -- I would say the last
19 part of the 1990s.

20 Q. You said you have looked at documents prior to your
21 testimony today. Is that correct?

22 A. Documents that were provided to me, yeah, and then also
23 in preparing on my own, you know, go and do research.

24 Q. What documents did you look at?

25 A. Some of the documents that had to do with testimony that

1 was given in this trial by Mr. Avi, A-V-I, a Mr. Levitt, and
2 some of the documents that you referred to, Elbarasse, those
3 would have been provided to me. And then what I meant by -- I
4 used the documents also in terms of, you know, going up and
5 looking at stuff on the internet or whatever other materials I
6 had. I didn't necessarily mean just legal documents. I meant
7 that it in a generic sense.

8 Q. The documents that you looked at, did they have exhibit
9 labels on them to identify them?

10 A. Yes.

11 Q. And were some of them labeled as Elbarasse Search and
12 then a number?

13 A. Yes.

14 Q. And what volume? How many Elbarasse Search documents did
15 you look at?

16 A. It was -- I don't know.

17 Q. You are holding your finger about two inches apart?

18 A. The folder was something like this, yeah, I mean, so it
19 might have been -- I don't know if it would be 20 separate
20 documents or -- you know, in that vicinity I think.

21 Q. Are you familiar with an organization known as the
22 Palestine Committee?

23 A. No. I know the name, but I have not -- I wouldn't know
24 anything about it formally, but I have heard the phrase
25 Palestine Committee.

1 Q. Is it fair to say that you had never heard of it until
2 this trial?

3 A. No. I mean, I have heard the phrase Palestine Committee
4 before, but -- so it would have been before the trial.

5 Q. Would it have been in connection with this case?

6 A. No. I mean, not necessarily, no. It is just, you know,
7 there are a lot of Palestinian groups out there, and so
8 Palestine Committee is a very common phrase--Palestine
9 Committee, Palestine Committee for this. But I don't know --
10 I couldn't distinguish -- I don't mean to trivialize this, but
11 I couldn't distinguish one Palestine Committee from another
12 unless I actually looked at it or studied it, so.

13 Q. You are just saying, then, have heard the word Palestine
14 and committee used together?

15 A. I have heard the terms, yes.

16 Q. But in terms of its use as either a term of art or to
17 refer to a specific organization, you have never heard of
18 that?

19 A. No. I would have only come across it with regard to this
20 case in that sense, yeah. You know what I mean? But I
21 wouldn't have known what it meant before.

22 MR. JACKS: Mr. Lewis, would you please display
23 Elbarasse Search No. 13, please?

24 Q. (BY MR. JACKS) Doctor Esposito, let me show you what has
25 been admitted in evidence as Government's Exhibit Elbarasse

1 Search No. 13, and it is a document in Arabic, but -- I just
2 want you to be able to see the first page. And I take it you
3 can read what is written there?

4 A. Yeah. Can you tell me, what is the source this was
5 taken? Is it -- In other words, is it an authenticated
6 document or is it a document that was taken in a search? That
7 is what I understand, it was taken in a search. Right? From
8 a man's home named Elbarasse?

9 Q. I will get to that. But yes, it was taken in the
10 execution of a search warrant by the FBI when the person
11 didn't know the FBI was coming.

12 A. Right.

13 MR. JACKS: Would you go, Mr. Lewis, to the next
14 page? And go to the next page, please. I am looking for the
15 third page of the English, if you don't mind.

16 Q. (BY MR. JACKS) And do you see this heading, Doctor
17 Esposito?

18 A. Palestine Committee?

19 Q. Yes.

20 A. Yeah.

21 Q. And have you seen this document before?

22 A. Yes, laid out this way, yes.

23 Q. So you have reviewed this document?

24 A. Can I see the full page so I can just be sure? Yeah, I
25 am pretty sure I have gone over that document among the

1 documents that I saw, yeah.

2 MR. JACKS: Mr. Lewis, if you would go back up to
3 the first paragraph that is in bold.

4 Q. (BY MR. JACKS) And do you see there, Doctor Esposito,
5 where it talks about the Palestine Committee and the
6 organizations that make it up or that are connected to it?

7 A. Yes.

8 Q. And do you see, for example, the Islamic Association for
9 Palestine, the Occupied Land Fund, and the United Association
10 for Studies and Research?

11 A. Yes.

12 Q. All right. And do you assume that that is the same UASR
13 that you have worked with?

14 A. Yes, I would expect that would be the case, yeah.

15 MR. JACKS: If you could zoom back out, Mr. Lewis.
16 And go to the next page, please.

17 Q. (BY MR. JACKS) Do you see --

18 A. Financial situation?

19 Q. No. Actually I want to direct your attention to the
20 recommendations and suggestions. Do you see that paragraph or
21 sentence?

22 A. Yeah.

23 Q. And it says, "The committee" -- And presumably that is
24 referring to the Palestine Committee?

25 A. Yes.

1 Q. "...asks the group for more moral support for this work
2 and the committee overseeing it as it represents its strong
3 arm and the one which is specialized in defending the Islamic
4 cause in Palestine and support for the emerging movement, the
5 Hamas Movement." Do you see that?

6 A. Yes.

7 Q. And does that read, to you, that the committee is saying
8 that it is the one which is specialized in support for the
9 emerging movement the Hamas Movement?

10 A. As I read it, what it says is in light of the committees
11 that you just showed me just above in the document, that it is
12 a group of social and politically-oriented organizations that,
13 according to this last paragraph, is supportive or -- Yeah, is
14 supportive of the emerging movement. But I don't know who was
15 saying it, but yes.

16 Q. You would have to -- I mean, you can either take it at
17 face value or --

18 A. Yeah. You have to know who wrote the document, et
19 cetera. But yeah, in terms of the meaning within the text,
20 yeah, I agree.

21 Q. Let me ask you --

22 MR. JACKS: Mr. Lewis, could you display Elbarasse
23 Search No. 8, please?

24 Q. (BY MR. JACKS) And Doctor Esposito, let me just show you
25 what is another document seized from the house of Ismail

1 Elbarasse. And that is an Arabic handwritten document. Would
2 you agree?

3 A. Yep.

4 MR. JACKS: And if you would, Mr. Lewis, go to the
5 first English page.

6 Q. (BY MR. JACKS) And can you see the description or the
7 title for this particular page?

8 A. The Occupied Land Fund report.

9 Q. Doctor Esposito, do you know what the Occupied Land Fund
10 is?

11 A. No, other than what the words sort of communicate, but
12 no.

13 Q. Okay. You have no familiarity with that organization?

14 A. No.

15 Q. You haven't seen -- Have you seen this document before?

16 A. I am really not sure.

17 Q. Okay.

18 A. I saw, as I said, a number of documents that were seized
19 during this raid, but I don't know about this particular
20 document.

21 Q. Okay.

22 MR. JACKS: Your Honor, how long did you want to go?

23 THE COURT: Are you at a good stopping point?

24 MR. JACKS: Yes, Your Honor.

25 THE COURT: Let's take the lunch break. Be back at

1 2:00.

