



The Muslim Solidarity Committee of Albany, New York **An Organizational History and** **A Handbook for Muslim Justice in Your Community**

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Some members of the Muslim Solidarity Committee in front of the federal courthouse in New York City after the appeal for the defendants, March 24, 2008. A few hold Yassin Aref's book, *Son of Mountains*. Photo by Bert Schou.

This booklet can be downloaded at
<http://www.projectsalam.org/handbook.html>

An Open Letter to You

Dear Friends,

A travesty of justice happened in our community, but we fought back. Born from the post-9/11 American peace and justice movement, the Muslim Solidarity Committee (MSC), a grassroots citizens group, was founded in 2006 in response to a case of persecution of two innocent Muslims, Yassin Aref and Mohammed Hossain, in Albany, New York based on suspicion of their religion, their ethnic background, their place of worship, and their political views. Engineered by the U.S. government and law enforcement agencies, the Aref-Hossain “terrorism” case resulted in the conviction and imprisonment of these respected members of the Capital District Muslim community. Albany was not the only locality where Muslims were targeted by the government: many cases of innocent Muslims prosecuted in the “war on terror” occurred between September 12, 2001 and 2006, and have since been replicated throughout America. They are still occurring today.

The Muslim Solidarity Committee has now become the Albany “chapter” of a larger effort for Muslim defendants, Project SALAM (Support And Legal Advocacy for Muslims), which grew directly out of the MSC in 2008 (see “Where We Are Now: Project SALAM,” page 26). Both groups are direct political counterweights to Muslim prosecutions, and the MSC remains a committed presence in the lives of Yassin and Mohammed, whom we promised we would not forget in prison.

In his book *Son of Mountains*, Yassin wrote about a prisoner named L. in the Rensselaer County Jail in Troy, where both were being held in 2006:

L. was really alone. He had no one at all...[He] told me that...there are thousands of prisoners like him. Some people spend five to ten years in the box without any contact with the outside world, like radios or news or TV or newspapers or letters or commissary money. Is that a life? How can someone live without love, without someone else to have contact with just to know that he is alive? How can someone be released from such an experience in prison and return to society as a normal human being?

It’s a proven fact that prisoners who have support groups on the outside during their incarceration fare better both in prison and once they’re released; their families fare better in their absence; and the prison bureaucracy on all levels knows there are “watchers” and advocates in place at every turn. Politically, the MSC is allied with all other prisoner support groups. But by our very name, we especially support Muslims (and their families) who have been charged with terrorism-related crimes. In the post-9/11 climate of fear and oppression that has existed in this country for the past nine years, these Muslims are America’s political prisoners. It is unacceptable that a religion—Islam—and its adherents—Muslims—have been officially (and falsely) equated by the United States government with terrorism, with all the fear and hysteria and cultural fallout that word engenders. Surely it’s the dirtiest word of our age, and the most politically incendiary for Americans, Muslim and non-Muslim alike.

Our fluid group members wear many hats. Many belong to other activist groups, and they devote themselves to issues both related and unrelated to Muslim persecution. Thus we are peace and anti-war and environmental activists, community and labor organizers, mosque members, lawyers and interfaith workers, native-born and immigrant citizens, male and female, Christians and Jews and Muslims and unaffiliated, still working and retired, residents of city, suburb, and country. We have no money to spare or we are financially comfortable, but we all have money and time to pool and share if necessary—and it has been necessary. We are, most importantly, Americans who believe in the rule of law. We take as our inspiration Martin Luther King’s eloquent assertion that “Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

We recognize that true terrorism and extremism exist, on both the individual and governmental levels, and that they are not problems unique to our time. But having been deeply involved with the Aref-Hossain case for four years, we now realize that the targeting and prosecution

of a minority community, Muslims, comes out of a broader domestic law enforcement program in the “war on terror” called preemptive (or preventive) prosecution. This program, which originated at the highest levels of the U.S. Justice Department during the Bush Administration, was initiated after 9/11, is grounded in the same justification under which America “preemptively” invaded Iraq, and is based on former vice president Dick Cheney’s “1% Doctrine.” Contrary to the Constitution as well as to the assumption of innocence, which is a fundamental right in all democracies, the “1% Doctrine” asserts that if a person (usually a Muslim) *might*, in the view of law enforcement, support a future terrorist act, the government must act to prosecute him/her *before* that support expands into action. It’s Orwell’s thought-crime to prosecute someone before a crime has been committed, but the key word is *might*, because it relies on a view of Muslims as automatically prone to terrorist activity, based on a deliberate misunderstanding of the tenets and beliefs of Islam. Preemptive prosecutions of Muslims since 9/11 have all followed from this flawed assumption, using a variety of tactics to set up Muslims throughout the country to “talk terrorism,” since they are assumed to be already predisposed to it simply by dint of being Muslims—a racist Catch-22 that we are committed to exposing.

What is the purpose of preemptive prosecution? The government gets another “victory” notch in its belt in the “war on terror;” the public is saved once again from another potential Muslim jihadist; and the homeland remains safe from another terrorist attack. Spurious goals, because they are achieved through lies. Fear is the operating principle, and the law (particularly the material support and terrorist financing statutes) is its vector. It is not possible to list all the violations of civil rights, the perversions of justice, the deliberate cultural and religious mis- and disinformation, and the overwhelming lack of moral principles or responsibility on the government’s part inherent in these spurious prosecutions, but over four years two things have become clear to us: Muslims are under siege in America, and the government will muster the full complement of its resources and funds to gain terrorist convictions of Muslims at any cost, *even if it knows the targets are not guilty of terrorism*. We now see the Aref-Hossain case in this larger framework, unfortunately one of hundreds of such cases nationwide. Project SALAM directly addresses these cases by its activities and dissemination of information.

If this is indeed the “new normal” in America, then we cannot emphasize strongly enough that whatever you do in support of a Muslim family, or an individual defendant, or the Muslim community in your locality, will make a difference. So we offer you this booklet, a brief history of our committee and a selection of our activities over the past four years, in the hope that you will be moved by both your hearts and your intellects to strengthen existing support groups for Muslim political prisoners in your own communities, or to begin a support group if one doesn’t already exist. We want this booklet to be not so much a “how-to,” but rather a “why-do.” We hope it suggests to you some creative actions based on what we’ve done to date, and offers practical advice based on our experience, as well as a few caveats—and maybe a little inspiration too. *Insha’Allah* (God willing), we hope it will help you work toward the realization that “without justice there is no peace; without peace there is no justice.”

The Muslim Solidarity Committee

Chapter 1: A Brief History of the Aref-Hossain Case

On October 10, 2006, Yassin Aref and Mohammed Musharref Hossain were convicted in federal court on charges of money laundering and material support for terrorism. Yassin, an Iraqi Kurd and a UN-sponsored refugee, and Mohammed, a Bangladeshi immigrant and naturalized American citizen, were members of the Masjid As-Salam,* a working-class mosque at 278 Central Avenue in the heart of Albany's downtown business district. Yassin was the masjid's imam; Mohammed was a senior member of the masjid and a small business owner. His pizzeria, Little Italy,* at 3 Central Avenue, is still operating, now run by his wife and family.

The government-engineered "sting" that targeted Aref and Hossain began in 2003, although we have uncovered evidence that Albany's Joint Terrorism Task Force, which is run out of the FBI's Albany field office (between 2001 and 2003, JTTFs started operating in 103 localities in the U.S.[#]), began covert, and in some instances overt, surveillance of Muslims and infiltration of the Masjid As-Salam just after 9/11. To try and get more information on the masjid, the FBI targeted and imprisoned another masjid member, Ali Yaghi, in the nationwide "sweep" of Muslim men in 2001–2002, though Yaghi was never charged with terrorism. (He was deported to Jordan in 2002.)

The government has always acknowledged that Yassin, who arrived in Albany with his wife and three children from Syria in 1999, was their intended target. The fictional "sting" was accomplished over the course of a year by means of a paid agent provocateur, a Pakistani criminal named Shahed Hussein (aka "Malik")[†], who posed as a rich businessman and won the confidence of Mohammed Hossain by offering a loan for Mohammed's pizza business and rental properties. Malik also added the pose of "jihadist" to his guise, saying that he was also working with a radical group that wanted to assassinate the UN Pakistani ambassador in New York City. Proceeds from payback of the loan would be used to accomplish this. Yassin was drawn in by being a witness to the loan transactions, as per the expected (unpaid) duty of an imam. Some of the details of the plot were conveyed in code; there was no evidence that Yassin was ever told the meaning of the code, but Mohammed clearly was told and he clearly understood it. Aref never said anything to indicate that he understood the plot; the information given to him was sketchy, and was given when he was distracted and unlikely to hear or understand it. By contrast, Mohammed clearly understood at least part of the plot—but he did not want to have anything to do with it, and was only interested in getting a loan to fix up his properties. Thus at trial, Mohammed claimed entrapment, whereas Yassin didn't, because doing so requires that the defendant acknowledge that a crime was committed, and Yassin never knew enough of the plot to have committed a crime. In addition, neither man wanted anything to do with terrorism or extremism, and they said this directly and repeatedly to Malik in taped conversations over the course of the sting.

We believe that the timing of the sting—begun in 2003, just after the U.S. invasion of Iraq—and the fact that Yassin Aref is an Iraqi Kurd, were not coincidental. A significant piece of government evidence against Yassin was the discovery in 2003 by American Special Forces of notebooks that contained Yassin's name and first Albany address and telephone number. These were found in three supposed "terrorist camps" in Iraqi Kurdistan, which allegedly were allied with the Kurdish terrorist group Ansar al-Islam. Prefacing Yassin's name was the word "Kak," a Kurdish honorific of respect meaning "brother" or "mister," the most common word in the Kurdish language—although the government claimed it meant "commander." Revelation of these notebooks in 2004 gave international publicity to the case.

