

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 03 CR 978  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MUHAMMAD HAMID KHALIL SALAH AND )  
ABDELHALEEM HASAN ABDELRAZIQ ASHQAR, ) Chicago, Illinois  
 ) November 15, 2006  
Defendants. ) 4:35 o'clock p.m.

**E X C E R P T**

TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD  
United States Attorney  
BY: MR. JOSEPH M. FERGUSON  
MR. REID J. SCHAR  
MS. CARRIE E. HAMILTON  
219 S. Dearborn St., Suite 500  
Chicago, Illinois 60604

For Deft. Salah: PEOPLE'S LAW OFFICES  
BY: MR. MICHAEL EDWARD DEUTSCH  
MS. ERICA THOMPSON  
MR. BENJAMIN ELSON  
1180 North Milwaukee Avenue  
Chicago, Illinois 60622

LAW OFFICE OF ROBERT BLOOM  
BY: MR. ROBERT JAY BLOOM  
3355 Richmond Boulevard  
Oakland, California 94611

For Deft. Ashqar: MR. KEITH ALLAN SPIELFOGEL  
20 North Clark Street, Suite 1200  
Chicago, Illinois 60602

1 APPEARANCES (Cont'd):

2

3 For Deft. Ashqar (Cont'd): MR. WILLIAM MOFFITT  
4 11582 Greenwich Point Road  
5 Reston, Virginia 20194

6

7 DEPAUL UNIVERSITY COLLEGE OF LAW  
8 BY: MS. ANDREA D. LYON  
9 25 E. Jackson Blvd., Suite 1050  
10 Chicago, Illinois 60604

11

12 Also Present: S/A BRADLEY BENAVIDES, FBI  
13 S/A JILL PETORELLI, FBI

14

15 Court Reporter: KATHLEEN M. FENNELL, CSR, RMR, FCRR  
16 Official Court Reporter  
17 219 S. Dearborn St., Suite 2144A  
18 Chicago, Illinois 60604  
19 (312) 435-5569

20

21

\* \* \* \* \*

22

23 PROCEEDINGS RECORDED BY  
24 MECHANICAL STENOGRAPHY  
25 TRANSCRIPT PRODUCED BY COMPUTER

26

27

28

29

30

31

32

33

34

35

1 (Proceedings heard in open court; jury present:)

2 \* \* \* \* \*

3 MS. HAMILTON: Your Honor, the government now calls  
4 Robert Miranda.

5 THE COURT: Okay. Please come forward, sir. Raise  
6 your right hand, sir.

7 (Witness sworn.)

8 THE COURT: You may be seated.

9 MR. SPIELFOGEL: Your Honor, can we have a very brief  
10 side bar?

11 THE COURT: Sure.

12 (Proceedings heard at side bar:)

13 MR. SPIELFOGEL: Your Honor, Ms. Hamilton came over  
14 to me earlier and told me she had a memorandum or something on  
15 this witness, is that correct?

16 MS. HAMILTON: This is a report written by this  
17 witness that --

18 MR. SPIELFOGEL: That -- I'm sorry.

19 MS. HAMILTON: -- arguably relates to one of the  
20 defendants in this case, so I produced it as potential Jencks.

21 THE COURT: Okay.

22 MR. SPIELFOGEL: This is about Muhammad Salah's  
23 use -- did you give me the right -- is this report you wanted  
24 to give me?

25 MS. HAMILTON: Is this the report? Yes.

1 THE COURT: Did you give it to Mr. Deutsch as well?

2 MS. HAMILTON: I did.

3 MR. DEUTSCH: Are you going to elicit that from him  
4 or you just gave it --

5 MS. HAMILTON: No. It's the only report he's written  
6 in any way relevant to these two defendants.

7 THE COURT: Is he an agent?

8 MS. HAMILTON: He's a special agent with the FBI.

9 THE COURT: He looks like one, but I don't -- I've  
10 never heard the name.

11 MR. SPIELFOGEL: Okay. I just thought maybe she gave  
12 me the wrong memorandum.

13 (Proceedings heard in open court:)

14 THE COURT: You may proceed.

15 MS. HAMILTON: Thank you, your Honor.

16 ROBERT MIRANDA, GOVERNMENT'S WITNESS, DULY SWORN,

17 DIRECT EXAMINATION

18 BY MS. HAMILTON:

19 Q. Good afternoon.

20 A. Hello.

21 Q. Could you please state and spell your name for the jury.

22 A. It's Robert Miranda. R-O-B-E-R-T, last name is spelled  
23 M-I-R-A-N-D-A.

24 Q. What do you do for a living?

25 A. I'm a Special Agent with the FBI.

1 Q. How long have you been a Special Agent with the FBI?

2 A. A little over nine years.

3 Q. What is your current assignment?

4 A. I'm assigned to the Counter-Terrorism 1 Squad, which is  
5 part of the North Texas Joint Terrorism Task Force based in  
6 Dallas.

7 Q. How long has that been your assignment?

8 A. For all nine years with the FBI.

9 Q. Prior to joining the FBI, what did you do for a living?

10 A. I was a special agent and an officer with the Air Force  
11 Office of Special Investigations, United States Air Force.

12 Q. How long were you with the United States Air Force?

13 A. A little over 15 years counting school, ten -- close to  
14 eleven as an agent.

15 Q. And Agent Miranda, just ask you to keep your voice up to  
16 make sure everyone in the courtroom can hear you.

17 A. Sure.

18 Q. Thank you.

19 In the course of your work as a special agent in  
20 Dallas, have you been involved in an investigation related to  
21 the current case here on trial in Chicago?

22 A. I have.

23 Q. Through the course of your work in that investigation, are  
24 you aware that there was a search of Defendant Ashqar's  
25 residence done?

1 A. I am.

2 Q. And have you reviewed some of the documents or  
3 translations of documents found in the residence of Defendant  
4 Ashqar?

5 A. Yes, I have.

6 Q. Are you also aware that there was a court-ordered wiretap  
7 on Defendant Ashqar's telephone line and fax line in  
8 Mississippi?

9 A. Yes, I'm aware of that.

10 Q. And have you reviewed translations of some of those calls?

11 A. Yes.

12 Q. Are you aware that the court approval for the wiretaps was  
13 extended to cover a particular meeting that occurred in  
14 Philadelphia in the fall of 1993?

15 A. Yes, I'm aware of that.

16 Q. Have you reviewed the recordings of the meeting in  
17 Philadelphia?

18 A. Yes, I have.

19 Q. What kind of recordings have you reviewed?

20 A. There's been video tape, and the video tape also included  
21 audio.

22 Q. What language is spoken on the audio on the video tape you  
23 reviewed?

24 A. Arabic.

25 Q. Do you speak Arabic?

1 A. No.

2 Q. Have you reviewed English translations of audio recordings  
3 of the meeting?

4 A. Yes, I have.

5 Q. When did that meeting take place?

6 A. October 1 through 3, 1993.

7 Q. Where did that meeting take place?

8 A. It took place at a hotel, Courtyard Hotel in Philadelphia.

9 Q. Is the meeting generally referred to by a particular name  
10 by the FBI?

11 A. Yes. Generally we refer to it as the Philadelphia meeting  
12 or the Philadelphia conference.

13 MS. HAMILTON: Your Honor, may I approach?

14 THE COURT: You may.

15 BY MS. HAMILTON:

16 Q. Agent Miranda, I'm going to show you what's in evidence as  
17 Philadelphia conference transcripts and ask you to take a look  
18 at this.

19 A. All right.

20 Q. Do you recognize that binder?

21 A. I do.

22 Q. Generally what's contained in that binder?

23 A. It's the transcript of the audio coverage from the  
24 Philadelphia conference.

25 Q. Have you reviewed those transcripts in detail?

1 A. I have.

2 MR. MOFFITT: Your Honor, I object. He doesn't speak  
3 Arabic. He can't review the transcript. He can only review a  
4 translation.

5 MS. HAMILTON: To the extent I'm referring to it as a  
6 transcript, I'm happy to call it a translation.

7 THE COURT: Clarify that.

8 MR. MOFFITT: But that's what it is.

9 THE COURT: Clarify that with the witness.

10 BY MS. HAMILTON:

11 Q. Just to be clear, what is contained in the binder?

12 A. This is the English language translation of the audio  
13 captured from the Philadelphia conference.

14 Q. And have you reviewed those English translations in  
15 detail?

16 A. I have.

17 Q. In addition to recording the meetings that occurred, did  
18 the FBI also receive court approval to record telephone  
19 conversations made from some of the hotel rooms?

20 A. Yes, that's correct.

21 Q. Have you reviewed the translations of the telephone calls  
22 intercepted at the hotel where the meeting took place?

23 A. Yes.

24 Q. And are those translations also included in the binders?

25 A. They are.



1 Q. Did you and other agents take any steps in order to  
2 determine who was actually present at the Philadelphia  
3 conference?

4 A. Yes, several steps.

5 Q. In attempting to identify who was at the meeting, did you  
6 use any documents recovered from Defendant Ashqar's residence?

7 A. Yes, a couple of documents.

8 MS. HAMILTON: May I approach again, your Honor?

9 THE COURT: You may.

10 BY MS. HAMILTON:

11 Q. Agent Miranda, I've given you a binder that's already in  
12 evidence as Government Exhibit Ashqar Search Group  
13 Translations, and I'd ask you to flip to tab 24.

14 MR. SPIELFOGEL: Is that the search, the phone?

15 MR. DEUTSCH: The search.

16 THE COURT: Search Group Translations is what she  
17 said.

18 MR. SPIELFOGEL: Sorry.

19 BY MS. HAMILTON:

20 Q. Directing your attention to the second and third pages  
21 behind that tab ASH 484 and 485.

22 A. Yes, ma'am.

23 Q. Are these two documents that you used in attempt to try  
24 and identify participants at the meeting?

25 A. That's correct.

1 MS. HAMILTON: Your Honor, could I ask that the  
2 jurors turn to tab 24 of that binder?

3 THE COURT: Yes. Please grab the Search Documents  
4 Binders. Ms. Hamilton, is it the Search Documents Binder?

5 MS. HAMILTON: It is.

6 THE COURT: Okay. Tab 24 of your Search Documents  
7 Binder, please.

8 BY MS. HAMILTON:

9 Q. Agent Miranda, what in particular about these two pages  
10 was useful to you in determining who was present at the  
11 Philadelphia conference?

12 MR. DEUTSCH: Tell us exactly what page, 484?

13 MS. HAMILTON: 484 and 485.

14 MR. DEUTSCH: Thank you.

15 BY THE WITNESS:

16 A. Clearly the names were most important to me. Matching  
17 them up as well with references to sessions, which are the way  
18 that the Philadelphia conference is discussed in terms of  
19 sessions being -- covering topics.

20 BY MS. HAMILTON:

21 Q. And directing your attention to ASH 485, what in  
22 particular on this page was useful in helping you determine  
23 that this had anything to do with the Philadelphia conference?

24 A. Well, first off, the dates match the Philadelphia  
25 conference time. The general description at the top about it

1 being a symposium on the future of Islamic work in North  
2 America for Palestine is generally how the Philadelphia  
3 conference is described, as well as some of the general goals  
4 under paragraphs 1 and 2.

5 And, finally, some of the names on the bottom as well  
6 correspond with people at the Philadelphia conference.

7 Q. Agent Miranda, I now direct your attention to the document  
8 behind tab 6 in that same binder.

9 MS. HAMILTON: And for the record, it's ASH 185 and  
10 186.

11 THE COURT: Okay. Please turn to tab 6.

12 THE WITNESS: I'm there, ma'am.

13 BY MS. HAMILTON:

14 Q. Was this another document that you and other agents used  
15 to try to determine who was present at the Philadelphia  
16 conference?

17 A. Yes, it was.

18 Q. And what about this document was important to you?

19 A. The document, if you look at the top, it's described as  
20 the -- here it says Section Palestine/America, and in the  
21 opening remarks of the Philadelphia conference by the  
22 individual who appeared to be in charge of the Philadelphia  
23 conference, Omar Ahmad, he makes a reference that the meeting  
24 there at Philadelphia was a Palestine committee meeting.

25 So clearly if you want to try to find out who's at

1 the Palestine committee meeting, you would look at the  
2 Palestine committee list.

3 Q. And were any of the individuals listed on ASH -- these two  
4 pages, ASH 185 or 186, later identified as being present at  
5 the Philadelphia conference?

6 A. Yes.

7 Q. Who?

8 A. Omar Ahmad is one individual who is listed actually as No.  
9 25, Omar Yahya. Ghassan El-A'she, No. 8, was present. Chukri  
10 Abu Baker or Baker, which is No. 18 on this list was also  
11 present.

12 I think that's it -- oh, no, actually, if you look at  
13 No. 29, Ayman Sharawi.

14 Q. As part of your effort to further identify who was at the  
15 Philadelphia conference, did you review translations of  
16 certain phone calls intercepted on Defendant Ashqar's phone  
17 line planning the Philadelphia conference?

18 A. Yes, I did.

19 Q. And what in particular -- what in particular about the  
20 calls did you use to identify who attended?

21 A. In the call, in particular that I'm thinking of, the  
22 9-14-93 call involving Omar Ahmad, Chukri Abu Baker and  
23 Abdelhaleem Ashqar, they discussed who they should invite to  
24 the Philadelphia conference. In one section in particular,  
25 they discuss inviting the Executive Committees from the four

1 different organizations, those organizations being the Holy  
2 Land Foundation, the Islamic Association for Palestine, the Al  
3 Aqsa Education Fund, and the United Association for Studies  
4 and Research, and I also looked at corresponding incorporation  
5 records for those organizations.

6 MS. HAMILTON: Your Honor, may I approach again?

7 THE COURT: You may.

8 BY MS. HAMILTON:

9 Q. Agent Miranda, I just handed you what's been marked  
10 Government Exhibit Al Aqsa Amended Articles of Incorporation,  
11 Government Exhibit UASR Incorporation Documents 1, Government  
12 Exhibit UASR Incorporation Documents 2, IAP Incorporation  
13 Documents 1. IAP Incorporation Documents 2. IAP  
14 Incorporation Documents 3. IAP 1990 Article of Incorporation.  
15 IAP Assumed Name Record. AMEL State of Texas Nonprofit Corp  
16 Act Report and HLF Application For Certification.

17 Generally, what are those records?

18 A. Generally, these are incorporation records from different  
19 states for the organizations that I just described.

20 MS. HAMILTON: Your Honor, I move for the admission  
21 of each one of those documents. They're certified public  
22 records.

23 THE COURT: Any objection?

24 MR. SPIELFOGEL: No objection.

25 THE COURT: Mr. Deutsch?

1 MR. DEUTSCH: No objection.

2 THE COURT: So admitted.

3 (Said exhibits received in evidence.)

4 BY MS. HAMILTON:

5 Q. Directing your attention to Al Aqsa -- Government Exhibit  
6 Al Aqsa Amended Articles of Incorporation, what, if anything,  
7 about this document was important to you in trying to  
8 determine who was at the Philadelphia conference?

9 A. I looked at the names in the incorporation.

10 Q. And what names appear in the incorporation?

11 A. Abdelhaleem Ashqar and Ahmad Sarsur.

12 Q. Now focusing on Government Exhibit UASR Incorporation  
13 Documents 1 and 2. Generally, what are these two documents?

14 A. Those are incorporation documents from the State of  
15 Illinois -- Illinois for UASR.

16 Q. And what, if anything, about these documents was helpful  
17 to you in trying to identify who was at the Philadelphia  
18 conference?

19 A. Again, I was looking at the incorporators.

20 Q. And with respect to the first one, Document 1, UASR  
21 Incorporation Document 1, who is listed?

22 A. You have Elbarasse, Muhammad Elbarasse, Fadel, the name is  
23 a little difficult to read, I think it's Lamen, Muhammad  
24 Adlouni, Mousa Abu Marzook and Nabeel Sadoon.

25 Q. Focusing now on Government Exhibit UASR Incorporation

1 Documents 2, the very last page, are the same individuals  
2 listed or are there different individuals?

3 A. Actually, they're different individuals, ma'am.

4 Q. And who is listed on this document --

5 A. It's a little difficult to read. The first --

6 Q. -- that you can read.

7 A. I can read Yousef Salah, Khalil Shout maybe, Yousef M.  
8 Salah again, Muhammad Nemir and --

9 MR. MOFFITT: Your Honor, I object. Unless she's  
10 saying that these are people who were at the meeting, he's  
11 just reading.

12 MR. SPIELFOGEL: My further objection would be, your  
13 Honor, he can't read any of this.

14 MS. HAMILTON: The documents are in evidence. I'm  
15 asking the witness to publish these.

16 MR. DEUTSCH: These are people who incorporated  
17 public organizations. Why should their names be just read out  
18 in a courtroom here if it's not relevant.

19 MR. MOFFITT: That's --

20 THE COURT: Is it a relevance objection, is that what  
21 you're saying?

22 MR. MOFFITT: It is a relevance objection to the  
23 extent that the question had to do with people who were at the  
24 conference. There's no evidence that the people that he's now  
25 identifying were at the conference.

1 THE COURT: I don't think that was the question,  
2 but --

3 MS. HAMILTON: Your Honor, these are certified public  
4 records that the agent already testified he looked at in  
5 attempt to determine who was at the meeting, and I'm happy to  
6 clarify in each one if any of the individuals listed were  
7 actually present at the meeting if that's the issue.

8 THE COURT: I think that is Mr. Moffitt's issue.

9 MR. MOFFITT: That's it.

10 THE COURT: So go ahead.

11 BY MS. HAMILTON:

12 Q. All right. Going back, let's start first with the Al Aqsa  
13 Education Fund.

14 A. Yes, ma'am.

15 Q. Of the individuals listed, was the FBI able to identify  
16 either of them as being present at the meeting?

17 A. Yes. Abdelhaleem Ashqar was present at the meeting.

18 Q. Now, with respect to UASR Incorporation Document 1, of the  
19 individuals listed, was the FBI able to identify whether any  
20 of these individuals were at the Philadelphia conference?

21 A. No, we were not able to do that.

22 Q. Looking next at UASR Incorporation Documents 2, of the  
23 individuals listed, were any of these -- was the FBI able to  
24 determine whether any of these individuals were at the  
25 meeting?



1 A. We were not able to determine that.

2 Q. Focusing next on IAP Incorporation Documents, and there  
3 are a number of them relevant to the IAP, is that correct?

4 A. That's correct, ma'am.

5 Q. With respect to the incorporation documents for the IAP,  
6 were these helpful at all to you or other agents in  
7 determining who was at the Philadelphia conference?

8 A. Yes. Yes, ma'am, in the sense that on one of the  
9 incorporation documents, it did list Ghassan el-A'she who was  
10 identified as being at the Philadelphia conference.

11 Q. And specifically are you referring to IAP Incorporation  
12 Document 2?

13 A. Yes, I am, ma'am.

14 Q. And also IAP Assumed Name Record?

15 A. Yes, ma'am. On the Assumed Name Record, it listed Omar  
16 Ahmad as president, and he was also present at the  
17 Philadelphia conference.

18 Q. Going on to Government Exhibit AMEL State of Texas  
19 Nonprofit Corp. Act Report.

20 A. Yes, ma'am, I have it.

21 Q. Was this a document that you or other agents used to try  
22 and identify participants at the Philadelphia conference?

23 A. Yes, ma'am, I used it.

24 Q. And what, if anything, about this document was helpful?

25 A. Again, ma'am, the incorporators, in this case Omar Ahmad.

1 MR. MOFFITT: Can you spell that?

2 BY MS. HAMILTON:

3 Q. Agent, can you spell that name?

4 A. Sure. The first name is spelled O-M-A-R. The last name  
5 is spelled A-H-M-A-D.

6 Q. And was the FBI later able to identify that that  
7 individual was present at the Philadelphia conference?

8 A. Yes, we were.

9 THE COURT: Ms. Hamilton, let's end there for the  
10 evening.

11 We are done for the evening. We will pick up  
12 tomorrow morning. Please meet on the second floor at 9:15.  
13 Have a good evening. Do not discuss the case or watch any  
14 media coverage.

15 (Jury exits courtroom.)

16 \* \* \* \* \*

17 (End of excerpt.)

18 CERTIFICATE

19 I certify that the foregoing is a correct transcript from  
20 the record of proceedings in the above-entitled matter.

21

22 \_\_\_\_\_  
23 Kathleen M. Fennell  
24 Official Court Reporter

\_\_\_\_\_  
Date

24

25

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 03 CR 978  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MUHAMMAD HAMID KHALIL SALAH AND )  
ABDELHALEEM HASAN ABDELRAZIQ ASHQAR, ) Chicago, Illinois  
 ) November 16, 2006  
Defendants. ) 9:30 o'clock a.m.

VOLUME TWENTY-ONE  
TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD  
United States Attorney  
BY: MR. JOSEPH M. FERGUSON  
MR. REID J. SCHAR  
MS. CARRIE E. HAMILTON  
219 S. Dearborn St., Suite 500  
Chicago, Illinois 60604

For Deft. Salah: PEOPLE'S LAW OFFICES  
BY: MR. MICHAEL EDWARD DEUTSCH  
MS. ERICA THOMPSON  
1180 North Milwaukee Avenue  
Chicago, Illinois 60622

For Deft. Ashqar: MR. KEITH ALLAN SPIELFOGEL  
20 North Clark Street, Suite 1200  
Chicago, Illinois 60602

MR. WILLIAM MOFFITT  
11582 Greenwich Point Road  
Reston, Virginia 20194

1 APPEARANCES (Cont'd):

2

3 Also Present:

S/A BRADLEY BENAVIDES, FBI

4

S/A JILL PETTORELLI, FBI

5

6 Court Reporter:

MR. JOSEPH RICKHOFF

7

Official Court Reporter

8

219 S. Dearborn St., Suite 1232

9

Chicago, Illinois 60604

10

(312) 435-5562

11

12

\* \* \* \* \*

13

PROCEEDINGS RECORDED BY

14

MECHANICAL STENOGRAPHY

15

TRANSCRIPT PRODUCED BY COMPUTER

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

1 THE CLERK: 03 CR 978, USA vs. Muhammad Salah,  
2 Abdelhaleem Ashqar. Jury trial continues.

3 THE COURT: Good morning.

4 MS. HAMILTON: Good morning, your Honor, Carrie  
5 Hamilton, Joe Ferguson and Reid Schar on behalf of the United  
6 States.

7 MR. DEUTSCH: Michael Deutsch, Erica Thompson and  
8 Muhammad Salah on behalf of Mr. Salah.

9 MR. SPIELFOGEL: Keith Spielfogel and Bill Moffitt on  
10 behalf of Dr. Ashqar.

11 THE COURT: Is there anything I need to take up?

12 MS. HAMILTON: Two quick things, your Honor.

13 THE COURT: Sure.

14 MS. HAMILTON: We're going to be moving pretty  
15 quickly into the substance of the translations. Is it  
16 acceptable to you if we pass out the binders before the jurors  
17 get here?

18 THE COURT: Sure.

19 MS. HAMILTON: And I just got a stipulation signed.  
20 I don't have a copy for the Court yet. Is it okay if I read  
21 it in and, then, get a copy at our break?

22 THE COURT: That is fine.

23 Anything else we need to take up?

24 MR. DEUTSCH: No.

25 THE COURT: All right.

1 I need a quick break. The jury is all here. Then we  
2 will pick up.

3 Agent, if you want to come up to the stand.

4 We will pick up in about five minutes.

5 (Brief recess.)

6 THE COURT: They are bringing the jury in.

7 MS. HAMILTON: Judge, we are going to need the  
8 projector.

9 THE COURT: Through your computer?

10 MS. HAMILTON: Yes.

11 (Jury in.)

12 THE COURT: You may be seated.

13 Maybe you should pick your binders up first.

14 (Laughter.)

15 THE COURT: Good morning.

16 I am sure you are happy to come in and see another  
17 binder for you.

18 (Laughter.)

19 THE COURT: We are going to continue today with the  
20 presentation of evidence.

21 Agent, I will remind you that you are still under  
22 oath, sir.

23 THE WITNESS: Yes, ma'am.

24 ROBERT MIRANDA, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

25 THE COURT: We are having a little technical

1 difficulty with my projector. Help is on the way.

2 Here we go.

3 Good entrance, Joe.

4 Are you going right to documents on the projector?

5 MS. HAMILTON: I have a little I can do beforehand.

6 THE COURT: Why do you not start.

7 MS. HAMILTON: Your Honor, I'd ask permission to read  
8 a stipulation.

9 THE COURT: You may.

10 MS. HAMILTON: It is hereby stipulated and agreed by  
11 and between the United States of America, by and through its  
12 attorney, Patrick J. Fitzgerald, United States Attorney for  
13 the Northern District of Illinois, and defendant Muhammad  
14 Salah, individually and through his attorneys, Michael Deutsch  
15 and Erica Thompson, and defendant Abdelhaleem Ashqar,  
16 individually and through his attorneys, Keith Spielfogel and  
17 William B. Moffitt as follows:

18 The parties agree that Government Exhibit  
19 Philadelphia Hotel Records are true and accurate copies of  
20 business records of Courtyard Marriott Hotels and are  
21 admissible into evidence.

22 So stipulated?

23 MR. SPIELFOGEL: So stipulated.

24 MS. THOMPSON: So stipulated.

25 MS. HAMILTON: Your Honor, may I approach?

1 THE COURT: Yes, you may.

2 And we are back in business.

3 DIRECT EXAMINATION - Resumed

4 BY MS. HAMILTON:

5 Q. Agent Miranda, I'm going to show you Government Exhibit  
6 Philadelphia Hotel Records.

7 (Documents tendered.)

8 BY MS. HAMILTON:

9 Q. I'd ask you to please take a look at those.

10 A. Yes, ma'am.

11 Q. Do you recognize those records?

12 A. I do.

13 Q. Generally, what are they?

14 A. They are the guest charges and reservations for the  
15 Courtyard Marriott at which the Philadelphia conference was  
16 held.

17 Q. And are they records relating to some of the participants  
18 of the Philadelphia conference?

19 A. That's correct.

20 Q. And are these records that you and other agents used to  
21 try and further identify participants of the Philadelphia  
22 conference?

23 A. Yes, they are.

24 MS. HAMILTON: Your Honor, pursuant to the  
25 stipulation, I'd move that government exhibit into evidence.



1 THE COURT: Any objection?

2 MR. SPIELFOGEL: No, Judge.

3 MR. DEUTSCH: None.

4 THE COURT: So admitted.

5 (Government Exhibit Philadelphia Hotel Records  
6 received in evidence.)

7 BY MS. HAMILTON:

8 Q. In addition to reviewing hotel records, have you also  
9 reviewed credit card records for charges incurred for plane  
10 tickets for flight to Philadelphia?

11 A. Yes, I have.

12 MS. HAMILTON: Your Honor, at this time I move for  
13 the admission of Government Exhibit HLFAMX Group pursuant to a  
14 902(11) certification.

15 THE COURT: Any objection?

16 MR. MOFFITT: No, ma'am.

17 MR. DEUTSCH: No. No objection.

18 THE COURT: So admitted.

19 (Government Exhibit HLFAMX Group received in  
20 evidence.)

21 MS. HAMILTON: May I approach?

22 THE COURT: You may.

23 BY MS. HAMILTON:

24 Q. Agent Miranda, I'm going to show you what was just  
25 admitted as Government Exhibit HLFAMX Group and ask you to

1 take a look at these.

2 (Documents tendered.)

3 BY MS. HAMILTON:

4 Q. Do you recognize those records?

5 A. Yes, ma'am, I do.

6 Q. Generally, what are they?

7 A. American Express records from the Holy Land Foundation  
8 regarding purchases of airline tickets related to the  
9 Philadelphia conference.

10 Q. And are those records that you and other agents used to  
11 try and identify participants of the Philadelphia conference?

12 A. Yes, they are.

13 Q. Throughout the translations of the Philadelphia  
14 conference, are some of the individuals actually identified by  
15 name by other individuals?

16 A. Yes, that's correct.

17 Q. And are some individuals identified by an alias or  
18 nickname?

19 A. Yes, that's also correct.

20 Q. From the review of the documents, the audio recordings and  
21 the video recordings, approximately how many people were in  
22 attendance over the three-day period at the Philadelphia  
23 conference?

24 A. Approximately 20.

25 Q. Agent, I think you have in front of you the binder

1 Philadelphia Conference Transcripts.

2 A. I do.

3 Q. I'd ask you to direct your attention to the first page of  
4 the binder.

5 A. Yes.

6 MS. HAMILTON: And, your Honor, I believe that the  
7 jury now has a binder, as well, if they could also flip to the  
8 first page.

9 THE COURT: Yes.

10 Ladies and gentlemen, please turn to the first page  
11 in the binder Philadelphia Conference Transcripts.

12 BY MS. HAMILTON:

13 Q. Agent Miranda, what appears on this first page?

14 A. This is an identification of the individuals who were  
15 identified, either completely or partially, and a two-letter  
16 designation for their name next to their name so you know who  
17 they are throughout the transcript.

18 Q. Are there individuals who were present at the Philadelphia  
19 conference who the FBI still has not been able to identify?

20 A. That's correct.

21 Q. And how are those individuals designated in the  
22 translations?

23 A. Generally, it's just "Unknown Male" or "Unknown."

24 Q. And is the abbreviation at the top where you see "UM" in  
25 brackets, is that how someone who has not yet been identified

1 is designated?

2 A. Correct.

3 Q. And further down, there -- four down, there -- is in  
4 parentheses "LNU." What does that designate on these  
5 translations?

6 A. "Last Name Unknown."

7 Q. And what does that mean?

8 A. It means we have the first name, but we don't know the  
9 last name of the individual.

10 Q. Moving down onto the two letters with the equals signs,  
11 there is "Mu" with an equals sign "Muin" in parens "LNU."

12 Since this cover sheet was created, has the FBI been  
13 able to determine the last name of this individual?

14 A. Yes, we have.

15 Q. And what is it?

16 A. Muin Shabib.

17 THE COURT: Would you spell that for the record,  
18 please.

19 THE WITNESS: Ma'am, it's spelled S-h-a-b-i-b.

20 BY MS. HAMILTON:

21 Q. Agent Miranda, do the translations reflect introductory  
22 remarks made by a participant of the Philadelphia conference?

23 A. Yes, they do.

24 Q. Who made those remarks?

25 A. Omar Ahmad.

1 MS. HAMILTON: Your Honor, at this time, we'd ask for  
2 permission to move to Tab 5, Page 9, Line 25.

3 THE COURT: Please turn to Tab 5, Page 9.

4 You may proceed.

5 BY MS. HAMILTON:

6 Q. Agent Miranda, is this the section where the introductory  
7 remarks appear?

8 A. Yes, ma'am.

9 MS. HAMILTON: Your Honor, I'd ask permission to  
10 publish Page 9, Line 25, through Page 15, Line 4 of Tab 5.

11 THE COURT: You may.

12 (Whereupon, said tape was played in open court.)

13 MS. HAMILTON: And, Judge, for the record, I believe  
14 I misspoke and said that we were going to be publishing  
15 through Page 15, Line 4. That was through Page 14, Line 4.

16 THE COURT: Through 14?

17 MS. HAMILTON: Page 14, Line 4.

18 And I also just want to make sure it was clear for  
19 the jurors that what they have in their books is what is being  
20 -- on the screen. So, it's whatever is easier for them in  
21 terms of following.

22 THE COURT: Okay.

23 BY MS. HAMILTON:

24 Q. Agent Miranda, do the transcripts reflect the use of  
25 certain terms throughout the course of the meeting?

1 A. They do.

2 Q. Is "the movement" one of those terms?

3 A. Yes, "the movement" is a term used in this.

4 Q. Is "Samah" one of those terms?

5 A. "Samah" is.

6 Q. Agent Miranda, if you spell "Samah" in reverse, what word  
7 does it spell?

8 A. "Hamas."

9 MS. HAMILTON: Your Honor, I'd now ask permission to  
10 move to Tab 6, Page 9.

11 THE COURT: Ladies and gentlemen, please turn to Tab  
12 6 of this binder, Page 9.

13 MS. HAMILTON: Lines 5 through 16.

14 THE COURT: Okay.

15 MS. HAMILTON: And I'd ask permission to publish that  
16 portion of the translation.

17 THE COURT: You may.

18 (Whereupon, said tape was played in open court.)

19 BY MS. HAMILTON:

20 Q. Agent Miranda, at Line 12 of Page 9, the translations  
21 reflect the letters "IAP." Through the course of your work,  
22 are you familiar with that acronym?

23 A. Yes, I am.

24 Q. What is it an acronym for?

25 A. Islamic Association of Palestine.

1 MS. HAMILTON: Your Honor, I'd now ask permission to  
2 move to -- still within Tab 6 -- Page 10, Line 39.

3 THE COURT: Please turn to the next page, Page 10,  
4 beginning at Line 39.

5 MS. HAMILTON: And I'd ask permission to publish from  
6 Page 10, Line 39, through Page 11, Line 38.

7 THE COURT: You may.

8 (Whereupon, said tape was played in open court.)

9 MS. HAMILTON: Your Honor, I'd now ask to move to Tab  
10 9.

11 THE COURT: Please turn to Tab 9, Page 2.

12 MS. HAMILTON: And I'd ask permission to have Agent  
13 Miranda publish by reading Lines 2 through 15.

14 THE COURT: Okay.

15 You may read those, Agent Miranda.

16 THE WITNESS: Yes, ma'am.

17 BY THE WITNESS:

18 A. "On the contrary, the polarization issue which exists on  
19 the Front which happened in the past in the Organization is  
20 happening in the Islamic Movement. Therefore, a lot of people  
21 from our end will take the direction of -- of -- Jihad and  
22 this Sheik who is in New York and stuff. At the end, it will  
23 appear that we took a very indecisive stand. Therefore, we  
24 must -- my brothers, just as our sister Samah acquired her  
25 beauty and her fine wedding, God's willing, through her

1 credibility on the Palestinian street.

2 "She married from the street?

3 "No, in her father's house. How did she get her  
4 credibility? Through her presence, through her position. So,  
5 my brothers, if we didn't prove our credibility today before  
6 tomorrow, regarding the position, we will lose a lot and this  
7 will be considered postponement of the struggle."

8 MS. HAMILTON: Your Honor, I'd now ask permission to  
9 move to Tab 19.

10 THE COURT: Please turn to Tab 19.

11 MS. HAMILTON: Page 8.

12 THE COURT: Page 8 of that tab.

13 MS. HAMILTON: And I'd ask permission to publish from  
14 Page 8, Line 24, through Page 9, Line 16.

15 THE COURT: You may.

16 (Brief pause.)

17 MS. HAMILTON: Your Honor, can we have a moment? It  
18 seems the audio has turned off.

19 THE COURT: Okay.

20 (Brief pause.)

21 (Whereupon, said tape began to be played in open  
22 court.)

23 MS. HAMILTON: I think we have it. We're going to  
24 try starting, again.

25 (Whereupon, said tape was played in open court.)



1 MS. HAMILTON: Your Honor, I'd now ask to move to Tab  
2 16, Page 6.

3 THE COURT: Please turn to Tab 16, Page 6.

4 MS. HAMILTON: And I'd ask permission to have Agent  
5 Miranda publish by reading Lines 7 through 19.

6 THE COURT: You may.

7 BY THE WITNESS:

8 A. "Assuming that it will succeed, there must be a method and  
9 a line for dealing with them. God knows what agreements will  
10 be made in the future between sister Samah and the  
11 Organization. In the future, they might make agreements and  
12 become friends. God knows. God knows.

13 "Okay, assuming that they remain enemies. Assuming  
14 that they remain enemies.

15 "Assuming that they remain enemies, huh -- I work on  
16 the American front and the Organization has some Palestinian  
17 community that I won't ignore. I'm telling you from now,  
18 anyone who will think that the Organization will is not  
19 correct.

20 "Fine, yes."

21 MS. HAMILTON: And I now ask to move to Tab 17.

22 THE COURT: Please turn to Tab 17.

23 MS. HAMILTON: Page 12.

24 THE COURT: Page 12.

25 MS. HAMILTON: And I'd ask permission to have Agent

1 Miranda publish by reading Lines 14 through the beginning of  
2 Line 16.

3 THE COURT: You may.

4 BY THE WITNESS:

5 A. "My part, yes. So, the matter is over for the -- you see.  
6 They won't support you unless Samah is strong in the field and  
7 imposed itself on the Organization."

8 MS. HAMILTON: And I'd now ask to move to Tab 9.

9 THE COURT: Please turn to Tab 9.

10 MS. HAMILTON: Page 6.

11 THE COURT: Page 6.

12 MS. HAMILTON: And I'd ask permission to have Agent  
13 Miranda publish by reading Lines 21 through 35.

14 THE COURT: You may read that.

15 BY THE WITNESS:

16 A. "To begin with, excuse me, the point I am about to present  
17 to you will be confirmed by a message from our brothers inside  
18 to all of you. If financial support for them does not  
19 continue, our institutions will really stop, in addition to  
20 the issues discussed. This piece of information is, for  
21 example --

22 "No, of course --

23 "Okay. They say that Hamas and the Movement -- the  
24 Movement will flourish -- the Movement will flourish under  
25 self-rule just like all the other institutions of the --

1 "They're being smart --

2 " -- and that their families will get the same thing  
3 other families got. When they hear this, their opposition  
4 will practically dim. This is what they're saying."

5 MS. HAMILTON: And I'd now ask permission to stay in  
6 Tab 9 but move to Page 9.

7 THE COURT: Please turn to Page 9 of Tab 9.

8 MS. HAMILTON: And I'd ask permission to have Agent  
9 Miranda publish by reading on Page 9, starting at Line 41 in  
10 the middle where the sentence picks up to --

11 THE COURT: You may do so.

12 MS. HAMILTON: -- Page 10, Line 2, to where the  
13 sentence in the middle of that line ends.

14 THE COURT: Okay.

15 BY THE WITNESS:

16 A. "The second option says no, strengthen the community here  
17 and support the Movement in the future. I will say a remark;  
18 which is, that the Movement is currently going through its  
19 most difficult times. I mean, any desertion or retreat in the  
20 support it used to get a day before the agreement would lead  
21 to the weakening of the position of the Movement."

22 MS. HAMILTON: And still on Page 9, I'd ask  
23 permission to publish by -- have Agent Miranda publish by --  
24 reading Page 10, Lines 20 to 22, Line 20 starting where the  
25 last sentence picks up.

1 THE COURT: I am sorry, Ms. Hamilton, Page 9 or Page  
2 10? You said --

3 MS. HAMILTON: Page 10.

4 THE COURT: Okay.

5 MS. HAMILTON: Still within Tab 9.

6 THE COURT: Okay.

7 MS. HAMILTON: The very end of Line 20 through end of  
8 Line 22.

9 THE COURT: That is fine.

10 BY THE WITNESS:

11 A. "Therefore, I see that America constitutes five  
12 fundamental axes for the Movement. First, to remain a secure  
13 place for the Movement."

14 BY MS. HAMILTON:

15 Q. Agent Miranda, just prior to the Philadelphia conference  
16 being held, what, if anything, had happened that was relevant  
17 to the Arab-Israeli conflict?

18 A. There was the very public signing of the Oslo Peace  
19 Accords in a White House ceremony.

20 Q. And do the transcripts -- the translations -- reflect  
21 numerous reference to the Oslo Peace Accords or agreement?

22 A. Yes, both directly and indirectly.

23 MS. HAMILTON: Your Honor, I ask permission to move  
24 to Tab 6.

25 THE COURT: Please turn to Tab 6.

1 MS. HAMILTON: Page 4.

2 THE COURT: Page 4.

3 MS. HAMILTON: And I'd ask permission to publish from  
4 Page 4, Line 17, through Page 6, Line 30.

5 THE COURT: You may do so.

6 (Whereupon, said tape was played in open court.)

7 MS. HAMILTON: Your Honor, I now ask permission to  
8 move to Tab 7, Page 1.

9 THE COURT: Please turn to Tab 7, the first page.

10 MS. HAMILTON: And I'd ask permission to publish  
11 starting at Line 20 through Page 2, Line 5.

12 THE COURT: You may.

13 (Whereupon, said tape was played in open court.)

14 BY MS. HAMILTON:

15 Q. Agent Miranda, I now want to direct your attention back to  
16 the cover page, the first page of the binder?

17 A. Yes, ma'am.

18 Q. Is defendant Ashqar listed anywhere on this cover page?

19 A. He is.

20 Q. And where is he listed?

21 A. About halfway down the list of names.

22 Q. What are the letters by which he's designated within these  
23 translations?

24 A. "As."

25 Q. In the section that was just published, later on in that

1 section of the meeting, do the translations reflect defendant  
2 Ashqar speaking about derailing the agreement?

3 A. Can you point me to the section, again?

4 Q. Yes. We were at Tab 7. And I direct you to Page 4, Line  
5 31.

6 (Brief pause.)