2 (Whereupon, the jury left the courtroom.)

3 THE COURT: All right. We will be in recess until

4 2:00.

5 (Lunch recess.)

6 MS. HOLLANDER: May we approach very briefly?

7 THE COURT: Yes, come on up.

8 (The following was had outside the hearing of the
9 jury.)

10 MS. HOLLANDER: Your Honor, I informed the
11 Government that Doctor Esposito is not feeling well. If he
12 asks for a break --

13 THE COURT: Sure. Just have him let me know.

14 MS. HOLLANDER: All right.

15 THE COURT: Jim, how much longer do you have on your
16 cross?

17 MR. JACKS: Thirty or forty-five minutes.

18 THE COURT: All right.

19 (The following was had in the presence and hearing
20 of the jury.)

21 THE COURT: Mr. Jacks?

22 MR. JACKS: Thank you, Your Honor.

23 Q. (BY MR. JACKS) Doctor Esposito, I don't suppose over the
24 noon hour that you had any opportunity to check to see what
25 the slogan was of the Muslim Brotherhood.

1 A. I could have, but I didn't.

2 Q. Okay. Does this sound familiar--"God is our purpose, the
3 Prophet our leader, the Quran our constitution, jihad our way,
4 and dying for God's cause our supreme objective"?

5 A. Yeah, I -- Yeah, yes.

6 Q. And obviously that is very similar or virtually identical
7 to the Hamas slogan.

8 A. Yes.

9 Q. You talked about the term Islamist. And just so we are
10 clear, we are talking about the word I-S-L-A-M-I-S-T.

11 A. Correct.

12 Q. With a capital I?

13 A. Correct.

14 Q. And your definition of that was what?

15 A. Islamic activist, which can mean somebody who is active
16 in a social or political movement. And I said that you have
17 both mainstream and extremists who could come under that
18 category.

19 Q. Are you familiar with an organization called the
20 International Crisis Group?

21 A. Yes.

22 Q. I suppose it is headquartered in Brussels?

23 A. Yes.

24 Q. Let me just ask you if you agree with this definition.

25 "The word Islamic"--I-S-L-A-M-I-C--"refers to entities that

1 are nominally or generically Muslim."

2 A. Yeah.

3 Q. Okay. And then "Islamist denotes entities which are
4 self-consciously so and formulate explicit political or
5 ideological objectives on this basis."

6 A. Correct.

7 Q. Okay. And going further, "Islamist movements are those
8 that pursue political power in order to promote Islam as the
9 dominant force in government and society."

10 A. I would qualify that in saying the agenda can be to
11 establish either political or social movements. In other
12 words, some Islamist movements simply focus on change from
13 below socially, not necessarily sort of politically. But in
14 general the statement is not offensive. I mean, it is okay.

15 Q. But it also would be a commitment to the application of
16 sharia, Islamic law.

17 A. No, not necessarily. But it might well be to some sort
18 of implementation of sharia, yes.

19 Q. Now, Hamas is an Islamist organization. Correct?

20 A. Yes.

21 Q. And it by its own words is committed to the establishment
22 of an Islamic state which is governed by sharia law.

23 A. Correct.

24 Q. And when they say sharia law, what does that mean?

25 A. When people -- I have to contextualize it in what does it

1 mean to talk about sharia law, and then I can say specifically
2 what Hamas may or may not be talking about.

3 When people want to implement sharia law -- We, for
4 example, discover in the Gallup poll of Muslims in 35
5 countries that majorities of Muslims want sharia as a source
6 of law. What that can mean for people is that they want their
7 society and their law to be -- not to be in conflict with,
8 let's say, Islamic principles and values. That is one
9 understanding.

10 Another understanding would be that people want to
11 implement a set of laws that were developed centuries ago,
12 quite a few centuries ago, let's say from the 7th to the 10th
13 century, and substantially reimplement many of those laws. So
14 it can mean a number of things.

15 Q. What -- In terms of sharia law, would it regulate in
16 terms of how women could dress?

17 A. Not necessarily. I mean, it might regulate it in terms
18 of saying modesty, but not specifically regulate. For some it
19 would. It might be that it would require that Muslim women to
20 cover their head, wear what is called the hijab.

21 Q. And as far as alcohol, the consumption of alcohol?

22 A. In general one would say that it would be banned for
23 Muslims to drink.

24 Q. And what about forms of criminal punishment or punishment
25 for crimes? Would those be according to the Quran?

1 A. Usually when you say sharia law, you can't simply equate
2 it with the Quran. So if you want, I can answer -- It is hard
3 for me to answer because there are things in sharia law that
4 aren't in the Quran.

5 Q. What countries do have sharia law?

6 A. A fair number of countries, several say that sharia is a
7 major source of law. Saudi Arabia will be one of those, Iran,
8 Sudan, and also to a certain extent Pakistan. The Taliban's
9 Afghanistan used to be, but that is not the case now.
10 However, what they meant or understood by it could vary
11 considerably. In general, the idea of banning alcohol, yes,
12 but then it really varies beyond that.

13 Other Muslim countries will simply have a statement that
14 says something like sharia is a source of law. In Egypt they
15 say it is the source of law when in fact it is not.

16 Q. You were asked about Yousef Qaradawi and his issuance of
17 Fatwas. And just from your testimony, what is a Fatwa?

18 A. A Fatwa is a legal opinion given by a recognized expert a
19 mufti, and it is not binding. That is, it is a kind of -- you
20 get different authorities. It would be the equivalent in the
21 American legal system of going to a legal expert and then
22 getting that opinion and presenting it, you know, before the
23 court.

24 In this case you can have several religious leaders who
25 will give Fatwas. The authority of the Fatwa is based on how

1 authoritative people view the person as well as their
2 argumentation. And you can have conflicting Fatwas. I
3 testified on suicide bombing. And therefore, for example,
4 Muslims could choose whether or not, or would choose whether
5 or not to follow the Fatwa of this person, this legal expert,
6 versus that legal expert.

7 Q. You testified that Yousef Qaradawi had given or issued a
8 Fatwa approving of suicide bombings in Israel. Is that
9 correct?

10 A. Correct.

11 Q. You also said that he had issued some kind of Fatwa that
12 authorized Muslims in the American military to kill the enemy
13 or their adversary?

14 A. Right. In the American military that were going into
15 Afghanistan, that, in other words, if American Muslims went in
16 and they engaged let's say the Taliban, that it was legitimate
17 to kill.

18 Q. Didn't he also issue a Fatwa saying that it was
19 legitimate for suicide bombers to attack the American military
20 in Iraq?

21 A. Yes. He regards Iraq as under occupation.

22 Q. You -- In your testimony about the Muslim Brotherhood,
23 you said that you were asked is it a violent organization, and
24 I believe you said that parts of it were violent or used
25 violence in the past.