American Special Forces in Iraq raiding terrorist camps; an Albany imam's name and address in notebooks, in which he was termed "Commander"—what more did the potential jury pool need to hear, with war fever upon us all? But these "terrorist camps" could have been encampments of Kurdish refugees trying to cross into Syria to escape the invasion, not terrorist cells—there were many armed camps in Northern Iraq at that time, some for defense and some perhaps for other reasons. The government classified the information about the bombed camps, and no information

was presented to the public to suggest that the camps were involved in global jihad or had Al Qaeda connections. The fact that two of the notebooks were considered “pocket litter”—meaning they were taken off the dead, who had been killed by those same Special Forces—seemed not to make it into the media or, later, the trial. But the government’s mistranslation of “Kak” as “commander” backfired, and when this mistranslation was revealed in 2004 after the arrests, the government’s case nearly fell apart, and Yassin was released on bail. The government then had to make its case for Yassin’s “predisposition to terrorism,” and what easier way to do that than to associate a Kurdish political activist and religious Muslim, who had worked with an organization, the Islamic Movement in Kurdistan, in Syria helping Kurdish refugees, with a Kurdish terrorist leader in Iraq who had previously been peacefully associated with the organization? Never mind that Mullah Krekar had begun his terrorist group, Ansar al-Islam, in 2002—three years *after* Yassin had come to the U.S. as a refugee. The Iraq War and a political activist who was also a religious Muslim: guilty until proven innocent.

Another highlight of the pre-trial events was the classified secret evidence (including what was undoubtedly illegal wiretapping on Yassin from the National Security Agency’s [NSA] Terrorist Surveillance Program, or TSP) that to this day neither the defense attorneys, despite security clearances, the defendants, the jury, nor the public have ever been allowed to see. The existence of the NSA was only leaked to the media in December 2005; on January 17, 2006, the *New York Times* printed a color photograph of Yassin in chains on Page A14, and reported that General Michael V. Hayden, who was NSA director when the program began, stated, “I can say unequivocally that we have gotten information through this program that would not otherwise have been available.” The article went on to state, “Some of the officials said the eavesdropping program might have helped uncover people with ties to Al Qaeda in Albany, Portland, Ore., and Minneapolis.” The article continued: “By contrast [to cases where the NSA surveillance played only a minimal role], different officials agree that the N.S.A.’s domestic operations played a role in the arrest in Albany of an imam and another man who were taken into custody in August 2004 as part of an F.B.I. counterterrorism sting operation.”

The judge, however, did indeed see this secret information; both defense attorneys immediately filed a motion to suppress evidence and dismiss all the charges as the fruit of illegal wiretapping. The motion stated: “The government engaged in illegal electronic surveillance of thousands of U.S. persons, including Yassin Aref, then instigated a sting operation to attempt to entrap Mr. Aref into supporting a non-existent terrorist plot, then dared to claim that the illegal NSA operation was justified because it was the only way to catch Mr. Aref.”

The prosecution filed a nearly unheard-of classified response to the defense motion. The defense could not see the response, even though both attorneys had already obtained top-secret security clearances.

Hours after the classified response was filed, the judge issued an unprecedented classified order denying the motion. The defense has never seen this order, either. In March 2006, the defense filed a petition with the Second Circuit Court of Appeals challenging the Court’s authority to file classified orders. The New York ACLU also filed an amicus brief in support of the defense, and additionally raised the issue of public access. But everything was denied on procedural grounds.

* Please take the opportunity on Sunday, July 25 at 1 p.m. to participate in the rally and march from the east steps of the Capitol (corner of Washington Ave. and State St.) in downtown Albany to the Masjid As-Salam at 278 Central Ave., where there will be a pizza lunch and speakers, many of them family members of defendants from other Muslim cases and prosecutions. The march will pass Little Italy Pizzeria. This will be the fourth annual march and rally sponsored by the MSC to commemorate the anniversary of the arrests of Aref and Hossain on August 4, 2004.

“In February 2003, agents at all fifty-six FBI field offices were instructed to “count the mosques” in their areas as an investigative tool.” “Prior to the start of the U.S. attack on Iraq, the FBI used JTTFs to interrogate 11,000 Iraqis and U.S. citizens of Iraqi descent living in the U.S.” “In 2004, the FBI used JTTFs to implement its “October Plan” of aggressive surveillance and investigation of ‘persons of interest,’ mainly Muslims.”

All quotes from <http://www.bordc.org/resources/jttf-faq.php>

† Shahed Hussein was once again handsomely compensated by the FBI in 2009 for entrapping four recent converts to Islam (the “Newburgh 4”) down the Hudson River in Newburgh, New York. Known there as “Maqsood,” Hussein again used the familiar guise of a rich businessman to instigate, plan, and engineer a fictional plot to entice the men to bomb two Jewish temples in Riverdale, The Bronx, and shoot down military aircraft at Stewart Air Force Base—all supposedly in the name of Islam. The case has not gone to trial because the judge has indefinitely postponed it, based on the prosecution withholding critical evidence of possible entrapment from the defense. Beginning last year, the MSC circulated a photograph of Shahed Hussein via websites and list servs. We want him to be immediately recognizable to as many people as possible so that he can never again entrap anyone.



Left: Yassin Aref at the Communications Management Unit at Terre Haute, Indiana in 2009, just before his transfer to the Marion CMU. Anonymous photographer. Right: Mohammed Hossain in front of his pizzeria, Little Italy; he was interviewed by the *Times Union* in 2004 as part of a series on Central Avenue businessmen. Photo by Michael T. Farrell, Albany *Times Union*.

Chapter 2: Other Area Cases

There had been other area Muslim arrests and prosecutions before Aref-Hossain: Ali Yaghi in Albany in 2001, Ansar Mahmood in Hudson in 2002, Imam Warith Deen Umar in Albany in 2002 and 2006. These prosecutions give an idea of why the Capital District activist community was watching the Aref-Hossain case so carefully.

Ali Yaghi

Just after 9/11, Ali Yaghi, a member of the Masjid As-Salam, stood in front of his pizza store on Delaware Avenue and said, “I am very happy with whatever is happening to America.” A well-known loudmouth and jokester, Yaghi was reported to the police by a neighboring businessman. This triggered an FBI investigation, and Yaghi was eventually arrested on suspicion of terrorism. On October 25, 2001, he was transferred to the Metropolitan Detention Center in Brooklyn, where he was imprisoned—with no charges—until July 2002, when he was deported to Jordan. Shamshad Ahmad, who knew Yaghi well, writes of him in his book, *Rounded Up*: “He had several ingredients that fit the FBI’s profile of a ‘person of interest.’ He was a young Palestinian, religious, bearded; he wore long Arabic dress and a *koofi* on his head; he was talkative; and he was a businessman. More importantly, he had disposed of his house and business, sent his wife and children to Jordan, moved his money, relocated to Texas, and then came back to Albany—all this just prior to 9/11. Apparently some of these things, though coincidental in Yaghi’s case, seemed to be common to the 9/11 hijackers, or were considered by the FBI to be part of a terrorist’s method of operation.” Because of an unregistered weapon conviction in 1992, for which he served some time in the Albany County Jail, Yaghi also had a criminal history.

Yaghi's wife campaigned for his release during 2001–2002, and she was supported by the anti-war group Women Against War. After his deportation, she and her children joined him in Jordan, but ultimately returned to the U.S., again with help from Women Against War. The MSC feels that it was Yaghi who first attracted the FBI's attention with regard to the masjid, and thus to Yassin, although we consider what happened to Yaghi a travesty. Both Yassin and Mohammed were questioned about Yaghi after his arrest. Yaghi and Yassin had a very good relationship; as the masjid's imam, Yassin was quoted in a *Times Union* article about Yaghi on November 29, 2001, saying, "What I know I told them [the FBI]. I think really his problem is he's the "jokie" man, ...referring to Yaghi's practice of making jokes out of serious issues that many people don't find humorous."

Ansar Mahmood

A young Pakistani immigrant, Ansar Mahmood was detained and arrested in 2002 after he asked a guard to take a picture of him at what turned out to be a water treatment plant in Hudson, New York. Mahmood said he regularly sent scenic photos of the Hudson Valley—along with his earnings—to his family overseas. No terror-related charges were ever filed against him, but he had signed an apartment lease, helped pay rent, and registered a car in his name for a young Pakistani couple with expired visas. He also admitted helping the couple get jobs at the Domino's pizza shop in Hudson where he worked. He pleaded guilty in January 2002 to harboring aliens and was sentenced to time served and five years' probation. A very active defense effort for Mahmood grew out of the Chatham Peace Initiative group, but in June 2004 an immigration judge ordered him deported to Pakistan despite more than 100 letters and phone calls on his behalf, including two from U.S. Senators Hillary Rodham Clinton and Charles Schumer.

Imam Warith Deen Umar

In 2002, after his retirement from 25 years of service as a Muslim chaplain for the New York State prison system, Imam Warith Deen Umar spoke out against U.S. policies in Afghanistan and Iraq. He was subsequently attacked in a front-page article in the *Wall Street Journal*, which claimed he supported the 9/11 terrorists. He eventually filed suit against the newspaper for slander. New York Governor George Pataki and Senator Charles Schumer also publicly blasted Umar.