7 BY THE WITNESS:

8 A. That's correct.

9 MS. HAMILTON: Your Honor --

10 BY THE WITNESS:

11 A. He was.

12 MS. HAMILTON: -- I'd ask permission to publish Tab  
13 7, Page 4, Line 31, through Page 10, Line 11.

14 THE COURT: You may.

15 Please turn to Tab 7, Page 4.

16 You may publish.

17 (Whereupon, said tape was played in open court.)

18 BY MS. HAMILTON:

19 Q. Agent Miranda, in that long section we just went through,  
20 there were a couple of unknown males as designated in the  
21 translation; is that correct?

22 A. That's correct, ma'am.

23 Q. The majority of the speaking seems to have been --  
24 according to the translations -- done by three individuals  
25 designated as "Sh," "Ga" and "As," correct?

1 A. Correct.

2 Q. According to the cover sheet of the binders, can you tell  
3 the jury who those three individuals are designated as?

4 A. "As" would be Abdelhaleem Ashqar, "Sh" is Shukri Abu  
5 Baker, and "Ga" is Gawad or Gawad.

6 MS. HAMILTON: Your Honor, I have two short sections  
7 to publish and, then, a longer section. So, perhaps I could  
8 do the short sections and, then, take a break?

9 THE COURT: Okay. That is a good idea.

10 BY MS. HAMILTON:

11 Q. Agent Miranda, can I direct your attention to Tab 21, Page  
12 6?

13 A. Yes.

14 MS. HAMILTON: And, your Honor, I'd ask permission to  
15 have Agent Miranda publish by reading on Page 6, starting at  
16 the very end of Line 34 through about three-fourths of the way  
17 through Line 40, where the sentence ends.

18 THE COURT: That is fine.

19 Ladies and gentlemen, please turn to Tab 21, Page 6.  
20 Agent, you may read that portion.

21 THE WITNESS: Yes, ma'am.

22 BY THE WITNESS:

23 A. "We started the conflict, our brothers, and thanks be to  
24 God, the Movement -- the Islamic Movement -- and direct  
25 conflict started in the name of there is no God but God and

1 God is great, and we thought that the cause will continue in  
2 the form of conflict, conflict and conflict, but that there  
3 would be no rivers in the way. The rivers which the  
4 Palestinian people are rushing madly to."

5 What line was I supposed to finish with, ma'am?

6 BY MS. HAMILTON:

7 Q. On through Page 40, just the next sentence where it ends.

8 A. Right.

9 "The Palestinian people will really rush madly to  
10 them, and our duty is not to rush madly with them, to remain  
11 steadfast on what we have."

12 MS. HAMILTON: And, your Honor, I'd like to, if I  
13 could, direct back to Tab 7, Page 2.

14 THE COURT: Okay.

15 Please turn to Tab 7, again, Page 2.

16 MS. HAMILTON: And I'd ask permission to publish from  
17 Tab 7, Page 2, Line 39, through Page 3, Line 42.

18 THE COURT: That is fine. You may publish that.

19 (Whereupon, said tape was played in open court.)

20 THE COURT: Let us take our morning break.

21 MR. MOFFITT: Your Honor --

22 THE COURT: One moment. Can it wait until after the  
23 jury walks out?

24 MR. MOFFITT: Yes, yes.

25 THE COURT: Okay.



1 We will take our morning break.

2 (Jury out.)

3 THE COURT: Counsel, I need to have a quick sidebar  
4 with you.

5 (Proceedings had at sidebar:)

6 (Whereupon, Lines 6 through 16 were ordered sealed by  
7 the Court, and transcribed under separate cover.)

8

9

10

11

12

13

14

15

16

17 MR. MOFFITT: Can I have five minutes before we put  
18 the jury in the box?

19 THE COURT: Sure.

20 Do you want to do it now or --

21 MR. MOFFITT: I can do it now.

22 THE COURT: Whatever your preference is.

23 MR. MOFFITT: I'll do it then.

24 THE COURT: Okay.

25 Come back a little before 11:00.

1 MR. MOFFITT: Okay, ma'am.

2 (Brief recess.)

3 THE COURT: Yes, Mr. Moffitt?

4 MR. MOFFITT: Most respectfully, ma'am, I have now  
5 listened to the government's -- or at least a substantial  
6 portion of the government's -- evidence with regard to the  
7 Philadelphia meeting, and I am concerned at this point because  
8 under our First Amendment, the government can't prohibit  
9 membership in Hamas or an endorsement of Hamas' views.

10 All the Philadelphia meeting -- all we've heard at  
11 this particular point regarding the Philadelphia meeting -- is  
12 information concerning endorsing particular or discussions of  
13 particular views of people. It is simply not illegal under  
14 our system of justice for you to have a disagreement about the  
15 Oslo peace process. It simply isn't.

16 The government is making this case seem like people  
17 can't be members of Hamas and can't endorse its views here in  
18 the United States. And I think that's inappropriate,  
19 incorrect, and I don't think that they can use appropriate --  
20 what is apparently appropriate -- First Amendment activity or  
21 activity that would be governed by the First Amendment and try  
22 to make it into a criminal act. And that's what they've done.

23 So, respectfully, I ask for a mistrial with regard to  
24 this.

25 THE COURT: Ms. Hamilton?

1 MS. HAMILTON: Judge --

2 THE COURT: Or Mr. Ferguson or whoever.

3 MS. HAMILTON: This is a Rule 29 motion or a closing  
4 argument. I don't think at this point it's appropriate.

5 THE COURT: I agree.

6 Your request is denied. I have addressed the First  
7 Amendment issue at length in multiple pretrial motions and --

8 MR. MOFFITT: I understand.

9 THE COURT: -- the government is still putting on its  
10 case.

11 MR. MOFFITT: I understand, but this jury is being  
12 misled.

13 THE COURT: I will instruct them on the law at the  
14 end of the case, if it makes it that far. I will hear Rule 29  
15 motions at the end of the government's presentation of  
16 evidence.

17 MR. MOFFITT: I made my motion.

18 THE COURT: Okay.

19 MR. DEUTSCH: Judge, I would join in, on behalf of  
20 Mr. Salah, Mr. Moffitt's motion.

21 THE COURT: Okay. The same ruling.

22 Do you have comments on the proposal I gave you?

23 MR. SCHAR: We have no changes.

24 MR. DEUTSCH: It's fine with us, too.

25 MR. MOFFITT: Fine with us, as well.

1 THE COURT: The jurors have asked, Ms. Hamilton, if  
2 there is any way to slow down the recording. They have also  
3 asked for highlighters, which I have provided to them.

4 MS. HAMILTON: There is no way to slow down the  
5 recording. The translation goes with the Arabic speaking.  
6 So, it's either quicker or slow as the speaker is going.

7 THE COURT: Okay.

8 They have received highlighters. That should help.

9 MR. DEUTSCH: Judge, I noticed at the very last  
10 recording that was played, as I was looking at it, it ended so  
11 abruptly it was really hard for anyone to read it. And, I  
12 mean, I know -- I think that's probably what prompted that  
13 response. The very last three or four lines of the recording  
14 kind of just went off the screen.

15 MR. MOFFITT: Ma'am?

16 THE COURT: Okay.

17 The other thing that they have requested through the  
18 Court Security Officer is when you -- when a tab is referred  
19 to, give them a moment before you go into things to get to the  
20 tab.

21 Yes, Mr. Moffitt?

22 MR. MOFFITT: This is exactly my point. The jury now  
23 is being tied to words and words are now becoming the weapons  
24 against our clients because now what the jury is going to do  
25 is they want to highlight particular words in this

1 Philadelphia conference. And that's exactly what the First  
2 Amendment says shouldn't be done.

3 THE COURT: They will be -- I will hear any Rule 29  
4 motions at the end of the case and they will be instructed on  
5 the law, including the First Amendment issues.

6 MR. MOFFITT: Under the circumstances, I object to  
7 them being given a highlighter.

8 MR. DEUTSCH: Judge, is it possible for you to give  
9 them some kind of cautionary instruction now that, "You are  
10 hearing discussions that are necessarily not criminal  
11 themselves and protected by the First Amendment"?

12 THE COURT: I do not think that is appropriate at  
13 this stage.

14 MR. DEUTSCH: Well, we would ask you to do that at  
15 this point.

16 THE COURT: Your request is denied.

17 MS. HAMILTON: Your Honor, with respect to the  
18 publication and it ending as soon as the tape ends, that's the  
19 way it's programmed. We'll check over the lunch break and see  
20 if we can shut that off.

21 THE COURT: Okay.

22 Bring in the jury, please.

23 (Jury in.)

24 THE COURT: You may be seated.

25 Ms. Hamilton, you may continue.

1 MS. HAMILTON: Thank you, your Honor.

2 BY MS. HAMILTON:

3 Q. Agent Miranda, over the course of the Philadelphia  
4 conference, do the translations reflect certain participants  
5 making presentations to the rest of the group?

6 A. Yes, they do.

7 Q. And do the translations reflect that defendant Ashqar made  
8 a presentation to the group?

9 A. Yes, he made a presentation.

10 MR. MOFFITT: Objection.

11 May I have a continuing objection along the lines  
12 that we spoke about?

13 THE COURT: Certainly.

14 And my ruling --

15 MR. MOFFITT: I understand.

16 THE COURT: -- will stand.

17 MR. MOFFITT: I understand.

18 MS. HAMILTON: Your Honor, I'd ask permission to move  
19 to Tab 8, please.

20 THE COURT: Ladies and gentlemen, please turn to Tab  
21 8 in the binder.

22 MS. HAMILTON: And I'd like to go to Page 2.

23 THE COURT: Please turn to Page 2 of Tab 8.

24 MS. HAMILTON: And I'd ask permission to publish from  
25 Page 2, Line 18, through Page 8, Line 7.

1 THE COURT: You may.

2 (Whereupon, said tape was played in open court.)

3 BY MS. HAMILTON:

4 Q. Agent Miranda, in the section that was just published, I'd  
5 like to direct your attention back to Page 4, Lines 37 to 43.

6 A. Yes, ma'am.

7 Q. And within that section that was published, are there  
8 references to Muhammad Salah?

9 A. Yes, there are.

10 MS. HAMILTON: Your Honor, could we switch to the  
11 Elmo briefly?

12 THE COURT: Yes.

13 BY MS. HAMILTON:

14 Q. Agent Miranda, do you have the Search Document  
15 Translations binder in front of you?

16 A. Yes, I do.

17 Q. I'd ask you to flip to Tab 24, please.

18 THE COURT: Do you want the jury to, as well --

19 MS. HAMILTON: Yes, your Honor.

20 THE COURT: -- or are you going to publish it?

21 BY MS. HAMILTON:

22 Q. And I direct your attention to the first page behind that  
23 tab, which is designated at the top ASH 483?

24 THE COURT: Okay. One moment, please.

25 Ladies and gentlemen, please switch binders. The

1 binder that is Search Documents. It is a thick binder.

2 And Tab 24 in the Search Documents binder.

3 MS. HAMILTON: Your Honor, I'm going to publish it on  
4 the Elmo, if they don't want to look in the binder.

5 THE COURT: If you do not want to look in your  
6 binders and would prefer to look on the screen, that is fine,  
7 as well. But if you want to look in your binders, Tab 24.

8 MS. HAMILTON: Your Honor, may I publish on the Elmo?

9 THE COURT: You may.

10 MS. HAMILTON: And I'd ask permission to have Agent  
11 Miranda publish by reading ASH 483, which is behind Tab 24.

12 THE COURT: You may.

13 BY THE WITNESS:

14 A. "In the name of God, the merciful, the compassionate.  
15 America's relationship with the inside.

16 "This must be reconsidered in the light of the  
17 following new developments and events:"

18 Point 1, "Muhammad Salah. We are not above the law,  
19 accuracy, caution."

20 Point 2 -- " excuse me -- "Peace agreement. It  
21 intended the legitimacy of resisting the Israelis as  
22 occupiers, as well as the situation whereby they are  
23 attempting to end the pockets of opposition and inciting  
24 others to do so."

25 Point 3, "The inability to send delegations to the



1 inside, exiles, inside."

2 Point 4, "The inability to receive official  
3 delegations.

4 "Categories of Work the Inside needs from America.

5 "Charity work.

6 "Education.

7 "Media.

8 "Sit-ins and protests.

9 "Research.

10 "Human rights.

11 "Facilitating delegations' visits.

12 "Receiving delegations.

13 "Maintaining the archive.

14 "Investment.

15 "Regulations for the relationship:

16 "Lawfulness of the work.

17 "Institutional relationship.

18 "Continuity."

19 MS. HAMILTON: Your Honor, may we switch back to the  
20 computer?

21 THE COURT: Yes.

22 BY MS. HAMILTON:

23 Q. And, Agent Miranda, that document that you just read, are  
24 you familiar with that as a translation of a document found in  
25 defendant Ashqar's residence?

1 A. That's correct, ma'am.

2 Q. Switching back to the translations of the Philadelphia  
3 conference, do the translations reflect later in the  
4 conference a comment about the brothers in Chicago who  
5 traveled and went to Palestine?

6 A. Yes.

7 MS. HAMILTON: Your Honor, may we move to Tab 13 in  
8 the Philadelphia conference?

9 THE COURT: Yes.

10 Ladies and gentlemen, back to the Philadelphia  
11 Conference Transcripts binder, Tab 13.

12 Wait just one moment, Ms. Hamilton. Let us give  
13 everybody a chance to switch.

14 (Brief pause.)

15 THE COURT: Tab 13.

16 MS. HAMILTON: Page 5, your Honor.

17 THE COURT: Okay.

18 MS. HAMILTON: And I'd ask permission to have Agent  
19 Miranda publish by reading Line 12 through 25 on Page 5.

20 THE COURT: You may.

21 BY THE WITNESS:

22 A. "Yes -- the issue -- the issue has two sides. One issue  
23 is that the brothers working for Palestine don't work for  
24 anything else. I mean, not only for Palestine, for anything  
25 else. Therefore, the brothers are feeling kind of like,

1 'We're making contributions and working and where are you?'  
2 The other brothers, what do they feel? They feel that you  
3 sometimes work -- first of all, you took the potentials from  
4 the other branches of work and used them for Palestine; and,  
5 at the same time, you're being arrogant with us and say that  
6 you work and we don't. Also, there is the issue of those  
7 brothers in Chicago who traveled and went to Palestine. So,  
8 there was a talk from the government and stuff that there is a  
9 danger from that. So, they went over and requested a meeting.  
10 They requested a meeting and a suggestion was made during the  
11 meeting to coordinate the issue. A suggestion was made by a  
12 Jordanian person to start an alternative, meaning that they  
13 want the organizations to form a solidarity committee for the  
14 Palestinian people and the other organizations would dissolve  
15 in it within two years. It was a suggestion made by whom? By  
16 one or two people."

17 Q. Agent Miranda, do the translations also reflect a  
18 discussion about whether Congress had declared Hamas a  
19 terrorist organization?

20 A. Yes.

21 MS. HAMILTON: Your Honor, I'd ask permission to move  
22 to Tab 15.

23 THE COURT: Please turn to Tab 15 in this binder.

24 MS. HAMILTON: Page 10.

25 THE COURT: Page 10.

1 MS. HAMILTON: And I'd ask permission to publish Tab  
2 15, Page 10, Line 4, through Page 14, Line 43.

3 THE COURT: You may.

4 (Whereupon, said tape was played in open court.)

5 BY MS. HAMILTON:

6 Q. Agent Miranda, in that section that was just published,  
7 there was a reference to a meeting between the IAP and the  
8 FBI; is that correct?

9 A. Yes.

10 Q. Agent Miranda, please move to the Search Document binder,  
11 Tab 5.

12 MS. HAMILTON: And, your Honor, I ask permission to  
13 publish on the Elmo.

14 THE COURT: You may.

15 Ladies and gentlemen, if you want to look at it in  
16 your binder, please grab your Search Documents binder.  
17 Otherwise, you can look at it on the Elmo.

18 And turn to Tab 5.

19 MS. HAMILTON: Your Honor, may I have a moment?

20 THE COURT: Sure.

21 (Brief pause.)

22 BY MS. HAMILTON:

23 Q. And, Agent Miranda, I'd first like to direct your  
24 attention to the first document behind Tab 5, which at the  
25 bottom is designated ASH 73, 74 and 75.

1 Are you there?

2 A. Yes.

3 Q. And, generally, do you recognize this to be one of the  
4 documents found in defendant Ashqar's residence?

5 A. Yes, I do.

6 MS. HAMILTON: Your Honor, I ask permission to have  
7 Agent Miranda publish by reading the first two pages of this  
8 document.

9 THE COURT: Yes.

10 BY THE WITNESS:

11 A. "Meeting with the FBI on Wednesday, 2/24/93, at 12:45  
12 p.m."

13 "Representatives of the IAP, A. Kharroubi; ADC,  
14 Albert Mokhibar, Craig Nojeim; and, AMC, A. Ammoudi, met with  
15 FBI Assistant Director on the Counter International Terrorism,  
16 Neil Gallagher, on Wednesday, February 24, 1993, to discuss  
17 the recent reports of FBI investigations of Palestinians in  
18 Houston, Texas; Columbia, Missouri; and, San Francisco,  
19 California.

20 "The meeting concentrated on one major issue and two  
21 minor ones. The major issue was whether the FBI is running  
22 any investigation of Muslims or Arabs who are supporting the  
23 Palestinians under occupation, and the recent visits of FBI  
24 agents to five Palestinians in Houston, Columbia and SF. The  
25 other issues discussed was the reason why Hamas was on the

1 international terrorist list and the allegations of the  
2 Israeli government published in New York Times.

3 Point 1, "The major issue discussed was whether the  
4 FBI is investigating or planning to investigate active  
5 Palestinians -- or Arabs -- and Muslims involved in  
6 fundraising and who are politically active in supporting the  
7 Palestinians under occupation. The FBI Assistant Director  
8 denied completely that they are investigating or there is any  
9 plan to investigate Arabs or Muslims based on the recent  
10 Israeli-led media campaign. The FBI position is that they are  
11 not driven by media to instigate and investigation, and that  
12 they are aware of the fact that Israel is doing this to divert  
13 the attention from the deportees issue. In addition, it is  
14 the right of the people in this country to raise funds.

15 Point 2, "We presented the five cases of FBI  
16 investigation or visits to Palestinians in three different  
17 states and the concern that there is a trend and commonality  
18 in these cases, in terms of the questions raised about  
19 fundraising and training camps. The other concern was that  
20 this is coinciding with the media campaign against Hamas. The  
21 FBI Assistant Director tried to dilute the issue, that this  
22 could be just regular contact with people, but promised he  
23 will investigate; and, if this was true, this meant that there  
24 was some people who stepped beyond the line and he promised to  
25 do something about it.

1           "The issue of Hamas as an international -- " Point 3,  
2 excuse me.

3           "The issue of Hamas as an international terrorist  
4 organization was brought up because there was a chart in the  
5 meeting room that lists Hamas and the Palestinian Islamic  
6 Jihad among the international terrorist organizations. The  
7 other issue was the legality of people donating to Hamas. The  
8 FBI Assistant Director said he realized the complexity of  
9 Hamas and that they have their social, religious and other  
10 activities, in addition to their military arm. The FBI  
11 considers only the military arm of Hamas as an international  
12 terrorist organization for reasons he refused to go into. He  
13 also mentioned there is nothing wrong with people donating to  
14 Hamas as long as they do not donate directly to the military  
15 arm of Hamas. He made the analogy with the IRA, since the  
16 -- "

17 BY MS. HAMILTON:

18 Q. And, Agent Miranda, before you go on, is there handwriting  
19 at the bottom of the page?

20 A. Yes, there is.

21 Q. Could you read that?

22 A. "Neil Gallagher, Assistant Director of the FBI (William  
23 Sessions.)"

24 Q. Thank you.

25 A. "He made the analogy with the IRA, since the provisional

1 IRA is considered as a terrorist organization and people here  
2 in the U.S. donate to IRA. It is the person himself that  
3 decides where the donations go is violating the law if he/she  
4 designated part of the donations to go to the military arm of  
5 Hamas. He also mentioned that this list is just a working  
6 chart for those -- " "for them and does not represent the  
7 official stand of the State Department.

8 "A question about the report of the presence of  
9 leaders of Hamas in this country was brought up. The FBI  
10 Assistant Director said that the Israeli government would like  
11 to give the impression that Washington is the headquarters for  
12 Hamas leadership, but he knows that this is a media blitz and  
13 exaggeration. However, as long as people are not connected  
14 with the military arm of Hamas, then there is no problem.  
15 This does not mean that other Hamas members will not be  
16 investigated in order to make sure that they are not connected  
17 to the military arm of Hamas.

18 "The ADC accused that the FBI and the State  
19 Department get their information about Hamas and others  
20 through Israel supporters in the Congress. Besides, Hamas did  
21 not do anything here in the U.S. and was engaged only in  
22 attacking military targets in Israel. In addition, the JDL is  
23 not on the terrorist list despite what they did in this  
24 country; namely, killing Alex Odeh, for example. The FBI  
25 Assistant Director denied that there -- that they base their



1 decisions on such reports and that was only a working chart.  
2 He said whether Hamas was involved in terrorist acts is not  
3 the issue here and others may dispute or provide additional  
4 information to what you said. The FBI is concerned with the  
5 potential that Hamas may target U.S. personnel in the future.

6 "The message was given to the FBI that due to the  
7 nature of the Arab and Muslim communities coming from  
8 countries with dictatorship regimes, that even such isolated  
9 incidents of the FBI visits may cause some panic in the  
10 community and such visits need to be stopped immediately. The  
11 FBI Assistant Director promised he will look into these cases  
12 and within a week try to contact back ADC concerning his  
13 findings."

14 Q. Now, Agent Miranda, do you know Neil Gallagher?

15 A. No.

16 Q. Were you present at this meeting?

17 A. No.

18 Q. Do you have any personal knowledge as to if any of those  
19 matters were even spoken about?

20 A. No.

21 Q. I'd now like you to flip to the next document that appears  
22 behind that same tab, which is at the top designated ASH 81,  
23 82 and 83.

24 THE COURT: So, we are still behind Tab 5 in the  
25 Search Documents, just another document in.

1 BY MS. HAMILTON:

2 Q. And I'd like to direct your attention to the first full  
3 paragraph of ASH 82.

4 MS. HAMILTON: And, your Honor, I'd ask permission to  
5 have Agent Miranda publish by reading the question and answers  
6 that appear under the first "Some questions and answers about  
7 the basic rights:"

8 THE COURT: You may publish that.

9 BY THE WITNESS:

10 A. "Question: Do I have the right to attend general  
11 political meetings held by political groups if I were not a  
12 U.S. citizen?

13 "Answer: Yes. Because there is an exactly legal  
14 right, according to the First Amendment. Whether you are a  
15 citizen or not, you can express yourself without fear by  
16 writing articles or spreading leaflets or organizing charities  
17 or joining associations. Activities may be considered illegal  
18 if they are harmful to national security of the United States,  
19 such as joining a terrorist group, propagandizing for it or  
20 raising funds to support terrorist activities.

21 "Question -- " should I continue, ma'am?

22 MR. DEUTSCH: I'm sorry, I'm a little bit lost here.  
23 Is this ASH 081?

24 THE COURT: 081.

25 MS. HAMILTON: 082.

1 THE COURT: 082.

2 MS. HAMILTON: Which is actually the third page in  
3 the binder.

4 MR. DEUTSCH: Okay. I'm sorry. Thank you.

5 BY MS. HAMILTON:

6 Q. Agent Miranda, I'd now like to direct your attention to  
7 the first full paragraph that appears on ASH 083.

8 MS. HAMILTON: And, your Honor, I'd ask permission to  
9 publish by having Agent Miranda read that first --

10 THE COURT: You may.

11 MS. HAMILTON: -- the first -- full paragraph.

12 BY THE WITNESS:

13 A. "Newspapers reported that the enemy's government had  
14 supplied the FBI with information regarding the operation and  
15 the activities of Hamas supporters in the United States.  
16 These activities include fundraising and political and  
17 propaganda for the Movement. Officials at the U.S. State  
18 Department declared that Hamas would be officially considered  
19 a terrorist organization. It said that it would be added to  
20 the annual report on terrorism next April. Therefore, it is  
21 expected that the campaign of surveillance and investigation  
22 would be escalated against the Hamas activists and supporters,  
23 especially in big cities. This would be either by summoning  
24 or home visit or the Bureau or by listening and follow-up  
25 later."

1 Q. Thank you.

2 MS. HAMILTON: Your Honor, could we switch back to  
3 the computer, please?

4 THE COURT: Yes.

5 BY MS. HAMILTON:

6 Q. Agent Miranda, directing your attention back to the  
7 translations of the Philadelphia conference, do the  
8 transcripts reflect a suggestion to use an official U.S.  
9 cover?

10 A. Yes, they do.

11 Q. I would direct your attention to Tab 11.

12 THE COURT: Please turn to Tab 11 in the Philadelphia  
13 Conference binder.

14 MS. HAMILTON: Yes, your Honor.

15 Page 9, please.

16 THE COURT: Page 9, Tab 11.

17 Okay.

18 MS. HAMILTON: And, your Honor, I'd ask permission to  
19 have Agent Miranda publish by reading on Page 9, starting at  
20 the very end of Line 23 where it begins the word "the" and  
21 through the very beginning -- or through Line 34, where the  
22 sentence ends in the middle of that line.

23 BY THE WITNESS:

24 A. "The last issue -- "

25 THE COURT: You may.

1 THE WITNESS: Pardon me, ma'am.

2 THE COURT: Go ahead.

3 BY THE WITNESS:

4 A. "The last issue which needs a quick look is the issue our  
5 brother and some of the brothers spoke about, is that we could  
6 use an official cover such -- insurance and stuff. Therefore,  
7 I wrote about a point which should be taken into  
8 consideration; which is, making available an official U.S.  
9 cover representing the Islamic community in general terms, you  
10 see? This way we can visit Palestine not as Holy Land  
11 Foundation because the Holy Land Foundation is stamped already  
12 as a -- whatever. So, if we collected a group of  
13 representatives of Islamic organizations, one from ISNA, one  
14 from ICNA and one from here and there and formed an official  
15 delegation representing the Islamic community in America and  
16 announced in a studied format we will be going to the occupied  
17 territories and Gaza in particular, you see, to provide  
18 assistance to Islamic foundations, which are already  
19 established."

20 MS. HAMILTON: And, your Honor, I'd now like to move  
21 to Tab 24.

22 THE COURT: Please turn to Tab 24, the Philadelphia  
23 conference binder.

24 MS. HAMILTON: And I'd ask permission to publish on  
25 Page 12 starting at Line 30 through Page 13, Line 9.

1 THE COURT: You may.

2 MR. DEUTSCH: Could you repeat that, please?

3 MS. HAMILTON: Yes.

4 Your Honor, it's Tab 24, Page 12, Line 30, through  
5 Page 13, Line 9.

6 (Whereupon, said tape was played in open court.)

7 BY MS. HAMILTON:

8 Q. Agent Miranda, do the translations also reflect a comment  
9 regarding "work that we want to hide"?

10 A. Yes.

11 MS. HAMILTON: Your Honor, may we move to Tab 16?

12 THE COURT: Yes.

13 Please turn to Tab 16 in this binder.

14 MS. HAMILTON: And I'd ask permission to move to Page  
15 5.

16 THE COURT: Page 5 under Tab 16.

17 MS. HAMILTON: And I ask permission to have Agent  
18 Miranda publish by reading Lines 3 through 9.

19 THE COURT: You may.

20 BY THE WITNESS:

21 A. "The problem is where? We don't have available people to  
22 work in the existing organization. Where do we go to find  
23 these people? Like I told you, go ahead, start a new  
24 organization. But you won't be able to find new faces. Do we  
25 have hidden faces we now bring up to light? We have what we

1 have. I mean, we don't really have available people whom we  
2 can dedicate for the work we want to hide. We don't have  
3 available people to work right now. This is one. The idea  
4 which we can discuss in more details is whether we should drop  
5 our Islamic identity or keep it."

6 BY MS. HAMILTON:

7 Q. Agent Miranda, do the translations also reflect a comment  
8 about taking precautions in America?

9 A. Yes.

10 MS. HAMILTON: Within Tab 16, I'd like to move to  
11 Page 13, please.

12 THE COURT: Please turn to Page 13 within this tab.

13 MS. HAMILTON: And, your Honor, I'd ask permission to  
14 have Agent Miranda publish by reading at Page 13, Lines 18 to  
15 32.

16 THE COURT: You may do so.

17 BY THE WITNESS:

18 A. "Yes, all of those. So, what I wanted to say -- and do  
19 you know that Arafat was appointed by force by Abdel Nasser.  
20 He was supported by Abdel Nasser who was the one who brought  
21 him on board and protected him for the cause as Al-Shokeiri  
22 didn't -- didn't succeed and didn't do. In fact, we must take  
23 some precaution which suits our presence in America. But, my  
24 brothers, we cannot change the fundamentals of our creed. We  
25 cannot change whatever relates to a Sharia aspect. I just

1 wanted to draw attention to these fundamentals because I see  
2 that the talk is gradually wearing political hues which might  
3 be dominant in presenting the issue to the point of making us  
4 a different entity. I say once more if you get drunk and woke  
5 up and did whatever, it is known that you work for Islamic  
6 activism. Like the Muslim brothers said before, they said, 'I  
7 went inside the bar and this spy following me and it still  
8 didn't work.' He shaved his beard and it didn't work. Did  
9 whatever and it didn't work. He is a Muslim Brotherhood and  
10 that's it. You see? Jews and Christians won't be pleased  
11 with you until you follow their religion. What does 'until  
12 you follow their religion' mean? It is like what Arafat did.  
13 Arafat followed their religion and he became a Jew."

14 MS. HAMILTON: Your Honor, I'd now like to move to  
15 Tab 17.

16 THE COURT: Please turn to the next tab, Tab 17.

17 MS. HAMILTON: Page 8.

18 THE COURT: Page 8 of that tab.

19 MS. HAMILTON: I ask permission to publish on screen  
20 Lines 38 to 42.

21 THE COURT: You may.

22 (Whereupon, said tape was played in open court.)

23 BY MS. HAMILTON:

24 Q. Agent Miranda, do the translations reflect a discussion  
25 regarding stabilizing Islamic organizations under a legal



1 cover?

2 A. Yes.

3 MS. HAMILTON: Your Honor, I'd like to move to Tab  
4 24.

5 THE COURT: Please turn to Tab 24.

6 MS. HAMILTON: Page 18.

7 THE COURT: Page 18 of Tab 24.

8 MS. HAMILTON: And I'd ask permission to publish on  
9 Page 18, Line 34, through Page 19, Line 21.

10 THE COURT: You may.

11 MR. MOFFITT: Could we have those numbers, again,  
12 your Honor?

13 MR. HAMILTON: Yes.

14 THE COURT: Yes.

15 Page 18, Line 34, through Page 19, Line 21.

16 And we are behind Tab 24.

17 (Whereupon, said tape was played in open court.)

18 BY MS. HAMILTON:

19 Q. Agent Miranda, do the translations reflect a discussion  
20 regarding destroying Israel's military?

21 A. Yes.

22 MS. HAMILTON: Your Honor, I'd like to move to Tab 9.

23 THE COURT: Please turn back to Tab 9.

24 MS. HAMILTON: Page 8.

25 THE COURT: Page 8 of Tab 9.

1 MS. HAMILTON: And I'd ask permission to publish Tab  
2 9, Page 8, Line 7 --

3 THE COURT: You may.

4 MS. HAMILTON: -- through Page 9, Line 9.

5 THE COURT: You may publish that.

6 (Whereupon, said tape was played in open court.)

7 BY MS. HAMILTON:

8 Q. Agent Miranda, do the translations also reflect a  
9 discussion regarding the need for people with a direct  
10 relationship to jihad getting more money?

11 A. Yes.

12 MS. HAMILTON: Your Honor, I'd like to move to Tab  
13 13.

14 THE COURT: Please turn to Tab 13 of the binder.

15 MS. HAMILTON: Page 1.

16 THE COURT: Page 1 of Tab 13.

17 MS. HAMILTON: And I'd ask permission to publish Page  
18 1, Line 32, through Page 2, Line 3.

19 THE COURT: You may.

20 (Whereupon, said tape was played in open court.)

21 MR. DEUTSCH: Judge, can I have a quick sidebar,  
22 please?

23 THE COURT: You may.

24 (Proceedings had at sidebar:)

25 MR. DEUTSCH: Maybe I missed it, and I apologize if I

1 did; but, I noticed that there are words in brackets and  
2 italicized. Like, before the word "accord" there's a word  
3 "peace."

4 Whose -- what is that?

5 MS. HAMILTON: On the cover sheet, you will see that  
6 things that were bracketed and italicized are the translator's  
7 notes that are included.

8 MR. DEUTSCH: Well, I don't quite understand what  
9 that means. The translator decided that "peace" should go  
10 before the word "accord"?

11 MS. HAMILTON: He did.

12 He listened to the tapes for over six months and --

13 MR. DEUTSCH: He hears the word "peace"?

14 MS. HAMILTON: No. In order to put the sentence in  
15 context, he included that note.

16 MR. DEUTSCH: Well, I object to words like -- the  
17 translator putting in words in there.

18 MS. THOMPSON: There's, like, five per page.

19 MS. HAMILTON: I talked specifically with  
20 Mr. Spielfogel about this issue.

21 MR. SPIELFOGEL: She certainly did, and I totally  
22 agreed to that. I wanted those words in there.

23 THE COURT: Okay.

24 MR. DEUTSCH: Well, Judge, I don't want those words  
25 in there.

1 THE COURT: Was that part of the stipulation that --

2 MS. HAMILTON: These translations as a whole are in  
3 evidence.

4 THE COURT: Mr. Deutsch, why do you not look at it  
5 and maybe talk to Mr. Spielfogel. I do not know what the  
6 words are. It sounds like maybe they are helpful in context  
7 if Mr. Spielfogel is agreeing to it. Why do you not look at  
8 it and after lunch raise it with me.

9 MR. DEUTSCH: Okay.

10 THE COURT: If you want me to give some type of  
11 instruction --

12 MR. DEUTSCH: Okay.

13 THE COURT: -- that these are translators' words --

14 MR. DEUTSCH: Yes.

15 THE COURT: -- or something along that, we can --

16 MR. DEUTSCH: Okay.

17 THE COURT: -- talk about that.

18 MR. DEUTSCH: I will do that.

19 THE COURT: My guess is it might be helpful. So,  
20 talk to Mr. Spielfogel and we can revisit it.

21 MR. DEUTSCH: Thank you.

22 (Proceedings had in open court:)

23 MS. HAMILTON: Your Honor, I'd now like to move to  
24 Tab 24, Page 7.

25 THE COURT: Please turn to Tab 24, Page 7.

1 MS. HAMILTON: And I'd ask permission to publish  
2 Lines 11 through 19.

3 THE COURT: One moment. Let us let everybody get  
4 there.

5 Tab 24, Page 7.

6 (Brief pause.)

7 THE COURT: Okay. You may publish.

8 (Whereupon, said tape was played in open court.)

9 BY MS. HAMILTON:

10 Q. Agent Miranda, later in the translations, is there a  
11 discussion regarding not mentioning support by Syria?

12 A. Yes.

13 MS. HAMILTON: Your Honor, I'd like to move to Tab  
14 27.

15 THE COURT: Please turn to Tab 27.

16 MS. HAMILTON: And I'd ask permission to publish Page  
17 1 in its entirety, which is Lines 1 through 43.

18 THE COURT: You may. Page 1 of Tab --

19 MR. DEUTSCH: Sorry, Judge?

20 THE COURT: -- 27.

21 MR. DEUTSCH: Tab 27?

22 THE COURT: Page 1.

23 MR. DEUTSCH: Page 1.

24 Line? Is there a line?

25 THE COURT: Starting with Line 1, the page.

1 (Whereupon, said tape was played in open court.)

2 MS. HAMILTON: Your Honor, for the record, the  
3 publication stopped at Line 39 of that page.

4 THE COURT: Okay.

5 BY MS. HAMILTON:

6 Q. Agent Miranda, are there comments in the translations  
7 regarding problems with escalating the situation in the U.S.?

8 A. Yes, there are.

9 MS. HAMILTON: Your Honor, I'd like to move to Tab  
10 23.

11 THE COURT: Please turn to Tab 23.

12 MS. HAMILTON: Page 6.

13 THE COURT: Page 6 of Tab 23.

14 BY MS. HAMILTON:

15 Q. Agent Miranda, directing your attention to Line 4 through  
16 7, is that one of the comments?

17 A. Yes.

18 MS. HAMILTON: Your Honor, I'd ask permission to have  
19 Agent Miranda publish by reading Lines 4 through 7; Line 4,  
20 where the first sentence begins, through Line 7, where the  
21 first part of that sentence ends.

22 THE COURT: You may read that portion.

23 BY THE WITNESS:

24 A. "When we say 'avoiding any kind of direct confrontation on  
25 the U.S. front,' this is our understanding of the

1 ramifications of the situation. When we had a discussion, we  
2 understood that if we escalate the situation on the U.S.  
3 front, there will be big problems which are not in our favor."

4 BY MS. HAMILTON:

5 Q. Agent Miranda, do the translations reflect comments by  
6 defendant Ashqar regarding the importance of an archive?

7 A. Yes.

8 MS. HAMILTON: Your Honor, may we move to Tab 8?

9 THE COURT: Yes.

10 Please turn back to Tab 8.

11 MS. HAMILTON: Page 7.

12 THE COURT: Page 7 of Tab 8.

13 MS. HAMILTON: And I'd ask permission to have Agent  
14 Miranda publish by reading starting at Line 2 where that  
15 sentence -- the last sentence, to the end of Line 5.

16 THE COURT: You may read that portion.

17 BY THE WITNESS:

18 A. "Keeping an archive. The entire archive in the inside  
19 might be confiscated entirely. If there was really no  
20 duplicate for it, the Movement will really become without a  
21 heritage and every movement will begin from the zero.  
22 Questions?"

23 MS. HAMILTON: Your Honor, is this a good time to  
24 break for lunch?

25 THE COURT: Sure.

1           Why do you not meet back downstairs on the 2nd Floor,  
2 please, at 20 to 2:00.

3           (Jury out.)

4           THE COURT: You may step down, Agent. Please be back  
5 a little before 20 till.

6           THE WITNESS: Yes, ma'am.

7           THE COURT: Is there anything for the Court?

8           MR. FERGUSON: No, Judge.

9           MR. DEUTSCH: Judge, you want to take up that point  
10 that I raised after lunch?

11           THE COURT: I am happy to do it now. I was going to  
12 give you time to talk to Mr. Spielfogel and look at the  
13 transcripts to see what your position is.

14           MR. DEUTSCH: Okay.

15           THE COURT: But I will take that up right before the  
16 jury comes back in.

17           Anything else?

18           Mr. Moffitt, anything for the Court, sir?

19           MR. MOFFITT: No, ma'am. I'm sorry.

20           THE COURT: Okay.

21           I will see you at 20 till.

22           (Whereupon, an adjournment was taken at 12:30 o'clock  
23 p.m., until 1:40 o'clock p.m., of the same afternoon.)

24                           \*     \*     \*     \*     \*

25



1 I certify that the foregoing is a correct transcript from the  
2 record of proceedings in the above-entitled matter.

3  
4 \_\_\_\_\_, 2006  
5 Official Court Reporter  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 03 CR 978  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MUHAMMAD HAMID KHALIL SALAH AND )  
ABDELHALEEM HASAN ABDELRAZIQ ASHQAR, ) Chicago, Illinois  
 ) November 16, 2006  
Defendants. ) 1:45 o'clock p.m.

TRANSCRIPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD  
United States Attorney  
BY: MR. JOSEPH M. FERGUSON  
MR. REID J. SCHAR  
MS. CARRIE E. HAMILTON  
219 S. Dearborn St., Suite 500  
Chicago, Illinois 60604

For Deft. Salah: PEOPLE'S LAW OFFICES  
BY: MR. MICHAEL EDWARD DEUTSCH  
MS. ERICA THOMPSON  
1180 North Milwaukee Avenue  
Chicago, Illinois 60622

For Deft. Ashqar: MR. KEITH ALLAN SPIELFOGEL  
20 North Clark Street, Suite 1200  
Chicago, Illinois 60602

MR. WILLIAM MOFFITT  
11582 Greenwich Point Road  
Reston, Virginia 20194

1 APPEARANCES (Cont'd):

2

3 Also Present:

S/A BRADLEY BENAVIDES, FBI

4

S/A JILL PETTORELLI, FBI

5

6 Court Reporter:

MR. JOSEPH RICKHOFF

7

Official Court Reporter

8

219 S. Dearborn St., Suite 1232

9

Chicago, Illinois 60604

10

(312) 435-5562

11

12

\* \* \* \* \*

13

PROCEEDINGS RECORDED BY

14

MECHANICAL STENOGRAPHY

15

TRANSCRIPT PRODUCED BY COMPUTER

16

17

18

19

20

21

22

23

24

25

1 THE CLERK: 03 CR 978, U.S. vs. Muhammad Salah and  
2 Abdelhaleem Ashqar. Jury trial continues.

3 THE COURT: Mr. Deutsch?

4 MR. DEUTSCH: Judge, I'm not going to -- you don't  
5 have to do anything on that.

6 THE COURT: Okay.

7 Bring in the jury, please.

8 (Brief pause.)