1 A. I said that in -- For example, in Jordan, no violence; in
2 Egypt for the last 30 years they participate within the
3 system. In the Sudan I noted that, depending on what point in
4 history, you had had some violence--that is, where you had a
5 confrontation between the regime and some of the members of
6 the Muslim Brotherhood. On the other hand, in the Sudan
7 leaders of the Muslim Brotherhood have, for example, been in
8 the parliament and also the Attorney General of the
9 government. In the past, not today. They are not a
10 significant player in government.

11 Q. Well, are there members of the Muslim Brotherhood who
12 have gone on to become violent extremists?

13 A. Yes.

14 Q. For example?

15 A. Abdullah Azzam, who was--he is dead and that is why I am
16 using in the past tense here--a Palestinian who --

17 MS. HOLLANDER: Your Honor, may we approach?

18 THE COURT: Come on up.

19 (The following was had outside the hearing of the
20 jury.)

21 MS. HOLLANDER: I realize this is my witness, but I
22 don't think he knows that we have not been in this court
23 talking about what Azzam did and Al-Qeada and bin Laden, and
24 he just doesn't know that.

25 MR. JACKS: Your Honor, she is the one that brought

1 out that -- endeavored to bring out that the Muslim
2 Brotherhood is not a violent organization.

3 MS. HOLLANDER: I mean, I can't instruct my witness,
4 but he doesn't know that we -- I mean, obviously this is not
5 an area that we have gone into. So maybe Mr. Jacks can simply
6 ask him the question. Otherwise I need to instruct the
7 witness that this is something that in this particular case we
8 are not talking about, because he doesn't know that.

9 MR. JACKS: I think they have opened the door to the
10 fact that bin Laden is a member of the Muslim Brotherhood,
11 Ayman Zawahiri, his deputy, is a member of the Muslim
12 Brotherhood, the Blind Sheikh is a member of the Muslim
13 Brotherhood.

14 THE COURT: Who is that?

15 MR. JACKS: Omar Abdel-Rahman, who was convicted in
16 New York for being a part of this plot to blow up these
17 monuments. He is called the Blind Sheikh. And he is an
18 Egyptian, but you know, I mean, these are members of the
19 Muslim Brotherhood that they clearly have undertaken violent
20 activities. So to just leave the impression that the Muslim
21 Brotherhood is not a violent organization is misleading.

22 MR. DRATEL: Your Honor, he has already got that
23 answer that some of them become extremists, and we go further
24 then we get into the area that we have been trying to avoid.

25 THE COURT: I still don't want to go into bin

1 Laden or Al-Qeada.

2 MR. JACKS: Then they shouldn't have gone into this.

3 THE COURT: I know. Maybe they shouldn't, but I am
4 not going to let you go into bin Laden or Al-Qeada. You have
5 got that part. You can get into some other specifics, and
6 maybe that is the way to do it, without -- because I don't
7 want him to mention bin Laden or Al-Qeada.

8 MR. DRATEL: He shouldn't go into al-Zawahiri either
9 because he is Al-Qeada also.

10 THE COURT: If you want to ask if somebody did such
11 and such to violence, that is fine, without mentioning
12 Al-Qeada. But if you mention bin Laden, that is automatic.

13 MS. HOLLANDER: The witness doesn't know, and so he
14 is asking him questions that are going to lead him there and
15 he is not going to know.

16 MR. JACKS: Because he is going to answer, you
17 know --

18 MS. HOLLANDER: He is going to answer about --

19 MR. DRATEL: He has already talked about Azzam, and
20 that goes right down up that road.

21 THE COURT: He is Al-Qeada?

22 MR. JACKS: No.

23 MR. DRATEL: No. What Azzam was, Azzam was bin
24 Laden's mentor from Al-Qeada, and the organization that Azzam
25 started in Afghanistan to process Mujahideen into Afghanistan

1 to fight the Soviets, and that organization ultimately evolved
2 into Al-Qeada. It gets very complicated in terms of Azzam
3 being killed by people and the organization shifting, but the
4 point being this goes right down that road.

5 MS. HOLLANDER: And unless I can have an opportunity
6 to warn the witness not to talk about it, then otherwise we
7 are going to go into it.

8 MR. JACKS: They are going to be able to leave the
9 impression that the Muslim Brotherhood is a non-violent --

10 MS. HOLLANDER: No, he already said that.

11 THE COURT: You can bring out examples. I just
12 don't want to get into bin Laden or Al-Qeada. If there is
13 other examples -- You mentioned one and maybe another one.

14 MR. DRATEL: The Palestinian Islamic Jihad, that is
15 a perfect example. But it is already in the case it is about
16 Palestine. It is an example. They are also involved with the
17 Muslim Brotherhood.

18 MS. HOLLANDER: He also said there are Muslim
19 brothers who become violent. He said it. I think we already
20 have the answer. He said it. He specifically said yes there
21 are some who become violent, and then he mentioned Azzam.

22 MR. JACKS: Khalid Sheikh Mohammed, he is Muslim
23 Brotherhood.

24 MS. HOLLANDER: There we go right into 9/11.

25 MR. JACKS: They shouldn't have brought it up then.

1 THE COURT: I still don't want to go into it.

2 MR. JACKS: I know.

3 MR. DRATEL: He is Al-Qeada. He is 9/11.

4 MR. JACKS: He is Muslim Brotherhood.

5 MS. HOLLANDER: He said that there are some that
6 become violent, and we would ask that he just move onto
7 something else, otherwise I am going to have to ask for a
8 recess and just advise the witness that he can't answer
9 anything about Al-Qeada and bin Laden, because he doesn't
10 know.

11 THE COURT: I just wish you had told him that. If
12 you were going to open it up --

13 MS. HOLLANDER: Well --

14 THE COURT: But you did go into it. That is why
15 they are entitled to go into it. But I don't want to go into
16 bin Laden.

17 MR. DRATEL: They should do Palestinian Islamic
18 Jihad. It is an easy one.

19 THE COURT: Well, I just don't want to mention those
20 two things. So just ask your question where you don't go into
21 that.

22 MR. DRATEL: I also ask he not pursue Azzam any
23 further, because that is going to go further --

24 THE COURT: I don't know what all is there. Just
25 ask your questions.

1 MR. DRATEL: He already answered Azzam.

2 THE COURT: Don't ask questions that you know are
3 going to lead you to Al-Qeada or bin Laden.

4 (The following was had in the presence and hearing
5 of the jury.)

6 Q. (BY MR. JACKS) Let me ask the question this way, Doctor
7 Esposito. There are members of the Muslim Brotherhood that
8 have -- And I am just asking for a yes or no answer. There
9 are members of the Muslim Brotherhood that have engaged in
10 violent acts, acts of terrorism. Is that correct?

11 A. Yes.

12 Q. You testified on direct examination regarding the Muslim
13 Brotherhood and its branches or organizations. Just to lay or
14 to see if we agree on certain parts, it is an organization
15 that was founded in Egypt. Correct?

16 A. Correct.

17 Q. And is it an international organization?

18 A. The Muslim Brotherhood exists in a number of countries in
19 different parts of the world; but yeah, that is what I would
20 say, to be specific.