In January 2006, Umar was in his apartment in The Bronx when a prospective tenant became belligerent and punched him. Umar grabbed an unloaded shotgun that he owned, ordered the man out of his apartment, locked the door, and called the police. The police arrived and arrested both men. The attacker was let go, but Umar was kept in jail overnight. While in jail, the police ransacked Umar's Bronx apartment and took or destroyed many of his personal belongings.

On January 7, 2006, members of the New York Police Department dressed in plain clothes raided Umar's Bethlehem, New York home. They forced their way into the house, terrorized his family, ransacked the house, and took personal possessions, including computers and book manuscripts. The charges brought against Umar in New York City were dropped, but on February 3, five FBI agents arrested him at his Bronx apartment and took him to a federal detention facility in Manhattan on the charge of ownership of an unregistered shotgun after a felony conviction—37 years prior. His trial before a judge ended with a \$100 fine and a sentence of one year's home confinement. The judge justified the light sentence by taking into consideration Umar's character, his history of working for the Department of Corrections, and his value as a father, husband, and member of his community—and the judge also mentioned the letters that many activists in Bethlehem Neighbors for Peace had written in support of Umar (they had also generated a petition, organized vigils, and were present at every court hearing). Unfortunately, despite legal efforts, to date neither Umar nor his family have seen return of any of the items taken in the 2006 home raid.

Chapter 3: Formation of the MSC

Against the backdrop of these cases, in late summer 2004 the Solidarity Network, an informal association of activists drawn from various peace and justice, anti-war, civil liberties, women's, and interfaith groups, watched with dismay as the Aref-Hossain pre-trial events unfolded. Convinced that both men had been entrapped and set up by the government because of the continuing post-9/11 hysteria over Muslims, they persuaded officials and concerned citizens to sign on to a statement of support, and then purchased ad space in a local alternative newspaper for the statement, which affirmed: "We, residents of the Capital District, are deeply troubled and concerned by patterns of profiling, stereotyping, and discrimination against our Arab and Muslim neighbors. We urge you to join us in assuring that religious freedom is protected, that cultural diversity is cherished, that political expression is encouraged, and that fear shall not divide us."

In retrospect, the biggest regret we in the MSC have is that we did not formally organize sooner, when the men were first arrested in August 2004. It would have given us far more time to present the injustice of the case to the public and react to each pre-trial and trial event as a group. We lost valuable time, we could have aided the families far earlier, and we lost the opportunity to influence the potential jury pool. We thus advise you: organize *as soon as* a defendant is arrested, and begin to support the families immediately, however you can.

Once the trial began, some members of the Solidarity Network attended each day of the trial and took daily notes. They spoke to the media at every opportunity, quietly contributed money for the families, and took news of the unfolding debacle back to their various groups.

On October 10, 2006, Yassin and Mohammed were convicted of money laundering and material support for terrorism. Yassin was also convicted of lying to the FBI. Yassin was convicted on ten of thirty counts (and acquitted of the other twenty), and Mohammed was convicted on all twenty-seven counts against him.

Ten days later, on October 20, more than fifty members of the peace and justice community, as well as several members of the masjid and the larger Muslim community, answered a call put out to area activist groups by the Solidarity Network to meet at Albany's Friends Meeting House to express their outrage and sorrow at the unjust convictions and to organize action in support of the men and their families. From that meeting emerged the two founders of what would become the Muslim Solidarity Committee: Cathy Callan, a longtime area peace activist and organizer with a background in community services and fundraising; and May Saffar, a Muslim Iraqi immigrant from Baghdad who initially supported the American invasion of Iraq in 2003 but turned completely against it through her association with Bethlehem Neighbors for Peace—and through the Aref-Hossain case. The MSC (called at the time the Muslim Defense Committee) was composed of mostly non-Muslims who had been following the Aref-Hossain trial and wanted to help in any way possible. Muslim members included those men (and women) who were unafraid to speak out and publicly challenge the government's tactics and persecution of Muslims in the community. Significantly (and unsurprisingly), the Capital District Muslim community had been terrorized by the case. Many Muslims and their families had been visited and questioned at length by the FBI; they feared for their safety and security, and thus most were unwilling to publicly take an adversarial stance. However, support for the defendants' families from the Muslim community was overwhelming, and out of public view and within their mosques they rallied to fundraise, offer personal support, and help the families day to day.

Some Unique Factors, and Some Suggestions

We must point out some aspects of a "perfect storm" that fate dealt us when the MSC formed. But we want to emphasize that *every* group has its unique strengths—and if you wisely look for these and use them to the fullest, you'll be able to tailor your activities well to the case or issue

around which you've formed. (To paraphrase Donald Rumsfeld: "You go to the streets with the assets you have.")

First, our members include four people whose expertise has been invaluable in understanding the complex Aref-Hossain legal case and to building bridges with the Muslim community. Kathy Manley, a longtime social justice activist, is one of Yassin's attorneys, and among other assets she has provided all us non-lawyers with a continuing, on-the-ground legal education. She has also determined the legal strategy for the "court of public opinion," and has kept us all informed about other legal decisions throughout the country whose issues directly or indirectly relate to Aref-Hossain. Steve Downs is a volunteer attorney for Aref; a peace activist, he has also provided us with a practical legal education, and has become the legal reference point for the larger issue of Muslim prosecutions, as well as the fund manager and go-to legal guy for the families. He is also the founder of Project SALAM. May Saffar, co-founder of the MSC, and Dr. Shamshad Ahmad, a University at Albany lecturer in physics and the founder and president of Masjid As-Salam, have been our bridges to the Muslim community. May, an Iraqi exile, brought her culture, personal history, and organizing experience to the group (and to Yassin, a fellow Iraqi), and especially spoke out for the Iraqi people and for Muslim women. Shamshad has never failed to speak out strongly against the injustice done to the defendants, the mosque, and the local Muslim community, and he remains the vital liaison between our mostly non-Muslim group and the Muslim community (May moved out of the area in 2009).

Suggestion: Based on our experience, it will benefit you to enlist a defendant's lawyer in your activities if possible, or else an activist/civil liberties lawyer in your area who is aware of the larger issue of Muslim prosecutions. As a grassroots group, you "don't need a lawyer," but we have found that we could not have gotten this far without ours. However, a mosque member or Muslim spokesperson, who is willing to be a liaison between you and the Muslim community, is integral to your group's success. There are some cases we've heard of in which a mosque is not even willing to offer the families support (fear is the main reason), and this has consequently limited the effectiveness of the support group. To be blunt, your group of mostly non-Muslims wants to support Muslims—but if you do not have a Muslim willing to stand with you, it will be difficult for you to succeed.

Second, the Albany newspaper, the *Times Union*, has been open to presenting all aspects of the case, from coverage of the arrest to details of the men's appeals to our activities. We mean "open" in contrast to other localities that also saw a terrorism prosecution, where the knee-jerk, predictable reaction to the "t-word" at the outset has dictated every aspect of how that prosecution continues to be presented. The TU assigned an excellent reporter to the Aref-Hossain story at the beginning; the paper's editorial board, at least, as well as its columnists, has always been independent; and our members have been able to publish op-eds and letters to the editor.

We have also been fortunate to count as a strong supporter a columnist for the Schenectady *Daily Gazette*, Carl Strock, who from the beginning of the trial declared his disgust with the entire prosecution and has never let up since. Schenectady's population has a high percentage of immigrants and minorities, and the newspaper is independent, so the case clearly resonated with the paper's editors. Two of the area's television stations have also gradually changed their opinion of us and of the case, from initially skeptical to sympathetic. One has been, and continues to be, adversarial. The Fox TV affiliate—unlike probably any other Fox affiliate in the country—has been informed and friendly, and comes to cover every public action that we undertake. The National Public Radio affiliate here has always done sensitive, detailed, and informed coverage of the case and our numerous activities.

The MSC worked extremely hard from the beginning to keep "publicity" in mind in every one of its activities, and after awhile we learned the simple fact that if you keep repeating your position over and over, someone will take notice and report it. As time went on, we began to be seen

less as a group of diehard lefty liberals than as citizens with some thoughtful things to say and serious questions to raise about the trial, the case, and justice for Muslims. Because we did not give up or shut up, the media could not ignore us. Because we have kept up visibility for the MSC and for the case over four years, the case is still familiar (either pro or con) to the majority of Capital area residents.

Suggestion: You know your own community and its media, and what you can expect from them and what you can't. However, we can't emphasize strongly enough that if you persist—whether by calling out a reporter on wrong facts every time such a story comes out, by contacting media with a press release every time you have an issue or activity to present, or by sending related information from elsewhere in the country to media via e-mail and thus suggesting a story with you as commentator—you will get covered if you just refuse to go away or give up.

Third: because Albany is the capital of New York and thus a political town, there are a plethora of organized, progressive activist groups here, dedicated to as many issues as this conference is covering. The support of these groups for the MSC has been one of the main reasons the MSC continues to exist. Each of these groups seemed to take the Aref-Hossain case personally at the outset, and acted accordingly, and we all consider ourselves the product(s) of the political climate of mostly Democratic Albany (although if Albany were mostly Republican, we would probably be documenting a much different history).

Suggestion: Turn to other progressive activist groups in your community right away and embrace them. *They* are your community; from those groups you will find your strongest support and your members. We can suggest that interfaith groups be near the top of your list.

Fourth: we have an amazing wealth of artistic capabilities in our members (and in one of our defendants!) The MSC has so far produced a memoir/autobiography by Yassin Aref; a book on the case by Shamshad Ahmad; and a documentary film on the case by Ellie Bernstein.* Members have also written and published poetry, op-eds, letters to the editor, and articles about the case and the defendants in both local and national publications. The writer of this history is a professional writer and editor, and has helped members (and authors) with their written texts.

