

EXHIBIT 9

From: Kromberg, Gordon (USAVAE) [Gordon.Kromberg@usdoj.gov]
Sent: Friday, June 20, 2008 7:54 PM
To: Jonathan Turley; Rosenberg, Chuck (USAVAE)
Cc: Olson, William; Meitl, P.J.; Ward, Steven (USAVAE); Aaron, David (SMO)
Subject: RE: Al-Arian Offer and Affidavit

Jonathan,

I still have hopes that we can work this out. Nevertheless, in order for this to work, your client is going to have to explain why he would solicit for nickels and dimes for PIJ from the small donors at the Islamic Center of Cleveland in April 1991 - and make no bones about the fact that "for security reasons" PIJ was called ICP in the USA - but not solicit the Herndon group for PIJ when those guys obviously had access to big money (and were already giving him far more money than he could raise at the Islamic Center of Cleveland). Similarly, he will have to explain how ICP came to be the name of PIJ "for security reasons" in Cleveland but - according to your client's affidavit - not for the think tank in Herndon. He will have to explain whether Damra was mistaken in Cleveland.

You write in your message that I had previously stated that I had no interest in Damra, but now I have added questions concerning Damra. You are mistaken in this, for as I wrote you on May 16th:

I don't think you should be baffled by my statement that your client's proffer to us will be worthless to us if he won't even admit his own affiliation and involvement with PIJ. He did, after all, plead guilty to prohibited dealings with PIJ. He has had immunity for whatever he might say. His statements about what the Herndon targets knew or didn't know cannot make sense without the context of your client's own affiliation and involvement with PIJ.

As we discussed, your client might assert that the Herndon targets did not know that he was involved with or affiliated with PIJ. If he makes that assertion, however, to convince us of his honesty on this point he also will need to explain how Fawaz Damra openly could announce to the crowd at the Islamic Center of Cleveland in April 1991, that your client was the head of PIJ - - and that for security reasons, PIJ was referred to "here" as the Islamic Concern Project - - but that the Herndon targets never learned this obviously not-so-secret information.

As you can see, I specifically raised this issue before the last extension, over a month ago.

I realize that you say that your client wasn't on the stage - - and suggest that he was not even in the building - - when there was a reference to ICP as PIJ, but that isn't a sufficient answer; even if your client was not on the stage, he obviously was in the room to be introduced when Damra introduced him. Apparently, you are implying that your client had no idea that Damra introduced him as the head of PIJ, but your client has not made that assertion. If he does, he will have to answer the obvious questions that flow from that: did he not know at that meeting that Damra introduced him as the head of PIJ in the US? If not, when did he learn about it, and what contacts had he had with Damra to lead Damra to make that statement? What did he think he was raising money for at the Islamic Center of Cleveland?

As a matter, of fact, May 16th wasn't even the first time that I raised with you Damra's statements at the Islamic Center of Cleveland. Indeed, I included that very topic in the initial questions that I gave you - - *on May 5th* - - that your client needed to answer in order to provide something meaningful to the government in lieu of appearing before the grand jury. On May 5th, I wrote you that your client needed to answer the following questions:

1. Did your client understand Barzinji, Totonji, and/or Al-Talib to be members or officials in the Muslim Brotherhood?
2. Did your client understand Al-Alwani, Barzinji, Totonji, and/or Al-Talib to recognize that your client, Nafi, and Ramadan Shallah were affiliated with PIJ?

- 2a. If the answer to Question 2 is "no", then how was it that it Damra knew that your client was affiliated with PIJ, and everyone at the fundraiser at the Islamic Center of Cleveland in April 1991 knew that your client was affiliated with PIJ, - - but Barzinji, Totonji, Al-Talib, Al-Alwani, and the others at IIIT and SAAR did not?
- 2b. If the answer to Question 2 is "no", then how did Alamoudi come to know that your client, Nafi, and Shallah were affiliated with PIJ, but Alamoudi's direct superiors at SAAR did not?
3. Did your client understand Al-Alwani to recognize that Sheik Abdel Aziz Odeh (alternate spelling, Abd Al Aziz Awda) was affiliated with PIJ?
4. Did Khalil Shikaki ever move or handle money for PIJ?
5. Did your client understand Al-Alwani or anyone else at IIIT or SAAR to recognize that Khalil Shikaki was affiliated with PIJ?
6. Did Al-Alwani or Totonji or anyone from IIIT or SAAR give money to or for the benefit of PIJ, through you or anyone else?
7. Did Totonji recognize that the money you requested for the Orphans' Fund was to support PIJ?

Notwithstanding the fact that your client did not answer *any* of the listed questions in his affidavit - - much less even mention the matters at issue in # 1 and #3 - - the questions regarding Damra were Questions 2a and 2b from my message of May 5th. In short, it is necessary for your client to answer these questions that have been before you and him since May 5th.

Further, as I have written you before, your client will have to answer questions about his relationship with the Muslim Brotherhood. How could he know Al-Talib, Totonji, and Barzinji so well and not also know them from the context of his own Muslim Brotherhood organization? Not only was this topic listed as Question #1 in my message to you of May 5th, I wrote you about this topic again on May 19th:

Further, since the Herndon targets were founders of the Muslim Brotherhood in America, and your client was at one time a member of the Muslim Brotherhood, then if your client later quarreled with the Muslim Brotherhood, we would have to be able to ask who at PIJ remained on good terms with the Muslim Brotherhood in order to ask about the connections between PIJ and the Herndon targets outside of your client.

Your client also will have to explain his response to Alamoudi's statements that everybody in the Herndon group knew that Al-Arian was PIJ. How could Alamoudi know that Al-Arian was PIJ, but not Barzinji, when Alamoudi was Barzinji's aide back when the money was flowing from Herndon to your client's organizations? Obviously, as noted above, this was included in Question 2b from my email of May 5th.

And, as noted above, besides answering questions based on the answers in his affidavit, your client will have to respond to questions about Sheik Odeh, as referenced in Question 3 from my email of May 5th.

Finally, in order for this to work, your client is going to have to answer questions in person rather than in writing. As I wrote you on May 19th:

We cannot agree to confine follow-up questions to the supplemental to those in writing. The supplemental questions go to the heart of what we are interested in, and confining the follow-up questions on these matters in writing will likely prevent us from getting the information we need.

Also:

In essence, this questioning all ought to be done sitting down in a room with you next to him, and we can talk about the questions when they are asked.

I still believe that to be the case.

As I wrote you on May 5th:

[I]t simply does not matter to the legal obligation of your client to answer the questions posed of him in the grand jury whether the questions may inquire into matters that were relevant to the Tampa trial. In essence, it is not the witness's right to circumscribe the parameters of his testimony when he is, as here, ordered to testify with immunity.

I returned to this same topic on May 16th:

[I]t is not persuasive to me that your client should have been excused from testifying before the grand jury here on the grounds that he might be asked questions that would constitute "rehashing matters from the Florida case." To my knowledge, information from your client about the Florida case has never been "hashed" in the first place. Your client's knowledge of the involvement in financing PIJ of individuals in Northern Virginia who gave money to your client cannot be evaluated without your client's first answering questions about his own affiliation and involvement with PIJ. If your client is going to deny his own affiliation and involvement with PIJ, then we are wasting our time in trying to devise a way for him to avoid a criminal contempt indictment.

What I wrote on May 5th and May 16th remains true today.

In essence, I hope that your client will answer the questions that have been put to him for about six weeks now. It is in all of our interests to have him answer them.

Thanks,

Gordon