21 Q. And it was your testimony that -- Is there a main leader
22 of the international Muslim Brotherhood?

23 A. No, not to my knowledge.

24 Q. And you are an expert on the Muslim Brotherhood, as you
25 have testified. Correct?

1 A. Correct.

2 Q. And so the leader of the Muslim Brotherhood -- Strike
3 that, please. Does the Muslim Brotherhood organization have
4 an international leadership?

5 A. Not in the sense of a kind of central office, central
6 command or leader. You have heads of country, Muslim
7 Brotherhoods in different countries. And then they will meet
8 from time to time in a broader sort of council, but it is not
9 a centrally as it were centrally organized top down sort of
10 organization.

11 Q. So the -- Let me ask this question first. What titles go
12 with the leaders? What titles do the leaders of the Muslim
13 Brotherhood operate?

14 A. The usual title for the leader in a specific country will
15 be the guide, and then within the organization, within a
16 country you will then have a leadership that in effect is seen
17 as belonging to a Shura Council. Shura Council is just a
18 generic term. It is even used by, for example, parliaments in
19 the Muslim world. It means a consultative body or council.

20 Q. And the term guide, it is G-U-I-D-E?

21 A. G-U-I-D-E, yeah.

22 Q. Is that a person?

23 A. Yes, it is an individual. You have had a variety of
24 individuals--Al-Hudibi, and others.

25 Q. And what is the Arabic term that is used to describe the

1 guide?

2 A. I mean, it depends on the country. In some cases it will
3 be something like al-mudir, it can be the director. I mean,
4 it varies in terms of the way the person will be referred to.
5 But it is usually not guide. I mean, it is guide, but it is
6 like the guide, meaning the head of the Brotherhood in that
7 specific country.

8 Q. And what is the Masul?

9 A. Could you --

10 Q. Either M-A-S-U-L or M-A-S-O-U-L?

11 A. The Masul?

12 Q. Uh-huh.

13 A. As in -- Well, Masul can be seen as a subordinate sort of
14 -- you know, a position to the guide, but it is not -- Yeah, I
15 mean, continue.

16 Q. Did I use that word properly--Masul? Is there a longer
17 term?

18 A. No. When you said the Masul, it just sort of threw me
19 off, but go ahead.

20 MR. JACKS: Mr. Lewis, could you bring up Elbarasse
21 Search No. 5, please?

22 Q. (BY MR. JACKS) Doctor Esposito, I am going to show you,
23 on the screen there a document that has been admitted, and it
24 is a document that was originally in Arabic, and this is the
25 first page of it, and I believe it consists of seven pages in

1 Arabic.

2 MR. JACKS: Mr. Lewis, if you would just scroll
3 through those seven pages.

4 Q. (BY MR. JACKS) And this is the first page which would be
5 the translation of the cover. And it bears the title "Islamic
6 Action for Palestine, an internal memo, October 1992."

7 MR. JACKS: And Mr. Lewis, if you would, go to the
8 next page. This would be page 9 of the exhibit. And if you
9 would, just for the benefit of Doctor Esposito, the first page
10 is entitled "introduction."

11 Q. (BY MR. JACKS) And it provides historical information,
12 and the reference to the word Ikhwan, I-K-H-W-A-N?

13 A. Ikhwan, yeah.

14 Q. Is that the brotherhood?

15 A. It is brotherhood or brothers, yeah.

16 Q. Muslim Brotherhood, is it a term that --

17 A. In this context it would, yeah.

18 Q. Okay. It is a proper term, I guess, or formal term?

19 A. Yeah.

20 Q. And it talks about --

21 MR. JACKS: If you will zoom back out, Mr. Lewis,
22 and then go to the last paragraph.

23 Q. (BY MR. JACKS) It talks about the -- It is talking about
24 Palestine and it says, "The first characteristic is the fact
25 that Palestine is a cause with a special Islamic status, as it

1 has the al-Aqsa mosque and it has the honorable rock." That
2 is the Dome of the Rock?

3 A. Correct.

4 Q. And that is a separate building on the same complex of
5 land --

6 A. Exactly.

7 Q. -- in the old city of Jerusalem. Correct?

8 A. Yes, correct.

9 Q. And in fact, one of the walls for the al-Aqsa mosque in
10 fact is the Western Wall or the Wailing Wall for the Jewish
11 quarter of the old city. Correct?

12 A. Correct.

13 Q. So they are immediately adjacent to one another.

14 A. Correct.

15 Q. And that is a -- The Western Wall is a significant site
16 for Jews.

17 A. Yes, absolutely.

18 MR. JACKS: And if you will go to the next page.
19 If you would, Mr, lewis enlarge the top paragraph on that
20 page.

21 Q. (BY MR. JACKS) And it says -- It talks about the second
22 characteristic about the importance of Palestine, and if I
23 may, just reading that, and you can read along with me, if you
24 would, "The second characteristic comes from the fact that the
25 struggle is with the Jews who do not constitute a danger to

1 Palestine alone but a danger to Arabs and Muslims in their
2 homelands, resources, religion, traditions, influence, and
3 political entity. Due to the Jewish influence in different
4 global nations, especially America and Europe, the struggle in
5 Palestine has a degree of entanglement and complexity or
6 junctions and contradictions between international politics
7 like no other cause in the world."

8 Does it seem to indicate that the difficulty with the
9 writer of this document, as he sees it, is not just the state
10 of Israel, but with Jews elsewhere in the world?

11 A. What it indicates, as I read it, is that the writer is
12 saying that there are Jews in America and Europe who in fact
13 have an influence on, for example, policy, media, et cetera,
14 that has a direct influence on the Palestinian/Israeli issue,
15 yes.

16 MR. JACKS: If you could scroll down or zoom out,
17 Mr. Lewis, to the paragraph that begins "These two
18 characteristics."

19 Q. (BY MR. JACKS) And it says, "These two characteristics
20 make the cause of Palestine a unique cause which requires a
21 unique method and means to manage the struggle as well. This
22 is what the Islamic Movement-the Muslim Brotherhood-has
23 realized." So does that equate the Islamic Movement to the
24 Muslim Brotherhood in that sentence?

25 A. Yes. Yeah, it is very clear there.

1 MR. JACKS: If you would go to the paragraph "The
2 years after their march," Mr. Lewis.

3 Q. (BY MR. JACKS) And then it talks about the sentence,
4 "The Muslim Brotherhood in Palestine have realized that there
5 is no escape" -- And this document, to go back, was dated
6 October of 1992. Do you recall that?

7 A. I read documents from '91 and '92, but I don't
8 particularly.

9 MR. JACKS: Mr. Lewis, can you go back to what would
10 be page 8 of the exhibit?

11 Q. (BY MR. JACKS) And the date there shows October '92?

12 A. Right.

13 MR. JACKS: Now if you would go back to page 10.

14 Q. (BY MR. JACKS) And this talks about the action or the
15 work of the Muslim Brotherhood. It talks about the Muslim
16 Brotherhood in Palestine, Muslim Brotherhood in Jordan, and it
17 talks about -- It says, "The Muslim Brotherhood in Palestine
18 have realized that there is no escape the unity merger between
19 the two branches of the Muslim Brotherhood in Jordan and
20 Palestine. And this was in the beginning of 1978 after the
21 leadership of the Movement" -- Would that seem to refer to the
22 Muslim Brotherhood?