Suggestion: We cannot guarantee that every defendant will write a book for you to publish (we think that *Son of Mountains* by Yassin Aref is the only book available written by a terror suspect). But the power of art to persuade, publicize, enlighten, and help others understand your issues cannot be overestimated. Encourage any member of your group to go forward with an artistic project about the case or some aspect of your activity. When you experience the rush of publicity that comes from debuting a major artistic project, and the ability to reach beyond your locality to the nation and the world (via the Web) with your information, you will understand the necessity for supporting any and all artistic endeavors by your members. And consider doing such a project as a fundraiser for the families, as we did (all proceeds from both books go to Yassin Aref's four children).

* *Waiting for Mercy* (DVD, 2009) by Ellie Bernstein and *Rounded Up, Artificial Terrorists and Muslim Entrapment After 9/11* (2009) by Shamshad Ahmad are available for purchase at the MSC table at this conference. *Son of Mountains, My Life as a Kurd and a Terror Suspect* (2008) by Yassin Aref is available at the MSC table for a donation (while supplies last).

Chapter 4: MSC Activities Post-Conviction and Prior to Sentencing, 2006–2007

Sentencing for Yassin and Mohammed was set for February 12, 2007, so the newly formed MSC had to work fast. Our immediate goals were to:

- undertake activities that would influence the men's sentencing toward leniency
- support and advocate for the men's families
- educate the public about the case and allow a voice for public dissent about the convictions

An informal diary kept by co-founder Cathy Callan shows some of the MSC's activity and significant events from October 2006 to sentencing:

OCTOBER 24 – MSC listserv set up.

OCTOBER 25 – MSC website created by Joe Lombardo and posted.

OCTOBER 26 – Checking account set up for fundraised proceeds: the Aref/Hossain Family Fund [which would ultimately raise over \$40,000 over the course of four years].

NOVEMBER – Four letters to the editor published by MSC members.

NOVEMBER 2 – Media conference at the Masjid As-Salam. Among those who attended were members of the masjid, other local Muslims, and members of organizations: Bethlehem Neighbors for Peace, Women Against War, Capital District Labor-Religion Coalition, Solidarity Committee of the Capital District, Capital District Chapter of the Interfaith Alliance, Veterans for Peace (Tom Paine Chapter), Upper Hudson Peace Action, the Green Party, Guilderland Neighbors for Peace, Saratoga Peace Alliance, Southern Rensselaer Neighbors for Peace, and Pax Christi.

– Letter-writing campaign to the judge for leniency [which would generate nearly 100 letters of support for the two defendants from individuals and organizations and would have a significant impact on the judge regarding length of sentences].

– Detailed fact sheet about the case written and posted on website.

– Decision to hold monthly meetings.

NOVEMBER 21 – first Tuesday evening vigil outside federal courthouse, and pizza party at Little Italy [weekly vigils would last through sentencing in February. Yes, we were cold!].

– Jim Fulmer is doing repair and carpentry work on both families' apartments (free).

– Members regularly visit both Aref and Hossain families and assist them as necessary.

– Petition written, posted online, circulated, and signatures delivered to the judge [just under 1,000 signatures would be generated]:

We the undersigned believe that there are many serious questions about whether Yassin Aref and Mohammed Hossain were guilty of any of the offenses they were charged with. We especially note the language challenges presented to these men during the sting operation and the disputed translations of the recordings. We also believe that the jury may have been caught up in the current climate of fear of Muslims and the mention of "classified evidence." Under these circumstances they may have decided on a guilty verdict more out of a fear that the men *might* be guilty rather than a real belief that they were in fact guilty beyond a reasonable doubt. We call upon the judge to look very carefully at all of these issues when deciding whether to vacate any of the convictions or to grant a new trial.

In addition, because both Mohammed Hossain and Yassin Aref are hard-working, religious men devoted to their families, have never been in any trouble with the law in the past, and are *not* terrorists, we also call upon the judge to exercise his utmost leniency when it comes to sentencing.

DECEMBER 3 – First community potluck event, at the Islamic Center of the Capital District.

DECEMBER 12 – Ad appears in *Metroland* promoting the Tuesday vigils.

DECEMBER 13 – In a "rare visit," Robert Mueller, FBI director, visits the Albany FBI field office. Clearly non-coincidental timing, before sentencing, perhaps based on the unexpected community support. TU article headline: "FBI boss says region should keep guard up. Citing local sting trial, director advises vigilance against future threats." An unpublished letter to the editor from a member states: "What we should guard against is this government-supported climate of fear and persecution, itself a weapon of mass destruction, and the breakdown of our open society. Today it's Muslims; who will it be tomorrow?"

JANUARY 2007 – In the Rensselaer County Jail, Yassin has been writing the story of his life.

Hundreds of handwritten pages that he gives to Steve Downs, who reads new excerpts at each of the vigils. The stories are extraordinary. Steve is transcribing and typing the pages (no small feat, since Yassin's English can be characterized as "evolving") and is giving them to Jeanne Finley to make into a book.

JANUARY 11 – Thursday noon vigils begin outside federal courthouse [vigils now held twice a week]; meeting with *Times Union* editorial board re the case (very positive).

JANUARY 21 – MSC participates with other peace and justice groups in a meeting with Congressman McNulty (21st CD), who opposes the Iraq War.

JANUARY 28 – Community forum on the case at the Unitarian Church in Albany.

JANUARY 29 – Sentencing memos and legal motions for a new trial are filed for Yassin and Mohammed.

JANUARY 30 – Plans made for sentencing day: vigil outside courthouse before and after sentencing, people to attend proceedings, flyer and media statement for the vigil.

FEBRUARY 2 – Bethlehem Neighbors for Peace shows the documentary “The Enemy Within,” a case study of America’s response to the threat of homegrown terrorism, at the library to a full house. Speakers talk about the case afterward.

FEBRUARY 3 and 5 – Two MSC community forums, titled “Terror Case or Miscarriage of Justice?”, at Schenectady Public Library and Albany Public Library.

FEBRUARY 6 – Legal teams find out that sentencing is postponed to March 8th; Carl Strock [columnist for *Daily Gazette* in Schenectady] publishes a daring open letter to the judge.

FEBRUARY 8–12 – We draw the attention of the FBI; on advice from the Civil Liberties Union, we add this wording to all our list serv postings:

WARNING: This email may be read without warning, warrant or notice by several government agencies. This may be done without any judicial or legislative oversight.

FEBRUARY 23 – Bad news: we just got word from the Court website that Judge McAvoy denied all the motions for both Yassin and Mohammed. We and the lawyers are devastated.

MARCH 4 – Interfaith prayer service.

MARCH 8 – Sentencing. Huge crush of people, police, security. Many members can’t get into the courtroom. Media coverage before and after intense; columns, editorials, articles, a thousand cameras and microphones, local, national, international media. Fifteen years for Yassin, fifteen years for Mohammed, though these are half of what sentencing guidelines called for. Both men make statements. Yassin: “I don’t know why I am guilty.” Mohammed: “I am just a pizza man. I make good pizza.” The families are numb. We hold up—and we don’t.

MARCH 9:

Dear Friends,

Yesterday was a very difficult day for all of us in many ways. It was the culmination of months of hard work and struggle to bring the truth, as we know it, about Yassin and Mohammed to light in the public’s eyes, to bring justice to the families of these two men, and to make the government understand that they will not be able to slide this injustice past our watchful eyes. It was also an emotionally draining day, as we heard two powerful statements given by Aref and Hossain standing in front of the judge to express their dismay at what was happening to them; and then watching, powerless, as both families heard the ultimate sentencing for husbands and fathers—finalizing the waiting, hoping and praying for justice to prevail with the judge's decision to take 15 years from these families, and watching both fractured families leave the courtroom stunned and bewildered and ultimately defeated.

Most of the media reports from yesterday's events were not positive—our best efforts to voice our outrage could not compete with, and were ultimately muted by, a high-powered and sophisticated media conference and deeply flawed news release put out by the Department of Justice. Reporters sent to cover the story by local and national news sources simply did not have the time or inclination to research background information and come to the logical conclusion that we have: that these two men are innocent!

I am grateful to Shamshad, Melanie T [director of area CLU chapter], Kathy M, and Steve D for speaking so eloquently to the jumble of cameras and microphones in front of them; to Joe L for organizing the media conference; to everyone who came to court to bear witness for Yassin and Mohammed—and to those brave and selfless souls who stood vigil during the whole procedure.

As Steve T, Kathy, May, and others have already stated, we can and should feel that our work up to yesterday did indeed make an impact on the judge's decision. Both sentences were reduced by at least half of what the DOJ had asked for—and Judge McAvoy expressly stated that this was due in large part to the letters of support and petitions sent in by the community.

And—our work is not done. In fact, I believe it has really just begun.

Despite what felt like a deep setback yesterday in court, our group has proven beyond a doubt that speaking truth to power is effective. We will continue this struggle because of who we are: a small group of individuals not afraid to try to change the world.

Please make plans to come to our next meeting on Wednesday, March 14th at 6 PM at the Unitarian Church in Albany, to begin outlining our next steps in the process of bringing justice to Yassin, Mohammed, and their families...

Below is [our] statement written at the nth hour that was presented to the media [Shamshad Ahmad made a separate statement on behalf of the Masjid As-Salam]:

The Muslim Solidarity Committee formed shortly after the trial and verdicts for Imam Yassin Aref and Mohammed Hossain. Today we wish to express our deep outrage at the injustice that has occurred in Albany. As citizens who have come forward to show solidarity with these two men, their families, and the Muslim population of the Capital Region, we have collectively looked at all the evidence presented by the United States government against Aref and Hossain and have every reason to believe that these two men are innocent of all charges brought against them, that they were caught up in a sting operation and framed solely because of who they are: two simple, practicing Muslim men from the Middle East.