9 THE COURT: Ms. Hamilton, how much longer do you  
10 think Agent Miranda's testimony will be?

11 MS. HAMILTON: I would estimate an hour to  
12 hour-and-a-half at the most, with the caveat that my last  
13 estimate was wildly off.

14 (Jury in.)

15 THE COURT: You may be seated.

16 Ms. Hamilton, you may continue.

17 MS. HAMILTON: Thank you, your Honor.

18 ROBERT MIRANDA, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN

19 DIRECT EXAMINATION - Resumed

20 BY MS. HAMILTON:

21 Q. Agent Miranda, do the translations of the Philadelphia  
22 conference reflect discussions regarding the effect of peace  
23 on donations?

24 A. Yes, they do.

25 MS. HAMILTON: Your Honor, I'd like to go to Tab 10.

1 THE COURT: Ladies and gentlemen, please turn to Tab  
2 10 of your Philadelphia Conference Transcripts binder.

3 Tab 10.

4 What page?

5 MS. HAMILTON: Page 4.

6 THE COURT: Page 4 of Tab 10.

7 MS. HAMILTON: And I'd ask permission to publish Page  
8 4, Line 20, through Page 6, Line 40.

9 THE COURT: You may.

10 (Whereupon, said tape was played in open court.)

11 MR. DEUTSCH: Judge, I have an objection. The  
12 question was, is there any reference to peace having an effect  
13 on donations. And this long response -- which I have no  
14 problem with -- is nothing about peace. It's about some  
15 accords that are being -- agreements that are being --  
16 negotiated. It's not about peace at all. And our position is  
17 it's never been about peace.

18 THE COURT: Ms. Hamilton?

19 MR. DEUTSCH: So, the question is not -- the -- what  
20 he -- what was played is not responsive to what the question  
21 was.

22 THE COURT: Well, the question was, "Do the  
23 translations of the Philadelphia conference reflect  
24 discussions regarding the effect of peace?"

25 And the answer was, "Yes."

1 And, then, she asked him to turn to a tab.

2 The question was not, does what has been reflected in  
3 Tab 10 demonstrate that?

4 Ms. Hamilton?

5 MS. HAMILTON: Your Honor, directly above the portion  
6 that was just read starting at Line 18, the translation says,  
7 "To serve the Palestinian people's reward for peace and to  
8 contribute to building a Palestinian society." So --

9 MR. DEUTSCH: Well, she didn't read -- that was not  
10 read.

11 MS. HAMILTON: Your Honor, if Mr. Deutsch wants to  
12 cross-examine about anything I've left out, obviously that's  
13 fair. But I think that the question was whether it's  
14 reflected in the translations.

15 MR. DEUTSCH: But the Court knows very well that we  
16 have a position that this is not a true peace accord and  
17 that's why a lot of people oppose this. Not just people who  
18 are on trial, but many people oppose this.

19 THE COURT: You are free to cross-examine on this.

20 And the question and answer itself were not linked  
21 directly to what was played. So, it was not misleading. But  
22 you are free to cross-examine the agent on it.

23 You may continue.

24 BY MS. HAMILTON:

25 Q. Agent Miranda, throughout the course of these

1 translations, do the participants refer to the Accords as  
2 peace?

3 A. Yes.

4 MS. HAMILTON: I, now, next would like to move to Tab  
5 23.

6 THE COURT: Ladies and gentlemen --

7 MR. DEUTSCH: Judge, excuse me, but at this point, I  
8 do -- there are references to accords; and, of course, as I  
9 pointed out to you, in brackets there is the word "peace" put  
10 in. And that is something that's been added by the  
11 translator. And I pointed that out to you at a sidebar  
12 earlier.

13 THE COURT: I understand that.

14 MR. DEUTSCH: Thank you.

15 THE COURT: I had offered to make a comment.

16 MR. DEUTSCH: Yeah. Well, now that counsel seems to  
17 want to interject that, I think you should at least let the  
18 jury know that those bracketed matters are not matters that  
19 are on the tape itself but some added matter by the  
20 translator.

21 THE COURT: You declined my earlier invitation.

22 I will --

23 MR. DEUTSCH: I did, Judge.

24 THE COURT: -- make the comment.

25 Ladies and gentlemen, you were directed a while ago

1 to page -- the first page -- in the Philadelphia Conference  
2 Transcripts before the tabs. If you would take a quick look  
3 at that, please.

4 You will see that there are various references at the  
5 top -- "UM," "UI," "NFI," "LNU," "Italics." Where it says  
6 "Italics," you will note that that refers to translator's  
7 comments.

8 BY MS. HAMILTON:

9 Q. And, Agent Miranda, is it your understanding that a  
10 translator spent time with the recordings to develop these  
11 translations?

12 A. Considerable time.

13 Q. And do you have an understanding of approximately how much  
14 time he spent with the recordings?

15 A. Months. Up to six months.

16 MR. DEUTSCH: Objection.

17 THE COURT: What is your objection?

18 MR. DEUTSCH: It calls on hearsay for the witness.  
19 Was he there? What is he basing that on?

20 THE COURT: You can lay your foundation. That is  
21 foundation.

22 Ms. Hamilton, lay your foundation as to how this  
23 witness knows that.

24 BY MS. HAMILTON:

25 Q. Agent Miranda, in the course of your work in Dallas, do



1 you work very closely with a translator?

2 A. Yes. And during the period that these were being  
3 produced, as the Squad Supervisor of the Hamas Squad in  
4 Dallas, that individual was working for me. In fact, he sat  
5 right across from my office.

6 Q. And was he directly reporting to you about the work he was  
7 doing with respect to the translations of the Philadelphia  
8 conference?

9 A. This and others, yes.

10 Q. And as your role as the group supervisor, is one of the  
11 things you did keep up to date about his progress on these  
12 particular translations?

13 A. Yes. This was very important to me, and I kept up with  
14 it.

15 MS. HAMILTON: Your Honor, I'd now like to move to  
16 Tab 23.

17 THE COURT: Ladies and gentlemen, please turn to Tab  
18 23 in this binder.

19 MS. HAMILTON: Page 16.

20 THE COURT: Page 16 of Tab 23.

21 MS. HAMILTON: And I'd ask permission to publish Page  
22 16, Line 35, through Page 17, Line 27.

23 THE COURT: You may.

24 (Whereupon, said tape was played in open court.)

25 BY MS. HAMILTON:

1 Q. Agent Miranda, do the translations reflect discussions  
2 regarding education?

3 A. Yes.

4 MS. HAMILTON: Your Honor, I'd like to move to Tab  
5 15.

6 THE COURT: Ladies and gentlemen, please turn to Tab  
7 15 in this binder.

8 MS. HAMILTON: Page 4.

9 THE COURT: Page 4.

10 MS. HAMILTON: And I'd ask permission to have Agent  
11 Miranda publish by reading Line 13 starting at the beginning  
12 of the sentence after "seminars" and ending at Line 18, that  
13 very first sentence at the very beginning.

14 THE COURT: You may read that portion.

15 BY THE WITNESS:

16 A. "Of course, all of these are suggested activities. As for  
17 the young people's level, an educational material ought to be  
18 prepared to be taught in Islamic curricula. We don't want the  
19 children of the community who are raised here in schools, and  
20 in Islamic schools and non-Islamic schools, to grow up  
21 surrendering to the issue of peace with Jews and -- I mean, we  
22 don't see in ten years the growing generations in America  
23 surrendering to peace with Jews."

24 MS. HAMILTON: And I'd now like to move to Tab 11.

25 THE COURT: Please turn to Tab 11.

1 MS. HAMILTON: Page 2.

2 THE COURT: Page 2 of Tab 11.

3 MS. HAMILTON: And I'd ask permission to have Agent  
4 Miranda publish by reading Lines 15 -- I'm sorry, actually,  
5 Line 12 to -- no, I was correct the first time. Lines 15 to  
6 27.

7 THE COURT: You may read that.

8 BY THE WITNESS:

9 A. "We have the educational organizations, such as  
10 kindergartens and schools; the social and charitable  
11 organizations, such as Zakat committees; relief, the ones  
12 caring for the orphans, prisons and others; the intellectual  
13 organizations, research centers; health institutions, the  
14 majority of which are affiliated with Zakat committees; five,  
15 the public syndicates; six, the technical institutions  
16 relating to machines, factories and others; sport institutions  
17 and clubs; media organizations, offices and newspapers; number  
18 nine is the educational, such as Koran schools and Sayings  
19 schools and women organizations. Organizations in the sector,  
20 generally speaking, are limited. If we speak in general terms  
21 about our organizations in this sector, they are limited and I  
22 will try to mention them quickly.

23 "The main organization, and which is known to belong  
24 to us, is the Islamic -- " "belong to us -- " pardon me -- "is  
25 Islamic University in the Gaza sector, and we will speak later

1 about the solutions. We will mention it because it is really  
2 a wound in the heart."

3 BY MS. HAMILTON:

4 Q. Agent Miranda, do the transcripts reflect that later in  
5 that -- do the transcripts reflect that this presentation is  
6 by a particular participant?

7 A. Yes.

8 Q. And who is that?

9 A. Muin Shabib.

10 Q. And do the translations reflect that later in this same  
11 presentation, Muin Shabib talks about jihad?

12 A. Yes.

13 MS. HAMILTON: Your Honor, I'd ask to move to Page 6.

14 THE COURT: Please move to Page 6 of the same tab.

15 MS. HAMILTON: And I'd ask permission to have Agent  
16 Miranda publish by reading Lines 12 through 32.

17 THE COURT: You may read those lines.

18 BY THE WITNESS:

19 A. "Okay, my vision regarding the situation of the  
20 organizations in the coming stage under the self-rule. The  
21 relationship between us and the new authority will be a  
22 hostile one due to the following reasons: The previous  
23 opposing positions to them. The state of competition and  
24 defines we lived in previously. Inciting the other Arab,  
25 Israeli and Western forces against us. The possibility of the

1   continuation of Jihad operations against the Jews, a matter  
2   which the self-rule authority won't accept. Expected  
3   problems: First, suspending licenses, controlling the  
4   organizations either by fraudulent elections or by  
5   nationalization. What I heard now -- and this might just be a  
6   rumor -- is that most or all elections which took place in the  
7   past are null. This might give you an idea what we are going  
8   through. The other issue is the financial issue, banning the  
9   entry of money, non-payment of allocations, meaning  
10   discriminating between one organization and another and the  
11   ones with the Islamic current will -- administrative  
12   harassment, issuing laws which restrict movement. Suggestions  
13   and general recommendations: One, the role of the deportees.  
14   They might have an organizational role which would be a  
15   nucleus for political activism. Carrying out practical  
16   activities. Forming a committee for dialogue with the other  
17   domains. Forming a reform committee to solve disputes and  
18   forming a consultative body among them to coordinate with the  
19   outside. Number two, developing the role of 1948. These  
20   people can play an effective role in the coming stage. One,  
21   taking advantage of humanitarian organizations in order to  
22   gain the legal status to work in Gaza and Jericho."

23   BY MS. HAMILTON:

24   Q. And, Agent Miranda, can you continue reading Line 32 until  
25   that next sentence ends?

1 A. Yes, ma'am.

2 "Two, avoiding any -- in us, I mean, in the  
3 Movement."

4 Q. Agent Miranda, do the translations also reflect defendant  
5 Ashqar speaking about education?

6 A. Yes.

7 MS. HAMILTON: Still within Tab 11, I'd ask  
8 permission to move to Page 10.

9 THE COURT: Please turn to Page 10 of Tab 11.

10 MS. HAMILTON: I'd ask permission to publish Lines  
11 23 -- from Page 10, Line 23, through Page 11, Line 43.

12 THE COURT: You may.

13 (Whereupon, said tape was played in open court.)

14 MS. HAMILTON: Your Honor, I ask permission to move  
15 to Tab 8.

16 THE COURT: Please turn to Tab 8.

17 MS. HAMILTON: Page 9.

18 THE COURT: Page 9 of Tab 8.

19 MS. HAMILTON: And I'd ask permission to publish  
20 Lines 27 to 43.

21 THE COURT: You may.

22 MR. MOFFITT: 27 to, what?

23 MS. HAMILTON: 43.

24 MR. MOFFITT: Thank you.

25 (Whereupon, said tape was played in open court.)

1 MS. HAMILTON: Judge, I'd now ask permission to move  
2 to Tab 16.

3 THE COURT: 16?

4 MS. HAMILTON: Yes, please.

5 THE COURT: Please move to Tab 16.

6 MS. HAMILTON: Page 11.

7 THE COURT: Page 11 of Tab 16.

8 MS. HAMILTON: And I'd ask permission to publish  
9 Lines 12 through 20.

10 THE COURT: You may.

11 (Whereupon, said tape was played in open court.)

12 BY MS. HAMILTON:

13 Q. Agent Miranda, do the transcripts reflect that defendant  
14 Ashqar spoke about the effect of the peace accords on Islamic  
15 Universities?

16 A. Yes.

17 MS. HAMILTON: I'd ask to move to Page 12 -- or Tab  
18 12.

19 THE COURT: Mr. Deutsch?

20 MR. DEUTSCH: I didn't hear. The effect of, what?

21 MR. MOFFITT: Accords on Islamic Universities.

22 THE COURT: Did Mr. Moffitt answer your question?

23 MR. DEUTSCH: No. I didn't even hear what he said.

24 (Laughter.)

25 MR. DEUTSCH: The effect of, what?

1 MR. MOFFITT: The peace accords --

2 MR. DEUTSCH: Oh, peace accords.

3 MR. MOFFITT: -- on the Islamic University.

4 MR. DEUTSCH: Again, I object to the word "peace,"  
5 but go ahead.

6 THE COURT: Overruled.

7 I have clarified the issue that is the basis of your  
8 objection.

9 Yes, Ms. Hamilton?

10 MS. HAMILTON: Tab 12, Page 9.

11 THE COURT: Please turn to Tab 12, Page 9.

12 MS. HAMILTON: And I'd ask permission to publish Page  
13 9, Line 26, through Page 10, Line 4.

14 THE COURT: You may.

15 (Whereupon, said tape was played in open court.)

16 BY MS. HAMILTON:

17 Q. Agent Miranda, do the transcripts reflect that later in  
18 the conference Muin Shabib spoke about this same topic?

19 A. Yes.

20 MS. HAMILTON: Your Honor, I'd move to Tab 13.

21 THE COURT: Please turn to Tab 13.

22 MS. HAMILTON: Page 6.

23 THE COURT: Page 6 of Tab 13.

24 MS. HAMILTON: And I ask permission to publish from  
25 Page 6, Line 24, to Page 7, Line 6.



1 THE COURT: You may.

2 (Whereupon, said tape was played in open court.)

3 BY MS. HAMILTON:

4 Q. Agent Miranda, do the transcripts also reflect a  
5 discussion by defendant Ashqar regarding the need to use the  
6 magazine Al-Zaytoona?

7 A. Yes, ma'am.

8 MS. HAMILTON: Your Honor, I ask permission to turn  
9 to Tab 24.

10 THE COURT: Please turn to Tab 24.

11 MS. HAMILTON: Page 8.

12 THE COURT: Page 8 of Tab 24.

13 MS. HAMILTON: And I'd ask permission to publish Page  
14 8, Line 25, through Page 10, Line 14.

15 THE COURT: You may.

16 (Whereupon, said tape was played in open court.)

17 BY MS. HAMILTON:

18 Q. Agent Miranda, do the transcripts make reference to  
19 previous meetings regarding Islamic activism in North America?

20 A. Yes, they do.

21 MS. HAMILTON: Your Honor, may we go to Tab 19?

22 THE COURT: Yes.

23 Please turn to Tab 19.

24 MS. HAMILTON: Page 11.

25 THE COURT: Page 11 of Tab 19.

1 MS. HAMILTON: And I'd ask permission to have Agent  
2 Miranda publish by reading Page 11, Line 7 through 16.

3 THE COURT: You may read that.

4 BY THE WITNESS:

5 A. "In the name of God, the Beneficent, the Merciful. Thanks  
6 be to God, prayers and peace be upon God's messenger and upon  
7 all of his family and supporters. To proceed, I was -- this  
8 is not the first meeting to take place to study the future of  
9 Islamic activism for Palestine in North America. A meeting  
10 was held before in August --

11 "In July.

12 "In July?

13 "July 14th."

14 MS. HAMILTON: Your Honor, I'd now like to go to Page  
15 20 -- I'm sorry, Tab 20.

16 THE COURT: Please turn to Tab 20.

17 BY MS. HAMILTON:

18 Q. And, Agent Miranda, before going to Tab 20, do the  
19 transcripts reflect a comment by one participant regarding  
20 concern over the security that was in place for this  
21 conference?

22 A. That's correct.

23 MS. HAMILTON: And, at this time, Tab 20, your Honor.

24 THE COURT: Tab 20.

25 What page?

1 MS. HAMILTON: Page 18.

2 THE COURT: Page 18.

3 MS. HAMILTON: And I'd ask permission to have Agent  
4 Miranda publish by reading Line 3, starting at the sentence  
5 that begins in the middle, through Line 19.

6 THE COURT: You may read that.

7 BY THE WITNESS:

8 A. "But if I had known that this is how the issue was going  
9 to be, had I known that it has this magnitude, I would have  
10 had remarks about its arrangements. So, I hope in the future  
11 that no meeting is held in this manner because you are  
12 speaking about strategies and you gathered all the people from  
13 the entire continent. The phone has been -- several times.  
14 Some of the brothers knew about it and some didn't. Some were  
15 clear and some were not clear about the matter. The matter is  
16 very important and two things ought to be taken into  
17 consideration when preparing for it. The first thing is that  
18 it should be held in a place that is known because it is easy  
19 to have -- something like that. The second thing is that  
20 preparations for it should be done in a manner which gives a  
21 brother the impression of seriousness towards the topic. I am  
22 taking the topic seriously because it is important to us and  
23 is a part of us. But I notice that with other people --  
24 without mentioning names -- that they were not taking the  
25 topic seriously and some of them didn't even come, for

1 instance. If this person were taking the topic seriously in  
2 light of this stage, there would have been some sort of  
3 attention given to it. Therefore, the communication and  
4 follow-up method gives a person the impression on how to deal  
5 with this topic. So, I hope that these two points are taken  
6 into consideration in the future, God's willing, for more  
7 success, more seriousness and more attention."

8 THE COURT: Mr. Deutsch?

9 MR. DEUTSCH: Judge, again, I don't remember her  
10 exact question, but it was, was there some need to have some  
11 secrecy about the meeting.

12 MR. MOFFITT: Concerns over secrecy.

13 MR. DEUTSCH: Concerns over secrecy and security.

14 And what was read was that they should take it  
15 seriously and, you know, some people weren't -- didn't come  
16 and some people didn't take it seriously.

17 THE COURT: Ms. Hamilton?

18 MS. HAMILTON: Your Honor, that was not my question,  
19 but I don't understand the objection. I asked a question; it  
20 was answered.

21 MR. DEUTSCH: You asked a question that had nothing  
22 to do with the answer. It's not responsive to the answer --

23 THE COURT: Mr. Deutsch --

24 MR. DEUTSCH: -- in my opinion.

25 MS. HAMILTON: That's an opinion. He can cross-

1 examine about it.

2 THE COURT: You can certainly cross-examine on it.

3 The question was not linked, again, directly to what  
4 was played. The question was about something being reflected  
5 in the transcripts; the agent answered; and, then, she  
6 directed his attention to a specific tab and page number.

7 So, you are certainly free to cross-examine on it.

8 BY MS. HAMILTON:

9 Q. Agent Miranda, are there discussions throughout the  
10 Philadelphia conference regarding demand for the 1948  
11 territories?

12 A. That's correct.

13 Q. I direct your attention to Tab 8.

14 THE COURT: Please turn to Tab 8.

15 MR. MOFFITT: Frankly, I don't understand the  
16 question: "Demand for the 1948 territories."

17 MS. HAMILTON: I'm reading directly from the  
18 transcript, your Honor.

19 THE COURT: Overruled.

20 You can cross on all of this.

21 MS. HAMILTON: Tab 8, Page 12.

22 THE COURT: Tab 8, Page 12.

23 MS. HAMILTON: And I'd ask permission to have Agent  
24 Miranda publish by reading starting at the very bottom of Page  
25 12, Line 43, carrying over to Page 13, Line 24, where it ends

1 in the middle.

2 THE COURT: You may read that portion.

3 BY THE WITNESS:

4 A. "There are some points. A historical point is that we as  
5 IAP or Islamists call for our right or the rights of  
6 Palestine. Most of the talk revolves around Gaza and the  
7 occupied land, Gaza and the West Bank. No one talks about the  
8 1948 territories. I mean, here in America no one will accept  
9 it from you to say the 1948 territories.

10 "They don't care.

11 "Therefore, we're limited to the occupied West Bank  
12 and Gaza. Okay, you gave us Gaza and the West Bank. What do  
13 you want? This is a point, I believe, we've become besieged  
14 in. Now, if we say, 'No, you must give them the Bank' -- that  
15 is, if they give the entire bank to Yasir Arafat -- what are  
16 we going to say to -- are we going to say that we demand the  
17 1948 territories? I believe that we --

18 "We've always demanded the 1948 territories. I mean,  
19 we demanded --

20 "Yes, but we don't say that publicly. You can't -- "  
21 "you cannot say it publicly in front of the Americans.

22 "No, we didn't say that to the Americans.

23 "I'm just trying to say that our demands should  
24 expand, should be clear, and including the 1948 territories.  
25 Should be publicly clear that we demand our rights. I'm a guy

1 who lives in Haifa, I want to return to Haifa, not just return  
2 to -- "

3 THE COURT: Agent, do you have water?

4 THE WITNESS: I do, ma'am.

5 MS. HAMILTON: Your Honor, I'd now ask to move to Tab  
6 17.

7 THE COURT: Please turn to Tab 17.

8 MS. HAMILTON: And I'd ask permission to publish at  
9 Page 13 --

10 THE COURT: Tab 17, Page 13.

11 MS. HAMILTON: -- starting at Line 25 through Page  
12 14, Line 24.

13 THE COURT: You may publish that.

14 (Whereupon, said tape was played in open court.)

15 BY MS. HAMILTON:

16 Q. Agent Miranda, do the transcripts reflect that close to  
17 the end of the Philadelphia conference, defendant Ashqar left?

18 A. That's correct.

19 Q. Before defendant Ashqar left, do the transcripts reflect a  
20 summary of the conference?

21 A. Yes.

22 MS. HAMILTON: Your Honor, I ask to move to Tab 23.

23 THE COURT: Please turn to Tab 23.

24 MS. HAMILTON: Page 2.

25 THE COURT: Page 2 of the Tab 23.

1 MS. HAMILTON: And I'd ask permission to publish  
2 Lines 1 through 38 on Page 2.

3 THE COURT: You may.

4 (Whereupon, said tape was played in open court.)

5 BY MS. HAMILTON:

6 Q. Agent Miranda, according to the transcripts, who provided  
7 that bullet-point summary?

8 A. Shukri Abu Baker.

9 Q. And I'd like to direct your attention to Line 24.

10 A. Yes, I see it.

11 Q. Is that an example to what you previously testified to as  
12 the participants themselves referring to this as peace?

13 A. That's correct.

14 MS. HAMILTON: Your Honor, I'd now ask permission to  
15 move to Tab 25.

16 THE COURT: Please turn to Tab 25.

17 MS. HAMILTON: Page 18.

18 THE COURT: Tab 25, Page 18.

19 MS. HAMILTON: And I'd ask permission to publish Page  
20 18, Line 26, through Page 22, Line 43.

21 THE COURT: You may.

22 (Whereupon, said tape was played in open court.)

23 MS. HAMILTON: Your Honor, I have no further  
24 questions.

25 THE COURT: Okay.



1 Let us take our afternoon break.

2 (Jury out.)

3 THE COURT: Mr. Deutsch, are you or Ms. Thompson  
4 going to go first, or are you going to --

5 MR. DEUTSCH: No, we're going to let them.

6 MR. SPIELFOGEL: We're going to go first.

7 MR. DEUTSCH: Yeah.

8 THE COURT: All right.

9 Ten, fifteen minutes.

10 (Brief recess.)

11 MR. DEUTSCH: Judge, this may not come to pass, but  
12 we were kind of told -- and I understand you can't really  
13 predict it -- Ms. Hamilton was going to take all day and  
14 Mr. Spielfogel is going next and -- but I'm just not ready to  
15 go after that. He's probably going to take all day, but I'm  
16 not going to be ready to go at quarter to 5:00 or 4:30.

17 THE COURT: Okay.

18 My guess is you will have a good hour or more.

19 MR. SPIELFOGEL: I'm sure I'll have a good hour.

20 MR. DEUTSCH: So, we won't waste any -- but, also,  
21 tomorrow when we go, it's not going to be real long either.  
22 It's going to be, you know, an hour tops. So, can we find out  
23 who the next witnesses are?

24 THE COURT: Sure. Let us do it at the end of the  
25 day.

1 MR. DEUTSCH: Okay.

2 THE COURT: Let us see where we are.

3 Bring in the jury, please.

4 (Jury in.)

5 THE COURT: You may be seated.

6 Mr. Spielfogel, cross-examination.

7 MR. SPIELFOGEL: Thank you, your Honor.

8 CROSS-EXAMINATION ON BEHALF OF DEFENDANT ASHQAR

9 BY MR. SPIELFOGEL:

10 Q. Good afternoon, Agent Miranda.

11 A. Good afternoon, sir.

12 Q. Agent, you first became involved in this investigation,  
13 when did you say?

14 A. In the Muhammad Salah/Ashqar investigation, sir?

15 Q. With the transcripts.

16 MR. SPIELFOGEL: Well, actually, strike that, no.

17 BY MR. SPIELFOGEL:

18 Q. From the beginning.

19 A. I became involved in the -- with the Philadelphia  
20 conference via my work as one of the case agents on the Holy  
21 Land Foundation investigation in Dallas.

22 Q. Approximately when was that?

23 A. I became aware of Philadelphia years ago, but probably  
24 within the last year I paid more attention to it.

25 Q. Okay.

1 Well -- so, the first time you became involved in  
2 what you testified to about Philly was a year ago?

3 A. No, that's -- let me -- let me -- try to clarify that.

4 Q. Okay.

5 A. I am aware of the Philadelphia conference being used many  
6 years ago when the Holy Land Foundation was designated as a  
7 specially-designated terrorist organization.

8 Q. Which was -- what year was that, Agent?

9 A. That was December of 2001.

10 Q. That's correct. That's right.

11 That was in 2001, right?

12 A. That's correct.

13 Q. So, you didn't learn about that designation prior to 2001,  
14 I assume?

15 A. No. The designation occurred in December, 2001, sir.

16 Q. Okay.

17 A. The translation was not done on the Philadelphia  
18 conference until well after that designation.

19 Q. Okay.

20 So, this conference that had taken place in 1993,  
21 prior to Hamas being designated, that transcript was not  
22 that --

23 MR. SPIELFOGEL: Strike that.

24 BY MR. SPIELFOGEL:

25 Q. The tapes of that were not transcribed until after 2001;

1 is that correct?

2 A. No, I wouldn't say that. They had been done, but they  
3 were not in the verbatim format that we have here in court.

4 Q. Okay.

5 When did you first become involved in getting the  
6 verbatim transcripts?

7 A. We ordered the translations to be done verbatim for the  
8 purposes of the Holy Land Foundation case -- probably a year  
9 ago they became a priority of ours.

10 Q. Okay.

11 And, then, at that point, you began to study more FBI  
12 memos and things concerning Philadelphia; is that correct?

13 A. Not quite a year ago, but yes.

14 Q. And you started to learn about what kind of surveillance  
15 had been conducted at the Philly meeting; isn't that correct?

16 A. Yes, sir.

17 Q. And what you --

18 MR. SPIELFOGEL: Strike that.

19 BY MR. SPIELFOGEL:

20 Q. And, again, it took place in '93?

21 I just want to get a little time frame here.

22 It's '93; is that right?

23 A. That's correct, sir.

24 Q. Prior to designation; is that right?

25 A. Prior to designation of, what, sir?

1 Q. Prior to designation by the Treasury Department of being a  
2 terrorist organization.

3 A. We're speaking of Hamas, right?

4 Q. That is -- I'm sorry if I didn't make that clear.

5 A. I just wanted to distinguish that from the HLF.

6 Yes, sir.

7 Q. Glad you did.

8 So, it had not been designated; is that correct?

9 A. Hamas had not been designated yet.

10 Q. In 1993?

11 A. Correct.

12 Q. Okay.

13 Now, at that time, Dr. Ashqar, as we already know,  
14 was a student at the University of Mississippi; is that  
15 correct?

16 A. Yes, sir.

17 Q. And he was working on his Ph.D.; is that correct?

18 A. Yes, sir.

19 Q. Now, also, prior to this meeting -- I think you made  
20 reference to it -- that the Oslo Accords had been signed; is  
21 that correct?

22 A. That's correct, sir.

23 Q. And, basically, you know from --

24 MR. SPIELFOGEL: Strike that.

25 BY MR. SPIELFOGEL:

1 Q. You've really gone through these transcripts; have you  
2 not?

3 A. I've read them a couple times.

4 Q. You've read it.

5 And the guy in the office next to you was working on  
6 them; is that correct?

7 A. The translator was sitting across from me working on them,  
8 that's correct, sir.

9 Q. Okay.

10 And he would tell you things about the transcripts;  
11 is that right?

12 A. Not so much. Not that way really.

13 Q. Okay.

14 You've gone over them in preparation to testify here  
15 today?

16 A. Yes, sir, I've read them.

17 Q. And probably spent how many hours doing that?

18 A. I don't know. A week.

19 Q. 50?

20 A. A week. Let's just say a week.

21 Q. Okay. That's fine.

22 And you also met with the U.S. attorney in  
23 preparation for your testimony here; is that right?

24 A. That's correct, sir.

25 Q. She said, "I'll direct your attention to certain parts of

1 the transcripts and we'll read those transcripts"; is that  
2 right?

3 A. That's correct, sir.

4 Q. But you need to know all of the transcripts; isn't that  
5 correct?

6 A. Well, I knew all the transcript before I came here, sir.

7 Q. Now, you also -- in preparation for your testimony, I  
8 assume you read or listened to -- although, you don't speak  
9 Arabic, do you?

10 A. No, I don't, sir.

11 Q. Okay.

12 A. I speak a --

13 Q. You read --

14 A. Let me correct myself. I am attempting to learn. I do  
15 know a little bit, but I would not count that as being  
16 knowledgeable in Arabic.

17 Q. Right.

18 You wouldn't listen to a phone call and say, "Boy, I  
19 know exactly what happened on that phone call," if it was in  
20 Arabic; isn't that correct?

21 A. I would recognize it as Arabic, but I would not know  
22 the -- probably would not understand the -- meaning of the  
23 conversation.

24 Q. Okay. Fine.

25 My point being that you are aware that there were

1 certain phone calls that were made in this case -- prior to  
2 the Philly meeting -- setting up the Philly meeting; isn't  
3 that correct?

4 A. That's correct, sir.

5 Q. And you listened to those?

6 A. Yes, sir.

7 Q. Or I should say you read the transcripts, right?

8 A. That's correct.

9 Q. And one of them that you read the transcripts on was a  
10 conversation that occurred in September -- on September --  
11 16th of '93.

12 Do you recall that?

13 A. I thought it was September 14th, sir.

14 Q. There were more than one. Do you recall the one where  
15 there was a conversation about somebody attending the meeting,  
16 but he couldn't come because he was busy working on his  
17 dissertation?

18 A. I don't recall that one. I thought we only -- I'm only  
19 aware of the one on 9-14 that's --

20 Q. That --

21 A. -- been entered.

22 Q. That --

23 MR. SPIELFOGEL: Strike that.

24 BY MR. SPIELFOGEL:

25 Q. That's the only conversation you're aware of?



1 A. I may have read others, but I don't recall if there's one  
2 on 9-16, sir.

3 Q. Okay.

4 So, whatever the date was, you don't recall anyone  
5 where there was a phone call made to a gentleman, he was told  
6 that the meeting was going to be on October the 2nd and he  
7 said, "I can send a paper, but I'm working on my dissertation  
8 and I just don't have time to go"? You don't recall that?

9 A. I don't recall that, sir.

10 Q. Okay.

11 Let's talk about, then, the 9-14 conversation.  
12 That's the one that -- that was a lengthy conversation, right?

13 A. Yes, it was, sir.

14 Q. It was approximately 75 pages; is that right?

15 A. That's correct, sir.

16 Q. Okay.

17 You weren't here when they read that 17 pages of that  
18 to the jury, were you?

19 A. No, I was not, sir.

20 Q. Okay. Thank you.

21 Now, you are familiar with what was in that  
22 conversation; isn't that right?

23 A. Yes, sir.

24 Q. During that conversation -- well, let me ask you this:  
25 Was that the conversation that made you aware of the fact that

1 there was going to be this meeting in Philly?

2 A. When you say "you," sir, are you talking about the FBI in  
3 general or me --

4 Q. I am.

5 A. -- personally?

6 Q. I am. You're right. The FBI in general.

7 A. Yes, it's my understanding that that is the conversation  
8 that prompted the later FBI action.

9 Q. Okay.

10 And from listening to that conversation, you learned  
11 that there was a gentleman named Baker who talked about he  
12 wanted to set up this meeting; isn't that right?

13 A. Yes, sir, Shukri Abu Baker.

14 Q. Shukri Abu Baker; is that right?

15 A. Shukri Abu Baker, yes, sir.

16 Q. And he spoke to -- it was Dr. Ashqar; is that right?

17 A. He was a participant in the conversation, yes, sir.

18 Q. And who was the third person in the conversation, if you  
19 recall?

20 A. Omar Ahmad, sir.

21 Q. Okay.

22 Is that also Abu Issam?

23 A. I don't recall his Abu name, sir. He also is known,  
24 though, as Yehya -- Omar Yehya.

25 Q. Okay.

1                   Whoever it was, they talked about they wanted to set  
2 up this meeting in Philly; is that right?

3 A. Yes, sir, that's part of the conversation.

4 Q. And Dr. Ashqar said to him, "Where are we having this  
5 meeting?"; is that right?

6 A. Yes. There was a discussion about the location.

7 Q. Yeah.

8                   There was a discussion about a lot of things in this  
9 conversation; was there not?

10 A. Yes, sir.

11 Q. Okay.

12                   So, he said, "Where are we having this meeting?"

13                   And he was told it was going to be in Philly; is that  
14 right?

15 A. Yes, sir.

16 Q. And he asked him, "Where are we going to have this in  
17 Philly?" Is that correct?

18 A. Yes, sir.

19 Q. And there was a great deal of conversation about who was  
20 going to be invited to this thing; isn't that right?

21 A. That's correct.

22 Q. And they wanted people who would be knowledgeable in  
23 different areas concerning the Islamic movement; is that  
24 correct?

25 A. That was part of it, yes, sir.

1 Q. And they -- some people recommended some people; is that  
2 right?

3 A. Yes, sir.

4 Q. Other people recommended other people?

5 A. Correct.

6 Q. Some people recommended that, you know, "We should tell  
7 everyone what topic they should write on and that's the way we  
8 should do this," right?

9 A. That was discussed.

10 Q. And other people said, "No, we should let them pick what  
11 topic they should write on and, then, we'll get all the papers  
12 and we'll have people read them"; is that correct?

13 A. That's correct.

14 Q. And, then, they eventually decided later on in the  
15 conversation that what they would do is they would give,  
16 basically, areas that people could talk about and those people  
17 should submit on those areas -- should submit writings in  
18 those areas -- right?

19 A. Yes, sir.

20 Q. And that's not very unusual in setting up a conference, is  
21 it?

22 A. No.

23 Q. People decide what they're going to write about, what  
24 they're going to talk about. That's all part of setting up a  
25 meeting?

1 A. There has to be some discussion to set it up, yes, sir.

2 Q. And, then, they also were very concerned about the fact  
3 that they had to -- and this is in that phone conversation --  
4 that they had to make their reservations real quick to go to  
5 the meeting in Philly; isn't that right?

6 A. Yes.

7 Q. Why was that?

8 A. They were concerned with getting cheap tickets and space.

9 Q. And they said that, "If we make our reservations by  
10 Friday, we might be able to save, like, \$450 on a ticket";  
11 isn't that correct?

12 A. Yes. They were concerned with saving money, in addition  
13 to some other factors.

14 Q. They were also concerned about getting rooms in a hotel?

15 A. Yes.

16 Q. And they also talked about, you know, "What are we going  
17 to focus on at this meeting? What should the topics be of  
18 this meeting?" Isn't that correct?

19 A. That's partially correct. I think it's clear that they  
20 knew what they wanted to discuss, but the individual subjects,  
21 I think, were still unclear. But the overall subject was  
22 clear.

23 Q. Okay.

24 Well, Dr. Ashqar said, "We need to focus on the  
25 political, public media and charitable parts of what's

1 happening based on the Oslo situation; isn't that correct?

2 That was his position?

3 A. Yes.

4 Q. And Mr. Baker said that the situation -- you know what?

5 Do you have the phone call -- you don't have the phone calls

6 in front of you, do you?

7 A. I don't believe I do, sir.

8 MR. SPIELFOGEL: Do you have the phone calls?

9 MR. MOFFITT: We have the phone calls right there in  
10 the book.

11 MR. SPIELFOGEL: Oh, I'm sorry. My co-counsel has  
12 given me that.

13 BY MR. SPIELFOGEL:

14 Q. Agent, I'm going to tender to you the Ashqar -- with the  
15 permission of the Court -- the Ashqar Telephone Call  
16 Transcripts.

17 THE COURT: You may.

18 MR. SPIELFOGEL: Thank you.

19 THE COURT: Which tab?

20 MR. SPIELFOGEL: This is going to be Tab No. 6.

21 THE COURT: Would you like the jury to follow along?

22 MR. SPIELFOGEL: I sure would.

23 THE COURT: Ladies and gentlemen, switch binders,  
24 please, to Ashqar Telephone Call Transcripts, Tab No. 6.

25 Mr. Spielfogel, wait just a moment to --

1 MR. SPIELFOGEL: I sure will.

2 THE COURT: -- give them a chance to switch and  
3 figure out where to put everything else.

4 (Brief pause.)

5 THE COURT: Tab 6, ladies and gentlemen.

6 MR. SPIELFOGEL: And I'm going to be doing from Line  
7 7 through Line 22.

8 I'm sorry, Page 16.

9 BY MR. SPIELFOGEL:

10 Q. So, during this course of the conversation about, "What it  
11 is we want to do at this meeting," Mr. Baker said, from Line 7  
12 to 22, "We need to talk about -- " and this is what it's  
13 leading up to: "The situation in the region -- the  
14 Palestinian and Arab region; the situation of the self-rule;  
15 what is needed to be done? The nature of the political  
16 relations in the region. I think it's essential to know what  
17 the future of the charitable and national organizations under  
18 the self-rule would be. At least, even in theory, I mean,  
19 from the legal standpoint: What can happen to them under the  
20 self-rule and will it have the authority to cancel them?  
21 Message to the American public: How can it evolve and be  
22 adjusted? What does the opposition line represent for the  
23 Palestinian point of view on the inside and the American point  
24 of view abroad? Is the opposition considered a radical  
25 group -- " "considered radical groups? Is there anything

1 illegal about it? Do they still have the right to express  
2 their opinion without reservations, restrictions or fears from  
3 legal actions? There is some legal matters that we need to  
4 know, also. I mean, the brothers contacted me now and asked  
5 me to present the Friday sermon."

6 Those are the things that he felt needed to be  
7 discussed at this meeting; isn't that correct?

8 A. That's what he says.

9 Q. Well, when you say "that's what he says," this is what  
10 they're talking about as far as what the agenda will be at the  
11 meeting; isn't that correct?

12 A. No. That's discussion to -- about what the agenda should  
13 be; but, the agenda was formalized in another document, not  
14 precisely as you have it listed here.

15 Q. The agenda evolved based on conversations that took place  
16 prior to them going there in October. And we'll get to the  
17 written agenda, but that's what this conversation was about;  
18 isn't that --

19 A. That is correct, yes, sir.

20 Q. They also talked about, you know, "This meeting we're  
21 going to have, it has to be very general. It has to be so  
22 much so that if someone wants to walk in from the street, it  
23 would be open."