23 A. Yes.

24 Q. The worldwide movement or the overall movement?

25 A. I would say the overall, yeah.

1 Q. "...then realized that action for Palestine requires the
2 unity of the Muslim nation and that this unity must be
3 preceded by the unity of Islamic action. Thus came the first
4 initiative which was the foundation of the Muslim Brotherhood
5 in the Shamm Countries." What are the Shamm Countries?

6 A. The eastern countries. I mean, it is a generic term for
7 eastern countries in that region.

8 Q. Eastern Mediterranean?

9 A. Yeah, eastern as sort of Middle East.

10 Q. Would it be like Lebanon, Syria, those countries?

11 A. Yeah, it could be. You don't really have a strong Ikhwan
12 in Lebanon, but that geographic area.

13 Q. Well, in your experience what are they referring to when
14 they say -- What geographic area when they say the Muslim
15 Brotherhood in the Shamm Countries --

16 A. Well, I mean, if you were talking about the Muslim
17 Brotherhood in the Shamm Countries, one would be talking about
18 the Muslim Brotherhoods that exist or are to be created in the
19 Arab world and what we often refer to as possibly the Middle
20 East, which would mean it would go beyond the Arab world; in
21 other words, you know, countries that are not Arabic speaking,
22 but are in that area that we call the Middle East.

23 Q. What does shamm translate to?

24 A. It is the equivalent talking about eastern.

25 Q. And would that be indicative of the eastern part of the

1 Mediterranean world or east of the Mediterranean Sea?

2 A. You can say the eastern part of the Mediterranean world.

3 I just want to make sure that we are not talking about Greece.

4 It would be Arab and Muslim territories, as it were.

5 Q. All right. And then it talks about --

6 MR. JACKS: Mr. Lewis, if you could zoom out.

7 Q. (BY MR. JACKS) It has a Section A talking about the
8 Palestine section. And it says, "At the end of the '70s, the
9 Shamm Countries Movement opened a new section which was called
10 the Palestine Section to oversee the affairs of the Ikhwan."
11 That would be the brotherhood?

12 A. Correct.

13 Q. "...inside the occupied territories." Correct?

14 A. Correct.

15 Q. "And in the beginning of the '80s, the Islamic Action for
16 Palestine experienced distinguished leaps, and at the inside
17 level groups and apparatuses were formed to confront the
18 Zionist enemy, and they carried the different names then, such
19 as the Palestinian Mujahideen." And that would be consistent
20 with that interview of Sheikh Yassin?

21 A. Yes.

22 Q. The military arm?

23 A. Wing; militia.

24 Q. And it says, "At the outside level"--which presumably
25 means outside the territories--"a number of associations,

1 Islamic youth, and student unions were formed to ally the
2 masses in order to render the Palestinian cause victorious.
3 Therefore, the Islamic Association for Palestine Students in
4 Kuwait, the Islamic Association for Palestinian Youths in
5 Britain, the Islamic Association for Palestine in North
6 America, and all these other groups with were founded." Is
7 that what it says?

8 A. Correct.

9 Q. And then it goes on to talk about the Palestine
10 Conference, and it says, "In October 1983, the first
11 conference for Palestine at the Shamm Countries level was
12 organized. Based on the recommendations of this conference
13 and the feelings of the Ikhwan in the executive office of the
14 importance of paying a special attention to Palestinian
15 action, a decision was made to broaden the powers of the
16 Palestine Section and to reorganize it to be called the
17 General Apparatus for Palestine," in quotes, "in the fall of
18 1985."

19 Now, in that sentence it talks about the feelings of the
20 Ikhwan in the executive office. Do you know who that is
21 referring to?

22 A. It would be leadership of different national Ikhwan
23 movements, and that would then constitute a kind of Executive
24 Shura Council or consultative council I was talking about. So
25 it would be, you know -- In other words, you are talking about

1 the leadership of these sort of main Muslim Brotherhood
2 groups.

3 Q. Well, it says the executive office, singular.

4 A. I didn't get that.

5 Q. It says, "the feelings of the Ikhwan in the executive
6 office," singular. It is not plural.

7 A. I wouldn't know -- Without a more of a context, I
8 wouldn't know what specifically is there.

9 Q. All right. Then the next paragraph, which is C, talks
10 about -- it is titled "The Central Committee for associations
11 and Palestinian student unions." And it talks about something
12 happening in 1983, the Movement. And again would that be
13 consistent with the Muslim Brotherhood movement?

14 A. In this context it would seem to be, yes.

15 Q. Okay. And it talks about, "A Shura Council was formed
16 for this frame, and an executive committee to oversee its
17 financial, administrative, and planning affairs." And you
18 said that Shura Council is kind of a term that can be applied
19 to any type of organizational structure?

20 A. Yeah.

21 Q. So Shura is just an executive, or like a board of
22 directors or a committee?

23 A. It would be like for here, for example, where it talks
24 about all these Palestinian association, juniors and
25 coordinates -- Well, if you organized a Shura Council of

1 these, you would be talking about a council of representatives
2 of these groups that then would represent -- these people
3 would represent these groups and would meet to address issues.

4 Q. All right. And then it says, "This formation of a Shura
5 Council and an executive committee," the last sentence in that
6 paragraph says, "This was done following an agreement and a
7 blessing from the Muslim Brotherhood in the Shamm Countries,
8 and the Guidance Office of the International Movement."

9 What is the Guidance Office of the International
10 Movement?

11 A. I would see that as reflecting, if you look at the first
12 -- the words just before that, the different Muslim
13 Brotherhoods in the countries, and the leadership from those
14 countries would have an organizational center that would be
15 the guidance office for the international movement. But it is
16 not clear whether one is talking just about a group of people
17 who give guidance, or whether or not one is talking about a
18 single individual. It is no -- It is vague.

19 Q. Well, it talks about two organizations in that sentence.
20 The Muslim Brotherhood in the Shamm Countries, that is one.

21 A. Those are multiple organizations, yeah.

22 Q. All right. And whether they operate in one office or
23 separate offices in each country, it is not clear from that
24 term.

25 A. Right.

1 Q. And then it talks about the Guidance Office of the
2 International Movement. And I am sorry. Maybe I
3 misunderstood. But what was your answer in terms of who that
4 is referring to?

5 A. Well, I think, you know -- Again, in this context what
6 guidance office can mean is that you then have an office that
7 coordinates these different groups and activities. It
8 coordinates and represents the leadership of the different
9 Muslim Brotherhood groups. It also would have under its wing
10 the Shura Council that is in line three that has
11 representatives of these different associations to address
12 issues that deal with Palestine, as I see it in this context;
13 just specifically dealing with Palestine.