We believe that the United States government has done and continues to do a grave disservice to the citizens of our country by targeting a specific group of people, expressly the Muslim community, and justifying its "War on Terror" by setting up elaborate operations to frame innocent Muslims, isolate the Muslim community within our country, and keep this community in a constant state of fear.

We have witnessed the devastating effects of this wrong-headed operation on both the Aref and Hossain families, including a total of ten young children and two wives who are now left to raise their families alone. We have seen the fear that penetrates deep within the Muslim community in their reluctance to come forward to share their outrage with the non-Muslim members of our group and their mistrust of anyone they do not know. We are saddened by this impact on our Muslim neighbors, whom we have gotten to know and respect for their kindness, generosity, and deep faith.

In the words of Imam Aref, "I want you all to continue your support and to never give up. It is not for me or my family, but it is for this country, America, and its people. The freedom and equal rights in this country and in Western countries is the fruit of the struggling and sacrifice of many people like you. As long as life continues on this earth, there will be struggle. Be happy and proud that we can be part of it and we can work to achieve something good for everyone."

We, the members of the Muslim Solidarity Committee, will not give up—we will continue to struggle for the truth to come forward and for Yassin Aref and Mohammed Hossain to be set free, and for the civil liberties of our country to be restored.

In Peace and Continued Struggle,
Cathy C.

Chapter 5: MSC Activities Year by Year

Remainder of 2007

The personal can be political, but the political is also personal. We can list our activities as a group, but we can't begin to list what members did and continue to do, working with the mosque, for the Aref and Hossain families, because it's not tied to a time frame. From regular drop-in visits, to fundraising, to driving the entire Hossain family to New Jersey for prison visits; from attending the Aref kids' school functions, to carpentry work on Hossain rental properties, to helping with car repairs; from helping the Aref family move down the street, to informally meeting once a week at Little Italy for pizza and support, to learning how to repair a dough-making machine, to visiting the Aref family at home every Thursday with a cell phone in hand so Yassin can be sure to talk to his

kids—whatever we can do, we do it. One family is struggling but surviving; one has been left with no resources other than *zakat* from the mosque and the Muslim community and fundraising, and remains fragile. The challenges these families face would make a book. But they are the innocent ones who have been harmed most of all by the government’s injustice.

MARCH 16 – Inmates at the Rensselaer County Jail, where Yassin and Mohammed are being held until their transfer to federal prisons, write unsolicited letters (sixteen in all) in support of the two men. From Kathy Manley:

Hi all—Here's something kind of amazing—when I visited Yassin today...he handed me these letters from jail inmates...I haven't really seen anything like this before, at least not locally—I think it is a testament both to our efforts and to the effect that Yassin and Mohammed are having on the other people there... There is one long letter from a Pakistani inmate who is also apparently speaking for all the others. There is another separate long letter from another inmate, and then there are many short notes, all with full names, inmates’ numbers and signatures.

From the letters:

We strongly believe these two men [are] accused wrongly, mistakenly, they don’t belong here or in any jail. [What] our government did [to] them is so unfair. 15 years for just simple FBI mistakes. We believe these men don’t have to pay just because of the FBI’s mistakes. Aref and Hossain, we believe don’t deserve what they are getting. We believe these two men deserve to go back to their home and their families.

In his column, Carl Strock writes about these letters, quoting from several, and we send a note of thanks to each inmate:

...We were moved by your words more than we can say, not only because you wanted to support these men who have become your friends and brothers, but also because each of you took the time to write from generosity and concern, because each of you wanted to express the outrage you feel (as we do also) over their unfair treatment in the justice system, and because each of you cares enough about them to say this to us, total strangers.

MARCH 26:

The Honorable John Conyers, Jr., House Judiciary Committee; The Honorable Patrick Leahy, Senate Judiciary Committee:

We the undersigned members of the Muslim Solidarity Committee are filing this petition with Congress to request a Congressional investigation of the Department of Justice and the Federal Bureau of Investigation. The investigation would seek to determine if these agencies misused their power to investigate and convict innocent persons and individuals who posed no threat to our nation, based primarily on their religion—Islam—and their Islamic countries of origin....

cc: Representative Jerrold Nadler, Representative Maxine Waters, Representative Keith M. Ellison, Representative Kirsten Gillibrand, Representative Michael R. McNulty

APRIL 1 – In his weekly column, Carl Strock writes of some attempts at intimidation:

I guess I should feel flattered. On Friday afternoon Glenn Suddaby, the U.S. attorney for the northern district of New York; William Pericak, an assistant U.S. attorney; John Pikus, the agent in charge of the Albany FBI office; and Timothy Coll, a special FBI agent, all convened at the Gazette building on Maxon Road in Schenectady for an editorial board meeting for the sole purpose of debunking and exposing ME.

Yes, me. Or more specifically, I should say, debunking and exposing my coverage of the case they mounted against the two Muslim men, Yassin Aref and Mohammed Hossain, whom they succeeded in getting convicted and sent to prison for supposedly supporting terrorism...

Of course what they actually had to say was not all that flattering. They said that my reportage of the Hossain-Aref trial had been twisted, distorted, slanted and incomplete, and that in sum I had been “intellectually dishonest,” which I thought was really hilarious, coming from them. I practically fell out of my chair with it.

I mean, I sat through three weeks of their presentation to a jury, involving more twisting, more distorting, more slanting, and more intellectual dishonesty than I would hope to see in a lifetime—not to mention more old-time Mc-Carthyism and more anti-Muslim fearmongering—and here they were with perfectly straight faces and in full solemnity calling ME intellectually dishonest...

APRIL 20 – PBS debuts “Security vs. Liberty, The Other War,” part of its series *America at a Crossroads* (http://www.pbs.org/weta/crossroads/about/show_security_vs_liberty.html). A segment explores the Aref-Hossain case. In salon.com, Gary Kamiya writes:

The second standout episode, which runs Friday, is titled ‘Security versus Liberty: The Other War.’ It’s a well-reported, chilling look at how Bush administration policies after 9/11 have eroded civil liberties and led to

hideous perversions of justice. The film's closing report, about an FBI sting 'terrorist-catching' operation that ruined an obviously harmless Arab-American pizza-shop owner's life, is searing. As the man's wife sobs, recounting how her little boy asked her what his father had done and why he couldn't see him anymore, many viewers will feel deeply ashamed of what Bush has done to America.

[Note: Mohammed Hossain is Bangladeshi, not Arab]

At the beginning of the segment, at the Washington press conference held to discuss the Aref-Hossain case, James Comey, Acting Attorney General, tries to reassure the public about the fictional nature of the sting by saying, "No terrorist activity took place." We will repeat this simple phrase hundreds of time in the future, to the media and to ourselves: If no terrorist activity took place, then why are these men in prison?

APRIL – Protest and rally outside the FBI offices in Albany in support of Aref & Hossain and families, complete with some street theater. In a wonderful metaphor, we are not allowed to stand on the same side of the street as the offices, rather we have to perform across the street, adjacent to some baseball fields and a parking lot.

APRIL – Jeanne begins to edit and put Yassin's memoir together for a book.

MAY – After four separate stops at four different federal prisons in the Northeast and Midwest (at the first one, at Ray Brook in the Adirondacks, he's kept in solitary confinement for two weeks for no reason), Yassin is delivered to the Communications Management Unit at the federal prison in Terre Haute, Indiana, a new (and probably illegal) unit composed of mostly Muslims that severely restricts all prisoner communications, in and out. It's the worst-case scenario. He's OK but is only allowed to talk to his lawyers, Steve and Kathy. He's 900 miles from Albany. Mohammed is sent to the federal medium-security prison at Fairton, New Jersey, six hours away. At least his family can get there to visit him. We immediately begin to research the CMU, and find it was secretly begun in 2006 without public input or comment. Suppression of inmates' rights is rampant.

MAY – Glenn Suddaby, U.S. Attorney for the Northern District of New York and prosecutor of Aref-Hossain, publishes an op-ed in the *Schenectady Gazette* about the moral righteousness of the government's tactics in the "war on terror," stating that

The United States Attorney's Office and the FBI have a duty to employ all legitimate law enforcement strategies to enforce the law and protect the nation. We will continue to employ stings and the threat of stings to identify likely criminals, to deter sympathizers and supporters, and to encourage people to 'raise the hue and cry' in the hope that future catastrophes can be prevented.

He pointedly references the Aref-Hossain case.

JUNE – Public forum on "Muslim civil rights" at the Islamic Center of the Capital District, the area's largest mosque, led by the ICCD's imam, sponsored by members of FBI and law enforcement, the U.S. Attorney's office, and the Albany County DA. MSC members publicly challenge FBI reps and the U.S. Attorney lawyers on the case. Assistant U.S. Attorney Greg West makes the outrageous statement that "if you [meaning the audience, composed of ICCD, MSC, and community members, a great many of them Muslims] had only seen the classified evidence the way we did..." which is booed by several of the MSC members present. During the break, West confides to Steve Downs that the Aref-Hossain case has been a "pr disaster" for them.

JULY – Kathy visits Yassin for the first time at the Communications Management Unit at Terre Haute, Indiana. Grim.