24 Didn't they say that?

25 A. I think you're putting an interpretation on it that I



1 would disagree with, sir.

2 Q. Well, would you disagree that they said there has to be  
3 open conversation so that if somebody walked in from the  
4 street?

5 A. I understood it as, "We have to be careful so that if  
6 anybody walks in off the street, they really don't know what  
7 the heck we're talking about."

8 Q. That's how you interpreted that, that --

9 A. I think --

10 Q. -- someone from the street couldn't -- they wanted  
11 people -- someone who walked in from the street -- to not  
12 understand what they're talking about? That's how you  
13 interpret that?

14 A. Yes. I think that that is a security --

15 Q. Okay.

16 And what --

17 A. -- an insight on the security -- that they wanted at the  
18 meeting, sir.

19 Q. Okay. We'll come back to that.

20 A. Yes, sir.

21 Q. They also talked about that, "If people had ideas about  
22 what they wanted to talk about at this meeting, they could  
23 write down those ideas and they could send it in to us and  
24 we'll see whether, you know, we can put that on the agenda."

25 That was also part of the conversation?

1 A. Yes, sir.

2 Q. And, then, they talked about, "We've got to divide this up  
3 into sections, the meeting. There's certain times we'll talk  
4 about political things; we'll talk about charitable things;  
5 we'll talk about media things."

6 All of those things they wanted discussed; isn't that  
7 correct?

8 A. That's correct, sir.

9 Q. Let's talk about the meeting itself, the layout of the  
10 meeting.

11 This meeting occurred at the Courtyard Marriott in  
12 Philadelphia; is that correct?

13 A. Yes, sir.

14 Q. And have you seen the Courtyard Marriott in Philadelphia  
15 where this was held?

16 A. I've just seen pictures of the outside, where some of the  
17 subjects were captured with photographs.

18 Q. Oh.

19 So, there was surveillance on this meeting, I assume,  
20 you know?

21 A. Yes, sir.

22 Q. Okay.

23 And how many agents were out there surveilling the  
24 meeting?

25 A. I have no idea.

1 Q. Approximately?

2 A. I have no idea.

3 Q. So, you don't know if there were two agents or 15 agents?

4 A. That's correct.

5 Q. But they did take photographs of the meeting -- the people  
6 who were coming and going; is that correct?

7 A. Some of the participants, yes, sir.

8 Q. Well, their job as surveillance agents was to photograph  
9 those who were coming to the meeting; isn't that correct?

10 A. Sure.

11 Q. Okay.

12 And not only were they taking photographs, but they  
13 also had a wiretap on phones that were inside of the Marriott;  
14 isn't that correct?

15 A. Some of the phones, yes, sir.

16 Q. Approximately how many?

17 A. I think two. Two of the rooms.

18 Q. Just two of the rooms?

19 A. I believe that's correct.

20 Q. Okay.

21 And they also had wiretaps on the conference room, is  
22 that correct, where the conference was being taken, right? It  
23 was --

24 A. That's correct, sir.

25 Q. Do you know how many they had down there --

1 A. How many --

2 Q. -- in the conference room?

3 A. How many -- say that --

4 Q. How many taps they had down there?

5 A. How many taps?

6 Q. Yeah.

7 A. I have no idea, sir.

8 Q. Okay.

9 MR. MOFFITT: Bugs. Bugs.

10 THE COURT: Were you objecting?

11 (Laughter.)

12 BY MR. SPIELFOGEL:

13 Q. My co-counsel would like me to call them bugs.

14 Do you know how many bugs they had down there in the  
15 conference room?

16 A. No, sir, I don't know that.

17 Q. Now, let me ask you this: Did the FBI have somebody  
18 inside of the conference who was actually sitting in on the  
19 conference?

20 A. Not to my knowledge.

21 Q. Okay.

22 So, you're not aware that they actually had a plant  
23 in the meeting who was also taping the meeting that was  
24 occurring?

25 MS. HAMILTON: I'm going to object to the form.

1 THE COURT: Form objection sustained.

2 MR. SPIELFOGEL: Okay.

3 BY MR. SPIELFOGEL:

4 Q. Do you know whether there was anybody else -- and I guess  
5 you just answered this.

6 You don't know whether there was somebody else in  
7 there who also was wearing a bug?

8 A. No. I seriously doubt that.

9 Q. Okay.

10 Now -- so, we've got this meeting and it's occurring,  
11 as I said, at the Courtyard. And you would recognize a  
12 photograph of the Courtyard Marriott where this was occurring;  
13 would you not?

14 A. Not necessarily.

15 Q. Well, let's give it a shot.

16 A. Okay.

17 Q. I want to show you what's shown -- what's marked as Ashqar  
18 Courtyard Marriott.

19 MR. SPIELFOGEL: May I approach the witness?

20 THE COURT: You may.

21 MR. SPIELFOGEL: Thank you.

22 (Document tendered.)

23 BY MR. SPIELFOGEL:

24 Q. If you'd take a look at that, please.

25 A. Yes, sir.

1 Q. And do you recognize that?

2 A. No, I don't, sir.

3 Q. You don't recognize that as the Courtyard where this was  
4 occurring?

5 A. No. The only pictures I've seen of the Courtyard are, as  
6 I just said a couple moments ago, where people are captured  
7 outside. But if you tell me this is the Courtyard by  
8 Marriott, I'll take your word for it.

9 Q. If you don't know it's the Courtyard, that's fine.

10 A. Sorry.

11 Q. In any event, from the photos that you have seen, you know  
12 it was a major hotel; is that correct?

13 A. It's a hotel. I don't know if it's a major hotel, but --

14 Q. You walk into it and there's a reception desk; is that  
15 correct?

16 A. I presume so, sir.

17 Q. And there's a few hundred rooms in it; is that correct?

18 A. I presume so, sir.

19 Q. And there's conference rooms in it; is that correct?

20 A. There's at least one conference room.

21 Q. I don't remember if there's a pool. Was there a pool in  
22 there?

23 A. I have no idea, sir.

24 Q. Okay.

25 And there's restaurants in there?

1 A. I think they mentioned a restaurant in the conversation.

2 Q. And it's open to the public; is that correct?

3 A. Probably so.

4 Q. If you made a reservation, you could stay there; is that  
5 correct?

6 A. Yes, sir.

7 Q. And that's where this undercover meeting took place; is  
8 that correct? At the Courtyard Marriott?

9 A. That's correct.

10 Q. Okay.

11 Now, also, at this meeting, people registered to come  
12 to the meeting; is that correct?

13 A. That's correct, sir.

14 Q. Okay.

15 And you have already seen Philadelphia Hotel  
16 Records -- Government Exhibit Philadelphia Hotel Records -- is  
17 that correct?

18 A. Yes, sir.

19 Q. Actually, do you have those up there?

20 MR. SPIELFOGEL: I think I'm about to get them.

21 (Brief pause.)

22 MR. SPIELFOGEL: Your Honor, with your permission,  
23 I'd approach the witness.

24 THE COURT: You may.

25 BY MR. SPIELFOGEL:

1 Q. I'm going to show you what's been marked -- actually,  
2 moved into evidence -- as Government Exhibit Philadelphia  
3 Hotel Records.

4 (Document tendered.)

5 BY MR. SPIELFOGEL:

6 Q. Now, have you seen those before?

7 A. Yes, sir.

8 Q. Okay.

9 Now, what I want to do is -- it's put actually as  
10 number -- this is a group exhibit. Do you see that, Agent?

11 A. Yes, I do, sir.

12 Q. Go to 12 and 13, at the end, if you would.

13 A. Yes, sir, I have it.

14 Q. Now, the name of the person who made this reservation,  
15 what is his name?

16 A. Hasan Sabri.

17 Q. Okay.

18 And where did he say he was from?

19 A. IAP Information Services.

20 Q. What does IAP stand for?

21 A. Islamic Association of Palestine.

22 Q. Okay.

23 Now, in this receipt, we have down that there's a --  
24 they're going to meet in Meeting Room B; is that correct?

25 A. Yes, sir.



1 Q. And we have down a price that, I guess, he's paying for  
2 the room. Is that a reasonable inference from this?

3 A. Yes, sir.

4 Q. Okay.

5 And how much is he paying for the room on October the  
6 2nd?

7 A. A hundred and fifty dollars, sir.

8 Q. And how many people does he expect to have?

9 A. 30 attendees.

10 Q. Now, that is the real name of the person, Hasan Sabri; is  
11 that correct?

12 A. That's correct, sir.

13 Q. So, he didn't use a pseudonym when he was going to this  
14 undercover meeting, did he?

15 A. No, he did not.

16 Q. Okay.

17 And, then, we see he actually gets a bill for two  
18 days. The next day is, basically, the same information; is  
19 that correct?

20 A. That's correct, sir, other than the price.

21 Q. Right. He seems to be getting a discount the second day,  
22 doesn't he?

23 A. Yes, sir.

24 Q. That's \$75?

25 A. Yes, sir.

1 Q. Okay.

2 And he's got 30 attendees there; isn't that correct?

3 A. Yes, sir.

4 Q. And, you know, you testified earlier that you believed --

5 I think you said you didn't know, but you believed -- there

6 were approximately 21 or 22 people that attended; is that

7 correct?

8 A. I think I said 20.

9 Q. Is that what you said?

10 A. Yes, sir.

11 Q. Okay.

12 Well, with all these surveillance people -- or you

13 don't know exactly how many there were, but their job was to

14 take photos of the people who were there; isn't that correct?

15 A. Yes, sir, it is their job.

16 Q. And they were there for two days?

17 A. I don't know if they were there for two days.

18 Q. Well, the meeting was for two days. Did they leave at

19 some point while the meeting was going on?

20 A. I don't know that, sir. I wasn't --

21 Q. Okay.

22 Well --

23 A. -- with the Bureau back then.

24 Q. -- in any event, how many --

25 THE COURT REPORTER: I'm sorry, I didn't hear the

1 answer.

2 MR. SPIELFOGEL: I'm sorry.

3 THE WITNESS: I'm sorry.

4 I said I wasn't with the Bureau back then.

5 BY MR. SPIELFOGEL:

6 Q. Well, but haven't you talked to people concerning a  
7 surveillance that was conducted in 1993?

8 A. No. I've just read documents.

9 Q. Okay.

10 Do you know who any of the agents are who were  
11 present in 1993?

12 A. I do not.

13 Q. Do you know if any of them are still with the FBI?

14 A. I do not.

15 Q. So, the amount of photographs that you've seen of people  
16 who attended are approximately how many?

17 A. 20.

18 Q. And for all you know, there easily could have been another  
19 ten; isn't that correct?

20 A. Another ten attendees? Is that --

21 Q. That's correct.

22 A. -- what you're saying, sir?

23 Q. That's correct.

24 You didn't have anybody present in the conference  
25 room, did you?

1 A. We had a video in the conference room.

2 Q. You had a video in the conference room?

3 A. That's right, sir.

4 Q. Do you have that video?

5 A. Do I have the video?

6 Q. Yes.

7 A. I have it back in Dallas.

8 Q. Have you reviewed it?

9 A. I have, sir.

10 Q. Have you counted the people that were --

11 A. I have, sir.

12 Q. And how many were there?

13 A. Approximately 17 to 20.

14 Q. Okay. Thank you.

15 Now, the other people who came to the conference and  
16 who checked in at the Courtyard Marriott -- if you'd look at  
17 Government Exhibit Philadelphia Hotel Records No. 2.

18 A. Yes, sir.

19 Q. Okay.

20 And we see -- why don't you do the pronunciation.

21 What's the pronunciation of the gentleman in No. 2?

22 A. It says, "Baker Shukri," but I'm sure it's Shukri Abu  
23 Baker.

24 Q. Okay.

25 And that has down a list of charges that he ran while

1 he was there for the two days?

2 A. Yes, sir.

3 Q. Appears he had dinner there; is that right?

4 A. Yes, sir.

5 Q. Okay.

6 And that name is his actual name?

7 A. Well, it's backwards and spelled incorrectly, but I'll  
8 agree with you in general.

9 Q. Okay.

10 He didn't use a pseudonym when he went there; is that  
11 correct?

12 A. Not on this document he didn't.

13 Q. Okay.

14 And the next one would be 3, and what's the name on  
15 that?

16 A. "Saleh Ghassan."

17 Q. That's another gentleman who you say was present; is that  
18 correct?

19 A. Yes. That's Ghassan Saleh.

20 Q. And he's actually -- he didn't use a pseudonym, obviously?

21 A. Not on this document, sir.

22 Q. And, you know, we could go through -- what? --

23 approximately eight more of these, ten more of these; and, on  
24 each one of them, we would see that the person who checked in  
25 for this undercover meeting at this public hotel did so with

1 their own name; is that correct?

2 Take your time, Agent.

3 A. Yes, sir, with their own name.

4 Q. Now, this undercover meeting, this occurred in Conference  
5 Room B; is that correct?

6 A. Yes, sir.

7 Q. Do you know where that was located in the hotel?

8 A. No, I don't, sir.

9 Q. You don't know whether it was downstairs or whether it was  
10 on the first floor or where it was?

11 A. I think it was on the ground floor, based on my review of  
12 the video; but, I'm not certain of that.

13 Q. Okay.

14 Are you aware whether the doors to Conference B,  
15 while they were having this undercover meeting, were locked?

16 A. I don't know that, sir.

17 Q. Do you know whether they had security people on there?

18 A. I'm sorry, sir? Can you repeat the question?

19 Q. Do you know whether there were security people stationed  
20 outside the door to the conference room?

21 A. I suspect there was.

22 Q. I'm not asking you what you suspect, Agent. I'm asking  
23 you if you know whether there were security people standing  
24 outside of Conference Room B while this conference --

25 A. I don't know that.

1 Q. Okay.

2 Do you know whether or not people were walking in and  
3 out of that conference while it was going on?

4 A. It appeared to be some people entering, yes.

5 Q. And you know that because on some of the tapes, you hear  
6 someone's knocking at the door and they're coming in; isn't  
7 that correct?

8 A. No, I didn't hear the knocking on the door. I just saw --

9 Q. You didn't see in the transcript --

10 A. I was trying to answer, sir, I'm sorry.

11 Q. I'm sorry.

12 A. I didn't hear the knocking, but I did see people coming  
13 back and forth.

14 Q. I apologize for cutting you off.

15 A. That's all right, sir.

16 Q. Do you know how many hours --

17 MR. SPIELFOGEL: Strike that.

18 BY MR. SPIELFOGEL:

19 Q. The entire meeting was taped down in the conference room;  
20 is that right?

21 A. Yes, sir.

22 Q. And approximately how many hours was the conference? Just  
23 approximately.

24 A. Maybe 20 hours is a --

25 Q. 20 hours of --

1 A. Yes, sir.

2 Q. Okay.

3 And there were also -- as we said, there were --  
4 tapes on some phones; is that correct?

5 A. Some intercepts on phones, yes, sir.

6 Q. Yes.

7 And do you know approximately how much time was taped  
8 regarding the phone calls?

9 A. Not a lot.

10 Q. A few hours?

11 A. Not even that.

12 Q. Okay.

13 A. Maybe an hour or so.

14 Q. Okay.

15 Now, when you looked at the surveillance photos and  
16 gathered whatever information you could about the surveillance  
17 that was conducted, did you become aware that when the guests  
18 would come to the hotel, they would check in at the  
19 receptionist desk?

20 A. The video surveillance only covered the conference room,  
21 sir. I have no idea what you're talking about.

22 Q. Okay.

23 So, you don't know where they checked in?

24 A. Well, I presume they checked in at the -- where everybody  
25 checks in.



1 Q. All right.

2 Well, let me ask you -- here's the point that I'm  
3 getting to: Were you aware that when they checked in, they  
4 got a syllabus of what the meeting was going to be like, what  
5 the stages of the meeting were?

6 A. I'm not aware of any syllabus. I'm aware of presentation  
7 papers.

8 Q. There was a list of that; is that correct?

9 A. A list of -- can you elaborate on that, sir?

10 Q. I'm sorry.

11 Were you aware that when they checked in, they were  
12 given a list of what the symposium would consist of that they  
13 were going to downstairs or in Conference B?

14 A. I'm not aware of that as -- as -- you described it.

15 Q. Okay.

16 Well, let me ask you this: The government showed you  
17 what was marked as Ashqar 485 -- and you know what? I'll use  
18 the Elmo for this.

19 I'm going to tender to you -- I don't believe you  
20 have that in front of you. You don't have the search  
21 documents in front of you, do you?

22 A. Yes, I do.

23 Q. Okay.

24 Well, it would be Ashqar -- it will be easier --  
25 actually, I'm going to need you to get it out of that. That

1 would be behind Tab No. -- I'm not certain.

2 THE COURT: You can just use the Elmo, if you would  
3 like.

4 MR. SPIELFOGEL: That will be easier. Thank you,  
5 Judge.

6 THE COURT: The witness can see it on his screen --

7 MR. SPIELFOGEL: Okay.

8 THE COURT: -- as well.

9 MR. SPIELFOGEL: That's fine.

10 BY MR. SPIELFOGEL:

11 Q. Are you aware that Ashqar 485 is what they received when  
12 they came to the conference?

13 A. No, I'm not aware of that, sir.

14 Q. Okay.

15 Are you aware that it is a symposium -- it's a  
16 listing of what is occurring at the symposium -- on the future  
17 of Islamic work in North America for Palestine?

18 A. Yes, sir, I can read that.

19 Q. And you also see that it's October 2nd and 3rd of '93?

20 A. Correct, sir.

21 Q. What were the dates of the conference?

22 A. October 2nd -- actually, the 1st through the 3rd, 1993.

23 Q. Okay.

24 Well, the 1st was what, that Friday night?

25 A. It's more of a travel day.

1 Q. Right.

2 So, taking a look at Ashqar 4- -- and you're also  
3 aware that means this was recovered from Dr. Ashqar's home  
4 during a search that occurred in '93; is that correct?

5 A. Yes, sir.

6 Q. Okay.

7 So, let's look at this. Would you agree with me,  
8 Agent, that this lists what was to occur during the course of  
9 the symposium that was being conducted on October 2nd and 3rd?

10 A. Yes, sir.

11 Q. Okay.

12 So, let's see what they were -- the symposium was set  
13 up to do.

14 "Symposium goals: Specifying strategies, policies  
15 and structures for Islamic work in North America for Palestine  
16 in the short and long terms in the following areas: Political  
17 work and public relations, grassroots work, charity work, and  
18 media work."

19 So, those were to be part of what was to go on at  
20 this meeting in Philadelphia; is that correct?

21 A. That's what it says, yes, sir.

22 Q. Well, and, in fact, that's what they discussed during the  
23 meeting; isn't that correct?

24 A. Yes, sir.

25 Q. And, then, there was the administration of the symposium.

1 "The symposium will be divided in four sections on Saturday  
2 and Sunday. The presentation papers for Saturday's three  
3 sessions will be collected and distributed. The final session  
4 on Sunday morning will be for reviewing, articulating  
5 resolutions and agreeing on methodology for implementation."

6 That was the idea of what they were going to be doing  
7 during the conference; is that correct?

8 A. Yes, sir.

9 Q. The first section -- session -- is going to be devoted to  
10 the political situation, in general, and its impact upon work  
11 in America, Saturday morning; and, then, it says who is going  
12 to give papers; is that right?

13 A. Yes, sir.

14 Q. And, then, each session had its own moderator assigned to  
15 it; is that correct?

16 A. That's correct, sir.

17 Q. Then we're going to have a second session. And that  
18 session -- that session -- is on charity work and its future  
19 in the light of the changes. And that's going to be in the  
20 afternoon, correct?

21 A. Yes, sir.

22 Q. And papers are going to be presented by different people;  
23 is that right?

24 A. Yes, sir.

25 Q. And we have the moderator for that, right?

1 A. Yes, sir, that's correct.

2 Q. The third session is going to be "Political, Media,  
3 Grassroots, Public Relations in North America, the Challenges  
4 of the Future -- " "The Challenges of the Future" is going to  
5 be the evening session; is that correct?

6 A. Yes, sir.

7 Q. People are going to be assigned to write papers on that;  
8 is that correct?

9 A. Yes, sir.

10 Q. And there's going to be a moderator for that; is that  
11 correct?

12 A. That's correct, sir.

13 Q. And they're also going to be keeping minutes of the  
14 meetings; is that correct?

15 A. I'm not sure about minutes. I know that they were  
16 supposed to take notes so they can compile a list of  
17 recommendations.

18 Q. Okay.

19 You don't recall -- and I think I'm going to get to  
20 that in the transcript -- where they say, "Someone needs to be  
21 taking minutes"?

22 A. I thought they said, "Someone needs to be taking notes."  
23 I'm not sure --

24 Q. Okay.

25 A. -- if it's minutes, sir.

1 Q. We'll get to that.

2 I want to talk to you for a second about -- you think  
3 there were approximately, again -- I'm sorry to go back over  
4 this, but you think there was approximately 20 people there.  
5 You're not sure of the exact number; is that correct?

6 A. In review of the videotapes, I counted at least 17.

7 Q. Okay.

8 A. But with people moving around --

9 Q. It's hard to say?

10 A. -- it's hard to say. But I approximate about 17 to 20.

11 Q. Okay.

12 Was one of those people who was at the meeting a  
13 gentleman named Nihad Awad, A-w-a-d?

14 I may be pronouncing it wrong.

15 A. I do not know if -- first off, the videotapes were not of  
16 the quality that I could identify anybody by --

17 Q. Okay.

18 Well, why don't we use --

19 A. And off of the -- I'm sorry, sir. Do you --

20 Q. Yes. Why don't --

21 A. -- have particular questions?

22 Q. -- I show you -- well, you have -- you have -- the  
23 transcripts of the Philly meeting there, don't you?

24 A. I do.

25 The key is listed as, "Nihad last name unknown."

1 Q. Okay.

2 Were you ever able to determine that, in fact, that  
3 person was Nihad Awad?

4 A. No, I was not.

5 Q. Do you know who Nihad Awad is?

6 A. I -- I -- know of a Nihad Awad.

7 Q. I could be saying it wrong. Is that -- you know who that  
8 person is?

9 A. I am familiar with that individual.

10 Q. Do you have reason to believe that that is the Nihad that  
11 they are referring to in this transcript?

12 A. I believe he is a member of the Palestine Committee. So,  
13 it would be a reasonable inference to think that he may be --

14 Q. Okay.

15 A. -- one -- the same.

16 Q. And you, of course, are aware that he's the Executive  
17 Director of the Council of American Islamic Relations at this  
18 time?

19 A. I'm aware of that and a lot more.

20 Q. Okay.

21 And that he's also -- in 1997, he joined the Civil  
22 Rights Advisory Panel to the White House Commission on  
23 Aviation Safety and Security? Are you also aware --

24 A. I'm not aware of that fact.

25 Q. You're not aware of that fact?

1 A. No, I'm not, sir.

2 Q. So, it would surprise you to know that that's what he was  
3 placed on in 1997?

4 A. No, it wouldn't surprise me at all, actually.

5 Q. It wouldn't surprise you that he was a member of the Civil  
6 Rights Advisory Panel to the White House Commission on  
7 Aviation Safety and Security?

8 A. No, it wouldn't, sir.

9 Q. Okay.

10 Now, as the government began to go through with you,  
11 there were some introductory remarks that were made at the  
12 beginning of the meeting; is that correct?

13 A. That's correct, sir.

14 Q. And I'd ask your Honor if you could ask the jury to turn  
15 to Tab 5, Page 9.

16 THE COURT: Please turn to Tab 5, Page 9.

17 Of what binder, Mr. Spielfogel?

18 MR. SPIELFOGEL: We're now in the Philly transcripts.

19 THE COURT: Okay.

20 MR. SPIELFOGEL: And that's where I'm going to be.

21 THE COURT: The Philadelphia transcripts, Tab 5, Page  
22 9.

23 Just give them a moment, please.

24 MR. SPIELFOGEL: I should be remaining in this book  
25 for the rest of the --



1 THE COURT: Okay. We will not hold you to it.

2 (Laughter.)

3 (Brief pause.)

4 BY MR. SPIELFOGEL:

5 Q. Now --

6 THE COURT: Tab 5.

7 One moment.

8 MR. SPIELFOGEL: It's Tab 5, Page 9.

9 THE COURT: We are almost there.

10 MR. SPIELFOGEL: Okay.

11 BY MR. SPIELFOGEL:

12 Q. Now, I know the government read a section of this. I want  
13 to direct your attention to Line 27 through Line 36.

14 A. Yes, sir.

15 Q. Now, isn't it true that, at that time, a gentleman -- and  
16 the initials are "Om" -- discussed what the meeting would be  
17 about?

18 A. Omar Ahmad. Yes, he did, sir.

19 Q. That's correct.

20 And he said, "This meeting was called for by the  
21 Palestine Committee in order to have a seminar or a meeting to  
22 the brothers present here today in order to study the  
23 situation in light of the latest developments on the  
24 Palestinian arena, its effects and impact on our work here in  
25 America. We wanted this program to be a quick one, so that we

1 could implement what we get out from this meeting in our  
2 upcoming festivals and in our activities, which will begin or  
3 which have begun last week and which will continue until the  
4 end of the year. Also, we wanted to present some strategies  
5 for work in the future. So, we found some points, which we  
6 asked all the brothers to look at some or all of them. They  
7 are: Political activism, public relations, popular activism,  
8 charity work, media work -- unidentified -- some papers, which  
9 I have and brought with them."

10 That's what he set as the tone for what the meeting  
11 was going to be about; is that correct?

12 A. That's what he said, sir.

13 Q. Okay.

14 Now, the idea of this meeting -- and one of the  
15 speakers made this clear -- was, "We want a free flow of ideas  
16 to take place during the meeting. We don't want to be held  
17 back by religious rulings. We want to talk about whatever  
18 ideas the people present here have."

19 Do you recall that?

20 A. I -- I -- don't know if it was phrased --

21 Q. Well, let's see --

22 A. -- in that way, sir.

23 Q. -- exactly how it's phrased.

24 Tab 18 --

25 MR. SPIELFOGEL: I would ask your Honor to ask the

1 jury to move to 18.

2 THE COURT: Please turn to Tab 18 of the same binder.

3 MR. SPIELFOGEL: Page 7.

4 THE COURT: Page 7.

5 MR. SPIELFOGEL: And I'm going to start on Line 34 on  
6 that page and go to Page 8 through Line 1.

7 THE COURT: Okay. You may.

8 BY MR. SPIELFOGEL:

9 Q. Isn't it true that as far as the free flow of ideas, the  
10 following was said by whoever "Sh" is -- and, that's Shukri,  
11 right?

12 A. Shukri Abu Baker, yes, sir.

13 Q. Okay.

14 "I have a small remark, a point and we will move  
15 forward. My brothers, frankly speaking, we have come from the  
16 far ends of the world and it is a fundamental part of our work  
17 is to be exposed to strange and somewhat new ideas. I mean,  
18 we don't have to follow the same routine. The situation has  
19 changed and I see that we bear each other. The second thing  
20 is that we shouldn't be hasty -- allow me, shouldn't be too  
21 hasty with the Sharia rulings."

22 What are the Sharia rulings?

23 A. Sharia is Islamic law, sir.

24 Q. Thank you.

25 "I mean, we have a disagreement over an issue and he

1 says, 'You've deviated from the religion. What does the  
2 Sharia says?' For the Sharia to give a ruling on these  
3 issues, my brother, you need a specialized council of scholars  
4 which understands the issue. But for someone to present  
5 issues -- certain ideas which sound strange and, then, comes a  
6 brother who wants to stop him and say, 'This is permissible or  
7 prohibited by Sharia' -- my brothers, this is not a way for  
8 discussion because you're blocking a lot of ideas."

9 Is that what was said about the free flow of ideas  
10 that this gentleman who, basically, was running the meeting  
11 wanted during the meeting? Was that said, Agent?

12 A. Can you give me a second to read a couple lines before  
13 that?

14 Q. I'm asking you the part that I read, was that said?

15 A. I'm not disagreeing with what you just read, sir.

16 Q. Thank you.

17 A. You are saying, was that a part of the discussion of the  
18 free flow of ideas? And I am not certain that that applies to  
19 a general concept or an idea elaborated immediately before  
20 that, and I was just asking --

21 Q. Agent, I'm asking you if that was said during the course  
22 of the meeting --

23 A. What --

24 Q. -- just as the government asked you whether hundreds of  
25 other things were said during the meeting.

1 A. What --

2 Q. So that we're not going into --

3 A. Pardon me.

4 Q. -- other areas.

5 Was that said during the meeting?

6 A. What you just read was said in the meeting.

7 Q. Thank you.

8 Now, again, the -- they got a little more specific at  
9 this meeting and said that topics for the sessions are going  
10 to be general political atmosphere, charity work, political  
11 activism, media, PR and charity work; Sunday will be for  
12 discussions on papers presented; minutes will be kept of those  
13 meetings.

14 Do you recall that?

15 A. I recall parts of that. Can you --

16 Q. Why don't we take a look at Tab 5, if we could.

17 THE COURT: Please turn to Tab 5.

18 MR. SPIELFOGEL: And that would be on Page 10.

19 THE COURT: Page 10.

20 MR. SPIELFOGEL: That's correct.

21 I'm sorry, your Honor, I believe I've already read  
22 this.

23 THE COURT: Do you want to read it, again?

24 MR. SPIELFOGEL: No. That will be fine.

25 BY MR. SPIELFOGEL:

1 Q. Let's go past that.

2 One of the first people who -- because I really don't  
3 want to repeat something that either the government read or I  
4 read that.

5 So, why don't we go to -- one of the first speakers  
6 who spoke at the meeting was a person who had just come over  
7 from Gaza to attend the meeting; is that correct? Do you  
8 recall that?

9 A. I don't know if he just came over --

10 Q. Well, let --

11 A. -- or -- excuse me, sir.

12 Q. I'm sorry.

13 A. -- or returned. Meaning I don't know that he is somebody  
14 that is from Gaza --

15 Q. I see.

16 A. -- and has come to the meeting or somebody that resides in  
17 the United States, has made a trip to Gaza and returned.

18 Q. Okay.

19 A. It's my impression it's the latter.

20 Q. And, in any event, why don't we look at Tab 5, Page 14.

21 THE COURT: Please turn to Tab 5, Page 14.

22 BY MR. SPIELFOGEL:

23 Q. And this person, basically, gave them a firsthand report  
24 on the current situation of what's going on in Gaza; isn't  
25 that correct?

1 MR. SPIELFOGEL: I'm getting to the lines.

2 BY MR. SPIELFOGEL:

3 Q. Is that correct?

4 A. Yes, sir.

5 Q. Okay.

6 So, if we could look first at Lines 10 and 11, where  
7 it says -- this person, "Ab"; is that correct? Do you know  
8 who "Ab" is?

9 A. Sir, I'm not sure if I'm on the right page with you. Did  
10 you say Page 5?

11 Q. Page four- -- if I did, I make a mistake.

12 MR. MOFFITT: Tab 5.

13 BY MR. SPIELFOGEL:

14 Q. Page 14. Tab 5, Page 14.

15 A. Tab 5, Page 14. Correct.

16 Okay. Sorry.

17 Go ahead, sir.

18 Q. Line 10 and 11.

19 A. Yes, sir.

20 Q. This person says -- and do you know who "Ab" is?

21 A. I can tell you in a second, sir.

22 Q. So, you would only know by looking at the cover page; is  
23 that correct?

24 A. Yeah. I'm not very familiar with this individual.

25 Q. Okay.

1           And he says, "I came back the day before. I was  
2 there for five weeks. I mean, I was there before and after  
3 the peace agreement"; is that correct?

4 A. Yes, sir.

5 Q. Now, going to Line 19 and to the end of that page, he then  
6 gives a report; is that correct?

7 A. (No response.)

8 Q. Well, let me ask you this: Does he say the following:

9           "In reality, Gaza sector is very bad economically. I  
10 mean, there are none of the fundamentals of the economy there.  
11 There is nothing. I mean, services, the educational aspect,  
12 the health aspect, humanitarian aspect, municipal services,  
13 any unemployment. All of that exists in Gaza sector in a very  
14 obvious manner. I mean, sewerage, for example, sewerage in  
15 Khan Younis is like a flood in the streets."

16           That's the report that he gave at the beginning of  
17 the meeting; is that correct?

18 A. Yes, sir.

19 Q. Now, as I believe the government briefly brought out, one  
20 of the big things about this meeting was they were discussing  
21 the Oslo Accords; is that correct?

22 A. Yes, sir.

23 Q. Okay.

24           And, then, that was really one of the major topics;  
25 is that right?



1 A. Well, it was actually derailing the Oslo Accords, to be  
2 more accurate.

3 Q. Well, they were talking about what their position was  
4 going to be regarding the Oslo Accords; isn't that correct?

5 A. And their position was derailing it, sir; yes.

6 Q. And we'll get to whether everyone believed that it should  
7 be derailed, okay, in a minute.

8 But I'm asking you, was that one of the major topics  
9 they were discussing?

10 A. Yes, it was one of the major topics.

11 Q. Okay.

12 Now, we're not going to go into a history of the Oslo  
13 Accords, and I don't know if you're qualified to do that; but,  
14 let me just ask you a couple questions about the Oslo Accords.

15 There was no question that those Accords left open  
16 many critical issues to the Palestinian people; is that  
17 correct?

18 A. I'm not an expert on the Oslo Accords, but --

19 Q. Settlements, refugees, boundaries, borders, all of those  
20 issues were left wide open by the Accords; is that correct?

21 MS. HAMILTON: Your Honor, I'm just going to object.  
22 The witness already said he wasn't an expert on the Accords.

23 THE COURT: Sustained.

24 BY MR. SPIELFOGEL:

25 Q. Well, let me ask you this: You're at a meeting and there

1 is no question -- I will agree with you, just about everyone  
2 there was against these Accords. Is that correct?

3 A. Yes, sir.

4 Q. There were people who were against these Accords on both  
5 the Palestinian side and on the Israeli side; isn't that  
6 correct?

7 A. I don't know about that, sir.

8 Q. Well, do you know that in the Israeli Knesset, when they  
9 had the vote on the Oslo Accords, almost half of the Israelis  
10 in the Knesset voted either against it or abstained?

11 MS. HAMILTON: Your Honor, objection.

12 THE COURT: You can answer, if you can, if you know.

13 BY THE WITNESS:

14 A. I do not know that, ma'am.

15 BY MR. SPIELFOGEL:

16 Q. And as you sit there as an agent -- and you've done some  
17 study in this area -- you're not aware that there were many  
18 scholars on both sides of that issue -- of the  
19 Palestinian-Israeli conflict -- who disagreed with the peace  
20 accords -- with the Oslo Accords?

21 A. In my work as a counter-terrorism agent, I am aware that  
22 Hamas and several other terrorist groups were extremely  
23 opposed to the Oslo Peace Accords.

24 Q. And it wasn't just terrorist groups that were opposed to  
25 that agreement, and you know that; don't you, Agent?

1 A. I -- I -- work terrorist groups, sir. So, I'm going to  
2 have to concentrate on that.

3 Q. So, that's what you know from the people you work with; is  
4 that correct?

5 A. Well, I also know that from the subjects here and those  
6 others --

7 Q. Do you --

8 A. -- attending.

9 Q. Do you ever look outside the people who you work with to  
10 scholars who have written on this and realized that there are  
11 so many of them who have written against these Accords?

12 A. Sure, I'm aware of that.

13 Q. And on the Israeli side, also; isn't that correct?

14 A. I don't really know the Israeli position. I'm more  
15 familiar with how the terrorist groups view this.

16 Q. And you're aware that one of the major reasons that they  
17 were so against this is because it gave Yasir Arafat so much  
18 power; isn't that correct?

19 A. They didn't seem to like Yasir Arafat in the conference,  
20 but it seemed to be there was some other reasons, as well --

21 Q. And they made it --

22 A. -- elaborated on, sir.

23 Q. And they made it pretty clear in here that they felt he  
24 was very corrupt, right?

25 A. Yes.

1 Q. And they felt that due to his corruption, these Accords  
2 would never come to fruition, didn't they; and, that's  
3 discussed throughout these transcripts, isn't it?

4 A. That's only one aspect of what they talked about with  
5 those Accords, sir.

6 Q. And, in fact, they were absolutely 100 percent correct;  
7 were they not?

8 A. Were they -- were they -- correct?

9 Q. The Oslo Peace Accords --

10 A. On what aspect, sir?

11 Q. The Oslo Peace Accords never came to fruition, just --

12 A. Well --

13 Q. -- as they said throughout this meeting they wouldn't?

14 A. Can I answer that question, sir?

15 Q. Yes.

16 A. Well, due in large part to, I think, Hamas' operations to  
17 include serious terrorist attacks -- which undermined the  
18 Palestinian Authority as by design -- I think the Oslo Accords  
19 have had a very difficult time being successful.

20 Q. And it had absolutely nothing to do with the sheer  
21 corruption of Yasir Arafat, did it?

22 A. Well, again, whether the sheer corruption was involved or  
23 not, I can say that Hamas played a very pivotal role in  
24 ruining the chances for peace --

25 Q. And --

1 A. -- yes.

2 Q. -- that's your opinion from the work that you do in your  
3 terrorist organization; is that correct?

4 A. And from talking and -- to outside scholars and -- doing  
5 the reading and that sort of thing, sir.

6 Q. And it had nothing to do with the fact that when Yasir  
7 Arafat was offered an agreement in the year 2000 by the United  
8 States and by Israel, he turned it down? That had nothing to  
9 do with the falling of the Oslo Accords; is that correct?

10 A. I'm not sure exactly to which -- what you are now  
11 referring to, sir. You're going to have -- can you elaborate  
12 on that?

13 Q. Do you recall that there was a meeting between Arafat and  
14 Clinton and Barak, where they sat down in the year 2000 and  
15 Arafat rejected the agreement with the Israelis?

16 A. There are --

17 Q. Are you aware that; "Yes" or "No"?

18 A. I am aware of a lot of interaction between --

19 Q. I'm just asking if you're aware of that.

20 A. I'm not -- I'm not -- sure I know what you are speaking  
21 about, sir. So, I'm not gonna commit myself to an answer  
22 where I don't understand your question.

23 Q. You don't recall the Camp David meeting between Arafat and  
24 Clinton and Barak? Is that what you're telling me as a  
25 counter-terrorism expert?

1 MS. HAMILTON: Your Honor, I'm going to object.

2 THE COURT: On what basis?

3 MS. HAMILTON: This is so far afield from this  
4 witness' direct examination. He said at the outset he wasn't  
5 an expert in the peace accords. He's answered a series of  
6 questions about them. We're now in 2000 Camp David, which has  
7 nothing to do with --

8 MR. SPIELFOGEL: He's trying to blame it on Hamas,  
9 your Honor, and that's just so inaccurate; and, I believe that  
10 since he made that statement, I can follow up in cross-  
11 examination.

12 THE COURT: It is cross-examination, so I will give  
13 you some leeway. But you are at your outer limits.

14 MR. SPIELFOGEL: Okay. I'll end shortly.

15 BY THE WITNESS:

16 A. I am aware of Camp David meetings, yes, sir.

17 BY MR. SPIELFOGEL:

18 Q. Yeah.

19 And are you aware that shortly after Yasir Arafat  
20 refused to accept what was offered to him, that at that point  
21 we started our next intifada? Are you aware of that?

22 A. We -- we -- started our next intifada? I'm not sure --

23 Q. When was the next intifada?

24 A. Well, you started the first one in '87. The next one that  
25 I'm aware of is '99.

1 Q. Okay.

2 No --

3 MR. SPIELFOGEL: Well, strike that.

4 BY MR. SPIELFOGEL:

5 Q. There was an intifada after -- the second intifada was  
6 after -- they failed to reach agreement in 2000; isn't that  
7 correct?

8 A. I'd have to go back and look at that, sir.

9 Q. Okay.

10 Let's talk about this. You're telling us that -- and  
11 I agree with you, many of the people there were against the  
12 peace accords; is that correct?

13 A. Absolutely.

14 Q. But there were several people -- there were several  
15 different opinions expressed about what the association's  
16 position on those accords should be. It wasn't just one  
17 position; is that correct?

18 A. There were several positions on how the association should  
19 address it and how it should behave to the American public.

20 Q. Okay.

21 Let's talk about that.

22 I'd ask that the -- there were members there who said  
23 that, "Even though it isn't popular now, we really need to  
24 take a stand against this agreement at this time on principle;  
25 isn't that correct?"

1 A. That's part of what was discussed, yes, sir.

2 Q. Let's take a look at Tab -- if we could, Tab -- 8, Page  
3 11.

4 THE COURT: Please turn to Tab 8 in your Philadelphia  
5 Conference binder, Page 11.

6 BY MR. SPIELFOGEL:

7 Q. And I'd ask you to please take a look at Line -- it's all  
8 the way at the bottom, Line -- 43, going on to just the first  
9 paragraph of the next page, Page 12.