14 Q. Doesn't it refer to the Guidance Office of the
15 International Movement of the Muslim Brotherhood?

16 A. It says the Guidance Office of the International
17 Movement.

18 Q. And don't you interpret that to be referring to the
19 Muslim Brotherhood?

20 A. Generically, yes. It is all Muslim Brotherhood.

21 Q. Where would that be?

22 A. It depends on you know, where it is located in a
23 particular time. In general, Egypt has been a center, but
24 that guidance office at different points of time could be in a
25 number of different places. There are a lot of

1 different -- In this language you would have -- Depending on
2 the project, you would have different Shura Councils, multiple
3 Shura Councils and guidance, and then an organizing committee
4 above it that would be called an executive committee or
5 guidance committee.

6 Q. But does it not indicate, though, that there is an
7 international Muslim Brotherhood movement which has a guidance
8 office?

9 A. The movement is clearly -- many movements are clearly
10 will international, and it would indicate that there is an
11 entity where leaders from different Muslim Brotherhood groups
12 meet and plug into.

13 That is different from saying that, for example, it is a
14 hierarchical, central, organized institution, you know, with a
15 pecking order at the top that can tell people in different
16 countries what they absolutely have to do. That wouldn't be
17 the case.

18 Q. That is your --

19 A. The Jordanian --

20 Q. -- your view?

21 A. Well, if you look at history. The Sudanese Muslim
22 Brotherhood at a number of critical points has felt very free
23 to ignore what the Egyptian Muslim Brotherhood has said. The
24 Jordanian Muslim Brotherhood has functioned in a very
25 different way than other Muslim Brotherhoods have functioned.

1 They usually are led by local leaders responding to local
2 conditions.

3 Q. Let's go to the next paragraph. It is labeled paragraph
4 D, "Palestine committees in the countries." It reads, "With
5 the growth of the blessed Intifada and the spread of the
6 spirit of jihad amidst the children of Palestine and the
7 nation, it became incumbent upon the remainder of the Ikhwan
8 branches to play a role in attributing this Intifada and this
9 Islamic action to Palestine." And again, Ikhwan branches
10 refers to branches of the Muslim Brotherhood.

11 A. Correct.

12 Q. And then the sentence after that reads, "Therefore, a
13 resolution was issued by the Guidance Office and the Shura
14 Council of the International Movement to form, 'Palestine
15 Committees' in all the Arab, the Islamic, and the Western
16 nations whose job is to make the Palestinian cause victorious
17 and to support it with what it needs of media, money, men, and
18 all of that."

19 What is referred to when it talks about a resolution
20 being issued by the Guidance Office and the Shura Council of
21 the International Movement?

22 A. It would -- If I were imagining how that process came
23 about, you would have a meeting of representatives of the
24 various Muslim Brotherhoods who would then address issues like
25 the formation of whether or not there should be a formation of

1 Palestinian Committees, or whether or not other things should
2 take place.

3 Q. And it is your testimony that the International Movement
4 of the Muslim Brotherhood does not control or have any
5 responsibility or control over these other branches of the
6 Muslim Brotherhood.

7 A. Correct. The most that you have is influence, but they
8 are national groupings. So the key word here, again, in terms
9 of the nature of it is the term Shura which means
10 consultation, a consultative committee. So it is really the
11 group in a consultative committee that would consult and then
12 make a determination like a kind of a joint determination that
13 Palestine Committees, for example, should be created.

14 Q. The next paragraph starts essentially a new topic. The
15 first one was numbered 2, "The foundation of Islamic Action
16 for Palestine," and then it had four parts--A, B, C, and D.
17 Now, the next part is 3, and it says, "A: The Islamic
18 Resistance Movement." And it talks about "the increase of the
19 Intifada, the advance of the Islamic action inside and outside
20 Palestine, the Islamic Resistance Movement, Hamas" -- And by
21 the way, the term Islamic Resistance Movement, that is Hamas.
22 Correct?

23 A. In this context, definitely.

24 Q. All right. "...and provided through its activities in
25 resisting the Zionist occupation a lot of sacrifices from

1 martyrs, detainees, wounded, injured, fugitives, and
2 deportees, and it was able to prove that it is an original and
3 an effective movement in leading the Palestinian people. This
4 movement, which was bred in the bosom of the Mother Movement,
5 the Muslim Brotherhood, restored hope and life to the Muslim
6 nation and the notion that the flair of jihad has not died out
7 and that the banner of Islamic Jihad is still raised."

8 So this writer is saying or confirming, is he not, that
9 Hamas is and bred out of the Muslim Brotherhood movement?

10 A. Oh, yeah. That is a widely accepted fact.

11 Q. Going to the next page, paragraph B talks about the
12 organizational structure of the Movement, and it talks about
13 the organizational structure consisting of two organizations.
14 And again we are talking about Hamas because we are still
15 under the A and B part.

16 A. Right.

17 Q. But it says, "1: A consulting council, which will
18 include 50 members from the inside and the outside,
19 representatives of the International Office of Guidance."
20 There that term is again. And does that refer to the
21 International Office of the Muslim Brotherhood?

22 A. Yeah, it says the International Office of Guidance and
23 Shura.

24 Q. All right. And is that in Egypt? Is that where it is
25 located?

1 A. Historically that has been the home of the Brotherhood
2 but that can vary. But in general it has historically been
3 situated in Egypt, but sometimes it could be situated outside
4 of Egypt. Meetings can be held outside of Egypt.

5 Q. But the term international office, wouldn't you agree, it
6 implies that it has a scope greater than just the geographical
7 boundaries of Egypt?

8 A. Yeah. We have been saying that all along. Yeah, I
9 wouldn't --

10 Q. So it has control, influence --

11 A. No. What it is saying, as I read it, is it consists of
12 members who represent the different movements and that they
13 are part of a broader international movement. That is the way
14 I would prefer to put it in my own words.

15 Q. It then talks about the Executive Committee, and it talks
16 about how many members there will be and what fields they will
17 be experienced in. And it says, "And the Movement, Hamas, is
18 represented in several of the leadership councils which are
19 affiliated with the Guidance Office." And then it talks about
20 the Shura Office of the International Movement. There is that
21 term again, "...the International Movement, the Guidance
22 Office, the Guidance Office for the Shamm Countries, the
23 Executive Office for the Shamm Countries," and then it says,
24 "The Movement submits to these entities"--assuming the
25 entities above--"reports, studies, plans, bylaws, and work

1 projects for approval and signature or modifications and
2 guidance."

3 What does that sentence indicate to you about the degree
4 of control that is shown by the International Office?

5 A. What it would show is that the Islamic Resistance
6 Movement, or Hamas, because my presumption here in this
7 context is that the Movement submits would be Hamas, that it
8 is -- that it provides reports to this group of Muslim
9 Brotherhood organizations--so you have got the Movement and
10 then you have got the organizations--because these are
11 organizations that they are seeking support from, or -- Yeah.

12 Q. They are not even only seeking support. They are seeking
13 approval and signatures or modifications and guidance. So
14 they are seeking approval. That is what it says. Correct?

15 A. They don't use -- I mean, basically what you are saying
16 is that they are going to people who provide support for them.
17 They are going to people who would serve as advisors, you
18 know, would advise them on what to do, yes.