JULY 31 – MSC meeting agenda (partial):

- Sending books to Yassin. We need a committee.
- Brunch at As-Salam mosque. Presentation about Islam [August 7, "The Image of Islam in the Media," coordinated by May and Jeanne at ICCD, Imam Kobeisy, speaker]. Media and invites.
- August peace march briefing.
- Fall activist event at Saratoga. Tabling needs a person or two. My participation as a speaker and Iraqi cookie provider and will host Dahlia Wasfi that weekend. [this event took place with MSC participation].
- MSC structure: archiving, letterhead, business cards, newsletter, affiliations.
- Update on Congressional memo. [we never heard back from anyone]
- Update on FOIL information regarding FBI contacts or surveillance. [we were refused access].

- Tuition for Yassin's and Musharref's children for the coming academic year.
- Meeting with Mac Gregor Eddy (Dr. Dhafir Support Committee) on August 15? Dave.
Submitted by May Saffar

AUGUST – Steve takes Yassin's two young sons to visit him in Indiana. A four-day, 1,800-mile round trip for a four-hour visit. The visit is abruptly terminated by prison officials after less than an hour because they say Steve possesses a "recording device." The "recording device" is a pen, and they had not told him he couldn't take notes.

AUGUST 15 – First march and rally to commemorate anniversary of arrests. Rally in front of Masjid As-Salam and march downtown to Washington Ave. Armory. Speakers. Publicity. Over thirty activist organizations participate. A beautiful huge banner designed and painted by Max Grieshaber from the Chatham Peace Initiative is unfurled and debuted and presented to the MSC. An alliance is forged with the Dr. Dhafir Support Committee in Syracuse and with its main organizer, Katherine Hughes, who participates in the march and rally, since both Rafil Dhafir (an Iraqi oncologist and devout Muslim) and Yassin are incarcerated at the Indiana CMU.



The Muslim Solidarity Committee's banner, designed and created by Max Grieshaber, was displayed for the first time on August 15, 2007 at the first MSC march and rally to commemorate the arrests of Aref and Hossain on August 4, 2004. Photo by Jeanne Finley.

AUGUST 15 – Written appeal for Yassin and Mohammed to Second Circuit Court of Appeals finished and filed by legal teams.

SEPTEMBER – First article on the case published in national media: "From Sting to Frame-Up: The Case of Yassin Aref" by Steve Downs, in *Washington Report for Middle East Affairs*, http://www.wrmea.com/archives/Sept_Oct_2007/0709019.html

OCTOBER – Glenn Suddaby, prosecutor of Aref-Hossain, Dr. Rafil Dhafir from Syracuse, and the St. Patrick's 4 in Ithaca, is nominated by President Bush for a federal judgeship in the district. New York Senator Charles Schumer is his biggest booster. We are incensed. We post an online petition [which ultimately draws over 300 signatures] and talk to the media.

Tell Senator Schumer: Scuttle Suddaby!

... None of these prosecutions should have seen a courtroom, and show Glenn Suddaby to be an extremely poor choice for judicial office. As outraged citizens, we urge you to:

- question whether Glenn Suddaby sought justice in these cases, or simply convictions for his resumé
- recognize the negative consequences to civil liberties, individual rights, and the Constitution that these cases represent

- consider that Glenn Suddaby used his office to terrorize Muslim communities; ruin the lives, families, careers, and livelihoods of men who did not break the law; send to prison religious people of conscience exercising their right to dissent; and warp the rule of law in the guise of being a public servant
- immediately withdraw your support for Glenn Suddaby for federal judge

OCTOBER – Jeanne publishes op-ed in *The Sunday Gazette* (Schenectady), “Suddaby doesn’t deserve federal judgeship. U.S. attorney prosecuted Albany Muslims who were set up with no regard for justice.” MSC delivers a letter to Senator Schumer opposing Suddaby’s nomination.

NOVEMBER – Wikipedia entries posted for both Yassin and Mohammed.

NOVEMBER – Cathy Callan and May Saffar receive the Carol S. Knox Award from the Capital Region Chapter of the New York Civil Liberties Union for founding the MSC.

NOVEMBER – Yassin’s website is created by Lynne Jackson and posted: <http://www.yassinaref.com> He has sent so much new writing (poems, essays, Kurdish proverbs), and there’s such a store of articles about the case, that we need this outlet—for him and for us.

DECEMBER – second formal fundraising letter sent out for the Aref-Hossain Family Fund.

2008

JANUARY – As one of Yassin’s lawyers, Steve sends a personal letter to Senator Schumer strongly opposing Glenn Suddaby’s nomination for federal judge.

MARCH 10 – The MSC holds a press conference at the Masjid As-Salam to debut the publication of Yassin Aref’s autobiography/memoir, *Son of Mountains, My Life as a Kurd and a Terror Suspect*. At the same time, the prostitution scandal erupts around the governor of New York, Eliot Spitzer. To their credit, media stay until the end of the press conference and keep asking questions about the book and case. Front-page coverage, with photos, in the *Times Union*. The book will be marketed and distributed by the MSC, and proceeds will go to the Aref Children’s Fund, for Yassin’s four children.

MARCH 24 – The MSC, along with members of the Masjid As-Salam and the Muslim community, rent a bus and travel to New York City for oral arguments for Yassin’s and Mohammed’s appeals. Both lead lawyers, Terry Kindlon for Yassin and Kevin Luibrand for Mohammed, make the arguments before the Second Circuit Court of Appeals. A lawyer for the prosecution from Washington is allowed to make a secret argument to the Court after the defense arguments are finished. Neither the defense lawyers nor (of course) the spectators are allowed to hear this argument.

MAY – Shamshad finishes the first draft of a book he’s writing about the case. He asks Steve and Jeanne to edit it, and Jeanne to bring it to final form as a book.

JUNE – The CMU gets e-mail! Now Yassin can communicate with us faster. All correspondents have to be checked out first, and all mail is monitored at both the prison and in Washington, DC, but this is a great improvement in communication. Yassin is very happy.

JUNE 12 – The MSC and the Dr. Dhafir Support Committee send a letter to the Senate Judiciary Committee opposing Glenn Suddaby for federal judge.

JUNE 16 – Five MSC members (Lynne Jackson, May Saffar, Lucy Clarke, Jeanne Finley, Anne Sombor) and a freelance journalist (Petra Bartosiewicz, approved to attend) go to the FBI office in Albany to view a PowerPoint presentation on the Aref-Hossain case that the FBI has been showing to interested community groups. This occurred because Lynne and May protested so strongly about the case’s portrayal when they attended an FBI civil liberties conference that John Pikus, head of the FBI’s field office, invited them to privately view the PowerPoint. They take the other three members with them.

The PowerPoint is entitled “Operation Green Grail”—the in-agency name given to the 2003–2004 sting operation. When this flashes on the screen, we gasp: green is the color of Islam, and the deliberate association with the Holy Grail, the most desired prize in all Christendom in the 12th century, the quest for which increased the brutality of the Crusades (and thus persecution of

Muslims), is a sneer at Islam, the most cynical thing we never knew about the case. This sets the tone for the rest of the afternoon.

From Lynne:

Dear Members of the MSC,

... We met with Tim Coll [agent who engineered and oversaw the Aref-Hossain sting] and Paul Holstein...for 3 1/2 hours. Mr. Coll told us that the PowerPoint he had usually takes about 35 minutes to show. In the time we were there, I do not believe we even got halfway through the PowerPoint. We took extensive and detailed notes. From the very first slide (which contained a glaring inaccuracy), we asked questions and objected to information that was not correct...Most everything discussed had been in the newspaper or at the trial...Because we did not finish the PowerPoint presentation, we have agreed to go back and visit the FBI again. The tentative date is Monday, June 23 at 4:00 p.m.

JUNE 23 – Four MSC members from the first meeting, plus Petra, go back to Fortress FBI for Round 2. We spend three more hours with Agents Coll and Holstein, and finally get through the PowerPoint. We again take detailed notes and ask questions and object to and argue about nearly everything. A highlight of the meeting concerns the “trigger device” (for the SAM “missile tube”) that was supposedly shown to Yassin and Mohammed by the informant later in the sting. We vigorously point out that in the surveillance video that was made of this meeting (which is part of the PowerPoint), not only does Yassin not look up from what he’s doing to view the device, but the device itself (rendered harmless by the FBI) looks like a supermarket price gun. But what average citizen would know what it is when it’s suddenly thrust under his nose? In response, Coll asks Holstein (who has previously stated that he’s a weapons expert, in addition to being the Albany field office’s legal counsel), that he [Holstein] should go upstairs and get the device so we can all examine it. Holstein is taken aback, and blurts out, “Well, I’m not sure I’ll recognize it.” This alone is worth the visit.

We do not recommend that anyone voluntarily visit the FBI under any circumstances.

Exhausting, frustrating, an exercise in personal anger management.