10 "Ak." Who is "Ak"; do you know?

11 A. Akram, I believe, but I'd have to take a look at the  
12 front.

13 Q. You'd have to look at the cover page to see who that  
14 person is?

15 A. Yes, sir, I would.

16 Q. Okay. I'd ask you to do that.

17 A. I think it's Akram Barokshi (phonetic). It says "Akram"  
18 here.

19 Q. Okay.

20 Did he say, "I believe that now, no matter what we  
21 do, we will not achieve anything at any time soon. But in a  
22 year or two, people will look and the agreement is likely  
23 marching to a failure."

24 I guess he was right about that; isn't that correct,  
25 Agent? It did march to a failure; did it not?



1 A. I would say that it was brought to a failure, but --

2 Q. Okay.

3 "They will look for those who were opposed to and who  
4 stood against the agreement who have a principle. If you  
5 don't take a stand now, no one will look at you if you take a  
6 stand two years later."

7 Is that what that gentleman said at that time?

8 A. Yes, sir.

9 Q. They also talked about the fact -- some of the people  
10 talked about the fact -- that the American people respect  
11 opposing ideas, as long as they're based on reason instead of  
12 on personal attacks.

13 That was something that was said at the meeting;  
14 isn't that correct?

15 A. Yes, sir.

16 MR. SPIELFOGEL: And just so we have the wording for  
17 that, I'd ask us to please turn to Tab 25.

18 THE COURT: Please turn to Tab 25.

19 MR. SPIELFOGEL: Page 4.

20 THE COURT: Page 4 of Tab 25.

21 BY MR. SPIELFOGEL:

22 Q. And that would be turning your attention to Line 40. And  
23 that would be "Om."

24 Who is "Om"?

25 A. That's Omar Ahmad, sir.

1                   Can you give me the page number, again, sir? Tab 12?

2   Q.   Page 4.

3   A.   Page 4.

4   Q.   Line 40.

5                   Do you see it in there?

6                   I'm sorry, do you have Tab 25?

7   A.   Oh, I'm sorry. I have the wrong tab.

8                   (Brief pause.)

9   BY THE WITNESS:

10   A.   I'm with you, sir.

11   BY MR. SPIELFOGEL:

12   Q.   Okay.

13                   And Mr. Om -- I'm sorry, what did you say his name  
14   was?

15   A.   Omar Ahmad.

16   Q.   Omar Ahmad said, "But I believe we are afraid of  
17   something. I believe that the American people are the most  
18   people who accept contradiction, opposition and the fact that  
19   there are some people who don't agree with others and  
20   others -- really, I mean, the Americans are the most people  
21   who accept these things because they have their own system,  
22   and it is a system where opposition is clearly permissible."

23                   Is that what one of the speakers said?

24   A.   That's what he said.

25   Q.   And if you'd take a look at Tab 19.

1 MR. SPIELFOGEL: If we could?

2 THE COURT: Please turn to Tab 19.

3 MR. SPIELFOGEL: Page 1.

4 And that would be -- I'm starting on Line 13 after  
5 the word "no."

6 BY MR. SPIELFOGEL:

7 Q. Now, this would be "Ak," again, speaking; is that correct?

8 A. That's correct, sir.

9 Q. And did he say, "We should be clear in our position  
10 regarding Palestine, either with an American person, a  
11 Palestinian person -- " I'm sorry -- "a Palestinian person, an  
12 Arab person or a Muslim person. We might give one of them  
13 more details than the other, but we shouldn't abandon our  
14 right in '48 Palestine because, by God, America won't accept  
15 it. On the contrary, the Americans respect someone who has a  
16 point of view which he holds onto and doesn't respect someone  
17 who wears a different color every day and who doesn't take a  
18 position."

19 Is that what that gentleman said at that time?

20 A. That's what he said.

21 Q. Now, there was also actually someone at the conference who  
22 said, "You know, we're being too quick to condemn this peace  
23 agreement, aren't we?"

24 Wasn't there a person who said that?

25 A. Not quite certain. Can you point to a reference, sir, and

1 I could --

2 Q. Well --

3 A. -- review that?

4 Q. -- do you recall someone saying that, "We shouldn't be so  
5 hasty in being against this agreement"? Do you remember that?

6 A. That sounds familiar.

7 Q. Okay.

8 So, what we had here -- and I'll get to that tab in a  
9 second. But what we had here was we had this free flow of  
10 ideas that were originally talked about, that people were  
11 expressing what their views were on the peace accord; isn't  
12 that correct?

13 A. You could couch it that way.

14 Q. Okay.

15 Well, let's turn our attention to Tab 15, if we  
16 could, Page 8.

17 THE COURT: Please turn to Tab 15, Page 8.

18 BY MR. SPIELFOGEL:

19 Q. And I'm going to start at Line 28.

20 Now, this person -- so, we have somebody here who we  
21 don't know who he is; is that correct?

22 A. That's correct, sir.

23 Q. So, we call him "UM1"; is that right?

24 A. Yes, sir.

25 Q. There's another person here who we don't know, so we're

1 calling him "UM2"; is that correct? UM2?

2 A. Yes, sir.

3 Q. Well, UM1, whoever he was, he said, "Regarding your point,  
4 I wanted to just throw some ideas, but I still have more ideas  
5 than that. I just wanted to throw the idea that when we  
6 really examine our history, we find that when a state is  
7 formed, we immediately take up the opposition spot and we  
8 continue as opposition to this state until the end of time --  
9 times. We remain in the opposition, why? As long as the  
10 state exists and the structure exists, why don't we try to --  
11 I mean, before Arafat signed the document, we said we are  
12 against the agreement, against the state. But now what  
13 happened right now? This is a reality and we cannot ignore  
14 it. Why do we have to be against this and against that? It  
15 is true that you are saying that you are in opposition in  
16 order to take a historical stand. We are not in disagreement.  
17 I'm just throwing a wild idea, okay? In order to really be  
18 able to deal, comprehend and benefit from the resources and  
19 the influence of this state or this structure, we must have an  
20 organization which is affiliated with us to deal with this  
21 state. This is the -- "

22 And, then, someone says, "What is the form of  
23 dealing? What is the shape of dealing?"

24 No. 1 says, "Of course -- of course -- I'm not going  
25 to defend this point."

1           The person says, "I mean, what are you going to do?  
2 This is what I mean. Explain this to us."

3           Then he says, "I believe that the Palestinian state  
4 will begin handling donations, collections of donations and  
5 foreign -- " "and handle foreign exchanges. You can benefit  
6 from this. If you want to join the opposition, it is known  
7 that you are Islamic and if you speak with them, no one will  
8 grant you a foreign exchange or do anything favorable to you.  
9 They might start media organizations abroad. They might start  
10 a media organization in America as America now is a front for  
11 them. Why don't you have an organization which can be adopted  
12 by this Palestinian state? As media organization, you could  
13 issue a newspaper or a magazine which could be -- "

14           "How is that?"

15           "Or you could be an educational institution sending  
16 people on foreign exchanges. I mean, I believe that the ideas  
17 should be discussed so that we are not always taking a hundred  
18 percent hostile side to something realistic."

19           Was that the position of one of the people who spoke  
20 here?

21 A. That's what he said, sir.

22 Q. There was a whole series of conversations about the fact  
23 that, "We're not against peace; we're against peace without  
24 justice."

25           That occurred during the course of this meeting;

1 isn't that correct?

2 A. That -- that -- was one line that I'm aware of, but I  
3 don't know that I would characterize it as a whole series of  
4 conversations.

5 Q. There was a conversation in which somebody got up and  
6 said, "We must have peace. I'm not against peace. It's got  
7 to be peace with justice." And, then, a group of people said,  
8 "Peace with justice."

9 Do you remember that?

10 A. I remember that line.

11 Q. Let me show you clearly.

12 I'd ask you to please turn to Tab 15, Page 3.

13 THE COURT: Please turn to Tab 15, Page 3.

14 MR. SPIELFOGEL: Line 16.

15 BY MR. SPIELFOGEL:

16 Q. Now, let's see who is talking here. This is an  
17 unidentified individual, No. 2; is that correct?

18 A. At Line 16, sir?

19 Q. That's correct, on Page 3.

20 A. That's correct.

21 Q. And in this conversation -- whoever this was, because we  
22 don't know who it is -- this person said, "I mean, someone  
23 will ask you, 'Are you against peace?' Tell him, 'No, we are  
24 not opposed to peace as a peace, but we are against hypocrisy  
25 because this peace is not just. We are with all just peace."

1 Justice with peace. Without justice -- even the African  
2 Americans have this title, that there is not justice without  
3 peace."

4 And, then, a group of people said -- several  
5 voices -- "No peace without -- "

6 And, then, No. 2 continued, "No peace without  
7 justice. It is always a principle of peace with justice."

8 Do you see that?

9 A. Yes, sir.

10 Q. Is that what that person said?

11 A. That's what he said.

12 Q. And following that, isn't it clear that they make -- that  
13 they make -- the speaker makes -- clear that the way to obtain  
14 peace with justice is through awareness?

15 Do you see that?

16 "What I mention -- " I'm sorry, this would be on Line  
17 27: "What I mentioned is that the motto is awareness?"

18 Do you see that?

19 A. I see that line, sir.

20 Q. And, then, after that, he lists an entire group of ways  
21 that "we have to bring awareness to our people"; is that true?

22 A. Yes, sir.

23 Q. And in that group of things that he suggests, that in  
24 order to bring peace with justice through awareness, he talks  
25 about, "You have to have conferences of our leaders."



1 Do you agree with that?

2 I can --

3 A. No, I see that, sir. I was just reading it.

4 Q. "We need to issue statements. We need to have student  
5 activism beginning in the universities. We need to have  
6 different political dialogues with other organizations. We  
7 need to arrange courses and arrange for cultural and political  
8 seminars for teachers who attend the conferences. We need to  
9 make a film -- " this is on Page 4. Actually, I'd like to  
10 read this.

11 On Page 4, beginning on Line 32.

12 "Of course, making a documentary -- " and, by the  
13 way, this is, again, the unidentified No. 2.

14 Line 32: "Of course, making a documentary showing  
15 the continuation of suffering. A film must be quickly made  
16 and we must try to circulate it in the festivals. I mean, to  
17 be shown in the festivals. Collecting cassettes for speeches  
18 and lectures about the issue and publishing them. We should  
19 try to make a library for the tapes and audio for every  
20 speaker who delivers a speech on the subject, for every  
21 brother who has spoken about the subject. They ought to be  
22 collected, made available. Like they say, feed them to the  
23 people until they get full. Another thing is preparing a  
24 historical museum. A museum ought to be put together. We  
25 have a museum, but it needs to be developed so that it can go

1 on a tour because this world -- " "because this would really  
2 be a part of public awareness so we can renew for them the  
3 meaning of Palestine and Jerusalem."

4 Is that what was said at that time?

5 A. Yes, but I think you skipped over the most significant  
6 part.

7 Q. And which part is that, Agent?

8 A. The line on 14, where it says, "We don't want the children  
9 of the community who are raised here in schools and in Islamic  
10 schools and non-Islamic schools to grow up surrendering to the  
11 issue of peace with the Jews. And, I mean, we don't -- "

12 Q. And --

13 A. " -- we don't see in ten years the growing generations in  
14 America surrendering to peace with Jews."

15 Q. These people at this meeting believed in the Palestinian  
16 people.

17 Do you understand that?

18 A. I think they believe in the Palestinian people -- the  
19 segment of the Palestinian people -- known as Hamas. That's  
20 what I think they believe in.

21 Q. That's the only people they care about; is that your  
22 opinion?

23 A. They -- no. Let me point something out. Their words  
24 said --

25 Q. I'm asking you --

1 A. -- the people --

2 Q. -- if that is your opinion.

3 A. -- the first circle --

4 MS. HAMILTON: Your Honor --

5 MR. SPIELFOGEL: Your Honor --

6 THE COURT: Wait, wait, wait.

7 MR. SPIELFOGEL: -- he's not answering --

8 THE COURT: Agent --

9 MR. SPIELFOGEL: -- my question.

10 THE COURT: Yes.

11 Listen to Mr. Spielfogel's question and answer his  
12 question.

13 THE WITNESS: Yes, ma'am.

14 Go ahead, sir.

15 BY MR. SPIELFOGEL:

16 Q. The people here that are speaking here are speaking about  
17 the plight of the Palestinian people. Would you agree with me  
18 on that?

19 A. No, I would not agree with you entirely with that.

20 Q. They're only talking about themselves; is that your  
21 opinion in this?

22 A. Well, I think it's interesting that you use the word  
23 "themselves" when I'm talking about Hamas.

24 But the point being, they are looking first to how  
25 they have to operate in the United States in order to support

1 the movement. That's the -- that's the -- gist of this whole  
2 meeting. And the movement is clearly Hamas, sir.

3 Now, they, themselves --

4 Q. Which --

5 A. -- use -- can I finish my answer, sir?

6 Q. Yeah, why don't you finish your answer.

7 A. Okay.

8 They, themselves, said that they first wanted to look  
9 to the people closest to them, then they would look outside to  
10 a larger circle. The people to them -- closest to them -- are  
11 clearly Hamas. So, when you ask me, sir, about --

12 MR. MOFFITT: Objection.

13 BY THE WITNESS:

14 A. -- the Palestinian people --

15 MR. MOFFITT: Objection. 704(b).

16 THE COURT: Ms. Hamilton?

17 MS. HAMILTON: I have no idea why Mr. Moffitt is  
18 objecting during the middle of the witness' answer to  
19 Mr. Spielfogel's question.

20 And I don't even understand what the objection is.

21 MR. MOFFITT: Well, perhaps you should read 704(b).

22 THE COURT: Mr. Moffitt -- Mr. Moffitt -- come on  
23 now. I know it is getting --

24 MS. HAMILTON: Based on the answer being given --

25 THE COURT: Wait, wait, wait.

1 MS. HAMILTON: -- I just --

2 THE COURT: Ms. Hamilton, wait, wait, wait.

3 I know it is getting late in the day, but we are not  
4 going to do that.

5 I know what 704(b) is.

6 Your objection is overruled.

7 Agent, please listen to the question and answer  
8 Mr. Spielfogel's question.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Ms. Hamilton will have the opportunity to  
11 redirect you, if she so chooses.

12 THE WITNESS: Yes, ma'am.

13 BY MR. SPIELFOGEL:

14 Q. And here's my question.

15 A. Yes, sir.

16 Q. My question is: That as you sit there, in your mind you  
17 really believe that these people who are present at this  
18 meeting care about nothing other than Hamas; they don't care  
19 about the Palestinian people? Is that your belief as you sit  
20 there?

21 A. That was not my answer. My answer --

22 Q. I'm asking you --

23 THE COURT: Wait.

24 BY MR. SPIELFOGEL:

25 Q. -- if that's your belief.

1 THE COURT: Answer the question, please.

2 BY MR. SPIELFOGEL:

3 Q. Is that what you believe as you sit there?

4 A. That is not how I would phrase it, sir.

5 Q. Because millions have voted them as a legitimate  
6 government of the Palestinian people as you and I sit here  
7 today; isn't that true?

8 A. Are we talking about Hamas, sir?

9 Q. That's correct.

10 A. I don't know if it's millions; but, yes, they were voted  
11 in.

12 Q. They are now the government; is that right?

13 A. That's correct.

14 Q. You think everybody who voted for them is a member of  
15 Hamas?

16 MS. HAMILTON: Objection. Speculation.

17 MR. SPIELFOGEL: Well --

18 THE COURT: Sustained.

19 BY MR. SPIELFOGEL:

20 Q. They've gotten jobs for hundreds of thousands of people in  
21 an area where they couldn't get jobs --

22 MS. HAMILTON: Objection.

23 BY MR. SPIELFOGEL:

24 Q. -- isn't that true?

25 MS. HAMILTON: Assuming facts not in evidence and

1 it's argumentative.

2 MR. SPIELFOGEL: You know what? I think Dr. Levitt  
3 testified to that. So, it is in evidence.

4 THE COURT: Well, Dr. Levitt was an expert. I think  
5 you are going beyond what this witness knows --

6 MR. SPIELFOGEL: No, because his own --

7 THE COURT: Wait. Mr. Spielfogel, let me finish.

8 MR. SPIELFOGEL: I'm sorry, Judge.

9 THE COURT: You are going to get Joe mad at you.  
10 I think you are going beyond what this witness has  
11 testified he is qualified to testify about.

12 MR. SPIELFOGEL: I'll move on, your Honor.

13 THE COURT: Good idea.

14 BY MR. SPIELFOGEL:

15 Q. Now, also, they talked about that another way, in order to  
16 bring about awareness; is that, "We have to have festivals for  
17 the people -- and they're not all Hamas people -- to come and  
18 be able to talk at these festivals and present their own  
19 ideas."

20 Do you remember that?

21 A. Well, I know they talked about festivals. I'm not sure  
22 about the ideas at the festivals, sir.

23 Q. Well, then let's take a look.

24 A. Yes, sir.

25 Q. Let's take a look at Tab 15.

1 THE COURT: Please turn to Tab 15, ladies and  
2 gentlemen.

3 MR. SPIELFOGEL: Page 5, if we could.

4 THE COURT: Page 5.

5 BY THE WITNESS:

6 A. Yes, sir.

7 BY MR. SPIELFOGEL:

8 Q. Line 6.

9 THE COURT: Tab 15, Page 5, Line 6.

10 Okay.

11 BY MR. SPIELFOGEL:

12 Q. "As for the festivals, it is suggested to have a 30-minute  
13 segment for the participants to come on the stage and express  
14 their opinions. I mean, they hand over the microphone to  
15 people to come and express their views, whether he is in  
16 support or opposition. Let people express their views and  
17 have them registered, so that the festival is not only for  
18 people to listen to you. Let people express themselves -- "  
19 "let people express themselves, which would be of a variety at  
20 the festival."

21 Is that what was said?

22 A. That's what was said.

23 Q. Do you think he's talking about only Hamas people there in  
24 that statement?

25 A. No, not in that statement, no.



1 Q. He's talking about the people who live in Gaza and the  
2 West Bank; isn't that correct?

3 A. No, sir. He's talking about festivals in the United  
4 States.

5 Q. Festivals in the United States.

6 That are attended by whom?

7 A. Well, actually, I've reviewed a lot of the tapes seized  
8 from the Holy Land Foundation of some of these festivals.

9 Q. Did people come and give their own views at these  
10 festivals?

11 A. No, I don't recall that at all. I do --

12 Q. You don't recall that, but at this -- at this --  
13 conference in Philly, this man was suggesting that, "We should  
14 allow people to come and give their views, whether it's in  
15 favor of our position or against our position"; isn't that  
16 true? Whether in support or not?

17 A. He's -- he's -- suggesting that they allow participants to  
18 express their opinions -- that's what it says -- whether he is  
19 in support or opposition; that's correct.

20 Q. They talked about the need -- as far as awareness goes,  
21 the need -- to publish articles in the United States and to be  
22 able to get articles in the United States into the occupied  
23 territories.

24 Do you recall that?

25 A. Yes, sir.

1 Q. And that that's not an easy thing to do, to get articles  
2 from here into the occupied territories, because when you try  
3 to do that, they get intercepted by the Israeli government;  
4 isn't that correct?

5 A. I don't know if that's correct or not.

6 Q. They talked about the fact, as far as awareness goes, that  
7 you need to sponsor people from the inside to come to the  
8 United States on scholarships to study law, political science,  
9 mass communications and to get these people, after they've  
10 studied, to return to the inside and to become leaders.

11 Didn't they talk about that?

12 A. Yes. They said those areas were needs of the movement.

13 Q. Agent, there was also a great deal of conversation during  
14 the course of the two-day conference about charitable  
15 organizations; is that correct?

16 A. Yes, sir.

17 Q. And I believe the government read a small part of one of  
18 these. I'd like to turn your attention, if we could, to Tab  
19 11, Page 2.

20 THE COURT: Please turn to Tab 11, Page 2.

21 BY MR. SPIELFOGEL:

22 Q. And we have a -- this is Muin speaking; is that correct?

23 A. Muin Shabib, yes, sir.

24 Q. Okay.

25 So, on Page 2, this is going to be a little bit

1 lengthy, but we're going to turn our attention to Line 12 on  
2 Page 2 and I'm going to go through the next page talking about  
3 charitable work.

4 Did this gentleman say the following:

5 "We could say that even during the intifada, the  
6 organizational presence in the occupied territories was not at  
7 the needed level. I tried to gather the type of organizations  
8 which exist in the occupied territories and I believe I  
9 classified them in ten categories. We have the educational  
10 organizations, such as kindergartens and schools; the social  
11 and charitable organizations, such as Zakat committees,  
12 relief, the ones caring for the orphans, prisons and others;  
13 the intellectual organizations, such as research centers;  
14 health institutions, the majority of which are affiliated with  
15 Zakat committees. Five, the public syndicates; six, the  
16 technical institutions relating to machines, factories and  
17 others; sport institutions and clubs; media organizations,  
18 such as offices and newspapers. Number nine is the  
19 educational, such as the Koran schools and Mohamed's Sayings  
20 schools and women organizations. Organizations in the Gaza  
21 sector, generally speaking, are limited. If we speak in  
22 general terms about our organizations in the Gaza sector, they  
23 are limited and I will try to mention them quickly. The main  
24 organization, and which is known to belong to us, is Islamic  
25 University in the Gaza sector and we will speak about the

1 solution. We will mention it because it is really a wound in  
2 the heart."

3 Then I believe the government ruling -- reading --  
4 ended here.

5 I go on: "Number two, the Islamic Complex which was  
6 founded in 1973 and licensed in 1976. The Complex's  
7 activities at that time was more inclusive. The Islamic  
8 Society which was founded in 1976. Al Salah Society in the  
9 Gaza sector which oversees the sacrifices and other things.  
10 The Young Muslim Women Association and, then, Al Wafa Society  
11 for Senior Care, the Orphans House, some of the Zakat  
12 committees, some public services institutions which obtained  
13 new licenses, such as Justice and Law Institution which cares  
14 for the prisoners. In the West Bank, in the north region  
15 which includes Nablus, Jenin, Qalqilia and Al Biqa'a -- "  
16 excuse my pronunciation " -- they were -- " "there was  
17 relatively old activity such as Nablus Zakat Committee in  
18 Nablus, which was founded in 1976. It is very advanced in  
19 comparison with the other committees. For instance, they have  
20 over a thousand orphans, over 2,200 families which are  
21 sponsored monthly, they have investment activities and other  
22 activities. But when we speak about it as Zakat committee, we  
23 tie it to us. In reality, we are Islamics -- " "Islamists  
24 have a weak presence in it. That is if we speak about  
25 reality. But I wanted to mention it quickly, as time doesn't

1 permit more details. In the north, there is also a clinic,  
2 the Islamic Solidarity Clinic, which was founded in 1984 and  
3 it is almost the largest medical centers in the West Bank, as  
4 it includes 12 specialized doctors. It has ophthalmology  
5 clinic, a dentistry clinic, an X-ray clinic and it covers the  
6 northern region serving about 300,000 of the population there.  
7 There is also Solidarity Charitable Society. Our problem,  
8 brothers, is that we establish organizations and others reap  
9 the fruits. Solidarity Charitable Society was founded by the  
10 city's scholars and by Islam's scholars in this region from  
11 the Islamic Movement and others, but now ask how is our  
12 presence and how it is controlled over. In reality, our  
13 presence is relatively weak. When we come to the main  
14 activity, which is the Zakat committees in Jenin, for  
15 instance, and elsewhere. In Jenin, the Zakat committee there  
16 has built a hospital which is really ours for the Islamics  
17 either in management or in the teams working in it. In Jenin,  
18 there is a large Islamic school and there is an orphans'  
19 center. Tulkarem are about -- are now about to build -- to  
20 start building a hospital affiliated with the Zakat committee.  
21 In Qalqilia, we have the Legal Institute For Studies less than  
22 -- graduate studies -- two years of studying at the  
23 institution or what you call it."

24 Is that what was said at that time about charities --

25 A. Yes, sir.

1 Q. -- and education?

2 A. That's what they said.

3 Q. They also talked about later on -- there was one of the  
4 speakers who said, "You know, we sent \$1.25 million -- we sent  
5 \$1.25 million -- in relief -- 1.25 directly for relief.  
6 900,000 of those dollars actually got directly to relief  
7 people."

8 And that person was concerned about the fact that,  
9 "We don't have enough money to pay the people who are working  
10 there, to pay their salaries, because the money is going  
11 directly to the refugees."

12 Do you recall that conversation?

13 A. I recall the figure. I don't recall entirely.

14 Q. Tab 12, Page 10.

15 THE COURT: Please turn to Tab 12, Page 10, for the  
16 last transcript of the evening.

17 I see lots of smiles, Mr. Spielfogel.

18 (Laughter.)

19 MR. SPIELFOGEL: So, with your permission, Page --  
20 Line 32 through 37.

21 BY MR. SPIELFOGEL:

22 Q. And this is, again, the -- Baker; is that correct?

23 A. Shukri Abu Baker of the HLF, yes, sir.

24 Q. "900,000 of it, out of the 1.25 million, went to relief --  
25 or what do you call to relief? Relief in a form or another.

1 All of it for relief. There has not been one project for us.  
2 Of course, what I can do is to be careful because you never  
3 hear about a person who dies out of hunger. He takes care of  
4 his needs, but when you want to -- don't you need salaries for  
5 employees at the end of the month? Otherwise, you will have  
6 to close the school."

7 Is that what was said at that time during this  
8 conference?

9 A. Yes, sir.

10 THE COURT: Let us end for the evening.

11 Remember, ladies and gentlemen, tomorrow is Friday.  
12 So, our schedule is a little bit different. If you would  
13 please meet on the 2nd Floor by quarter to 9:00, we will get  
14 started when you are up here. And, then, we will go through  
15 just a half-day.

16 Remember, do not discuss the case. Do not read,  
17 watch or listen to any media coverage. Have a great evening.

18 (Jury out.)

19 THE COURT: Agent, you may step down.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Please make sure you are here tomorrow by  
22 about 20 to 9:00.

23 THE WITNESS: Yes, ma'am.

24 THE COURT: Remember, you have been tendered for  
25 cross-examination. You may not discuss your testimony with

1 any of the prosecutors in the case. Okay?

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Tomorrow, my guess is Agent Miranda will  
4 be on the stand for a little bit.

5 Who is after Agent Miranda?

6 MR. SCHAR: Judge, my guess is we'll play calls and  
7 -- I know we will play calls and probably call one of the  
8 agents to publish some more documents. We do not have an  
9 outside witness available for tomorrow.

10 And we are doing everything we can for Wednesday, as  
11 well, but we're having difficulty getting people to agree to  
12 come in and out the day before Thanksgiving. So, we're trying  
13 to find -- we're trying to get as much as we can in Monday and  
14 Tuesday, and we will try to find something to do on Wednesday,  
15 as well, and maybe find somebody in the Chicago area who is  
16 available.

17 THE COURT: Wednesday will be a half day, given that  
18 it is the Wednesday before Thanksgiving. If we end a little  
19 early, my guess is nobody will complain.

20 MR. MOFFITT: I won't.

21 THE COURT: I will not.

22 You will?

23 MR. MOFFITT: I won't.

24 THE COURT: You will not.

25 I will not, either, Mr. Moffitt.



1 MR. DEUTSCH: Judge, I wanted to make a request of  
2 you.

3 There is a conference this Thanksgiving at the  
4 Rosemont Crown Plaza.

5 MR. MOFFITT: Without interrupting, Dr. Ashqar has to  
6 take his wife to the airport. Can he leave?

7 THE COURT: Certainly. Certainly.

8 You are excused.

9 THE DEFENDANT ASHQAR: Thank you.

10 THE COURT: I will see you tomorrow morning.

11 MR. DEUTSCH: There's a conference on Palestine at  
12 the Crown Plaza Hotel in Rosemont. It's from November 23rd to  
13 November 25th, and Mr. Salah would like to attend the  
14 conference and stay overnight at the hotel on the 23rd and the  
15 24th.

16 THE COURT: Is there any objection to that?

17 MR. SCHAR: As long as I can get a photocopy of  
18 that --

19 MR. DEUTSCH: I'll make a copy of that.

20 MR. SCHAR: -- I have no objection.

21 MR. DEUTSCH: Okay. I will make you a copy.

22 THE COURT: Okay.

23 I will modify the conditions of his bond to allow him  
24 to do so.

25 MR. DEUTSCH: Okay.

1           THE COURT: I know there are two motions still: The  
2 one regarding the American Consulate and the one that you  
3 filed, Mr. Moffitt. I will likely take those up tomorrow when  
4 we break for the day, since it is a half-day and the witness  
5 is not going to be appearing tomorrow.

6           Yes? You looked like you were going to say  
7 something.

8           MR. DEUTSCH: Is it -- I mean, maybe they don't. If  
9 they don't, they don't. On Monday or Tuesday, do we know who  
10 the live witnesses --

11          MR. SCHAR: We will talk about this tonight and try  
12 and figure out exactly who we'll be calling on Monday.

13          THE COURT: I would like to know tomorrow at the end  
14 of the day who all of your witnesses are for next week --

15          MR. SCHAR: Okay.

16          THE COURT: -- since it is a short week.

17          MR. SCHAR: Got it.

18          THE COURT: I have a ruling for you, too, that will  
19 be handed to you. It is a CIPA ruling. This is, hopefully,  
20 the last CIPA issue. It is the written ruling that I promised  
21 you would come regarding the substitutions.

22          Everything I have said to you is oral already. It  
23 contains CIPA materials. So, there is a public version that  
24 has been issued. I will give you each a copy of this one. It  
25 is consistent with our extensive hearings that we had on the

1 issue.

2 Anything else?

3 MR. FERGUSON: No, Judge.

4 THE COURT: Have a good evening. I will see you  
5 tomorrow.

6 Try to be here by about 20 to 9:00 -- because my  
7 guess is, based on their past, they will be up here and ready  
8 to go by 20 till -- so, we can get started.

9 MR. SCHAR: Judge, the only other thing is we're  
10 supposed to use the elevators closest to right here, right?

11 THE COURT: Correct. The jurors --

12 MR. SCHAR: Okay.

13 THE COURT: -- coming in at the far end. Correct.

14 MR. SCHAR: Not the ones at the north end?

15 THE COURT: Correct.

16 MR. SCHAR: Got it. Okay.

17 THE COURT: Okay. I will see you tomorrow.

18 Jim will give you these.

19 \* \* \* \* \*

20 I certify that the foregoing is a correct transcript from the  
21 record of proceedings in the above-entitled matter.

22 \_\_\_\_\_, 2006  
23 Official Court Reporter

24

25

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, ) Docket No. 03 CR 978  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
MUHAMMAD HAMID KHALIL SALAH AND )  
ABDELHALEEM HASAN ABDELRAZIQ ASHQAR, ) Chicago, Illinois  
 ) November 17, 2006  
Defendants. ) 9:00 o'clock a.m.

VOLUME TWENTY-TWO  
EXCERPT OF TRIAL PROCEEDINGS  
BEFORE THE HONORABLE AMY J. ST. EVE, AND A JURY

APPEARANCES:

For the Plaintiff: HON. PATRICK J. FITZGERALD  
United States Attorney  
BY: MR. JOSEPH M. FERGUSON  
MR. REID J. SCHAR  
MS. CARRIE E. HAMILTON  
219 S. Dearborn St., Suite 500  
Chicago, Illinois 60604

For Deft. Salah: PEOPLE'S LAW OFFICES  
BY: MR. MICHAEL EDWARD DEUTSCH  
MS. ERICA THOMPSON  
MR. BENJAMIN H. ELSON  
1180 North Milwaukee Avenue  
Chicago, Illinois 60622

For Deft. Ashqar: MR. KEITH ALLAN SPIELFOGEL  
20 North Clark Street, Suite 1200  
Chicago, Illinois 60602

MR. WILLIAM MOFFITT  
11582 Greenwich Point Road  
Reston, Virginia 20194

1 APPEARANCES (Cont'd):

2

3 Also Present:

S/A BRADLEY BENAVIDES, FBI

4

S/A JILL PETTORELLI, FBI

5

6 Court Reporter:

MR. JOSEPH RICKHOFF

7

Official Court Reporter

8

219 S. Dearborn St., Suite 1232

9

Chicago, Illinois 60604

10

(312) 435-5562

11

12

\* \* \* \* \*

13

PROCEEDINGS RECORDED BY

14

MECHANICAL STENOGRAPHY

15

TRANSCRIPT PRODUCED BY COMPUTER

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

1 THE CLERK: 03 CR 978, USA vs. Muhammad Salah and  
2 Abdelhaleem Ashqar. Jury trial continues.

3 THE COURT: Good morning.

4 MR. FERGUSON: Good morning, Judge, Joe Ferguson,  
5 Reid Schar, Carrie Hamilton for the government.

6 MR. DEUTSCH: Michael Deutsch and Erica Thompson and  
7 Muhammad Salah for Mr. Salah.

8 MS. THOMPSON: He is here. He's just getting water.

9 THE COURT: Yes, I saw him earlier.

10 MR. MOFFITT: William Moffitt and Keith Spielfogel,  
11 and we are awaiting Dr. Ashqar.

12 THE COURT: Okay.

13 MR. MOFFITT: We have no reason to believe that he  
14 won't be here or wouldn't be here.

15 THE COURT: Do you want to check outside and see if  
16 he is --

17 MR. SPIELFOGEL: I just did.

18 MR. MOFFITT: We know that he is driving. Sometimes  
19 he gets lost. I've been with him when that has happened.

20 THE COURT: Okay.

21 Well, we cannot start the trial without him.

22 Do you have a cell phone or a way of contacting him?

23 MR. MOFFITT: I do, but it's over -- it's over in the  
24 office where --

25 MR. SPIELFOGEL: I can call him, Judge.

1 THE COURT: Would you please?

2 MR. SPIELFOGEL: I will.

3 THE COURT: Thank you.

4 MR. MOFFITT: And I left my cell phone because we  
5 were having trouble turning it off.

6 THE COURT: That is probably a good idea.

7 Here he comes. He is on his way.

8 (Brief pause.)

9 MR. SPIELFOGEL: For the record, Dr. Ashqar is  
10 present in court.

11 THE COURT: Okay.

12 Please bring in the jury.

13 Mr. Spielfogel, are you ready?

14 MR. SPIELFOGEL: I am, Judge.

15 (Jury in.)

16 THE COURT: You may be seated.

17 Good morning.

18 I see you brought your sweaters with you.

19 (Laughter.)

20 THE COURT: I do not blame you.

21 We are going to continue today with the presentation  
22 of evidence. Remember today is a half-day.

23 Mr. Spielfogel, you may continue.

24 Agent --

25 MR. SPIELFOGEL: Thank you, your Honor.

1 THE COURT: -- before you do, let me remind you that  
2 you are still under oath.

3 THE WITNESS: Yes, ma'am.

4 ROBERT MIRANDA, PLAINTIFF'S WITNESS, PREVIOUSLY SWORN  
5 CROSS-EXAMINATION ON BEHALF OF DEFENDANT ASHQAR - Resumed  
6 BY MR. SPIELFOGEL:

7 Q. Good morning, Agent Miranda.

8 A. Good morning, sir.

9 Q. Agent, during the course of the conversations that went on  
10 at the Philadelphia meeting, there were several topics that  
11 were discussed by the participants, as far as how the movement  
12 would now be viewed in light of the Oslo Accord; is that  
13 correct?

14 A. Yes, sir.

15 Q. And they had some real fears about some of the things that  
16 the Accord would mean as to the Islamic people; isn't that  
17 correct?

18 A. Yes, sir.

19 Q. Well, one of the things that they were concerned about was  
20 that now if anyone took a position against the Accords, they  
21 would be termed terrorists; isn't that correct?

22 A. That's partially correct, yes, sir.

23 Q. And, in fact, that was discussed during the meeting.

24 MR. SPIELFOGEL: And I would ask, your Honor, if you  
25 would direct the jury to Tab 19, Page 1.



1 THE COURT: Of Philadelphia Conference, correct?

2 MR. SPIELFOGEL: Everything is Philadelphia  
3 Conference.

4 THE COURT: Okay.

5 Please grab your Philadelphia Conference binder.

6 When you get it, turn to Tab 19, please. Page 1, Tab  
7 19.

8 BY MR. SPIELFOGEL:

9 Q. I'm going to direct your attention to Lines 30 through 42  
10 on that page.

11 Agent, during the course of that meeting on the issue  
12 that I just discussed, the person with the initials "Ak" made  
13 the following statement; is that correct?

14 Line 30: "For example, there was a seminar at George  
15 Washington University a week ago about the Middle East process  
16 and terrorism. This was its title. They brought experts  
17 from -- er, from the Center of Strategic International  
18 Studies, from the Near East Policies, from the Israeli  
19 Embassy, the military attache and his deputy. I mean, there  
20 were some people who were trying to present the Israeli point  
21 of view mostly about how the coming stage will be like. I  
22 just wanted to mention some of the points which they  
23 unanimously agreed on, as these will be the points we will  
24 work on in the future. For example, instead of saying that  
25 terrorism now is -- so that all of you are in the picture,

1 they defined terrorism as anyone who is opposed to the  
2 agreement. You are against peace and a terrorist if you  
3 oppose the agreement. The issue of being opposed to the  
4 agreement as a point of view is no longer there with them.  
5 You are against peace. If you are opposed to peace, it means  
6 that it is okay to slaughter you in any suitable manner they  
7 deem fit."

8 Was that said during the course of this conference?

9 A. Yes, it was.

10 Q. There was also a tremendous amount of concern by many of  
11 the participants that Yasir Arafat would now have his people  
12 running Gaza and the West Bank, and that his people's number  
13 one goal was the elimination of the Islamic movement; isn't  
14 that correct?

15 A. Yes, it was a concern.

16 Q. He was -- they were concerned -- and, by the way, Yasir  
17 Arafat's people, prior to the Oslo Accord, they were at war  
18 with Israel; isn't that correct?

19 A. The PLO, sir?

20 Q. That's correct.

21 A. Yes, sir.

22 Q. Then, one day you have this agreement reached and the next  
23 day they're working with the Israelis; isn't that correct?

24 By and large.

25 A. By and large.

1 Q. Okay.

2 So, one of the concerns that the movement had at this  
3 conference was that now that the PLO people were out of jails,  
4 they would be running the situation in Gaza; they would be the  
5 ones with weapons; and, they would be coming against the  
6 people who were part of the movement; isn't that correct?

7 A. That's partially correct.

8 Q. Well, let me turn your attention, if we could, to Tab 7.

9 THE COURT: Please turn to Tab 7 in this binder.

10 MR. SPIELFOGEL: Page 5.

11 THE COURT: Page 5 of Tab 7.

12 MR. SPIELFOGEL: And I would ask you to please look  
13 at Lines 15 through 22.

14 BY MR. SPIELFOGEL:

15 Q. A person with the initials "Ga," did he make the following  
16 statement at the meeting:

17 "Number one is the reality and it will be. There are  
18 available information -- unintelligible -- that Abou Ammar --  
19 " who is Abou Ammar?

20 A. That is an alias for Arafat.

21 Q. " -- has authorized his special forces to erect the  
22 gallows for the movement in Gaza. This is one. Two, Fatah --  
23 unintelligible -- they used to be persecuted, on the run and  
24 locked up like you, I mean, in jails. That is what -- in the  
25 jails they're just like you. How about when they have

1 authority, an -- a flag, an Army, money and a job, jobs and  
2 ID's? What do you expect will happen? They will be murderer  
3 criminals, my brothers. Even the doctors among them. Doctors  
4 among them have criminal mentalities."

5 Was that said during the course of that conference?

6 A. Yes, it was.

7 Q. We heard a lot of transcripts and a lot of transcripts  
8 were played as far as things that Dr. Ashqar, himself, said  
9 during the course of the Philadelphia conference; is that  
10 correct?