19 Q. You were asked about a document that has been admitted.
20 It is -- Elbarasse Search Warrant No. 1 is the exhibit.

21 MR. JACKS: Can you display that, please, Mr. Lewis?
22 And let me ask you if you can go to page 16, which I think is
23 the first page of the English translation.

24 MS. HOLLANDER: Excuse me, Mr. Jacks. I may be
25 wrong again, but I don't remember going into this one.

1 MR. JACKS: One moment, Your Honor.

2 THE COURT: All right.

3 MR. JACKS: I am sorry. It is Elbarasse Search
4 No. 3.

5 Q. (BY MR. JACKS) And do you recall being asked about this
6 document?

7 A. I would have to see a page after that maybe, because it
8 is a generic phrase "explanatory memorandum."

9 MR. JACKS: Go, if you would, Mr. Lewis, to -- Just
10 go to the next page for a moment.

11 Q. (BY MR. JACKS) Do you see the date at the top of this
12 page?

13 A. Yes, 1991.

14 Q. May 22nd, 1991?

15 A. Right.

16 Q. At the very top it talks about, I suppose under the
17 persons that are being -- to which this document is addressed,
18 it says, "The beloved brother, the general Masul." That was
19 the word I was asking about.

20 A. Yeah.

21 Q. What does that refer to?

22 A. In this context, director, leader.

23 Q. And --

24 A. And then the secretary of the Shura Council.

25 MR. JACKS: And if you would, Mr. Lewis, go to the

1 next page.

2 Q. (BY MR. JACKS) All right. And this is the document, the
3 subject, do you see at the top there, "A project for an
4 explanatory memorandum for the general strategic goal for the
5 group in North America"?

6 A. Yes.

7 Q. "And mentioned in the long term plan."

8 A. Yes.

9 Q. Do you know, or from reading this can you determine what
10 is meant by "the group in North America"?

11 A. It would be Muslim Brotherhood organizations within
12 America. In other words, you know, groups, Muslim Brotherhood
13 groups that might exist, for example, in different cities or
14 states.

15 Q. All right. And then -- So the subject is "a project for
16 the Muslim Brotherhood organizations in North America." Is
17 that a fair statement?

18 A. As I read the English here, yes.

19 Q. And it says, "The memorandum is derived from," and it
20 kind of goes into a historical background about the year 1987,
21 and then talks about the organizational conference which was
22 entitled "Enablement of Islam in North America, meaning
23 establishing an effective and a stable Islamic Movement led by
24 the Muslim Brotherhood which adopts Muslims' causes
25 domestically and globally, and which works to expand the

1 observant Muslim base, presents Islam as a civilization
2 alternative, and supports the global Islamic state wherever it
3 is."

4 What does the term "global Islamic state" refer to, in
5 your opinion?

6 A. A global -- Where Islam is to be found in, I would
7 imagine in this context, in government. That is where you
8 have Muslim governments.

9 Q. And then the second topic paragraph is "An introduction
10 to the explanatory memorandum," which is this document itself.
11 And it talks about the same things that were talked about in
12 the earlier paragraph.

13 MR. JACKS: And then if you will go to the next
14 page.

15 Q. (BY MR. JACKS) And let me ask you Doctor Esposito, have
16 you read this document all the way through?

17 A. Could you just blow this page up a little for me? I have
18 read sections of the document. I have read it through. I
19 haven't studied it. Do you know what I mean? I haven't done
20 a close analysis. I didn't have time.

21 Q. Well, it is 18 pages.

22 A. Yeah.

23 Q. So you said you have read it, but did you reach a
24 conclusion as to what it was talking about?

25 A. Well, in general I think it -- What it mirrors is a

1 document that talks about the fact that you have got Muslim
2 brothers who are in different parts of the United States, and
3 that they share common concerns, both about Muslims overseas
4 and here and Muslim causes overseas. And so they are
5 organizing to be supportive of those causes, much as an
6 analogous situation would be talking about a major Jewish
7 organization that sees itself as having both domestic and
8 global concerns about the community, its religion, its
9 identity, its lifestyle, and its issues in terms of what is
10 going on in other parts of the world that impact on
11 communities.

12 Q. All right. It talks about the concept of settlement, and
13 it defines it in the paragraph there No. 3 that "Islam and its
14 movement become a part of the homeland it lives in." Then it
15 talks about the process of settlement. Do you see that?

16 A. Yeah.

17 Q. Heading No. 4, which is underlined. And then it talks
18 about "Adopting the concept of settlement and understanding
19 its practical meanings."

20 Going to the next page, it talks about "Making a
21 fundamental shift in our thinking and mentality in order to
22 suit the challenges of the mission."

23 And then it goes below that to paragraph 3,
24 "Understanding the historical stages in which the Islamic
25 Ikhwani activism went through in this country."

1 And do you recall that talking about the history of the
2 Muslim Brotherhood in the United States?

3 A. Yeah.

4 Q. And it talks about "understanding the role of the Muslim
5 brother in North America," paragraph 4. Do you see that
6 heading in bold?

7 A. I see it.

8 Q. It says the, "The process of settlement is a
9 'civilization jihadist process' with all the word means. The
10 Ikhwan must understand that their work in America is a kind of
11 grand jihad in eliminating and destroying the Western
12 civilization from within, and sabotaging its miserable house
13 by their hands and the hands of the believers so that it is
14 eliminated and God's religion is made victorious over all
15 other religions. Without this level of understanding, we are
16 not up to this challenge and have not prepared ourselves for
17 jihad yet. It is a Muslim's destiny to perform jihad and work
18 wherever he is and wherever he lands until the final hour
19 comes, and there is no escape from that destiny except for
20 those who choose to slack. But would the slackers and the
21 Mujahideen be equal?"

22 And I believe you testified on direct examination that
23 when you read that, that that was, in your opinion, the words
24 of some radical or terrorist individual. Is that right?

25 A. No. I mean, because I know what I would say looking at

1 it now. I don't remember being asked about this particular
2 phrase. First of all, we have no idea who the author of this
3 is. Correct?

4 Q. Well, as a matter of fact we do. Let me direct your
5 attention to page 17 of the exhibit. And at the bottom do you
6 see the name of the author?

7 A. Yes, Mahmoud Akram.

8 Q. Mohammed Akram?

9 A. Mohammed. I am sorry.

10 Q. And I believe I asked you earlier, do you know who that
11 person is?

12 A. I said no.

13 Q. Okay. Did you ever come across him in your dealings with
14 the UASR?

15 A. No. You had asked me that.

16 Q. If you would, at the end of this document --

17 A. The page you have in front of me, is that what you are
18 talking about?

19 Q. No. I am sorry. I was getting ready to ask you another
20 question or direct the --

21 MR. JACKS: Mr. Lewis, would you go to what would be
22 page 28 of the exhibit?

23 Q. (BY MR. JACKS) Do you see, Doctor Esposito, the
24 breakdown of these different departments that the writer has
25 included in this memorandum?