JULY 2 – The appeals for Yassin and Mohammed to the Second Circuit Court of Appeals are denied, and their convictions are upheld, in a short, brusque opinion by three judges. The Court also affirms the lower court’s denial of the NYCLU’s motions to intervene and for public access to documents (all the classified evidence that the prosecution saw but the defense didn’t). We, the lawyers, the families, and most of all the two defendants in prison, are truly devastated. The Court also issues a summary order brushing aside serious legal arguments regarding classified evidence and discrepancies in the evidence. Steve later writes:

“In a surprisingly cursory decision, considering the complexity of the case, the court ignored a number of key issues raised, mischaracterized others, and followed the prosecution’s arguments on the remaining issues without significant analysis. Among its strangest holdings, the court held that Aref had not provided a ‘colorable basis’ (a legal term that means ‘some reason to believe beyond mere speculation’) to show that he had been subjected to illegal wiretapping and/or eavesdropping, even though on January 17, 2006 the *New York Times* quoted an administration official as saying that the NSA’s warrantless (and illegal) wiretapping program had ‘played a role in the arrest of an imam and another man in Albany in August 2004...’ During the trial, FBI Special Agent Timothy Coll also implied under oath that Aref had been subjected to twenty-four-hour non-physical surveillance—suggesting that he had been wiretapped. If the printed admission of an administration official, and the implication of the agent central to the case, were not enough to raise a colorable basis to challenge the secret and illegal wiretapping, then it seems clear that virtually no basis would have been sufficient, and equally clear that the court was essentially covering up for the illegal activities of the Bush Administration. This impression was reinforced by the fact that after the main oral argument, but before court was concluded, a second, *secret* argument was presented to the court, during which only the prosecution was permitted to speak. The defense was excluded. The court’s decision suggests that the judges were influenced by the secret information given to them by the prosecution, which the defense was not allowed to see or rebut. During the trial, the prosecution had introduced false and prejudicial information (including the notorious mistranslation of the Kurdish word *Kak* as ‘commander’ rather than as ‘brother’ or ‘Mister,’ its true meaning), and it is easy to wonder what inaccurate information they may have told the Second Circuit in secret, which influenced the judges’ decision.”

-- from *Rounded Up, Artificial Terrorists and Muslim Entrapment After 9/11*

The MSC issues a short statement to the media:

The Muslim Solidarity Committee is extremely disappointed with the 2nd Circuit's ruling. We will continue to work for justice for Yassin Aref and Mohammed Hossain, who we believe are innocent of the government's fictional terrorist charges. And we will continue to support them and their families, as well as the Capital District's Muslim community, all of whom have been greatly harmed by this miscarriage of justice in our community.

And Yassin finally writes to us:

I am grateful for everyone who has supported me, wished and prayed for the best for me, and has felt sorry for my family. I appreciate your time and support and I would like to assure you all that I am fine and patient. They cannot put hate in my heart and revenge in my thoughts. I know it's not over, and I hope you believe the same and stay firm until justice takes place and the truth comes out. Please do not forget my family.

Yours,
Political Prisoner,
Victim of war,
Yassin

The lawyers will appeal to the Supreme Court via a writ of certiorari, meaning the Court will have to first decide whether or not to hear the appeal. It's a longshot, but they will not give up.

JULY 10 – Little noted by us at the time, the Inspector General of the Department of Justice issues a report on U.S. surveillance programs incorporated under the umbrella of the President's Surveillance Program (PSP); these include the NSA wiretapping program and the larger Terrorist Surveillance Program (TSP), both of which was clearly used on Yassin. The IG's report recommends "that [the] Department of Justice carefully consider whether it must re-examine past [terrorism] cases to see whether potentially discoverable but undisclosed Rule 16 or Brady material was collected under the President's Surveillance Program, and take appropriate steps to ensure that it has complied with its discovery obligations in such cases." Brady material is evidence crucial to the defense, collected by the prosecution; by law, all such material must be made available to the defense during the "discovery" phase of pre-trial preparation, even if the material is classified. This is precisely what did *not* happen in the Aref-Hossain case, and this very important report will become the basis for both the MSC's and Project SALAM's future activities.

JULY 24 – "WASHINGTON -- The Senate on Tuesday unanimously confirmed Glenn Suddaby to be a federal judge, giving the federal prosecutor a [lifetime] seat on the U.S. District Court in upstate New York..."

JULY – Tuition grants from the Rosenberg Foundation for Children are obtained for the school-age Aref and Hossain children, so that all of them can continue their Islamic education at the An Nur School in Colonie (suburban Albany). Travel grants are also obtained for all the Aref children so they can visit their father at the CMU in Indiana—the first time they will have seen their father in over a year. Steve and Kathy drive the four-day round trip with Yassin's wife, two sons, and two daughters.

Most prisoners at the CMU are Muslims with terrorism-related convictions. Visiting is severely restricted: no contact, Yassin is in shackles, visitors (including children) can only talk to him through a Plexiglas screen and over a telephone. Conversations are monitored, and must be in English. Only lawyers and immediate family are allowed to visit in person; journalists are refused all permission to talk with prisoners, as well as with prison administrators. Prisoners are allowed one ten-minute phone call per week; the callee has to be checked out in advance. All incoming and outgoing mail is read, monitored, and withheld if the censors deem it objectionable. Yassin has already written us, via legal mail (which by law is not monitored) about rotten food, lack of medical care, religious restrictions.

This is only the fifth visit Yassin has received since being sent to federal prison in 2007: twice at Ray Brook by his lawyers (separately); two last year, by Kathy and by Steve with Yassin's two sons. This is not enough to sustain a family, or a prisoner. Yassin's youngest child, Dilnia, has only seen her father as a baby, since she was born when he was at the Rensselaer County Jail before

his trial in 2006. This time, however, one of the kids cannot handle not being able to hug his father, even though the lawyers are allowed in the holding room with Yassin, and begins to scream and cry. The incident greatly upsets everyone. As a result, Yassin will say in the future that because of the no-contact rule for family members, he will forgo visits by his children because it's so upsetting to them.

Margaret Murtagh, Dave and Cindy Capone, Mickie Lynn, and others have been driving the Hossain family to Fairton to visit Mohammed once every month and a half or so for over a year. It's a fourteen-hour round trip for a four-hour visit. They rent a van, Fatima Hossain provides plenty of food (she's now the operator and chief cook for Little Italy pizzeria), and members do not visit with Mohammed, leaving as much time for Fatima and her six children (and often other relatives who come along) to spend with him as possible. It's a grueling day, and members say it's worth every mile. Mohammed's health and eyesight have deteriorated in prison, mainly because medical care is minimal.

AUGUST 22 – Second annual march and rally to commemorate Yassin's and Mohammed's arrests on August 4, 2004. We rally at the Washington Ave. Armory and march up Central Avenue to the Masjid As-Salam. As last year, nearly thirty activist organizations participate.

AUGUST 23 –The Muslim Innocence Project (forerunner of Project SALAM) is launched at a conference at Albany Law School, which brings together for the first time lawyers for Muslim defendants, Muslim scholars and clerics, Muslim law students, and interested members of the public. Featured speakers are Lynne Stewart, speaking about her experiences as an attorney and then as a defendant unfairly charged and convicted for standing up for her client [Omar Abdul Rahman, convicted for conspiracy to bomb New York City landmarks]; Sean Mahar, attorney for Syed Fahad Hashmi, charged with material aid to al-Qaeda; Fahad's brother, Faisal Hashmi; Muslim cleric Abu Yousef; Katherine Hughes, speaking about the case of Dr. Rafil Dhafir, convicted for violating the sanctions against Iraq in the 1990s but smeared as a terrorist; Janet McMahon, managing editor of *Washington Report for Middle East Affairs*; and Steve and Shamshad, speaking about our case. Workshops include "Identifying and Memorializing Unfair Prosecutions Against Muslims" (compiling the list and the database). "Who Should We Be Trying to Reach and Convince?" (taking our case to the media, to the government, to Muslim groups, to pressure groups, to academic institutions, others). "Resources for Muslims Trying to Defend Against Unfair Charges" (financing and organizing an organization). "Organizing To Deal with the Repressive and Discriminatory Conditions at the Communications Management Unit at the Federal Prison at Terre Haute, Indiana." Over fifty people attend. Formal alliances are begun with other Muslim support groups: Dr. Dhafir Support Committee (Syracuse, NY, <http://www.dhafirtrial.net/>), Free Fahad (New York, <http://www.freefahad.com/>), Lynne Stewart Defense Committee (New York, <http://lynnestewart.org/>), Sami al-Arian (Tampa, <http://www.freesamialarian.com/home.htm>)

AUGUST 28 – The Project SALAM website (designed by Lynne Jackson) is launched, featuring an extensive (and searchable) database of all domestic Muslim prosecutions to date:

<http://www.projectsalam.org>

SEPTEMBER – Kathy Manley receives the 2008 Justice and Peace Award from the Solidarity Committee of the Capital District for her work on the Aref-Hossain case.

NOVEMBER - Shamshad Ahmad receives the Jim Perry Progressive Leadership Award from Citizen Action of the Capital District

DECEMBER – A student at Marylhurst University in Portland, Oregon in a graduate-level human rights class that focuses on imprisoned writers worldwide "adopts" Yassin, and, with help from MSC members, does as a final project a visual and textual overview of the case, "How Agents of Fear Destroyed Two Poverty-Class American Families," posted at <http://www.yassinaref.net/>. The class also organizes a human rights presentation and sends advocacy letters to the Office of the Pardon Attorney and President Obama.

2009

JANUARY 17 – Ellie Bernstein debuts her award-winning documentary about the case, *Waiting for Mercy*, at the independently run Madison Theater in Albany. Ellie has worked on the film, which she wrote, produced, directed, and will now market, since the sentencing in 2006. Excellent press coverage and a full house/SRO at the premiere; speakers after the film discuss the case. The film runs for a week.

MARCH 9 – The Supreme Court refuses to hear the appeal from Yassin and Mohammed, denying their writ of certiorari. This is the “end of the line”; there’s nowhere else for the lawyers to go. Yassin, via jailhouse lawyers, is looking into filing a 2255 motion, which is a request for a new trial based on presentation of evidence that wasn’t in the trial. Inmates often file these after all standard legal appeals have been exhausted.

MARCH 27 – Yassin is abruptly transferred from the CMU at Terre Haute to a new, second CMU at Marion, Illinois. Conditions are a little better, though the regulations are pretty much the same—but by the end of the year prisoners will receive two fifteen-minute phone calls per week and a larger e-mail correspondence list. Apparently regulations for the CMUs are under slight revision.