11 A. Yes, sir.

12 Q. I know that this one on Tab --

13 MR. SPIELFOGEL: I'd ask if the jury could go to Tab  
14 11, Page 10 and 11.

15 THE COURT: Please turn to Tab 11, Page 10.

16 BY MR. SPIELFOGEL:

17 Q. And this was an address that Doctor -- we're going to  
18 start on Line 22.

19 This is an address that Dr. Ashqar gave at the  
20 conference; is that correct?

21 A. Yes, sir.

22 Q. And I know that we played this on the computer and we put  
23 it up on the screen.

24 Do you remember that?

25 A. Yes, sir.

1 Q. And we went through it quickly at that time.

2 Do you remember that?

3 A. Yes, sir.

4 Q. I want to ask you, again, if this is what Dr. Ashgar had  
5 to say to these people in the meeting in Philadelphia:

6 "I resort to God from the pelted devil. As you know,  
7 of course, due to the bad situation of education in the  
8 inside, there was a need for specialized centers abroad.  
9 Education is the movement's capital in the inside. The future  
10 of the struggle depends on education, whether we like it or  
11 not. Also, due to the deterioration of -- or the bad level of  
12 education in -- unintelligible -- are mostly laborers in  
13 Israeli factories. It was very hard to find a college  
14 graduate from the 48, the territories. Maybe in the '60s. In  
15 the '70s, you wouldn't find one college graduate. This is  
16 generally speaking. The reality is even worse in the Islamic  
17 surroundings and the Islamic movement. College graduates are  
18 very few. College graduates are very few -- " I'm sorry -- "  
19 and a large segment of laborers support them. As for the  
20 educated ones, they're few in number. The danger is that --  
21 this is like a building without columns, especially when it  
22 comes to Sharia education. People send very few people to  
23 education. To build a college called David of Dawa'a and  
24 Islamic Sciences and they carried their papers to all parts of  
25 the world: America, Kuwait and Saudi Arabia. And, until now,

1 it still doesn't have a building or a college staff of its  
2 own. Their college staff is from the West Bank and Gaza.  
3 They come upon order from the military commander and return  
4 every day. The building is still housed in the Noble Quran  
5 House made up of four or five rooms only. They had a project  
6 and they went to the municipality where they got a lot of  
7 land, but the project is not completed. It seems that a donor  
8 from Britain or something had donated a hundred thousand to  
9 this project. Anyway, we at the Al Aqsa fund, briefly, had a  
10 fundraising campaign during the month of Ramadan, which wasn't  
11 successful. It wasn't as we hoped. But we hope it will be a  
12 good start, God's willing. We set as goals for us the  
13 following: First of all, supporting the specializations which  
14 we need in the inside; particularly, media, journalism, law,  
15 political sciences. Two, supporting higher education and  
16 higher studies in Arab countries, as their cost is small and  
17 we are ready to support any specialized higher studies in Arab  
18 countries. It is true that we have allocated a humble budget;  
19 a specialization in the inside, a thousand dollars annually;  
20 1500 annually for higher studies in Arab countries. Three,  
21 attempting to benefit from our brothers in colleges to get  
22 accepted for higher studies in America. We don't have an  
23 ability right now -- right now we don't have an ability to  
24 support any students for higher studies in America. A student  
25 costs between 15,000 and 20,000. But it is possible that we

1 have his -- unintelligible -- and they prepare his file and we  
2 try through our brothers in colleges to get him accepted  
3 through a scholarship. This is, of course, inapplicable to -- "  
4 "this is, of course, is applicable to higher studies in  
5 America. Talking about the future, if God renders things easy  
6 for the fund, we can support some of the Islamic brothers who  
7 can come to America to do a specialized study in the three  
8 fields I mentioned before: Law, advertising and journalism,  
9 and political sciences, if things go well. As for the near  
10 future, we have an upcoming visit by a brother from the  
11 faculty of Dawa'a and Fundamentals of Religion, Jerusalem  
12 University. He was recommended by our brothers in Jerusalem.  
13 His name is Mr. Ahmad Moustafa Waffaqa. He will arrive next  
14 Wednesday and, God's willing, we will arrange with the fund a  
15 tour in some of the cities hoping that we can raise as much as  
16 we can to achieve the goals we have. In addition to that,  
17 there is an attempt to sell the project for the college of  
18 Dawa'as and Islamic Sciences in Um El-Fahem. And I speak from  
19 a position of someone who knows the current status of  
20 education and knows that -- unintelligible -- 90 percent or 95  
21 percent of the ranks of our Islamic brothers in the Islamic  
22 Movement do not -- unintelligible. There must be equality.  
23 This is it. They can carry out any project, but --  
24 unintelligible.

25 "A quick comment. The true blessings then come from

1 the laborers and -- all those who have college degrees are the  
2 ones who are behind." I guess there was laughter.

3 "As for the institutional activism, I don't disagree  
4 with the person who -- part of the problem of our brothers --  
5 unintelligible -- is that they are all educated. But I'm  
6 saying that it is a matter of balance. The other project  
7 which are trying to sell is the labs of the College of  
8 Engineering at the Islamic University. They opened a new  
9 college for engineering. The entire number of students at the  
10 Islamic University was 5,000 students. Now the students are  
11 less than 2,000. Of course -- unintelligible -- there is no  
12 time for details right now. Generally speaking, other  
13 universities were built to steal the show from the Islamic  
14 University. There is a competition between them and the  
15 Islamic University. Al Azhar University started new  
16 specializations, which they are needed in society, such as  
17 pharmacy, agricultural -- things which people need. For the  
18 Islamic University, in order for it to exist, it had to change  
19 its specializations, at least, and start a college for  
20 engineering. But the College of Engineering right now has no  
21 lab or educational staff. We will try, God willing, to sell  
22 these projects. May God reward you well."

23 Was that what Dr. Ashqar told the people gathered in  
24 Philadelphia?

25 A. Yes, it is, sir.



1 Q. He spoke about several other things that he felt were  
2 necessary that the people who were gathered tried to advance.  
3 He talked about the need for official delegations of the  
4 Islamic community to go visit families of those who had been  
5 deported; is that correct?

6 A. Yes, sir.

7 Q. And he talked about the need to get assistance to the  
8 families of those people; is that correct?

9 A. That's correct, sir.

10 Q. And, as a matter of fact, at one point, he asked a  
11 congregation, "My God, what crime has the child of a person in  
12 prison committed?"

13 Isn't that correct?

14 A. I think he makes a comment like that, yes, sir.

15 Q. He talked about the dire need for charitable work in  
16 America; isn't that correct?

17 A. Yes, sir.

18 Q. And the need to raise human rights issues, that they had  
19 to be brought up in the United States; isn't that correct?

20 A. He addresses that.

21 Q. And he talked about the fact that we needed to establish  
22 an archive for all of the materials relating to the  
23 Palestinian people; did he not?

24 A. No. He said an archive for the movement, which is Hamas.

25 Q. The movement --

1 A. The movement's clear- --

2 Q. Your --

3 A. Go ahead, sir.

4 Q. -- definition --

5 A. Pardon me.

6 Q. -- of the movement is anyone who is involved in the  
7 movement who believes in the rights of the Palestinian people,  
8 that person is Hamas; is that correct?

9 A. No, sir. I am using the definition established in the  
10 committee here where they would say "the movement equals  
11 Samah," "Islamic movement equals Samah," "Hamas equals the  
12 movement."

13 Q. You cannot be in favor of the Islamic people's rights, in  
14 your mind, and not be a member of Hamas; is that what you're  
15 telling us?

16 A. No. What I'm saying is you're saying that Ashqar said  
17 something, and I'm telling you that's not what he said.

18 Q. Let's look at exactly --

19 A. Yes, sir.

20 Q. -- what he said.

21 A. Let's do that.

22 MR. SPIELFOGEL: I'd ask if the jury could please  
23 turn to Tab 8, Page 7.

24 THE COURT: Please turn to Tab 8 and Page 7 within  
25 Tab 8.

1 MR. SPIELFOGEL: And I would go to Line 2 of the top  
2 of Page 7.

3 THE COURT: Okay.

4 BY MR. SPIELFOGEL:

5 Q. Did he say the following: "Receiving delegations, as  
6 well. Keeping an archive. The entire archive in the inside  
7 might be confiscated entirely. If there was really no  
8 duplicate for it, the Movement will really become without a  
9 heritage and every moment will begin from zero --  
10 unintelligible."

11 Is that what he said?

12 A. Well, actually, he said "and every movement will begin  
13 from zero"; but, yes, that's what he said.

14 Q. "The movement will really become without a heritage."  
15 He's talking about a heritage there; isn't that correct?

16 A. He uses the word "heritage."

17 Q. It's a heritage of the Palestinian people, Agent; isn't  
18 that correct?

19 A. No. You are wrong, sir.

20 Q. Okay.

21 He talked about the fact that it was very important  
22 to invest in the inside; spoke about investments that would  
23 yield a high dividend, that will employ the youths who live in  
24 the Palestinian -- in Gaza and in West Bank; isn't that  
25 correct?

1 A. Yes, sir.

2 Q. Were those youths all Hamas people that he's talking about  
3 there?

4 A. He doesn't say that there, sir.

5 Q. But I thought he would only be concerned about people who  
6 were in Hamas?

7 A. I think he's primarily concerned about people in Hamas.

8 Q. Now, he got ready to leave the conference; isn't that  
9 correct?

10 A. Yes.

11 Q. And he said, "There's a couple things I just want to talk  
12 about before I leave"; is that correct?

13 A. Yes, sir.

14 Q. And, actually, there were three things that he wanted to  
15 talk about; do you recall that?

16 A. He had some points, yes.

17 Q. Okay.

18 The first one was he wanted more rights for women in  
19 the movement; isn't that correct?

20 A. I'm not sure if he said that or another individual said  
21 that, sir.

22 Q. Well, you don't recall him saying that women needed larger  
23 roles?

24 A. I recall that an individual said that, but I wasn't  
25 certain --

1 Q. Let's go to Tab --

2 A. -- if it was him or another individual.

3 Q. Let's go to Tab 25, if we could, please.

4 THE COURT: Please turn to Tab 25.

5 MR. SPIELFOGEL: I'm looking for the page, your  
6 Honor.

7 THE COURT: Okay. Take your time.

8 (Brief pause.)

9 MR. SPIELFOGEL: And I'd ask you to please turn to  
10 Page 19.

11 THE COURT: Page 19 of Tab 25.

12 MR. SPIELFOGEL: And I direct you to Line 11.

13 BY MR. SPIELFOGEL:

14 Q. Do you have that, Agent?

15 A. Yes, sir.

16 Q. "As" is Ashqar; is that correct?

17 A. That's correct, sir.

18 Q. Line 11: "Really, we should be opening the woman subject.

19 Unidentified -- a person who you don't know who it  
20 was -- says, "The woman."

21 Ashqar: "The community and its women. It is true --  
22 unidentified -- first of all, our women, our sisters."

23 Someone says, "May God have mercy on Dr. Bishtaqi's  
24 soul."

25 "Amen."

1           Ashqar: "The right thing to do is to give them  
2 political representation in a manner which gives the ability  
3 -- to give something, that is. In addition to their role in  
4 organizing activities and attempting to highlight their role  
5 in the activities of the association, charity work or anything  
6 else."

7           Is that what Dr. Ashqar said?

8   A. Yes, sir.

9   Q. He also talked about, before he left the conference, that,  
10 "We need to get better speakers to go and give talks on the  
11 inside and here in the United States"; isn't that correct?

12   A. Yes, sir.

13   Q. And, finally, he spoke about the fact that we needed to  
14 try to get minority scholarships for Muslim students so that  
15 they could attend law schools here in the United States; is  
16 that correct?

17   A. Yes, sir.

18   Q. Now, he then left the conference; is that correct?

19   A. Yes, sir.

20   Q. The conference continued; is that right?

21   A. Yes, sir.

22   Q. There were more informal meetings that occurred at that  
23 point? Do you know?

24   A. There was a continued discussion, yes, sir, that was  
25 captured.

1 Q. The meeting that took place in Philadelphia, as we've  
2 already established, this was at a public hotel; is that  
3 correct?

4 A. Yes, sir.

5 Q. There were no locks on the doors; is that correct?

6 A. I have no idea about locks on the doors, sir.

7 Q. Well, you think walking in the front door of the  
8 conference, that the front door was locked --

9 A. I --

10 Q. -- of the hotel?

11 A. I have no idea, but I seriously doubt it.

12 Q. Do you seriously doubt that the door going into the  
13 conference room in Conference Room B was locked? Do you doubt  
14 that?

15 A. I have no idea. I couldn't see the door from the  
16 videotape, sir.

17 Q. Okay.

18 But, in your mind, maybe it was locked; is that  
19 right?

20 A. No, I'm not saying that at all. I'm saying I have no  
21 idea.

22 Q. Okay.

23 MR. SPIELFOGEL: I have nothing further, your Honor.

24 THE COURT: Mr. Deutsch?

25 Ms. Thompson?

1 MR. DEUTSCH: Ms. Thompson.

2 MS. THOMPSON: Thank you, Judge.

3 CROSS-EXAMINATION ON BEHALF OF DEFENDANT SALAH

4 BY MS. THOMPSON:

5 Q. Good morning, Agent Miranda. How are you?

6 A. Good, ma'am.

7 Q. I may find it necessary to refer to a couple of documents  
8 in the Ashqar Search Documents, as well as in the Philadelphia  
9 conference transcripts.

10 Do you have both of those available to you --

11 A. No, ma'am.

12 Q. -- up there?

13 MS. THOMPSON: Thank you.

14 MS. HAMILTON: Judge, I'm going to hand the Search  
15 Documents binder to the witness.

16 THE COURT: Okay. You may.

17 (Document tendered.)

18 THE WITNESS: Thank you.

19 MS. THOMPSON: Thank you, Ms. Hamilton.

20 BY MS. THOMPSON:

21 Q. Now, Agent Miranda, you were not an agent when -- with the  
22 FBI in 1993, were you?

23 A. Not with the FBI.

24 Q. Okay.

25 And this conference in Philadelphia that you've been



1 talking about, in fact, took place in October of 1993; isn't  
2 that correct?

3 A. That's correct, ma'am.

4 Q. And just so the jury is absolutely clear, this conference  
5 in Philadelphia -- which we have been talking about for a  
6 couple of days now -- took place before the time that Hamas  
7 was designated a terrorist organization by the United States;  
8 isn't that right?

9 A. That is correct.

10 Q. And, so, since you weren't with the FBI in 1993, when the  
11 conference took place, it's fair to say that you weren't  
12 listening to the conference at the time it took place; is that  
13 right?

14 A. That's correct.

15 Q. And it would be fair to say, also, that you were not part  
16 of any FBI surveillance of the Marriott Hotel in 1993, either,  
17 were you?

18 A. That's correct, ma'am.

19 Q. And, so -- and you don't -- I think you explained  
20 yesterday that you don't really speak Arabic fluently; is that  
21 correct?

22 A. That's correct, ma'am.

23 Q. And, certainly, in 1993, you didn't even, for lack of a  
24 better way to put it, hear Arabic fluently; isn't that  
25 correct?

1 A. That would be correct.

2 Q. Okay.

3 And, so, what you are familiar with, sir, is the  
4 transcripts of the translations into English of a conference  
5 which was pretty much exclusively conducted in Arabic; is that  
6 right?

7 A. Correct.

8 Q. Okay.

9 And I think you told the jury yesterday that you had  
10 read over those translations -- those English translations --  
11 of those documents -- that took place in a conference 13 years  
12 ago -- that you had read those over a couple times?

13 A. That's correct, ma'am.

14 Q. And the conference lasted approximately three days; is  
15 that right?

16 A. That's right, ma'am.

17 Q. And you know as you sit there that the FBI, in fact,  
18 bugged the entire conference 13 years ago; isn't that right?

19 A. Yes, ma'am.

20 Q. Now, you have no information whatsoever that Muhammad  
21 Salah was present at that Philadelphia conference 13 years  
22 ago, do you?

23 A. No. He was in jail.

24 Q. He was in prison, in fact, wasn't he?

25 A. That's correct.

1 Q. And he was under the custody, detention and interrogation  
2 of Shin Bet at the Ramallah interrogation center; isn't that  
3 right?

4 A. The Israelis. I'm not sure Shin Bet or not, but certainly  
5 in Israeli custody.

6 Q. All right.

7 And, so, after reviewing those English translations a  
8 couple of times, as you told the jury yesterday, you then came  
9 here to Chicago and you have -- with Ms. Hamilton, you went  
10 through a number of those translations on direct examination;  
11 is that right?

12 A. That's correct.

13 Q. And you and Ms. Hamilton didn't go through those  
14 translations in order, did you?

15 A. Actually, yes, we did.

16 Q. On direct examination --

17 A. Oh, pardon me. I didn't --

18 Q. On direct examination to this jury --

19 A. No, not --

20 Q. -- you and Ms. Hamilton -- let me finish my question, sir.

21 A. Pardon me, ma'am.

22 Q. On your direct examination by Ms. Hamilton in front of  
23 this jury, you did not go through the translations of those  
24 three days of conference in order, did you?

25 A. Correct, ma'am.

1 Q. In fact, we would go from Tab 25 to Tab 8 to Tab 11 and  
2 sort of jumped all over the book; isn't that fair to say, sir?

3 A. Yes.

4 Q. And how many --

5 MS. THOMPSON: Well, strike that.

6 BY MS. THOMPSON:

7 Q. And, in fact, you and Ms. Hamilton on direct examination  
8 certainly didn't go through all of the English translations of  
9 the three days of FBI bugging at the conference, did you?

10 A. No, we didn't go through all three days.

11 Q. And how many hours would you estimate that you have spent,  
12 either with or without Ms. Hamilton, deciding which parts of  
13 this conference and in what order you wanted to present them?

14 A. There's two questions there. I think maybe I spent a week  
15 going through this. A solid week.

16 In terms of how much time we've spent deciding what  
17 order, she decides the order. I probably worked with her -- I  
18 know I worked with her -- a good five hours last Saturday over  
19 a phone and maybe a couple hours here, and that's about it.

20 Q. All right.

21 And it's fair to say that the process that you went  
22 through was to sort of, what we'd call, to cherry-pick which  
23 parts of a three-day bugging by the FBI you wanted to present;  
24 is that right?

25 A. No --

1 MS. HAMILTON: Objection.

2 BY THE WITNESS:

3 A. -- I would disagree.

4 BY MS. THOMPSON:

5 Q. Now, other than, I believe, at one mention in your direct  
6 examination by Ms. Hamilton -- and I've been through these  
7 transcripts a number of times, and I think I saw one other  
8 mention of the term "jihad" mentioned.

9 There is, in fact -- in three days of FBI bugging,  
10 there isn't one word about planning any military activity at  
11 that conference, is there?

12 A. No. This is not a conference about that.

13 Q. There is no mention in a three-day conference at the  
14 Marriott Hotel of building a military structure, is there?

15 A. No, there is not.

16 Q. There is no mention, in a three-day conference -- one word  
17 -- about planning any military action, is there?

18 A. That's correct, ma'am.

19 Q. There is no mention anywhere in a three-day conference of  
20 purchasing any weapons, is there?

21 A. That's correct, ma'am.

22 Q. There is no mention anywhere in a three-day conference --  
23 which the FBI bugged -- of building any bombs, is there?

24 A. That's correct, ma'am.

25 Q. There is no mention anywhere in a three-day conference --

1 every moment of which was bugged -- of anything having to do  
2 with suicide bombings; is there, sir?

3 A. That's correct, ma'am.

4 Q. There is no mention anywhere in a three-day conference of  
5 anything having to do with any kind of military purchase, is  
6 there?

7 A. Correct.

8 Q. And, in fact, there is no mention -- in three days of FBI  
9 bugging at the Marriott Hotel in October of 1993, no mention  
10 whatsoever -- of even purchasing any kind of ammunition, is  
11 there?

12 A. Correct.

13 Q. Now, just to be clear, because we don't want the jury to  
14 be confused --

15 MS. THOMPSON: Judge, if we could direct the jury to  
16 Tab 23 of the Philadelphia Conference binder.

17 THE COURT: Please turn to Tab 23.

18 MS. THOMPSON: On Page 2 --

19 THE COURT: Page 2 of Tab 23.

20 MS. THOMPSON: -- of that document, on the first  
21 line.

22 BY MS. THOMPSON:

23 Q. Just because we don't want the jury to be confused, in  
24 that first line -- and I'll read -- was this said:

25 "Okay. The points which were mentioned, our

1 brothers, are as follows: The summary of the issues is what  
2 is needed is points, bullets, all of it."

3 Just so the jury is clear, we're talking about  
4 talking points here, aren't we?

5 A. Yes, ma'am.

6 Q. We're not talking about bullet points coming from a gun,  
7 are we?

8 A. No, ma'am, we're not.

9 Q. We're talking about, figuratively, the pen rather than the  
10 sword, aren't we?

11 A. We're talking about bullet points.

12 Q. And we're talking about bullet points which would be found  
13 to be issues summarizing a dialogue; isn't that accurate?

14 A. Yes, ma'am.

15 Q. Now, there's certainly no mention -- in these entire three  
16 days of FBI bugging at the Marriott Hotel, there's certainly  
17 no mention -- anywhere about any act of violence contemplated  
18 to be committed on American soil, is there?

19 A. No, I don't think there is.

20 Q. Now, you did tell Ms. Hamilton on direct examination  
21 yesterday afternoon, you said, in answer to her question,  
22 "People at the conference talked about destroying Israel's  
23 military," didn't you?

24 A. Yes, I did.

25 Q. Well, you're aware, aren't you, sir, that Israel has the

1 second most sophisticated and well-armed military in the  
2 world, aren't you?

3 MS. HAMILTON: Objection.

4 THE COURT: Sustained.

5 MS. THOMPSON: Judge, I just -- he can answer if he  
6 knows or not.

7 THE COURT: Ms. Hamilton?

8 MS. HAMILTON: If he knows at the time that this  
9 conference was being recorded, I would agree, but not  
10 generally.

11 THE COURT: Yes, rephrase your question.

12 MS. THOMPSON: Well, I think -- I'll break it down,  
13 Judge.

14 THE COURT: Rephrase your question.

15 BY MS. THOMPSON:

16 Q. First of all, as you sit there today, are you aware that  
17 there has been any significant change in the amount of funding  
18 provided by the United States to Israel's military since 1993  
19 till today?

20 MS. HAMILTON: Objection.

21 THE COURT: Sustained on relevance grounds.

22 BY MS. THOMPSON:

23 Q. In 1993 -- or -- in 1993, were you aware that the United  
24 States, in fact, spent over a billion dollars a year, that  
25 they gave to Israel, to fund their military?



1 MS. HAMILTON: Objection.

2 THE COURT: Sustained on relevance grounds.

3 BY MS. THOMPSON:

4 Q. Are you aware that in 1993, Israel was the only country to  
5 whom the United States gave money that did not have to report  
6 at all what they used those expenditures for?

7 MS. HAMILTON: Objection.

8 THE COURT: Sustained on relevance grounds.

9 BY MS. THOMPSON:

10 Q. This was a conference about political issues at an  
11 historic juncture for the Palestinian people, wasn't it?

12 A. I wouldn't characterize it that way.

13 Q. Well, this wasn't a conference about drug smuggling, was  
14 it?

15 A. No, it was not a conference about drug smuggling.

16 Q. Was it a conference to do with drug lord territory?

17 A. No.

18 Q. It wasn't a conference that had anything to do with the  
19 Mafia, was it?

20 A. No.

21 Q. It wasn't a conference that had anything to do with  
22 gambling, was it?

23 A. No.

24 Q. It wasn't a conference that had anything to do with drug  
25 cartels, was it?

1 A. No.

2 Q. In fact, this was a conference about trying to get an  
3 understanding and support in America for the Palestinian  
4 struggle against occupation in the face of the powerful  
5 Israeli lobby, wasn't it?

6 A. No. I would say that this was a conference about  
7 supporting Hamas and aligning the organizations that support  
8 Hamas in the United States in light of the Oslo Accords and  
9 what they thought the actions were going to be to their  
10 organizations, both in the territories, in Israel and in the  
11 United States.

12 Q. This was a political conference, wasn't it?

13 A. "Political" is a broad term. This is a conference --

14 Q. Is it --

15 A. -- about supporting terrorism.

16 Q. Was -- sir, didn't you just tell this jury that there was  
17 not a word mentioned anywhere, in three days of FBI bugging,  
18 about a planned military action at -- any kind of ammunition,  
19 bombs or violence, either overseas or on American soil?

20 Didn't you just tell this jury that?

21 A. I sure did.

22 Q. Okay.

23 MS. THOMPSON: Now, if we could direct the jury,  
24 Judge, to the Philadelphia conference at Tab 8?

25 THE COURT: Please turn to Tab 8.

1 MS. THOMPSON: And it's at Page 8, Line --

2 THE COURT: Page 8, also? Tab 8, Page 8?

3 MS. THOMPSON: Tab 8, Page 8, Judge.

4 THE COURT: Okay.

5 MS. THOMPSON: And Line -- it's sort of toward the  
6 end of Line 11.

7 BY MS. THOMPSON:

8 Q. Didn't someone at the conference say the following:

9 "We are not an agent. We provide services to these  
10 people, either by sending monies, spreading their news or by  
11 informing them with this and that. I imagine that 75 percent  
12 of our work is for relief and 25 percent concern with the  
13 American -- " and the translator has inserted "front."  
14 "Should we now work 75 percent for America and 25 percent  
15 for -- " and then there's an unintelligible notation.

16 Isn't it true that when they are talking about the  
17 current situation, that they are spending -- 75 percent of the  
18 efforts of the conference participants are spent on social  
19 service relief? Isn't that accurate?

20 A. That's correct, ma'am.

21 Q. And they're saying that 25 percent of their current effort  
22 of the participants at the conference is spent trying to lobby  
23 in the United States to gain an understanding from U.S.  
24 lawmakers about the plight of the Palestinian people; isn't  
25 that right?

1 A. I think that's one aspect of it.

2 Q. And what's being suggested here, is it not, is that at  
3 this particular historical juncture, people are discussing  
4 whether or not -- given the importance and strength of the  
5 United States, whether or not -- 75 percent of their effort  
6 shouldn't be to try and raise the consciousness of the  
7 American people?

8 Isn't that what's being suggested here?

9 A. I -- I -- think that's just a small aspect of what it is.

10 Q. Well, the word "front," as inserted on Line 14, that's the  
11 translator's word, right?

12 A. In that particular instance, it is; but, I'm pretty sure  
13 it's used by some of the --

14 Q. And --

15 A. -- speakers, as well.

16 Q. I'm asking about that particular instance.

17 A. Yes, ma'am, in that particular instance.

18 Q. And that's an FBI translator, right?

19 A. That's correct.

20 Q. And that's the FBI translator that you told the jury has  
21 the office right across from yours, right?

22 A. That's correct.

23 Q. And you're certainly aware, sir, as you sit there, both  
24 now and back in 1993, about just how powerful the pro-Israeli  
25 lobby in this country is, aren't you?

1 MS. HAMILTON: Objection.

2 THE COURT: Sustained on relevance.

3 BY MS. THOMPSON:

4 Q. Now, you said before that you weren't particularly sure  
5 about the strength of the Israeli military back in 1993; is  
6 that right?

7 MS. HAMILTON: Objection.

8 THE COURT: What is the objection?

9 MS. HAMILTON: I don't know that that was his answer.  
10 I don't think that question was actually ever asked or  
11 answered.

12 THE COURT: Overruled.

13 You can answer.

14 The question was: "You said before."

15 BY THE WITNESS:

16 A. I don't think I answered that question.

17 BY MS. THOMPSON:

18 Q. Well, are you aware that in 1993, Israel was and, in fact,  
19 remains the second most powerful military in the world?

20 A. Repeat that, again, one more time.

21 Q. Were you aware in 1993 that Israel was the second most  
22 powerful and sophisticated military in the world?

23 MS. HAMILTON: I'm going to object to form.

24 THE COURT: Overruled.

25 You can answer that, if you can, or if you are aware.

1 BY THE WITNESS:

2 A. As a military officer in 1993, I would wholeheartedly  
3 disagree with that statement. There were a lot more powerful  
4 militaries than Israel in 1993 and even now.

5 BY MS. THOMPSON:

6 Q. They were the most sophisticated, besides the United  
7 States, in terms of weaponry; were they not?

8 A. No --

9 MS. HAMILTON: Objection.

10 BY THE WITNESS:

11 A. -- I would wholeheartedly disagree with that.

12 THE COURT: It can stand. He has answered.

13 BY MS. THOMPSON:

14 Q. Are they, in fact, funded more heavily by the United  
15 States than the entire continent of Africa?

16 MS. HAMILTON: Objection.

17 THE COURT: Sustained on relevance.

18 BY MS. THOMPSON:

19 Q. Now, in the early 1993 -- and that's the same year that  
20 the FBI bugged this conference, right? In 1993?

21 A. Yes, ma'am.

22 Q. -- Israel was, in fact, engaged in a major media campaign  
23 to stop funding to Palestinians living under occupation,  
24 weren't they?

25 A. I'm not aware of that.

1 Q. Well, certainly, you were aware that Israel was engaged in  
2 a major media campaign to deflect attention from their summary  
3 deportation of 415 Palestinian men in December of 1992,  
4 weren't you?

5 A. I am aware of the 413 individuals from Hamas and  
6 Palestinian Islamic Jihad who were deported to Marj al-Zuhur  
7 in Lebanon, yes.

8 Q. And, in fact, that was an act condemned by the United  
9 Nations, wasn't it?

10 A. I think it was.

11 Q. And that was an act, in fact, highly criticized and  
12 initially condemned by the United States, wasn't it?

13 A. I don't really know the U.S.'s position on that.

14 Q. And, in fact, Israel's campaign to stop any kind of  
15 funding to the Palestinian cause of people living under  
16 occupation was a result, sir, was it not, of trying to deflect  
17 attention from those illegal deportations, wasn't it?

18 A. No. It was my understanding that Israel was trying to get  
19 a handle on the terrorism and deported 413 leaders of Hamas  
20 and the Palestinian Islamic Jihad.

21 Q. Is that your understanding in 1993, sir?

22 A. No, that's -- that's -- my understanding from the work  
23 I've done as a result of the Holy Land Foundation, which  
24 supported those deportees. And, in that work, I've reviewed  
25 numerous videotapes in their possession that covered that --

1 the deportation -- and interviews of the deportees --

2 Q. So --

3 A. -- including significant -- can I finish my answer, ma'am?

4 Q. You may.

5 A. -- including significant Hamas leaders who were deported,  
6 such as Abdel Aziz Rantisi and others.

7 Q. So, you have chosen, in fact, have you not, sir, in your  
8 analysis of the deportations, to take the side of Israel in  
9 summary deportations, an act which was, in fact, criticized by  
10 the entire world except Israel; and, as you sit there today,  
11 you take the position that Israel was simply protecting  
12 itself; is that accurate?

13 A. No. All I'm doing is --

14 Q. Thank you. That was a "Yes" or "No" question, sir.

15 MS. THOMPSON: Now, I would ask, Judge, if we have  
16 them turn in the Search Documents to Tab 5.

17 THE COURT: Please switch binders and grab Search  
18 Documents binder. Tab 5 in the Search Documents binder.

19 (Brief pause.)

20 THE COURT: Tab 5.

21 BY MS. THOMPSON:

22 Q. Now, if I could --

23 THE COURT: One moment.

24 MS. THOMPSON: Sorry. Okay. I'll listen.

25 THE COURT: A lot of binders.



1           Tab 5.

2           MS. THOMPSON: In the first page of that document.

3           THE COURT: Okay.

4           You may proceed.

5           MS. THOMPSON: Thank you, Judge.

6 BY MS. THOMPSON:

7 Q. And, on the first page of that document, behind Page 5,  
8 which is enumerated No. 1, does that not say, "The FBI  
9 Assistant Director completely denied -- " or "denied  
10 completely that they are investigating or there is any plan to  
11 investigate Arabs or Muslims based on the recent Israeli-led  
12 media campaign. The FBI position is that they are not driven  
13 by media to instigate an investigation and they are aware of  
14 the fact that Israel is doing this to divert attention from  
15 the deportees issue. In addition, it is the right of the  
16 people in this country to raise funds."

17           Do you see that --

18 A. I see --

19 Q. -- in that document?

20 A. I see that.

21 Q. And you're aware of that; aren't you, sir? You read that  
22 for Ms. Hamilton in direct examination yesterday, didn't you?

23 A. We read that.

24 Q. And, in fact, there was a media campaign by Israel to  
25 deflect attention from the deportations, wasn't there?

1 A. All I know is what this author wrote with respect to that.

2 Q. Well, now, there was a meeting that took place on February  
3 24th of 1993 between representatives of the IAP and the FBI,  
4 wasn't there?

5 A. Yes, there was.

6 Q. And, in fact, present at that meeting was Neil Gallagher,  
7 who was the Assistant Director of the FBI, isn't he?

8 A. Not anymore. That's what it says.

9 Q. At that time?

10 A. At that time, ma'am.

11 Q. And have you seen the corresponding FBI memo, either by  
12 Gallagher or someone else in the FBI?

13 A. I'm not aware that there is one.

14 Q. Did you make any effort to try and find that, sir?

15 A. Personally, me, no.

16 Q. Yes.

17 A. Other agents did.

18 Q. Might that have been something you would have been  
19 interested in seeing?

20 A. Other agents did, ma'am.

21 Q. But as you sit there, you did not; is that accurate?

22 A. Other agents did, ma'am.

23 Q. My question is, sir: Did you make any effort?

24 A. Did I personally?

25 Q. Yes.

1 A. No, ma'am, I did not personally.

2 Q. Thank you.

3 Now, I'd like you to turn to Page 2 of that same  
4 document.

5 THE COURT: Page 2.

6 MS. THOMPSON: Tab 5.

7 THE COURT: Of Tab 5.

8 BY MS. THOMPSON:

9 Q. Now, in Page 2 of this document, which I believe you read  
10 for Ms. Hamilton yesterday, doesn't it say that the FBI knew  
11 that Israel's claim that the U.S. is the base for high-level  
12 command leadership in Hamas is just simply part of their media  
13 blitz and an exaggeration?

14 A. That's what the author of this document wrote, yes.

15 Q. And, again, that's a meeting which took place with the  
16 then-Assistant Director of the FBI, Neil Gallagher; isn't that  
17 right?

18 A. That's what's written in this document.

19 Q. And surely, sir, you know that on February 17th -- which  
20 it would have been exactly one week prior to this meeting, but  
21 -- with Mr. Gallagher and members of the IAP -- that, in fact,  
22 the New York Times ran a front-page story by Judith Miller  
23 claiming that Muhammad Salah was a high-level member of Hamas  
24 living in the United States; isn't that right?

25 A. I recall the article. I don't know if he was referred to

1 as a high-level member. It's been a while since I've read  
2 that article.

3 Q. And, certainly, that was considered and, in fact, was  
4 exactly what the Assistant Director of the FBI was claiming  
5 was simply media blitz and exaggeration; isn't that right?

6 A. I don't know if he --

7 MS. HAMILTON: Objection.

8 THE COURT: Sustained on foundation.

9 BY MS. THOMPSON:

10 Q. What is the ADC?

11 A. Arab Discrimination Council.

12 Q. And what is that?

13 A. Sounds like a organization to support Arab rights.  
14 Something along those lines.

15 Q. It's a major national civil rights group advocating on  
16 behalf of Arab Americans in the United States, isn't it?

17 A. I don't know.

18 Q. You don't -- you don't -- have any interest in knowing  
19 what that organization is, sir, in your work?

20 A. Not unless it's Hamas.

21 Q. Have you ever met with them?

22 A. No, I haven't.

23 Q. Have you ever sought, perhaps, the opinion of the Arab  
24 civil rights bar on any of the issues that you address in your  
25 work?

1 A. Actually, I think we have discussed with Arab community  
2 members and civil rights leaders from the Arab community. We  
3 do meet regularly.

4 Q. Well, do you know Craig Nojeim?

5 A. No, I don't think I do.

6 Q. Do you know whether other people in your office know him  
7 and consult with him?

8 A. I have no idea. I'm from Dallas. This guy could be  
9 anywhere.

10 Q. I'm from Houston.

11 MS. THOMPSON: Now, if we could turn now to Tab 8 of  
12 the Philadelphia Conference binder, Judge.

13 THE COURT: Please switch binders, ladies and  
14 gentlemen. Go to Tab 8.

15 (Brief pause.)

16 MS. THOMPSON: And behind Tab 8 in the Philadelphia  
17 Conference, I would refer the jury and the Court and the  
18 witness to Page 4.

19 THE COURT: Page 4 of Tab 8.

20 Okay.

21 MS. THOMPSON: And it's Line 37.

22 BY MS. THOMPSON:

23 Q. Did someone at the conference say the following: "First  
24 of all, the incident of Muhammad Salah. I won't linger on it  
25 in a narrative way. But you are all aware of it. And the

1 media has exaggerated it. The first result, conclusion or  
2 lesson from the incident of Muhammad Salah is that bearers of  
3 U.S. passports are not above the reach of the law. But if the  
4 issue has to do with -- unintelligible -- they're the same as  
5 those who carry an Egyptian travel document or those who carry  
6 an Israeli travel document. It is the same thing in front of  
7 Israeli law. This is something which ought to be taken into  
8 consideration."

9 Was that said at the Philadelphia conference?

10 A. Absolutely.

11 Q. I would now refer to -- flipping back and forth like  
12 this -- the Search Documents at Tab 24.

13 THE COURT: We are back to Search Documents, Tab 24.

14 (Brief pause.)

15 THE COURT: Tab 24.

16 BY MS. THOMPSON:

17 Q. And on that document, under "No. 1," does it not say,  
18 "Muhammad Salah-we are not above the law-accuracy-caution"?  
19 Is that right?

20 A. Yes, ma'am.

21 Q. Is that what's reflected in that document?

22 A. Yes, ma'am.

23 Q. Would you say that those are consistent, the message being  
24 communicated both at the conference and in that document?

25 A. Yes, ma'am.

1 Q. And, in fact, the message being communicated here is that  
2 Palestinian Americans are not immune; is that right?

3 A. No, that's not the message, ma'am.

4 Q. The conference participant, from what we read, is saying  
5 that if you're Palestinian, even if you are an American  
6 citizen and want to provide humanitarian assistance to people  
7 living under occupation, you are, in fact, subject to summary  
8 arrest, interrogation and detention by the Shin Bet and the  
9 IDF in Israel; isn't that right, sir?

10 A. With all due respect, ma'am, you're not even close.

11 Q. Well, you know that when Muhammad Salah was arrested in  
12 January 25th of 1993, he was taken to the Ramallah  
13 interrogation facility, wasn't he?

14 A. I don't know what facility he was taken to.

15 Q. Well, in fact, he was taken to the Ramallah interrogation  
16 facility. And are you aware, sir, that the reason that Shin  
17 Bet and the IDF claim that he was taken to that particular  
18 facility was because 26 years prior to that, he had grown up  
19 in a refugee camp in the Ramallah district?

20 Are you aware of that, sir?

21 A. I am not aware of that.

22 MS. HAMILTON: Objection.

23 THE COURT: Sustained.

24 BY MS. THOMPSON:

25 Q. And, in fact, the message is, "Once you're a Palestinian,

1 it doesn't matter if you have an American citizenship; you are  
2 always a Palestinian in the eyes of Israel," isn't it?

3 A. With respect to the documents you've asked me about --

4 Q. "Yes" or "No" question, sir.

5 A. I don't know.

6 Q. Now, I'm going to shift a bit to talk about the Oslo  
7 Accords. Okay?

8 Now, the conference participants, as Mr. Spielfogel  
9 talked to you about earlier, were very concerned about being  
10 labeled terrorists because they were opposed to the Oslo  
11 Accords; isn't that accurate?

12 A. That's one aspect of it.

13 Q. Kind of like being labeled unpatriotic if you're opposed  
14 to the war these days, isn't it?

15 A. No. I wouldn't put those analogies together.

16 Q. Well, they were concerned about Islamists and Muslims  
17 being labeled terrorists because they were opposed to the Oslo  
18 Accords, though; isn't that right?

19 A. They were concerned with what was going to happen to  
20 Hamas.

21 Q. The conference attendees were concerned that the Oslo  
22 Accords were simply not going to be able to change the  
23 horrendous conditions of daily life -- the sewage in the  
24 streets -- under which Palestinians were living every day;  
25 isn't that right?



1 A. They mentioned the sewage. They mentioned that as a  
2 description of the bad condition there.

3 Q. And the conditions were bad there; isn't that true?

4 A. I suspect they were.

5 Q. And they remain bad there; isn't that right?

6 A. I haven't been there.

7 Q. You've been to Israel, though, haven't you?

8 A. Yes, ma'am.

9 Q. You've been to Israel on a number of occasions, haven't  
10 you?

11 A. I think four times.

12 Q. Okay.

13 And during the time that you've been to Israel, you  
14 never decided that you were going to go visit the occupied  
15 territories to see what the situation is like?

16 A. I drove through the occupied territories, a portion of it.  
17 But, otherwise, it's too dangerous.

18 Q. It's too dangerous and the conditions are just too bad.  
19 It wouldn't be where you'd opt to stay, would it?

20 MS. HAMILTON: Objection.

21 THE COURT: Sustained.

22 Do not argue with the witness.

23 BY MS. THOMPSON:

24 Q. And the people at the conference were concerned that the  
25 effect of the Oslo Accords would be that the Americans, in

1 particular, would believe that the humanitarian crisis would  
2 be over and the Americans would turn their back on the plight  
3 of the Palestinians; isn't that right?