1 A. Yes.

2 Q. The Movement Department, the Secretariat Department.

3 Have you seen that term the Secretariat Department before?

4 A. No. I mean, it is a common bureaucratic term, but no.

5 MR. JACKS: Would you go to the last page, Mr.

6 Lewis?

7 Q. (BY MR. JACKS) Doctor Esposito, there are a number of

8 organizations, actually 29 organizations listed on that

9 particular page. Is that correct?

10 A. Correct.

11 Q. And the writer at the top has written the words, "A list

12 of our organizations and the organizations of our friends,"

13 and in brackets, "Imagine if they all march according to one

14 plan." And there is ISNA, Muslim Students Association, North

15 American Islamic Trust, MAYA, the IAP, No. 22 the Occupied

16 Land Fund. You can see those organizations listed there.

17 A. Yeah.

18 Q. Okay. You were --

19 A. These are different organizations.

20 Q. I am sorry? I don't think there was a question pending.

21 A. Well, you read to me this "imagine if they all march

22 according to our plan." It said "our friends." So it is not

23 saying -- it is not just "our organizations." It is

24 "organizations of our friends." That is all I am saying.

25 Q. You were talking about economic jihad, and you said that

1 it could mean what? I will just let you explain it again.

2 A. Well, as Matt Levitt noted in quoting me, the term jihad
3 can refer to many different kinds of sort of
4 struggles--social, political, economic, religious. So if you
5 use the phrase economic jihad, it would just be a generic way
6 of talking about some economic projects you would have that
7 would be -- you know, that you have to put a lot of effort
8 into achieving. So it would be using the term jihad in a very
9 generic term, not in the sense of a militant militia term.

10 So it would be something economic. It would be a variety
11 of projects that one might have. It might be a fundraising,
12 it could be social service work, developing hospitals.

13 Q. And it could be resistance.

14 A. Yes.

15 Q. Forced resistance.

16 A. Yes. Support for resistance, yes.

17 MR. JACKS: Just one moment, Your Honor.

18 Mr. Lewis, are you able to play Mushtaha Search No. 9 at
19 this time?

20 (Whereupon, Mushtaha Search No. 9 was played, while
21 questions were propounded.)

22 MR. DRATEL: Your Honor, may we approach?

23 THE COURT: Yes.

24 (The following was had outside the hearing of the
25 jury.)

1 MR. DRATEL: This is just going to go back to Azzam.
2 He is going to try to get him to talk about Azzam and say
3 something about Al-Qeada and bin Laden.

4 THE COURT: This has already been in and played?

5 MR. JACKS: Yes.

6 THE COURT: It has been played.

7 MR. DRATEL: But he asked him about Azzam.

8 THE COURT: He knows what to ask him.

9 MR. DRATEL: What if he answers on his own?

10 THE COURT: Hopefully he won't.

11 MR. DRATEL: Hopefully he won't, but that is a big
12 chance for something --

13 MS. HOLLANDER: This is something that has been
14 going on for hours.

15 MR. JACKS: I am not going to go into that.

16 THE COURT: I didn't think you would.

17 MS. MORENO: How much more did you have?

18 THE COURT: That is not your concern. I will worry
19 about the time.

20 (The following was had in the presence and hearing
21 of the jury.)

22 Q. (BY MR. JACKS) The individual that is shown on
23 that -- in that film, who is that?

24 A. Abdullah Azzam.

25 Q. Abdullah Azzam. And I take it you can see the graphic

1 there on the screen saying "Send your tax deductible donations
2 to Occupied Land Fund."

3 A. Yes.

4 Q. You can see that. Correct?

5 A. Yes.

6 Q. Okay. And then the caption says "jihad with the self."
7 Then it talks about "jihad with money." Right?

8 A. Correct.

9 MR. JACKS: Play Mushtaha Search No. 2 please.

10 THE WITNESS: Excuse me. Can I check on a matter of
11 procedure here. Am I able to take a note to myself while I am
12 watching this so I can remember a comment on something I have
13 seen?

14 THE COURT: A note to yourself?

15 THE WITNESS: Yeah, as I am sitting here.

16 THE COURT: For your own purposes?

17 THE WITNESS: Yeah, in case I see something here and
18 if I am asked so I will remember what I saw if I am asked
19 something about the video that I just saw.

20 THE COURT: You may do that.

21 Q. (BY MR. JACKS) This is Mushtaha Search No. 2 is the name
22 of this exhibit.

23 (Whereupon, Mushtaha Search No. 2 was played, while
24 questions were propounded.)

25 Q. (BY MR. JACKS) Doctor Esposito, you testified that

1 context is important in determining meanings. In that
2 context, would you agree that economic jihad is referring to
3 the support of violent jihad?

4 A. It seems -- Yes, in that context. And I imagine, since
5 you haven't told me the context of it, it looks like he was on
6 a fundraising trip for the Afghan war because he is talking
7 about Afghanistan there. Is this a fundraising trip that he
8 made to the States?

9 Q. Did you see where he was addressing the Palestinians?
10 Did you see that part?

11 A. Yeah. But the issue was, as I understand it, the Afghan
12 war.

13 MR. JACKS: Your Honor, I would move to strike that
14 last comment as non-responsive.

15 THE COURT: I will deny that request.

16 MR. JACKS: May I have a moment, Your Honor?

17 THE COURT: Yes.

18 Q. (BY MR. JACKS) Your answer that you volunteered was that
19 he was talking about the Afghan resistance?

20 A. It was more in the form of a question. I said from
21 looking at this tape, since I wasn't given the full context of
22 it, all I saw was a reference to Afghanistan at a certain
23 point, so I thought this was one of his fundraising trips
24 here.

25 Q. Well, did you see that he was talking about the

1 availability of weapons in Pakistan? Is that what you are
2 talking about?

3 A. Yes.

4 Q. But did you also see him praising Sheikh Yassin and
5 Darwish?

6 A. Yes.

7 Q. So he was talking about Palestinian issues, Palestinian
8 individuals. Is that correct?

9 A. He referred to Sheikh Yassin.

10 Q. Yes, and Darwish who is a Palestinian.

11 A. Then he referred to Pakistan and Afghanistan, yeah.

12 Q. Pakistan is a place where you could acquire weapons.
13 Isn't that correct?

14 A. Yes.

15 Q. Okay. Then he talked about the Intifada. The Intifada
16 refers not to Afghanistan but to Palestine. Correct?

17 A. Correct.

18 MR. JACKS: I pass the witness, Your Honor.

19 THE COURT: Ms. Hollander?

20 MS. HOLLANDER: May I have a few minutes?

21 THE COURT: Sure.

22 MS. HOLLANDER: Could we take our break now?

23 THE COURT: Let's take our break. We have been in
24 here for a while now. Let's take a 20-minute break.

25 (Whereupon, the jury left the courtroom.)

1 THE COURT: We will be in recess for 20 minutes.

2 (Brief Recess.)

3 THE COURT: Ms. Hollander?

4 MS. HOLLANDER: I have no redirect, Your Honor.

5 THE COURT: All right. Doctor Esposito, you may
6 step down. You are free to go.

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