4 A. Well, the attendance were -- of the committee were --  
5 certainly concerned that --

6 Q. Is that true, what I've just said?

7 A. I'm trying to answer your question, ma'am.

8 Q. My question to you is: Were the participants at the  
9 Philadelphia conference concerned that the Oslo Accords would  
10 have the effect of convincing the American public that the  
11 humanitarian crisis was over and simply turn their backs on  
12 the issue; "Yes" or "No"?

13 A. No.

14 Q. Well, the Americans do -- we Americans, would you agree  
15 with me, are a media-consuming culture, aren't we?

16 A. I haven't polled every American. I could speak --

17 Q. Well --

18 A. -- for myself.

19 Q. -- isn't it fair to say that when the images of  
20 suffering -- say, of the Katrina hurricane -- go off the  
21 screen and we believe relief has been provided, that we tend  
22 to just sort of move on?

23 MS. HAMILTON: Objection.

24 BY MS. THOMPSON:

25 Q. Isn't that accurate?

1           THE COURT:  Objection to form and relevance  
2 sustained.

3 BY MS. THOMPSON:

4 Q.  Well, that's what the people at the conference were  
5 concerned about; isn't it, sir?

6 A.  No, it's not.

7 Q.  Well, let's refer to Tab 19 of the Philadelphia  
8 conference.

9           THE COURT:  Tab 19 of the Philadelphia conference.

10          MS. THOMPSON:  And it is on Page 1 of Tab 19.

11          THE COURT:  Okay.

12 BY MS. THOMPSON:

13 Q.  Now, I want to ask you about a statement which was read --  
14 or, pardon me, which was stated at the Philadelphia  
15 conference.

16           And I apologize that I think a couple of these lines  
17 were read by Mr. Spielfogel, but I want to give you the  
18 context.  Because context is important; is it not?

19 A.  Absolutely.

20 Q.  Right.

21           So, did someone -- one of the participants -- "Ak" --  
22 say the following -- and I would direct you to the middle of  
23 Line 19 of Page 1.

24           "The second thing is that we must know the future  
25 media strategy of the Jews in regard to the media campaign

1 they will launch against us in America and even in Palestine  
2 itself. It is clear that the main enemy of the agreement  
3 right now is the Islamists. The other people don't have a  
4 public -- a weight like the Islamists. And it is clear that  
5 the attack will be on the Islamists. In their minds, they  
6 have no one else to focus on other than the Islamists. Not  
7 only do they want a Jew to attack the Islamist, but they also,  
8 the entire world, to march behind them to attack the  
9 Islamists, as well. This will reflect on us here in America  
10 because in the end, we will see that the American media, with  
11 the Jewish media in America and Palestine implied in it,  
12 discuss these issues. And we will be forced to respond to an  
13 issue wherever one is raised. All of our positions will be  
14 reactions and they won't have -- unintelligible -- what we are  
15 expecting to happen, how to prepare for it so that we are not  
16 surprised with the unexpected every time. For example, there  
17 was a seminar at George Washington University a week ago about  
18 the Middle East process and terrorism. This was its title.  
19 They brought experts from -- er, the Center For Strategic  
20 International Studies, from the Near East Policies, from the  
21 Israeli Embassy, the military attache and its deputy. I mean,  
22 there was some people who were trying to present the Israeli  
23 point of view mostly about how the coming stage will be like.  
24 I just want to mention some of the points which they  
25 unanimously agreed on, as these will be points we will work on

1 in the future. For example, instead of saying that terrorism  
2 now is -- so that all of you are in the picture, they defined  
3 terrorism as anyone who is opposed to the agreement."

4 That's the Oslo agreement; isn't it, sir?

5 A. Yes.

6 Q. "You are against peace and a terrorist if you oppose the  
7 agreement. The issue of being opposed to the agreement as a  
8 point of view is no longer there with them. You are against  
9 peace. If you are opposed to peace, it means it is okay to  
10 slaughter you in any suitable manner they deem fit. They're  
11 trying to discuss this issue and how they are going to present  
12 it to the media in the future, in order to discredit those who  
13 are opposed to peace. And the important party they talk about  
14 is -- they didn't ask it like us. They say Hossam and stuff.  
15 They are saying Hamas is our main goal in the next stage.  
16 (Laughter). "So -- "

17 Unidentified male says: "You're quoting them?"

18 "Ak: Yes. That is what they said.

19 "Sh: Quote-unquote. He is quoting them. Don't you  
20 hear them?

21 "Ak: They came up with some points, some of which is  
22 that the near future will witness terrorism against the  
23 Palestinians. There was almost complete accord that in the  
24 next stage the Jews are used to terrorism. It is not  
25 something strange to them. And the Americans are --

1     unintelligible -- and they deal with it.

2             "But the Palestinian people -- the new arriving  
3     government is not used to terrorism and doesn't know how to  
4     deal with terrorism. It still doesn't have the experiences to  
5     deal with terrorism -- " there's unintelligible brief group  
6     talk at that point " -- against the agreement in Palestine.  
7     Therefore, it is something we ought to be ready for from now.  
8     There is always -- unintelligible -- how to address even the  
9     Americans and tell them that so -- " "those who oppose the  
10    agreement do not oppose peace, for instance. We should  
11    address the American mentality, which is one of their  
12    convictions they always preach saying that, for instance, the  
13    people who accepted the agreement and signed the agreement  
14    didn't get an authorization from the people, nor did they get  
15    an authorization from its organizations. I mean, some things  
16    like that, in order to give credibility to the people who  
17    oppose the agreement from now. You don't wait until the  
18    self-rule takes place and, then, say, 'By God, we are against  
19    the self-rule because it is not legal and stuff.' No. You  
20    work on it from now in your media, so that you give -- so that  
21    you prepare for the future opposition of the self-rule which  
22    is about to take effect. You have to defend it as a real  
23    target, as the real target is the Islamic movement over there.  
24    This is the first thing. The second thing which must be  
25    focused on is that we must attempt to improve the living

1 conditions of the Palestinians."

2 Was that said at the Philadelphia conference, sir?

3 A. Yes, ma'am.

4 Q. Now, the conference participants were concerned that the  
5 Oslo Accord was going to put a corrupt puppet government led  
6 by Yasir Arafat and the PLO, as you mentioned, in power to  
7 enforce the occupation under the guise of self-rule; isn't  
8 that right?

9 A. I think that's only partly correct, ma'am.

10 Q. Well, let's turn to Tab 5 of the Philadelphia conference.

11 THE COURT: Please turn to Tab 5 of the Philadelphia  
12 Conference Transcripts binder.

13 BY MS. THOMPSON:

14 Q. And while people are finding their place at Page 5, when  
15 the term "Jews" is used in the context of the Philadelphia  
16 conference, it's simply the way that people refer to Israelis  
17 in the same way that you have said "Islamists" or "Muslims,"  
18 isn't it?

19 A. No, not necessarily.

20 Q. But, in this instance, sir, there is nothing derogatory  
21 about the use of the word "Jews" as a religion in any instance  
22 in here other than to represent the position of the Israeli  
23 government; isn't that right?

24 A. I think you'd have to ask a participant what they had in  
25 mind when they used that term.

1 Q. Okay.

2 So, if we are now at Tab 5 of the Philadelphia  
3 conference at Page 8 --

4 THE COURT: Page 8 of Tab 5.

5 MS. THOMPSON: And Line 20 on that page.

6 BY MS. THOMPSON:

7 Q. Did the person identified as "Om" -- and I would refer  
8 people to the beginning page; I won't go back to the names  
9 here -- say the following at the Philadelphia conference:

10 "There is an article -- someone wrote about the facts  
11 of the agreement. An Israeli, Dr. Israel Shabib, you know him  
12 -- unintelligible. He wrote a 13-page article in which he  
13 analyzes the issue. I read it. He is saying that the current  
14 situation -- the signed agreement -- is the worst thing to  
15 happen to Palestinians. The Jews will now give Arafat what he  
16 wants since he has now become like King Hussein or --  
17 unintelligible. They're not planning to hold elections. The  
18 whole thing is all lies, the elections things. They don't  
19 want to have elections in the first place. They want Arafat  
20 to remain -- unintelligible. Then he is saying that the  
21 deportations was conducted by a joint operation between the  
22 Israeli Intelligence and Arafat and the Palestinian Liberation  
23 Organization. There were intelligence meetings and the first  
24 aspect to have coordination between Jews and Arafat was  
25 through intelligence.



1 "Sh: Really!

2 "Om: It is an incredible article by an Israeli."

3 Is that right, Agent?

4 A. That's what they're saying.

5 Q. Then another -- well, unintelligible. Then Om says, "No,  
6 before that. He was saying that this was before the  
7 deportation process. I mean, he is saying that the  
8 deportation was planned by both sides or at least it was  
9 approved by two sides."

10 The unidentified male says, "Oh, you mean the  
11 Palestinian Liberation Organization approved it?

12 "Om: The Palestinian Liberation Organization  
13 approved it along with Israel."

14 Were those words said at the Philadelphia conference,  
15 sir?

16 A. Yes, they were.

17 Q. Now, the conference participants were concerned that the  
18 PLO -- the Palestinian Liberation Organization -- and Israel  
19 were going to effectuate brutal oppression on the Muslims and  
20 their widespread social service work as a result of the Oslo  
21 Accords; isn't that right?

22 A. No, it was Hamas.

23 Q. Now, you say "Hamas," but when we talk about Hamas, sir,  
24 isn't it accurate that Hamas is, in fact, a broad-based social  
25 movement?

1 A. It's a terrorist group with a social wing.

2 Q. In fact, it supports the social services, the life  
3 services of thousands upon thousands of people living in the  
4 occupied territories, doesn't it?

5 A. It is a -- it has a --

6 Q. That is a "Yes" or "No" question, sir. Please answer my  
7 question so that the jury can understand the answer to my  
8 question.

9 A. Please repeat your question.

10 Q. My question is: Is Hamas provide needed social services  
11 to thousands of people in the occupied territories; "Yes" or  
12 "No"?

13 A. Yes.

14 Q. Now, if I could direct you to Tab 6 --

15 THE COURT: Please turn to Tab 6.

16 BY MS. THOMPSON:

17 Q. -- of the Philadelphia conference binder, and Page 16 of  
18 Tab 6.

19 THE COURT: Page 16 of Tab 6.

20 BY MS. THOMPSON:

21 Q. Now, looking at Line 7 on Page 16 beginning there, did  
22 someone referred to as "Ga" -- and just for reference, the  
23 names are included in the front of this binder; is that right?

24 A. Correct, ma'am.

25 Q. Did someone named "Ga" then say the following:

1 "Therefore, retaliation will be widespread against our  
2 individuals, our organizations, our supporters, our mosques,  
3 our presentations, our media, our boys, our girls, our women,  
4 our relationship with our brothers in the other Arab  
5 countries. All of these will be affected, unfortunately, in a  
6 negative way at least in the first phase. The --  
7 unintelligible -- is that we ought to look at matters keeping  
8 in mind that we are at an historical crossroads."

9 Is that what "Ga" said at the Philadelphia  
10 conference?

11 A. Yes, ma'am.

12 Q. Now, many scholars at major universities across the world  
13 have, in fact, opined that Oslo was, in fact, calculated to  
14 preclude the existence ever of a viable, functioning  
15 Palestinian state; isn't that right?

16 A. I have no idea.

17 Q. Well, are you familiar with the scholarly opinions of the  
18 late Edward Sa'id?

19 A. I'm familiar with Edward Sa'id as the author of  
20 Orientalism and some other books; but, no, I'm not familiar  
21 with that opinion.

22 Q. Are you familiar with the opinions on the subject of the  
23 Oslo Accords from Dr. Sara Roy at Harvard?

24 A. No. I am familiar with Dr. Sara Roy as a author of Middle  
25 Eastern and Central Asian studies, but I'm not familiar with

1 that opinion.

2 Q. In fact, Dr. Sara Roy has spent many, many years living in  
3 Gaza and studying the economic conditions and conditions of  
4 daily life in Gaza. You're not familiar with that?

5 A. No, I'm not.

6 Q. Are you familiar with the research and opinions regarding  
7 the calculated failure of the Oslo Accords of Rashid Khalidi  
8 at Columbia University?

9 A. I'm not familiar with that.

10 Q. Are you familiar with the opinions of Professor Glenn  
11 Robinson at the Naval Postgraduate School that Oslo was  
12 calculated, in fact, to fail and to get the world to forget  
13 about the plight of the Palestinian people?

14 A. Dr. Glenn Robinson was my professor for my thesis work at  
15 the Naval Postgraduate School. And I am familiar with him as  
16 a Palestinian expert, but I do not know his opinion on that.

17 Q. Okay.

18 And he is, in fact, very much an expert on the  
19 subject of the Palestinian-Israeli conflict; is that accurate  
20 to say?

21 A. That's what I understand.

22 Q. And, surely, you know that the Oslo Accords left open  
23 entirely the issue of the right of Palestinians to return to  
24 their homeland, aren't you?

25 A. I'm not -- as I said yesterday, I'm not -- an expert on

1 the Oslo Accords. I'm a counter-terrorism guy.

2 Q. Kind of a singular tunnel vision kind of focus; is that  
3 fair to say?

4 A. No, I wouldn't say that at all. I would just --

5 Q. Well, you're not familiar with -- you're not an expert on  
6 the Oslo Accords, right?

7 A. I'll admit that.

8 Q. And, yet, you're coming in here and you gave an opinion on  
9 cross-examination that you're convinced that the reason that  
10 the Oslo Accords failed is all because of Hamas' opposition,  
11 right?

12 A. Well, I think Hamas had a big part to do with it. I think  
13 --

14 Q. Well --

15 A. -- anybody --

16 Q. -- if you're not an expert on the Oslo --

17 A. I'm sorry, I wasn't done with my answer.

18 THE COURT: Ms. Thompson, give him a chance to finish  
19 his answer.

20 BY THE WITNESS:

21 A. I was gonna say that I think anybody reading the paper  
22 would see that the violence supported by Hamas and other  
23 groups opposed to the Oslo Accord was a major factor in  
24 undermining any credibility and in eroding the confidence of  
25 the Israeli government with the Palestinian Authority to work

1 together.

2 BY MS. THOMPSON:

3 Q. So, you got your information --

4 A. It was effective.

5 Q. -- from the media on why Oslo failed; is that accurate to  
6 say?

7 A. I've probably read some intelligence reports along the  
8 way; but, yeah, I'm gonna say the media, in general.

9 Q. But it's fair to say what you have focused on -- and I  
10 think you've said this about five times already -- is you  
11 focused on simply Hamas' relationship to the Oslo Accords?

12 A. No. What I focus on is Hamas in the United States.

13 Q. Okay.

14 But with regard to your opinions that you've given  
15 here about the Oslo Accords, your opinion is you're a Hamas  
16 guy; that's what you study; that's what you look at; and, it's  
17 your opinion that they caused Oslo to fail; is that right?

18 A. Well, I'm a -- I'm a -- counter-terrorism agent, not just  
19 Hamas. But, yes, that is my opinion.

20 Q. Okay.

21 A. That I think Hamas was a significant factor in the failure  
22 of the Oslo Peace Accords.

23 Q. But it's fair to say that you haven't studied a number of  
24 Israeli scholars' opinions on why Oslo failed, right?

25 A. Correct.

1 Q. You haven't read Sara Roy's article on the post-mortem of  
2 the Oslo Accords, have you?

3 A. No, I haven't.

4 Q. And it's fair to say that you think maybe one of the  
5 reasons the Oslo Accords could have failed was because Prime  
6 Minister Rabin was assassinated by an Israeli?

7 A. That could be an aspect of it.

8 Q. Okay.

9 And have you studied the effect on the failure of  
10 Oslo by the violence of the Israelis, including that of Baruk  
11 Goldstein?

12 A. No.

13 Q. But you certainly must be aware that the Oslo negotiations  
14 entirely left out the question of Jerusalem?

15 MS. HAMILTON: Objection. He's already stated  
16 numerous times that he's not an expert on what precisely is in  
17 the Accords.

18 THE COURT: He has said he is not an expert.

19 You can answer --

20 MS. THOMPSON: But he --

21 THE COURT: -- that question. If you are aware or  
22 not --

23 MS. THOMPSON: Yes.

24 THE COURT: -- is the question.

25 MS. THOMPSON: That's what I am asking because it

1 seems to vacillate.

2 BY THE WITNESS:

3 A. I think Jerusalem was left out. I am not certain of that  
4 factor.

5 BY MS. THOMPSON:

6 Q. Okay.

7 And Oslo also -- at no point did it recognize any  
8 right, under international law, of the Palestinians to even  
9 one inch of land, did it?

10 A. Can you rephrase that, please?

11 Q. Did Oslo recognize, as a matter of international law, that  
12 the Palestinians were entitled to any land?

13 A. I don't know the answer to that.

14 Q. Okay.

15 A. That's a complex question.

16 Q. And Oslo did not at all address the issue of Israeli  
17 settlements, did it?

18 A. I am not certain of the settlement issue.

19 Q. Now, in fact, are you aware as you sit there today that  
20 during the period of Oslo, the number of Israeli  
21 settlements -- people deliberately sanctioned by the Israeli  
22 government to move on to disputed lands -- doubled during that  
23 period?

24 MS. HAMILTON: Objection.

25 THE COURT: Sustained.



1 BY MS. THOMPSON:

2 Q. Are you aware that the number of settlements doubled  
3 during the period of the Oslo Accord --

4 MS. HAMILTON: Objection.

5 BY MS. THOMPSON:

6 Q. -- negotiations?

7 MS. HAMILTON: Relevance.

8 THE COURT: You can answer, if you are aware.

9 BY THE WITNESS:

10 A. I'm not aware, ma'am.

11 BY MS. THOMPSON:

12 Q. Now, you know as you sit there today that it was, in fact,  
13 Israel that wanted the United States to bug the Philadelphia  
14 conference, don't you?

15 A. No, I have no idea of that.

16 Q. It was Israel that convinced the FBI, in fact, to trod  
17 upon the rights of the First Amendment to discuss political  
18 issues --

19 MS. HAMILTON: Objection.

20 BY MS. THOMPSON:

21 Q. -- isn't that right?

22 THE COURT: Sustained.

23 BY MS. THOMPSON:

24 Q. Well, would you agree with me that the Israeli-Palestinian  
25 conflict is a topic of public concern and public debate?

1 A. Yes.

2 Q. Would you agree that it is one worthy of debate and  
3 dialogue?

4 A. Yes, if done legally.

5 Q. Would you agree with me that people have a right to  
6 discuss their opinion on government policies in their country?

7 A. Yes, if done legally.

8 Q. Do you believe that people have a right to gather and  
9 discuss these issues?

10 A. Yes, if done legally.

11 Q. And because you continue to throw in that phrase "if done  
12 legally," can we remind the jury that nowhere in three days of  
13 FBI bugging was there one word about planning a military  
14 action, sir? Not one word, was there?

15 A. Correct.

16 Q. And you know as you sit there that, in fact, the United  
17 States shared the information gathered in October of 1993 with  
18 Israeli security agencies, aren't you?

19 A. No, I'm not aware of that, ma'am.

20 Q. Well, is it your position that the FBI did not give the  
21 information at the Philadelphia conference to the Israelis?

22 A. Ma'am, I am not aware what the FBI did with this  
23 particular information relative to the Israeli government.

24 Q. Well, you certainly know that Shin Bet uses the  
25 information provided by the U.S. in this intelligence

1 gathering, don't you?

2 MS. HAMILTON: Objection.

3 THE COURT: Sustained.

4 BY MS. THOMPSON:

5 Q. They use it in their interrogations, don't they?

6 MS. HAMILTON: Objection.

7 THE COURT: Sustained.

8 BY MS. THOMPSON:

9 Q. Well, certainly, you're aware that when the Israelis  
10 create bird documents, they use information provided to them  
11 from the Americans about the identity and affiliations of  
12 people here, don't they?

13 MS. HAMILTON: Objection.

14 THE COURT: Sustained.

15 BY MS. THOMPSON:

16 Q. Well, people here who go to a conference, as  
17 Mr. Spielfogel pointed out in his cross-examination, gave  
18 their names and identities at the door of the hotel, didn't  
19 they?

20 A. They sure did.

21 Q. Credit card numbers?

22 A. They sure did.

23 Q. Airline information?

24 A. No, they didn't give their airline information, but  
25 there's airline information available.

1 Q. There is airline information, though?

2 A. Available, yes, ma'am.

3 Q. Was anything at all, to your knowledge, done illegally to  
4 set up the Philadelphia conference?

5 A. Illegally to set it up? I think that's debatable.

6 Q. Okay.

7 Well, nobody used fake names, to your knowledge; is  
8 that right?

9 A. Wasn't necessary.

10 Q. In fact, they didn't -- to the extent that somebody's  
11 identified as "last name unknown" or "unidentified male," it's  
12 simply because the FBI wouldn't go in there, knock on the door  
13 and say, "Could you give me your name?" Because they probably  
14 would have given it, wouldn't they?

15 A. I seriously doubt that.

16 Q. Well, you don't have any information that they would not  
17 have, would you?

18 A. You asked me an opinion and I just gave you an opinion.

19 Q. Okay.

20 THE COURT: Ms. Thompson, roughly how much more do  
21 you have?

22 MS. THOMPSON: Just a few minutes, Judge.

23 THE COURT: Okay.

24 I am just trying to decide timing of the break.

25 MS. THOMPSON: Okay. It shouldn't be too much

1 longer.

2 We can take a break now.

3 THE COURT: Okay.

4 Let us take our first break.

5 (Jury out.)

6 THE COURT: Let us pick up in about 15 minutes.

7 (Brief recess.)

8 (Jury in.)

9 THE COURT: You may be seated.

10 Ms. Thompson, you may proceed.

11 MS. THOMPSON: Thank you, Judge.

12 BY MS. THOMPSON:

13 Q. One thing I neglected to ask you, Agent, when we were  
14 talking about the Oslo Accords is that, certainly, you know  
15 that Farouk Kaddoumi, the second under Arafat and one of the  
16 founders of the Fatah party, in fact, opposed the Oslo Accords  
17 from its inception until today?

18 A. I'm not familiar with that.

19 Q. Now, as you sit there, you are aware that information is  
20 exchanged on intelligence matters between the United States  
21 and Israel, aren't you?

22 A. I'm aware of that.

23 Q. Okay.

24 And as you sit there, you know that Israel gives  
25 information that it gathers in its interrogations by Shin Bet

1 and other agencies to the United States, don't you?

2 A. I'm aware of an exchange of intelligence information on --

3 Q. Okay.

4 A. -- terrorism matters, yes, ma'am.

5 Q. And you know that Israel, in fact, provided in this case  
6 the statements obtained by Shin Bet of Mr. Salah, aren't you?

7 A. Yes, ma'am.

8 Q. And you're aware that Israel provided in this case the  
9 Shin Bet-authored interrogation logs, right?

10 A. I don't know about the description of "Shin Bet authored."  
11 I just understand that the interrogation was provided as part  
12 of a extradition package on Mousa Abu Marzook.

13 Q. Okay.

14 And those materials were provided in the Marzook  
15 litigation, right?

16 A. I'm not actually familiar with them from the Marzook  
17 litigation. We found them elsewhere.

18 Q. Okay.

19 But, certainly, those documents originated in Israel,  
20 didn't they?

21 A. Yes, ma'am.

22 Q. And they were supplied by Israel for use by the United  
23 States in American courtrooms; is that right?

24 A. That's correct, ma'am.

25 Q. Okay.

1           And are you -- you're certainly aware that in this  
2 case -- and, perhaps, others with which you are familiar --  
3 that the State of Israel sends agents with code names to help  
4 the prosecution prove their case, right?

5 A. I am aware that we've had some agents recently testify in  
6 terrorism matters in U.S. courts.

7 Q. Okay.

8           And you know as you sit there that, in fact, this is  
9 a cycle of information between the United States and Israel  
10 which is really attempting to launder Israeli torture; isn't  
11 that right?

12 A. That is a ridiculous statement.

13 Q. And, in fact, it's really a kind of rendition, isn't it?

14 A. I would not characterize that as a rendition.

15 Q. Well, certainly, you would agree with me that there is a  
16 cooperative investigative and intelligence joint relationship  
17 between the United States and Israel, isn't there?

18 A. The United States and Israel do cooperate on terrorism  
19 matters that are of interest to the national security of both  
20 countries. That's correct, ma'am.

21 Q. And, in fact, you, yourself, have shared information with  
22 Israeli intelligence service people, haven't you?

23 A. I don't know if I can discuss what I've done with the  
24 Israeli government, ma'am.

25 Q. Well, have you met with them before?

1 A. I have.

2 Q. And you've met with them on certainly more than one  
3 occasion; isn't it fair to say?

4 A. That -- it's correct, ma'am.

5 Q. You've met with them on a number of occasions; isn't that  
6 true?

7 A. Probably at least four.

8 Q. Okay.

9 And you've met with how many different Israeli  
10 intelligence officers in your career?

11 MS. HAMILTON: Objection.

12 THE COURT: Sustained.

13 BY MS. THOMPSON:

14 Q. Well, in fact, Agent, you are aware as you sit there today  
15 that this case, with all of this old evidence generated in  
16 Israel 13 years ago, is a test case to see whether a strategy  
17 of laundering Israeli torture is going to work in an American  
18 courtroom, isn't it?

19 A. Wrong.

20 MS. THOMPSON: No further questions.

21 THE COURT: Redirect?

22 MS. HAMILTON: Yes, your Honor.

23 MS. THOMPSON: I will advise Ms. Hamilton I didn't  
24 spill the water.

25 (Laughter.)



1 THE COURT: Is there water up there?

2 MS. THOMPSON: It was there when I got here.

3 I think I have a napkin.

4 (Brief pause.)

5 REDIRECT EXAMINATION

6 BY MS. HAMILTON:

7 Q. Agent Miranda, you were just asked some questions about  
8 cooperation between the FBI and agents of Israel, correct?

9 A. Yes, ma'am.

10 Q. Does the FBI work with agents of countries throughout the  
11 world who are concerned about fighting terrorism?

12 A. Regularly.

13 MS. THOMPSON: Objection. Relevance to this case,  
14 Judge.

15 THE COURT: Overruled. It is redirect in direct  
16 response to cross.

17 BY MS. HAMILTON:

18 Q. And you --

19 MS. HAMILTON: I just want to make sure the answer  
20 got out. I think it was muffled by the objection.

21 THE COURT: The answer was: "Regularly."

22 BY MS. HAMILTON:

23 Q. And you were asked about your knowledge that Israel sent  
24 agents here to testify, correct?

25 A. Yes, ma'am.

1 Q. Is it your understanding that this is the first time  
2 Israel has ever sent agents to testify for a U.S. case?

3 A. Yes, ma'am. It's a very difficult and rare process.

4 Q. You were asked a number of questions about your  
5 understanding of the Philadelphia conference?

6 A. Yes, ma'am.

7 Q. What is your understanding of what was happening at the  
8 Philadelphia conference?

9 MR. MOFFITT: I'm going to object.

10 MS. THOMPSON: Objection.

11 THE COURT: Give --

12 (Laughter.)

13 MR. MOFFITT: Sorry.

14 His understanding is not relevant.

15 MS. HAMILTON: I did not elicit his understanding on  
16 direct examination. It was elicited through a number of  
17 questions on cross-examination.

18 THE COURT: Objection --

19 MS. THOMPSON: Judge, I believe that the questions we  
20 asked was what was said during the course of the Philadelphia  
21 conference. And he was not tendered for any other reason.  
22 And I think he said he's completely unfamiliar other than  
23 having read through it a couple of times.

24 THE COURT: There were questions regarding his  
25 understanding.

1           You may answer that question.

2           THE WITNESS: Yes, ma'am.

3 BY THE WITNESS:

4 A. Here's my understanding.

5           The Philadelphia conference, as Omar Ahmad states in  
6 the introduction, is a meeting of the Palestine Committee.  
7 The Palestine Committee, at least partially, is described in  
8 Ashqar Document 185, I believe, the Palestine six important  
9 numbers in the United States. The top name: Mousa Abu  
10 Marzook, current number two man in Hamas.

11           We can go through the list if you like and I'll point  
12 out other Hamas members. But, in fact, it's even Omar Ahmad,  
13 head of Hamas in the United States -- recognized by the FBI as  
14 the head of Hamas in the United States -- who gives those  
15 introductory remarks.

16           The cover position, as stated by Shukri Abu Baker,  
17 the head of the now specially-designated group the Holy Land  
18 Foundation, is that this is a meeting between the IAP and the  
19 HLF --

20           MR. MOFFITT: I object.

21 BY THE WITNESS:

22 A. -- in case anybody asks.

23           MR. MOFFITT: I object.

24           May we come to side, please?

25           THE COURT: Yes.

1 (Proceedings had at sidebar:)

2 MR. MOFFITT: In 1993, when this meeting occurred,  
3 the Holy Land Foundation was not a specially-designated  
4 terrorist organization. So, it has absolutely no relevance to  
5 what was going on in 1993.

6 Secondly, I think it's now time for an instruction  
7 to the jury regarding mere membership in an organization,  
8 because this person is taking the position from the witness  
9 stand that it is enough -- mere membership in Hamas is  
10 enough -- to create a situation that makes something illegal.  
11 He's tried to say that this meeting was illegal in answer to  
12 Erica's questions. And that's not appropriate. And this  
13 jury, I believe, now needs to be informed that they've got to  
14 go beyond membership in proving this case.

15 MS. HAMILTON: I totally disagree with that.

16 THE COURT: Take both the objection and the  
17 instruction.

18 And I will tell you now, I do not think it is  
19 appropriate to instruct at this point. I will instruct them  
20 on the law at the end of the case, after they have heard all  
21 of the evidence, to the extent that there is not a successful  
22 Rule 29 motion.

23 MS. HAMILTON: Agent Miranda was asked a series of  
24 questions about his understanding of the purpose of the  
25 meeting. I am asking the same question.

1           His understanding is based on a number of things.  
2   The questions on cross were not, "Based upon your review of  
3   the transcripts, what is your understanding of this part or  
4   this part of the meeting or the purpose of the meeting?"  
5   Because of that, he should be entitled to give his  
6   understanding based on whatever his understanding is based on,  
7   whether it was current in 1993 or it's based on what he now  
8   knows, based upon further investigation of things that have  
9   been illuminated about HLF or the people who were present at  
10   the meeting.

11           MR. DEUTSCH: Judge, you think that there were  
12   questions asked about his understanding --

13           THE COURT: There were.

14           MR. DEUTSCH: -- and the purpose of the meeting. I  
15   don't recall that.

16           THE COURT: There definitely were, because I was  
17   waiting for the government to object and they did not.

18           MR. DEUTSCH: Well, be that as it may, I don't think  
19   it's proper for him to get up and give just, like, a narrative  
20   answer which throws in stuff that happened in 2001 --

21           MS. THOMPSON: He will be on the stand four more  
22   days.

23           MR. DEUTSCH: -- what he knows from his work as an  
24   FBI agent ten years later, referring to wiretaps and video. I  
25   mean, that's ridiculous. He should just give an answer, "I

1 think it's X, Y, Z." He's not supposed to give a speech up  
2 there.

3 THE COURT: He is going beyond the scope of your  
4 question, what is his understanding. You should focus him  
5 more. The Philadelphia conference was a long event. He was  
6 just going on and on. So, you can focus him more on specific  
7 aspects, if you want.

8 I think he has answered the question, at least in  
9 part. But a long narrative speech is not appropriate.

10 But I do think the questions -- "What is your  
11 understanding?" -- based on the door being opened on cross are  
12 appropriate.

13 MR. DEUTSCH: But here's what I'm concerned about.  
14 As you said, he gave a long answer already. What more --

15 THE COURT: He was stopped, but --

16 MR. DEUTSCH: Well, can you strike the answer -- the  
17 part of the answer -- that goes beyond that?

18 I don't think she should ask another question which  
19 gives him a chance to make a further answer.

20 MS. THOMPSON: It's also the idea that he is starting  
21 to talk about information about the Holy Land Foundation,  
22 which is not in this indictment, has nothing to do with this  
23 indictment, is completely one to subsume -- it could keep him  
24 on the stand two or three more days -- and bring up profound  
25 discovery issues in this case, about that litigation and those

1 prosecutions.

2 MS. HAMILTON: Judge, the Holy Land Foundation --

3 MS. THOMPSON: He's answered it.

4 MS. HAMILTON: -- is represented by people at the  
5 Philadelphia conference.

6 THE COURT: Right.

7 MS. HAMILTON: There have been questions about the  
8 Holy Land Foundation that there have been insinuations this  
9 was just people getting together to talk about charity. He  
10 should absolutely be able to talk about what the Holy Land  
11 Foundation is, from his understanding.

12 MR. SPIELFOGEL: Your Honor, one other thing.

13 THE COURT: Yes.

14 MR. SPIELFOGEL: The questions that we asked were  
15 what his understanding was as to specific questions. Nobody  
16 on cross --

17 THE COURT: Which is why I just told her to go back  
18 and focus her questions.

19 MR. MOFFITT: Your Honor, for purpose of the record,  
20 I renew my objection with regard to the First Amendment  
21 aspects of the Philadelphia meeting; that this was clearly a  
22 meeting where people discussed political views; that the  
23 entire meeting was about political views. There is not one  
24 statement, by the terms of this witness' testimony, concerning  
25 violent activity or violence or anything like that --

1 MS. THOMPSON: And that's --

2 MR. MOFFITT: -- anywhere.

3 And the First Amendment allows the American Nazi  
4 Party to have that kind of a meeting. The First Amendment  
5 allows the Ku Klux Klan to have that kind of a meeting. What  
6 is it different about these people that they can't have that  
7 same kind of meeting?

8 MR. SCHAR: You can have a meeting. That doesn't  
9 make it any less incriminating. The issue is not whether you  
10 are allowed to get up -- defendant Salah has a right to  
11 confess if he wants. He has a First Amendment right to do it.  
12 It doesn't make it any less incriminating. And that's the  
13 issue.

14 MR. MOFFITT: It's not incriminating --

15 THE COURT: You know what? Wait, counsel.

16 You have made your record. I have addressed the  
17 issue already.

18 MR. DEUTSCH: Can I just make one suggestion?

19 THE COURT: Brief. You can make a suggestion.

20 MR. DEUTSCH: Yeah.

21 Can you strike the question and answer and ask her to  
22 rephrase it; and, then, that will give a chance to --  
23 otherwise, we're going to just repeat what he's already said.

24 THE COURT: No, I am not going to do that, because he  
25 did answer, generally, what his understanding of the



1 Philadelphia conference was.

2 I am directing her, though, that if she asks any more  
3 "understanding" questions, that they be more focused.

4 (Proceedings had in open court:)

5 THE COURT: Ask your next question.

6 BY MS. HAMILTON:

7 Q. Agent Miranda, you were asked a question about the  
8 conference attendees being concerned that they were not going  
9 to be able to change the conditions of daily life. And you  
10 said that was part of your understanding, correct?

11 A. Correct, ma'am.

12 Q. What is the full part of your understanding to that  
13 question?

14 A. The participants were concerned that with the takeover or  
15 the establishment of the --

16 MR. MOFFITT: Objection. Rule 704(b).

17 THE COURT: Overruled.

18 BY THE WITNESS:

19 A. -- with the establishment of the Palestinian Authority  
20 coming into power, that their organizations -- their Hamas  
21 fronts in Gaza and the West Bank -- were going to be closed  
22 down. That was one aspect of it.

23 BY MS. HAMILTON:

24 Q. And you were asked a number of questions about the fact  
25 that there was no planning of any military activity at this

1 meeting, right?

2 A. Correct, ma'am.

3 Q. And in your answer to that question, you still classified  
4 this meeting as a conference about terrorism?

5 A. That's correct, ma'am.

6 Q. Even though there was no discussion about military  
7 activity, why do you classify this as a conference about  
8 terrorism?

9 A. Well, as Ms. Thompson was correct in her question to me,  
10 Hamas has a very well-established social wing. The social  
11 wing is an integral part of Hamas' operations, just as it is  
12 with other terrorist organizations, such as Hizballah.

13           The social wing is -- is -- what gives life to the  
14 Hamas movement. That's how Hamas is able to recruit so well.  
15 That's how come they have so much support. That's how --  
16 that's why they're able to do the things they're able to do:  
17 Because they go ahead and provide social services, from the  
18 kindergartens to the hospitals. If you support Hamas, Hamas  
19 is going to support you.

20 Q. And were the organizations that were represented -- what's  
21 your understanding of the organizations and the people who  
22 were actually present at the meeting, what their relationship  
23 is to Hamas?

24 A. Right. Well, first off, you have to look at it in the  
25 context. As Ms. Thompson said, you have to look at the

1 context, which is important. I wholeheartedly agree with her.

2 You have to look at the context of who is there.

3 It's a Palestine Committee meeting. As you know from my  
4 testimony, this was labeled through the documents as an IAP  
5 Information Services meeting. That's, at least, how the rooms  
6 were reserved, which was brought up yesterday on my  
7 cross-examination.

8 It wasn't listed as a Palestine Committee meeting.  
9 Why? Because that's a secret organization. That's Hamas.

10 Who is on that list? Marzook, Izzat Mansour, an  
11 individual that Salah, in his confession --

12 Q. Agent Miranda, let me --

13 MR. DEUTSCH: Judge, this is --

14 BY MS. HAMILTON:

15 Q. -- stop you there.

16 A. Yes, ma'am.

17 MR. DEUTSCH: Judge, this is wrong, what he's doing  
18 now. And I object to it.

19 THE COURT: Ms. Hamilton?

20 MS. HAMILTON: Your Honor, this all goes to the  
21 purpose of the meeting and who the attendees were at the  
22 meeting and how Agent Miranda knows that.

23 MR. MOFFITT: I --

24 MS. HAMILTON: And I can focus him on the particular  
25 participants.

1 THE COURT: I am going to strike the last portion of  
2 the Agent's answer, and the jury should disregard it.

3 Ask your next question.

4 BY MS. HAMILTON:

5 Q. Just focusing on the people who were --

6 A. Yes, ma'am.

7 Q. -- at the conference --

8 A. Yes, ma'am.

9 Q. -- what is your understanding of what their relationship  
10 is to Hamas, if any?

11 MR. MOFFITT: Objection. Objection, relevance.

12 MS. HAMILTON: Your Honor, there were --

13 MR. MOFFITT: On the very grounds that we talked  
14 about at the bench.

15 THE COURT: Overruled.

16 BY THE WITNESS:

17 A. Well, I'll start with the participants who represented the  
18 Holy Land Foundation.

19 Holy Land Foundation, specially-designated terrorist  
20 group --

21 MR. DEUTSCH: Objection.

22 MS. THOMPSON: Objection --

23 MR. SPIELFOGEL: Objection.

24 MS. THOMPSON: -- Judge. There's nothing in the  
25 indictment about the Holy Land Foundation. This man is up

1 here trying to prejudice in front of this jury.

2 MR. SPIELFOGEL: And --

3 MS. THOMPSON: And he's not -- this is way beyond the  
4 scope.

5 MR. SPIELFOGEL: And it wasn't in 1993.

6 THE COURT: He has already testified to that.

7 Why do you not focus your question on the time period  
8 at issue.

9 BY MS. HAMILTON:

10 Q. Let's go to the cover sheet.

11 THE COURT: Sustained.

12 BY THE WITNESS:

13 A. Yes, ma'am. Yes, ma'am.

14 BY MS. HAMILTON:

15 Q. First list, Shukri Abu Baker. What's your understanding  
16 of what his relationship is to Hamas, just generally?

17 MR. MOFFITT: Objection.

18 THE COURT: In 1993?

19 BY MS. HAMILTON:

20 Q. In 1993.

21 A. Hamas member.

22 THE COURT: Overruled.

23 BY MS. HAMILTON:

24 Q. Omar --

25 MR. MOFFITT: May I make a motion at the bench?

1 THE COURT: You can.

2 (Proceedings had at sidebar:)

3 MR. MOFFITT: They are focusing this issue on  
4 membership and, because of that, your Honor, most  
5 respectfully, I have to ask for a mistrial. We can't get an  
6 instruction on the issue of membership, of membership not  
7 being by itself an issue. You can be a member of Hamas.

8 Now what's happening is he's testifying that all  
9 these people are members of Hamas, and that's being left  
10 unattended in this record as if that in and of itself is some  
11 act -- criminal act. For that reason, with all due respect to  
12 your Honor's rulings, I ask for a mistrial.

13 THE COURT: Your motion is denied for the same  
14 reasons that I detailed in prior rulings in this case  
15 regarding the bifarious nature of the allegations in this  
16 case.

17 Mere membership, you are correct, is not a crime.  
18 But there is a bifarious aspect here, and that is what is  
19 being presented to the jury.

20 So, your motion is denied.

21 MR. DEUTSCH: Judge --

22 MS. THOMPSON: If I can just say with regard to the  
23 Holy Land Foundation, which seems to be the only thing he has  
24 worked on, there are no allegations in the indictment about  
25 the Holy Land Foundation. There is no -- nothing that

1 suggests that that is one of the front organizations in the  
2 occupied territories.

3 THE COURT: And I sustained your prior objection  
4 regarding the Holy Land Foundation when he said that they were  
5 a designated terrorist organization.

6 The Holy Land Foundation was represented at the  
7 Philadelphia conference, from the testimony that has come  
8 through.

9 But I am not sure what you plan, if anything, on  
10 asking about the Holy Land Foundation.

11 MS. HAMILTON: I'm not going to get into specifics.

12 The point --

13 MR. DEUTSCH: No, you're just going to get into  
14 having him just say everybody at the conference is a  
15 terrorist. That's what --

16 THE COURT: Mr. Deutsch --

17 MR. DEUTSCH: -- you're doing.

18 THE COURT: Mr. Deutsch, wait a minute.

19 MR. DEUTSCH: Sorry, Judge.

20 THE COURT: Take a deep breath.

21 MR. DEUTSCH: Yes, ma'am.

22 THE COURT: There is no need to start arguing with  
23 counsel here.

24 MS. HAMILTON: Judge, there were numerous questions  
25 insinuating that this was a meeting about a movement that was

1 not Hamas, that was something much more general than that. It  
2 is -- I believe it's -- absolutely fair for this witness to be  
3 able to explain why he believes this was a Hamas meeting and  
4 why when they say "movement" and "Samah," they're talking  
5 about Hamas. Each one of these people is Hamas, by his  
6 understanding; and, that's part of what informs his answer.

7 THE COURT: And when you ask him questions about  
8 "What is your understanding of who this person was in 1993 in  
9 Hamas," I am assuming he is going to give an answer about what  
10 their role was, not, "Oh, they were a terrorist"?

11 MS. HAMILTON: No, he's not going to say they were a  
12 terrorist. He will talk about particular entities that they  
13 were aligned with or specific things he knows about them. I  
14 don't anticipate he is going to say they're a terrorist.

15 THE COURT: And Ms. Thompson's concern is that it is  
16 all going to end up being Holy Land Foundation.

17 MS. HAMILTON: Well, I mean, Holy Land Foundation is  
18 a big part of this meeting.

19 MS. THOMPSON: Why isn't it in the indictment?

20 MS. HAMILTON: Holy Land Foundation was asked about  
21 by Mr. Spielfogel on cross-examination.

22 I mean, I didn't elicit these things on direct  
23 examination. They were brought up on cross to make it seem  
24 like this is just a meeting about people talking about  
25 charity; this is just a meeting about people who were



1 concerned about Gaza and people on the inside.

2 And that's fine. But I should have a right to get  
3 into what his understanding is about this meeting. He was  
4 asked "Yes" or "No" questions. He was cut off before he could  
5 answer. And I think I should be allowed to get into those  
6 things they didn't get into on cross.

7 MR. MOFFITT: Well, my concern is, again, you're  
8 going to have him identify all these people as Hamas members.  
9 The question is whether or not that has any relevance just  
10 simply because it is a bifarious organization. They can be  
11 Hamas members and support the non-violent side of it.

12 THE COURT: And that is --

13 MR. MOFFITT: But this jury doesn't know that, Judge.

14 THE COURT: But you are going to argue that in  
15 closings, I am sure. And I am going to instruct them on the  
16 law, Mr. Moffitt.

17 MS. THOMPSON: He wasn't identified as an expert,  
18 Judge, and --

19 MR. DEUTSCH: Yeah. Judge, that's my problem, yeah.

20 THE COURT: Yes, that is a different issue.

21 MS. THOMPSON: He was not identified.

22 MS. HAMILTON: I didn't do that on my direct. This  
23 didn't happen on my direct.

24 MS. THOMPSON: You can't open a door --

25 MS. HAMILTON: Excuse me, Ms. Thompson --

1 THE COURT: Wait, counsel.

2 (Proceedings had in open court:)

3 THE COURT: Ladies and gentlemen, we are going to  
4 take about a ten-minute break.

5 (Jury out.)

6 THE WITNESS: May I step down?

7 THE COURT: You may.

8 (Proceedings had at sidebar:)

9 MS. HAMILTON: I was speaking.

10 THE COURT: Yes.

11 Now, wait, I am speaking.

12 MS. HAMILTON: Sorry, Judge.

13 THE COURT: Ms. Thompson has raised the issue of he  
14 was not identified as an expert. And she is taking the  
15 position that some of his arguments and some of his answers  
16 are of the expert type.

17 MS. HAMILTON: Your Honor, I did not -- he was not  
18 tendered as an expert. The questions regarding opinions that  
19 would even begin to go into expert opinions were elicited on  
20 cross-examination first by Mr. Spielfogel with respect to the  
21 Oslo Accords. They were very detailed, lengthy questions  
22 about the Oslo Accords.

23 Ms. Thompson then went into it regarding not only the  
24 Oslo Accords, but also all kinds of things about the Israeli  
25 military; and, then, went into his understanding about

1 specific things that happened in this meeting and, also, his  
2 understanding about what was generally happening at the time  
3 and general concerns.

4 Those were opinions elicited on cross.

5 Because his answers were at times, "That is, in part,  
6 correct," or he would try to explain and he was cut off, or he  
7 would explicitly disagree with the question that was asked, I  
8 think that it is totally fair on redirect for me to go back to  
9 those issues and have him illuminate the areas that were  
10 specifically cut off on cross by their own questioning.  
11 That's all I'm trying to do.

12 MR. DEUTSCH: Wait a minute.

13 THE COURT: Mr. Ferguson --  
14 Wait, I want --

15 MR. DEUTSCH: Okay.

16 THE COURT: Mr. Ferguson, you were going to say  
17 something?

18 MR. FERGUSON: No, Judge.

19 THE COURT: Okay.

20 MR. DEUTSCH: First of all, she's got an obligation.  
21 If somebody asks a question on cross that she thinks is  
22 objectionable, she's supposed to stand up and say, "Objection.  
23 It calls for opinion, that the witness is not being offered  
24 for that." She didn't do it. She lets it in and now she  
25 wants to go back and have this witness testify as an expert

1 and identify everybody who is in the conference.

2 And the reality is, the witness is basically somebody  
3 who wasn't in the FBI in '93, wasn't involved in this  
4 conference. He simply read this transcript -- this  
5 translation -- two or three times and that's what he's offered  
6 for.

7 If the cross-examination went too far, object and,  
8 then, the Court would rule on it. Now she can't just --

9 MS. THOMPSON: And, in addition to that, had he been  
10 identified as an expert, people might have phrased their  
11 questions in different ways. But he said that he was not in  
12 the FBI, he read them a couple of times. So, we asked  
13 questions. And it's like a setup to then turn around and  
14 suddenly he's the big expert on all this material and bring it  
15 up on redirect.

16 THE COURT: Briefly respond. Go ahead.

17 MS. HAMILTON: I'm just not sure how -- if the  
18 defense is asking for his understanding of things, how -- it  
19 is remotely objectionable for me to get back up and,  
20 basically, be asking the exact same question on redirect. If  
21 the questions were not artfully worded on cross, that is not  
22 my fault.

23 MR. DEUTSCH: You object. That's what you do.

24 MR. SCHAR: No.

25 THE COURT: But you do not have to.

1 MS. THOMPSON: The basis of all the questions --

2 MR. DEUTSCH: Judge --

3 MS. THOMPSON: -- is the documents themselves, which  
4 are in front of him.

5 MS. HAMILTON: That was not clear.

6 THE COURT: To the extent doors were opened on cross,  
7 it is fair game to redirect them.

8 In answering your -- in asking your questions,  
9 Ms. Hamilton, it would be helpful to refer to what was said on  
10 cross --

11 MR. DEUTSCH: Yes.

12 MS. HAMILTON: Yes, your Honor.

13 THE COURT: -- to make it clear that that is what you  
14 are doing: Redirecting on issues that came up during cross,  
15 not opening up a whole --

16 MR. DEUTSCH: Yes.

17 THE COURT: -- new box of opinions.

18 So, in focusing your questions -- we will take a  
19 break -- coming back and asking your questions, focus on them  
20 that way.

21 MR. MOFFITT: May I have a continuing line on the  
22 membership issue, your Honor?

23 THE COURT: Absolutely. And my continuing ruling  
24 will stand.

25 MR. MOFFITT: I understand.

1 MR. DEUTSCH: And, Judge, just so we can follow up,  
2 there was no question asked on cross as, "Who was this  
3 person -- "

4 THE COURT: That is correct. So --

5 MR. DEUTSCH: " -- who is this person, who is this  
6 person?" So --

7 MS. THOMPSON: No.

8 MR. DEUTSCH: -- for her to go into that is improper.

9 MS. HAMILTON: There were questions, as I said  
10 before, about the fact that this -- the movement was not  
11 Hamas; that they were not talking about Hamas; they were  
12 talking about a more general movement of --

13 MR. DEUTSCH: That's what he said.

14 MS. THOMPSON: That's what he said.

15 THE COURT: Wait, wait, wait.

16 MS. HAMILTON: -- of Islamic people generally. No,  
17 that was the question posed on cross. I think it's fair for  
18 me to get back up and say there was a question about whether  
19 or not the movement was Hamas or something more generally:  
20 "What is your understanding of why 'movement' equals 'Hamas'?"

21 MR. MOFFITT: There was no question about whether  
22 "the movement" referred to Hamas.

23 MR. DEUTSCH: His answer --

24 MS. HAMILTON: Right. The question was that the  
25 movement was as to Islamic Palestinian people.

1 THE COURT: That was the question.

2 MR. FERGUSON: Right.

3 THE COURT: Okay.

4 You have my direction. On redirect, focus it based  
5 on answers given on cross.

6 MR. DEUTSCH: Thank you, Judge.

7 (Brief recess.)

8 THE COURT: Bring in the jury, please.

9 (Jury in.)

10 THE COURT: You may be seated.

11 Ms. Hamilton, you may continue.

12 MS. HAMILTON: Thank you, your Honor.

13 BY MS. HAMILTON:

14 Q. Agent Miranda, on cross-examination, you were asked  
15 questions about the term "movement"?

16 A. Yes, ma'am.

17 Q. And you were asked a question that does "the movement"  
18 really mean Palestinian people generally; is that correct?  
19 Something like that?

20 A. Yes, ma'am.

21 Q. And I believe your answer was "No"?

22 A. That's correct, ma'am.

23 Q. Do you have an understanding as to what the word  
24 "movement" means as used in the Philadelphia conference?

25 A. Yes, I do, ma'am.

1 Q. What is it?

2 MR. DEUTSCH: Can we get a foundation about when his  
3 understanding was created?

4 THE COURT: Sustained on foundation.

5 BY MS. HAMILTON:

6 Q. When did you come to an understanding as to what the term  
7 "movement" means?

8 A. As soon as I read this transcript.

9 Q. And is your understanding based on what was specifically  
10 said at the Philadelphia conference?

11 A. Yes, it is, ma'am.

12 Q. And is your understanding based upon who the participants  
13 of the Philadelphia conference were?

14 A. It's partially it, yes.

15 Q. And what is your understanding of what "movement" means as  
16 stated in the Philadelphia conference?

17 A. Hamas.

18 Q. Among the individuals present at the Philadelphia  
19 conference is an individual you were asked about yesterday on  
20 cross, Nihad Awad; is that right?

21 A. Yes, ma'am.

22 Q. And you were asked specific questions about particular  
23 organizations that Nihad Awad is associated with; is that  
24 correct?

25 A. Yes, ma'am.



1 Q. What else do you know about Nihad Awad other than what you  
2 were asked on cross-examination?

3 A. He is associated with an organization called CAIR.

4 Q. And, generally, what is your understanding of that  
5 organization?

6 A. CAIR was established under the Palestine Committee during  
7 the tenure of Omar Ahmad as the leader of the Palestine  
8 Committee.

9 Q. You were asked about the documents -- the first document  
10 -- behind Tab 5, which is a summary of an FBI meeting,  
11 correct?

12 A. Yes, ma'am.

13 Q. And just so it's clear, is this summary an FBI summary?

14 A. No, not at all.

15 Q. Do you know who wrote this summary?

16 A. I have no idea.

17 Q. Do you know if the summary is accurate?

18 A. I have no idea.

19 Q. You were asked about the fact the meeting was between the  
20 FBI and the ADC, correct?

21 A. That's how the question was posed.

22 Q. You were not asked about the fact that the IAP was also at  
23 that meeting --

24 A. You are --

25 Q. -- is that right?

1 A. You are correct, ma'am.

2 Q. You were asked what you know about the ADC?

3 A. That's correct, ma'am.

4 Q. What do you know about the AIP?

5 A. About the IAP, ma'am?

6 Q. Sorry.

7 A. The IAP was established with the assistance and the funds

8 of Mousa Abu Marzook, the number two man in Hamas.

9 Q. And was the IAP represented by anyone at the Philadelphia

10 conference?

11 A. Yes, it was.

12 Q. Who represented the IAP at the Philadelphia conference?

13 A. Ghassan Saleh was one of the representatives. I believe

14 Omar Ahmad was also one of the representatives. And I'd have

15 to refresh my memory with the -- some of the other documents.

16 Q. You were asked questions about the purpose of the ADC?

17 A. Yes, ma'am.

18 Q. What is your understanding of the purpose of the IAP?

19 A. The purpose of the IAP is to be the mouthpiece of Hamas.

20 Q. You were asked questions about someone at the conference

21 speaking about Muhammad Salah, correct?

22 A. Yes, ma'am.

23 Q. According to the translations, who was the someone at the

24 conference talking about Muhammad Salah 's arrest?

25 A. It was Ashqar.

1 Q. And you were asked about your understanding of what was  
2 said at the meeting and what is in the document behind Tab 24  
3 with respect to Muhammad Salah's arrest; is that right?

4 A. Yes, ma'am.

5 Q. What is your understanding of the message of that document  
6 and that section of the Philadelphia conference?

7 A. That's the one urging caution and security, I believe, was  
8 the term. But it's my understanding that they are saying just  
9 because you're a U.S. passport holder, doesn't prevent you  
10 from getting arrested while conducting activities on behalf of  
11 Hamas.

12 Q. You were asked questions about the fact that people came  
13 to this conference and they gave their real names, and they  
14 checked in under their names, and they flew their under their  
15 real names, correct?

16 A. Yes, ma'am.

17 Q. Did the planners of this meeting decide that there was  
18 someone who was not allowed to come to the meeting and sign in  
19 under their real name?

20 A. I don't recall that.

21 Q. I direct your attention to the phone call that was gone  
22 through in some detail behind Tab 6. Do you have that up  
23 there?

24 THE COURT: Would you like the jury to turn to Tab 6?

25 MS. HAMILTON: Yes.

1 THE COURT: Okay.

2 Ladies and gentlemen, please turn in the  
3 Philadelphia --

4 MS. THOMPSON: Judge, I just object. Is she trying  
5 to refresh his recollection or just have him read it? He said  
6 he doesn't remember and these aren't documents he had anything  
7 to do with.

8 MS. HAMILTON: He's already testified about this call  
9 in detail on cross-examination.

10 MR. DEUTSCH: That's not the question.

11 THE COURT: Are you --

12 MS. HAMILTON: I'm --

13 THE COURT: What are you seeking to do with it?

14 MS. HAMILTON: Refresh his recollection with the  
15 phone call he already testified he looked at it in detail.

16 THE COURT: Ask your question.

17 BY THE WITNESS:

18 A. Ma'am, I --

19 THE COURT: Tab 6, ladies and gentlemen.

20 BY THE WITNESS:

21 A. I'm sorry, I don't think I have that.

22 THE COURT: Philadelphia Conference Transcripts?

23 THE WITNESS: Philadelphia Conference, I'm sorry.

24 BY THE WITNESS:

25 A. Yes, I have it.

1 BY MS. HAMILTON:

2 Q. And I direct your attention to Page 6, Line 8.

3 THE COURT: Page 6 of Tab 6 --

4 MS. HAMILTON: Of the phone calls.

5 THE COURT: Of the phone calls.

6 There is a little confusion. One moment.

7 The Philadelphia Conference Transcripts --

8 MS. HAMILTON: No. Your Honor, I'm sorry, it's --

9 THE COURT: It is my fault.

10 MS. HAMILTON: -- Ashqar Phone Calls Tab 6.

11 THE COURT: Sorry. I caused the confusion.

12 BY THE WITNESS:

13 A. Ma'am, I don't have that document.

14 MR. FERGUSON: Permission to approach, Judge?

15 THE COURT: You may approach the witness.

16 (Document tendered.)

17 THE WITNESS: Thank you.

18 BY MS. HAMILTON:

19 Q. Tab 6, Page 6, Line 8, there's a reference to Mohammad  
20 Hilmi?

21 A. Right.

22 Q. And what is your understanding of who Mohammad Hilmi is?

23 MR. SPIELFOGEL: Your Honor, I'd ask for a --

24 BY THE WITNESS:

25 A. I --

1 MR. SPIELFOGEL: -- sidebar on this. Very brief.

2 THE COURT: Okay.

3 (Proceedings had at sidebar:)

4 MR. SPIELFOGEL: My understanding of this portion of  
5 that phone call -- and I don't have it right in front of me  
6 now --

7 MR. DEUTSCH: Here it is.

8 MR. SPIELFOGEL: The question that was asked by the  
9 prosecutor was whether he had to use a different name and,  
10 then, he could come to the meeting under a different name.  
11 That's not at all what happens in that phone conversation.

12 MS. HAMILTON: That wasn't my question.

13 THE COURT: That is not what she just asked. She  
14 asked who he was.

15 MR. SPIELFOGEL: No, but before that she said -- the  
16 lead-in, she said -- there was discussion as to whether people  
17 had to attend under a different name.

18 MS. HAMILTON: I said "people who were not allowed to  
19 attend."

20 MR. SPIELFOGEL: No, that -- and she said "under a  
21 different name." There's nothing --

22 MS. HAMILTON: They were not allowed to --

23 THE COURT: Wait, wait, wait.

24 MS. HAMILTON: -- attend and sign in under a  
25 different name.

1 MR. SPIELFOGEL: And the point is that there's  
2 nothing in this phone conversation that talks about that he  
3 can't sign in under that name.

4 MS. HAMILTON: I can rephrase it, if it's unclear. I  
5 don't want to be confusing.

6 THE COURT: Okay.

7 MS. HAMILTON: Because that wasn't what I meant to  
8 ask at all.

9 THE COURT: That is not how I took it, but I am not  
10 sure what the link to the phone call is.

11 MS. HAMILTON: I'll rephrase it --

12 THE COURT: Okay.

13 MS. HAMILTON: -- if it's confusing.

14 (Proceedings had in open court:)

15 BY MS. HAMILTON:

16 Q. Let me back up.

17 On cross-examination, you were asked questions about  
18 this phone call and the fact that it was decided that this  
19 would be an open meeting where anyone off the street could  
20 come in, correct?

21 A. Yes, ma'am.

22 Q. And you were also asked questions about people coming and  
23 signing in under their true names, correct?

24 A. Yes, ma'am.

25 Q. Based upon your review of this phone call, is there anyone

1 who the participants on this call decided was not allowed to  
2 come to the meeting?

3 A. Yes, ma'am.

4 Q. Who?

5 A. Mohammad Hilmi.

6 Q. And based upon what is said in this phone call, what is  
7 your understanding as to why he was not allowed to come?

8 A. He might have --

9 MR. MOFFITT: Objection.

10 MR. SPIELFOGEL: Objection.

11 MR. MOFFITT: That's an opinion.

12 THE COURT: Sustained.

13 And you are going beyond -- you are now referring  
14 to -- sustained.

15 BY MS. HAMILTON:

16 Q. Agent, I direct your attention to Page 37 --

17 THE COURT: Same call?

18 MS. HAMILTON: Same call.

19 BY MS. HAMILTON:

20 Q. -- Lines 2 through 10. And I'd ask you to publish that,  
21 please, read it.

22 A. Yes, ma'am.

23 Baker says: "I am still cautious, my brother. I  
24 mean, let some distance between us and especially in a  
25 situation like this where all the brothers are here. I am not



1 against you working with him between you and him. However, I  
2 suspect his presence. From our point of view, we'll be -- but  
3 I still have feelings that those people remain under  
4 surveillance for a period of time and I don't know how his  
5 presence will serve the purpose exactly. I mean, I remain  
6 wary. But, of course, it's up to you. I didn't want to hang  
7 up the phone and say to myself 'Why?'

8 Q. And you were asked questions on cross-examination by  
9 Mr. Spielfogel about the fact that there's nothing unusual  
10 about having a phone call setting up a conference, right?

11 A. That's correct.

12 Q. And there were a number of questions you were asked,  
13 "There's nothing unusual about other aspects of this phone  
14 call, deciding topics and things of that nature"; is that  
15 right?

16 A. Yes, ma'am.

17 Q. Is there anything unusual about planning a conference  
18 that's supposed to be open but not allowing someone to come  
19 because you believe they may remain under surveillance?

20 MR. SPIELFOGEL: Objection, your Honor.

21 THE COURT: To form, sustained.

22 BY MS. HAMILTON:

23 Q. Is there anything unusual about not allowing someone under  
24 surveillance to attend an open conference?

25 MR. SPIELFOGEL: Objection. There's nothing in there

1 that he's under surveillance.

2 MS. HAMILTON: I'm reading directly from Line 6 and  
3 7, "under surveillance."

4 THE COURT: Overruled.

5 You may answer that.

6 BY THE WITNESS:

7 A. I think that is -- for most people, I think that would be  
8 unusual. If you're talking about terrorist individuals being  
9 concerned about who --

10 MR. MOFFITT: Objection.

11 THE COURT: Objection sustained.

12 And the jury should disregard the last part.

13 If you are asking him about what is unusual, that is  
14 the answer he has been responding. He was about to answer  
15 about what -- beyond that.

16 BY MS. HAMILTON:

17 Q. Based upon what's said in this transcript, as was  
18 highlighted on cross-examination, there's a section about it  
19 being an open meeting, correct?

20 A. Yes, ma'am.

21 Q. And we just went back to a section where they're talking  
22 about not letting someone come because he is under  
23 surveillance, correct?

24 A. Yes, ma'am.

25 Q. Is there anything unusual about that?

1 A. I think that's unusual.

2 Q. You were asked questions on cross-examination about why,  
3 as a federal agent investigating these matters, you don't go  
4 into the West Bank and Gaza to check out the conditions,  
5 right?

6 A. Yes, ma'am.

7 Q. Why don't you?

8 A. I want to stay alive.

9 Q. You were asked about the participants of the Philadelphia  
10 conference being concerned about the effect of the Oslo  
11 Accords, correct?

12 A. Yes, ma'am.

13 Q. And there is one section -- a couple sections -- of the  
14 transcript where Muin Shabib, defendant Ashqar and others talk  
15 about their concern about the Islamic University being shut  
16 down --

17 A. That's correct.

18 Q. -- correct?

19 What is your understanding about why the individuals  
20 at this conference were concerned about the Islamic University  
21 being shut down?

22 MR. MOFFITT: Objection.

23 THE COURT: Overruled.

24 BY THE WITNESS:

25 A. The Islamic University of Gaza is recognized as a Hamas

1 stronghold.

2 BY MS. HAMILTON:

3 Q. You were asked questions about the fact that participants  
4 at the meeting specifically said there was to be no direct  
5 confrontation in America, correct?

6 A. Yes, ma'am.

7 Q. Based upon what was said at the meeting, what is your  
8 understanding as to why?

9 MR. MOFFITT: Objection. There's not one word in the  
10 meeting about why. This is an opinion that's being offered --  
11 his opinion is being offered -- here, again.

12 MS. HAMILTON: He was asked about his opinion, but I  
13 can direct him to a specific portion of the transcript.

14 THE COURT: Okay. Why do you not do that.

15 MS. HAMILTON: I just need a moment, your Honor.

16 (Brief pause.)

17 THE COURT: Do you have a particular tab you would  
18 like the jurors to turn to?

19 MS. HAMILTON: Yes. In the Philadelphia conference,  
20 Tab 23, Page 6.

21 MR. DEUTSCH: I'm sorry, what was it?

22 THE COURT: Tab 23, Page 6 in the Philadelphia  
23 Conference binder.

24 BY MS. HAMILTON:

25 Q. Agent -- and we went through this on direct examination,

1 correct?

2 A. Yes, ma'am.

3 Q. I direct your attention to Lines 4 through 7.

4 A. Yes, ma'am.

5 Q. And just flipping back, who is speaking?

6 A. Shukri Abu Baker.

7 Q. And at Line 4, he says, "When we say 'avoiding any kind of  
8 direct confrontation on the U.S. front,' this is our  
9 understanding of the ramifications of the situation. When we  
10 had a discussion, we understood that if we escalate the  
11 situation on the U.S. front, there will be big problems which  
12 are not in our favor."

13 What is your understanding of what Shukri Abu Baker  
14 was saying about why there was to be no escalation on the U.S.  
15 front?

16 MR. MOFFITT: I object to his understanding about  
17 what --

18 THE COURT: Sustained.

19 (Brief pause.)

20 MS. HAMILTON: One moment, your Honor.

21 THE COURT: Okay.

22 (Brief pause.)

23 BY MS. HAMILTON:

24 Q. You were asked questions on cross-examination about your  
25 understanding that there was nothing in the Philadelphia

1 conference about planning military activity in the United  
2 States?

3 A. Yes, ma'am.

4 Q. And your answer was that there was not any discussion  
5 about planning military activity in the United States?

6 A. Yes, ma'am.

7 Q. Do you have an understanding based upon this section and  
8 others as to why?

9 A. Any escalation of activities --

10 MR. MOFFITT: Objection.

11 MS. THOMPSON: Objection, Judge.

12 MR. MOFFITT: It's the same question rephrased as the  
13 one that was sustained just a minute ago.

14 MS. HAMILTON: It is not. I tied it directly back to  
15 a question asked on cross-examination.

16 MR. MOFFITT: Excuse me. The question, I believe,  
17 that was asked on cross-examination is, "Did you examine the  
18 transcript and did you find anything in there that talked  
19 about violence or anything?"

20 Now she's asking the question why. And that's his  
21 opinion.

22 THE COURT: Ms. Hamilton?

23 MS. HAMILTON: The question was not that specific.

24 MS. THOMPSON: Judge, I asked the question and it was  
25 very specific. I picked up the binder. I showed him the

1 binder. I said, "Is there any evidence in here of any mention  
2 of it?" I used the word "mention." I used the binder. I  
3 showed it to him. It was no broader than that and  
4 Ms. Hamilton knows it.

5 MS. HAMILTON: I don't believe that's correct. I  
6 think that it was his understanding of whether there was any  
7 discussion about it.

8 THE COURT: Objection sustained.

9 (Brief pause.)

10 MS. HAMILTON: Your Honor, just a moment. I'm sorry.

11 (Brief pause.)

12 THE COURT: Anything further?

13 MS. HAMILTON: Just one question.

14 BY MS. HAMILTON:

15 Q. Based upon your review of this section and others like it,  
16 was there discussion at the Philadelphia conference about  
17 military action in the United States?

18 MS. THOMPSON: Objection as to form, Judge. "And  
19 others like it"? There was specific questions. This is the  
20 same question. She's trying to reword it by simply putting in  
21 some vague notion about others like it and it's the same  
22 question, again.

23 THE COURT: Overruled. The question is focused on  
24 the transcripts.

25 BY THE WITNESS:

1 A. Can you repeat the question, again, ma'am?

2 MS. HAMILTON: Your Honor, could you read it, please?

3 THE COURT: Sure.

4 (Whereupon, the record was read by the Court.)

5 BY THE WITNESS:

6 A. I do not recall that.

7 BY MS. HAMILTON:

8 Q. This particular section was --

9 MR. MOFFITT: Objection.

10 MR. DEUTSCH: Judge --

11 MS. THOMPSON: Objection.

12 MR. DEUTSCH: -- now because he can't recall --

13 MS. HAMILTON: He said he can't recall.

14 MR. DEUTSCH: -- and she doesn't like that answer.

15 THE COURT: He said he cannot recall. If you need to  
16 point him to a specific provision in there or a specific line,  
17 you may do so.

18 BY MS. HAMILTON:

19 Q. Focusing on the line that was published -- I'm sorry,  
20 Agent -- Tab 23, Page 6, Lines 4 through 7.

21 A. It does not specifically say military. It does mention  
22 escalating the situation and ramifications of that and there  
23 being big problems as a result.

24 Q. And what do you take that to mean?

25 MR. MOFFITT: Objection.



1 THE COURT: Sustained.

2 MS. HAMILTON: No further questions.

3 THE COURT: Mr. Spielfogel.

4 RECROSS EXAMINATION

5 BY MR. SPIELFOGEL:

6 Q. Agent, did you just tell us that the Islamic University is  
7 a university that's a strong front for Hamas? Is that  
8 correct?

9 A. I called it a stronghold of Hamas.

10 Q. Stronghold of Hamas; is that correct?

11 A. Yes, sir.

12 Q. There to benefit the people of Hamas; is that correct? Is  
13 that your understanding?

14 A. Can you rephrase the "benefit" asked?

15 Q. Well, let me ask you this: The Islamic University, do you  
16 know what kind of courses they teach over at that university?

17 A. Haven't been there, sir.

18 Q. Okay.

19 Do you know if they teach courses in business and in  
20 education?

21 A. Don't know.

22 Q. Do you know if they teach courses in sciences, pharmacy  
23 and agriculture?

24 A. Don't know.

25 Q. Do you know if they teach nursing, engineering, medicine

1 and computer sciences?

2 A. Don't know.

3 Q. Do you think that those things would only be for the  
4 benefit of people who are associated with Hamas?

5 A. That's not what I said.

6 Q. You told us -- I'm trying to understand this.

7 Are you saying that you can't have a meeting in this  
8 country where you don't speak about violence and you speak  
9 about ideas if you are labeled part of a movement? That's --  
10 you're not supposed to do that in this country?

11 A. I think your question is pretty general. And I think I'd  
12 have to look at the circumstances of meetings that you're  
13 talking about.

14 Q. I'm talking about a movement, part of the movement that  
15 we're talking about that we're on trial here today.

16 Are you trying to tell us that you cannot have a  
17 meeting of those people -- when you don't discuss violence and  
18 you discuss the things that are in those transcripts -- that  
19 you can't do that in this country?

20 A. I can tell you that if you want to go ahead and discuss  
21 supporting a -- terrorist groups, you might have to eat those  
22 words later on.

23 Q. You can't -- can't I have a meeting in this country -- the  
24 Ku Klux Klan can have a meeting, can't they?

25 A. And I hope to God we're listening to them.

1 Q. And they can go and they can have demonstrations; is that  
2 right?

3 A. And I hope they're surveilling them.

4 Q. And so can the -- and you can surveil them all you want;  
5 isn't that true?

6 A. If I'm legally entitled to, yes.

7 Q. But the fact of the matter is that in this country, they  
8 can have their meeting and they can present their ideas; isn't  
9 that true?

10 A. And their ideas may be evidence later on, sir.

11 Q. And they should be convicted for their ideas?

12 A. I don't think anybody's been convicted on an idea.

13 Q. Aren't there countries where you can't even have the idea  
14 and express it in the public?

15 A. Are we still talking about the U.S. or other countries  
16 now, sir?

17 Q. I said other countries. Countries --

18 A. Sure, there's other countries.

19 Q. But in this country, you can?

20 A. You can, but the ramifications are that it may be  
21 evidence.

22 Q. But you're not going to be convicted of a crime just for  
23 expressing ideas. That's what this country is all about;  
24 isn't it, Agent?

25 A. You would never be convicted on your word alone. But

1 those words may represent what the people think --

2 Q. And --

3 A. -- and shine light onto their actions and on who they  
4 really are.

5 Q. And as you've told us here today, there was no discussion  
6 about violence in that Philly meeting. There was a discussion  
7 on ideas; isn't that correct?

8 A. Ideas on supporting Hamas, a terrorist organization.

9 Q. And if you support -- by the way, it wasn't a terrorist  
10 organization -- it wasn't designated that -- at the time of  
11 that meeting. We've established that, haven't we?

12 A. It was a terrorist organization. Designation was not a  
13 function of the U.S. government until 1995. But -- --

14 Q. Let me ask you --

15 A. -- it was a terrorist organization, sir.

16 Q. Let me ask you this: This meeting happened in '93; is  
17 that correct?

18 A. Yes, sir.

19 Q. Okay.

20 And in '93, the FBI -- obviously, they had this whole  
21 thing bugged; is that right?

22 A. They had it surveilled and -- yes, sir.

23 Q. And this is a meeting of an organization that you're  
24 telling us is a terrorist organization; is that right?

25 A. Yes, sir.

1 Q. And we already at this time had -- Dr. Ashqar's phones had  
2 been wired; isn't that correct?

3 A. Yes, sir.

4 Q. In 1994, did they indict Dr. Ashqar?

5 A. No, they sure didn't.

6 Q. In '95 and in '96, did they indict Dr. Ashqar?

7 A. No.

8 Q. It's 13 years later that we've brought him into this  
9 courtroom; isn't that correct?

10 MS. HAMILTON: Objection.

11 THE COURT: Overruled.

12 He can answer.

13 BY THE WITNESS:

14 A. Yes, sir.

15 BY MR. SPIELFOGEL:

16 Q. And he didn't say one word at that meeting about the use  
17 of violence; isn't that correct? Isn't that correct, Agent?

18 A. I'm trying to figure out whether he was involved in  
19 talking about the military against the Israelis. That's all  
20 --

21 Q. Well --

22 A. -- I'm trying to decide.

23 Q. -- think about that.

24 Did Dr. Ashqar ever, during the course of that  
25 conversation, advocate the use of violence?

1 A. I don't think -- certainly not directly.

2 MR. SPIELFOGEL: I have nothing else, Judge.

3 THE COURT: Ms. Thompson?

4 MS. THOMPSON: Thank you, Judge. Just a few  
5 questions.

6 RECROSS EXAMINATION

7 BY MS. THOMPSON:

8 Q. Agent Miranda, CAIR is an acronym (sic), isn't it?

9 A. I'm sorry?

10 Q. CAIR is an acronym (sic)?

11 A. Acronym?

12 Q. Yes. Sorry. Acronym.

13 A. Yes, ma'am.

14 Q. And it stands for the Council on American Islamic  
15 Relations; isn't that right?

16 A. I think it's Council on Arab Islamic Relations.

17 Q. And, in fact, they have a national office, right?

18 A. Yes, they do.

19 Q. A national office.

20 They have an office in Chicago; isn't that right?

21 A. Yes, they do.

22 Q. And they have 30 offices across the United States; isn't  
23 that true?

24 A. Yes, they do.

25 Q. And on that document that Ms. Hamilton pointed to you, you

1 don't have any basis to dispute the accuracy of what's  
2 contained in that document because, as you told this jury on  
3 cross-examination, you never sought out the FBI version of  
4 that meeting, did you?

5 A. That's not correct. You just misspoke. I didn't -- I  
6 said I personally didn't. You --

7 Q. My question was: Did you --

8 A. Ma'am, can I --

9 Q. -- seek it out?

10 A. -- finish my answer?

11 Can I finish?

12 Q. You can answer my question, sir.

13 Did you seek out the FBI version of that document?  
14 You, sir.

15 A. And my answer was other agents did.

16 Q. You did not, though?

17 A. Other agents did.

18 Q. My question is: Did you, sir?

19 A. And I answered earlier I didn't, ma'am. I said --

20 Q. Thank you.

21 A. -- other agents did.

22 Q. Now, you were not part of the FBI in 1993; is that right?

23 A. Correct, ma'am.

24 Q. And do you know who Robert Wright is -- Special Agent  
25 Robert Wright -- with the FBI?

1 A. Yeah, I sure do.

2 Q. Okay.

3 And, in fact, he at that time in those early years  
4 was the Hamas expert, wasn't he?

5 MS. HAMILTON: Objection. Relevance, beyond the  
6 scope. The question --

7 THE COURT: Overruled.

8 You can answer that.

9 BY THE WITNESS:

10 A. No, I would disagree with you on that.

11 BY MS. THOMPSON:

12 Q. He was, in fact, investigating Hamas for the FBI in the  
13 early years; was he not?

14 A. He was one of many agents investigating Hamas.

15 Q. And, in fact, he was headquartered here in Chicago, wasn't  
16 he?

17 A. That's my understanding, yes.

18 Q. And, in fact, he was fired twice because the FBI said that  
19 he was a nut; isn't that right?

20 A. I don't understand the -- why he was --

21 Q. I don't --

22 A. -- dismissed.

23 Q. You don't understand why he was dismissed?

24 Did you ever hear that Robert Wright was a nut in the  
25 investigation and the intelligence on Hamas that he created?



1 MS. HAMILTON: Objection.

2 THE COURT: Sustained.

3 BY MS. THOMPSON:

4 Q. Well, you know he was fired twice, right?

5 A. No, actually, I don't know that he was fired twice. I --

6 Q. Well, you know he was only hired back by the President of  
7 the United States today, George Bush, Jr., right?

8 A. No, I didn't know that, either.

9 Q. Well, it's your opinion, in fact, that the Philadelphia  
10 conference was just all about terrorism, isn't it?

11 A. Sure is.

12 Q. But, in fact, none of the participants of the Philadelphia  
13 conference, which are listed at the front of that binder, were  
14 indicted in 1993, were they?

15 A. In '93, no. Not in 1993.

16 Q. Were any of them indicted in 1994?

17 A. Not in 1994.

18 Q. '95?

19 THE COURT: Ms. Thompson, let him finish his answer,  
20 please.

21 BY THE WITNESS:

22 A. Not in 1995.

23 BY MS. THOMPSON:

24 Q. '96?

25 A. Nope.

1 Q. 13 years later, none of these people have been indicted  
2 and yet you look at it and you say it's all about terrorism;  
3 is that right?

4 A. Actually, it wasn't 13 years. Ghassan Elashi, Haitham  
5 Maghawri, Shukri Abu Baker were indicted in 2002. In --

6 Q. And, in fact, that's been --

7 A. I'm not done with my answer, ma'am.

8 Q. Let me stop you.

9 MS. HAMILTON: Your Honor --

10 BY THE WITNESS:

11 A. I'm not entitled to finish my answer?

12 BY MS. THOMPSON:

13 Q. You may finish your answer.

14 A. So, let's see. Ghassan Elashi was indicted in 2002 in a  
15 case that I was --

16 Q. I don't need to know the case. I asked you what year.

17 A. Oh, okay. 2002.

18 Shukri Baker, Haitham Maghawri, Ghassan Elashi -- let  
19 me look at the list -- were indicted in 19 -- or, I'm sorry,  
20 2004.

21 Q. Is it --

22 A. And -- wait, I'm not done yet.

23 Let's see. Abdel Jabbar Hamdan was ordered deported,  
24 I think it was, this year.

25 Q. And isn't it a fact that there was no action taken by any

1 prior administration until right before the last contested  
2 Presidential election?

3 A. No, that's not entirely correct, either.

4 Q. Now, let me ask you, is it your opinion that Israel is a  
5 terrorist state?

6 A. No, they're not on the state sponsors of terrorism.

7 Q. And, in fact, CAIR isn't on the state-sponsored terrorism  
8 list, either?

9 A. A state sponsor only applies to a state, ma'am. CAIR is  
10 an organization.

11 Q. CAIR --

12 A. It's not a state.

13 Q. But CAIR isn't listed as a terrorist organization, is it?

14 A. Are you asking -- are you asking -- me now is it a state  
15 sponsor or a specially-designated --

16 Q. I'm asking you --

17 A. -- terrorist group?

18 Q. -- whether it's a specially-designated terrorist  
19 organization.

20 A. Thank you.

21 No, it's not.

22 Q. And, in fact, just a moment ago you told Ms. Hamilton that  
23 the reason you don't go to Gaza to study the situation there  
24 is you want to stay alive, right?

25 A. That's right.

1 Q. Is that because you're scared of being run over by an  
2 Israeli bulldozer like Rachel Corey was?

3 A. The -- there were --

4 Q. Answer the question. It's a "Yes" or "No" question,  
5 Agent.

6 A. I'm answering your question, ma'am.

7 Q. Is it because you're scared of being run over by an  
8 Israeli bulldozer like Rachel Corey; "Yes" or "No"?

9 A. I'm afraid of being blown up like the American diplomats  
10 were.

11 MS. THOMPSON: No further questions of this witness.

12 THE COURT: Thank you, Agent. You may step down.

13 THE WITNESS: Thank you.

14 (Witness excused.)

15 \* \* \* \* \*

16

17 I certify that the foregoing is a correct excerpt from the  
18 record of proceedings in the above-entitled matter.

19

20 \_\_\_\_\_, 2006  
Official Court Reporter

21

22

23

24

25