APRIL 17 – As Yassin’s lawyer, Kathy is interviewed by Amy Goodman on Democracy Now! about the CMUs. DN! follows up by doing several more stories about conditions, prisoners, and oppression at the CMUs.

MAY 20 – Four men from a mosque in Newburgh, New York (the “Newburgh 4”) are arrested on charges that they planned to bomb two Jewish temples in Riverdale, The Bronx, and shoot down military aircraft at Stewart Air Force Base. The next day, Kathy verifies that the informant in the case is none other than Shahed Hussein, aka “Malik,” the same agent provocateur who entrapped Yassin and Mohammed. This is confirmed in an Albany *Times Union* article on May 22. We begin to offer support, via the MSC, the masjid, and Project SALAM, to the Newburgh mosque and its imam and to the families of the four men, as we have done for the Fort Dix 5 (convicted in 2008 of planning to attack the Fort Dix army base in New Jersey). This case, however, hits very close to home.

JUNE 4 – From Steve:

Hi Everybody—Yesterday a group of us...had an opportunity to meet with Sean Shortell, the district director of U.S. Rep. Paul Tonko's office. Mr. Shortell was helpful and sympathetic. When we described our frustration that nobody in Congress seemed to be responsive to our concerns about innocent Muslims who had been set up and framed by the Bush Administration (and now extending into the Obama Administration), he suggested that we were not being heard above the clamor in Congress because we were not coordinated in our approach. Individual representatives have a difficult time being heard, but if a number of representatives can come together on an issue and present a clear statement of what they want, other representatives can join them and a movement starts to grow.

Mr. Shortell noted from his viewing of the Project SALAM website that what we are asking for is relatively simple—we want an independent inspection of the government’s files in the Muslim “terrorism” cases (similar to what occurred in the case of former Senator Ted Stevens of Alaska), to determine if the government itself believed that a crime had been committed (as opposed to charging Muslims based only on suspicion), and whether there was exculpatory information in the file which the government should have disclosed to the defense but did not. (I am confident that if a “Stevens” review was conducted, most if not all the defendants would be released or given new trials, because the secrecy of the government prevented them from disclosing exculpatory information.)

Mr. Shortell noted that we have groups from all over the country representing unfairly targeted Muslims, and therefore there are potential representatives from all over the country that could get together in the interests of representing their constituencies to push for such a governmental review. (This of course is the very premise as to why Project SALAM was founded in the first place.) Mr. Shortell said that if we could provide him with a list of groups around the country (and presumably a statement from the groups to their local Congressional representative as to why they wanted a review), he would try to coordinate the various representatives into supporting just such an effort.

JUNE 18 – The American Civil Liberties Union and the ACLU of Indiana file a legal complaint challenging the secret creation of the two CMUs. A staff attorney with the ACLU National Prison

Project, David Shapiro, says, “The government created CMUs without any opportunity for public comment or oversight in an effort to skirt obligations of accountability and transparency.”

JULY – Steve and Kathy make their sixth visit to Yassin in prison since May 2007, this time at the CMU at Marion, Illinois. The Aref children don’t come.

JULY – Since 2007, Kathy has provided legal representation to Yassin’s wife and children in the form of a successful lawsuit against the government (for refusing to process the family’s immigration papers) to obtain green cards. Now their green cards are finally approved—a major victory, since the applications, sent in 1999, just after Yassin and family arrived in the U.S. from Syria, were shelved and ignored once the sting began in 2003 (and probably before that). The next step is U.S. citizenship for Yassin’s wife and for three of the kids who do not have citizenship in any country in the world.

AUGUST – Third annual anniversary march. A rally, then a march to the Masjid As-Salam, with a roster of speakers including family members of the Fort Dix 5 and Newburgh 4, members of the Muslim community and MSC, and a message from Yassin.

OCTOBER 2 – Press conference at Masjid As-Salam to debut publication of *Rounded Up, Artificial Terrorists and Muslim Entrapment After 9/11* by Shamshad Ahmad, a detailed look at the Aref-Hossain case, including transcripts (made by Shamshad) of many of the “sting” tapes. The book will be marketed and distributed by the MSC, and proceeds will go to the Aref Education Fund, for Yassin’s four children. The book will become the definitive account of the Aref-Hossain case and will receive international publicity, particularly from the Muslim press.

OCTOBER 9 – Kathy Manley and Steve Downs receive the Ed Bloch Voices That Challenge Award from the Interfaith Alliance of the Capital District, for their work in bringing about interfaith understanding.

OCTOBER 22 – Third formal fundraising letter sent out for the Aref-Hossain Families Fund. Since its inception in 2006, the Families Fund (split evenly between both families) has raised and spent over \$40,000 on the families’ needs.

DECEMBER 6 – A community event at the ICCD with Rep. Paul Tonko, 21st CD. Shamshad and Steve attend; Steve writes:

...Tonko gave a very nice summary of health care, and when he was finished the organizer stepped up to the podium and said that Shamshad had a book to present to Tonko. Shamshad...presented his book to much applause. Then Tonko had a chance to say that he had met with Fatima [Hossain, Mohammed’s wife] about the case and was very concerned about the injustices involved. Later I talked to Sean Shortell [Tonko’s district manager] who said that he had discussed Hossain's situation with the Bureau of Prisons and they said they would be willing to work with him. No promises yet, but Sean was looking much more positive than when we first spoke about the issue. Apparently he felt that he had obtained some traction on the issue with the BOP.

I talked briefly with Tonko and said I was with Shamshad. Tonko immediately picked up on this and said, (waiving the book around), that he was very concerned about people getting entrapped—good hard-working people who had no intention of hurting the country. I said the book was a great read and if he was moved by the story of Aref and Hossain, to remember that hundreds, perhaps thousands of other innocent Muslims were in the same situation. Tonko agreed and said he was concerned about it. He seemed to be well versed with the case and the issues, and had no hesitancy in objecting to entrapment. As to whether he will be able to make much headway in Congress without help from other representatives is doubtful, but he at least is informed.

2010

FEBRUARY – Steve and Kathy visit Yassin at the Marion CMU. Steve is allowed to hug Yassin! Things seem to be a little bit “better” at Marion than at Terre Haute.

FEBRUARY 9 – We write a letter to the warden at Marion asking that as friends of Yassin, we be allowed to visit him. Prison regulations state that only those who have had a previous relationship with the inmate—those who knew him prior to his incarceration—can be approved as visitors, unless the warden gives special permission. None of us knew him before he was arrested, but we have

gotten word through channels that the Center for Constitutional Rights will soon file a lawsuit against the Bureau of Prisons about the illegality of and restrictions at the CMUs (see entry below for March 30), so perhaps the timing is good and it's time to bring a little pressure of our own to bear. It's a group letter, signed by 16 MSC members. The warden responds on March 11, saying that we must all individually go through the visitor application process (which includes a thorough background check and her final approval). She does not give us permission to visit, but she doesn't not give it either, and we have made her aware that we will pursue visiting. We each request the first form from Yassin, and send them in. BOP arranges procedures for inmates so that it appears—a nice fiction—that *they* are the ones initiating an activity. Thus the Visitor Information Form is supposedly addressed directly to the potential visitor by the inmate himself, though of course the inmate has to request the form in the first place from the administration, and the prison keeps detailed records on all such requests by prisoners. We now truly understand the meaning of the word “bureaucracy.” Our approvals are pending; perhaps the CCR lawsuit will have an effect at least on the issue of visitors.

MARCH 8 – Yassin and Mohammed file 2255 motions to vacate their convictions and sentences, as well as a separate “Motion to Conduct a Stevens Review for Misconduct.” The latter is based on the case of Senator Ted Stevens of Alaska, convicted on corruption charges in 2009 but whose conviction was later overturned because of prosecutorial misconduct. In this review, the lawyers say that the same prosecutorial misconduct that characterized the Stevens case and led to reversal of his conviction should apply to Yassin and Mohammed as preemptively prosecuted Muslims. The MSC, Project SALAM, and the Masjid As-Salam are granted permission by the Court to file an amicus brief in support of the defendants’ Stevens review, and each is able to write about details of community involvement and support, as well as the families’ difficulties, that have previously been ignored in formal court proceedings.

A 2255 is a legal motion that can be filed by a prisoner in the district court where his trial was held, since the application allows evidence to be presented that was not included in the trial and therefore could not be referenced in the previous appeals. Since their legal appeals are now exhausted, Yassin and Mohammed are not now represented by an attorney, so their 2255 motions are submitted *pro se* (“for oneself”) and written by them. They are extensive and thoroughly researched, and a *cri de coeur* for justice.

MARCH 27 – MSC members participate in the first-ever New York State prison conference, which examines issues relating to the criminal justice system in the state. Members bring the perspective of the federal prison system to the conference, particularly regarding the CMUs.

MARCH 30 – The Center for Constitutional Rights in New York City files a federal lawsuit against Attorney General Eric Holder, federal Bureau of Prisons (BOP) officials, and the BOP itself, challenging policies and conditions at the two CMUs at Terre Haute, Indiana, and Marion, Illinois, as well as the circumstances under which they were established

(<http://ccrjustice.org/ourcases/current-cases/aref-et-al-v-holder-et-al>) The suit is called *Aref, et al. v. Holder, et al.*; Yassin is lead plaintiff. It's filed on behalf of five inmates at the CMUs and two of their spouses. Yassin has talked extensively to one of the CCR lawyers about conditions, particularly the no-contact-visit rule, which he says has harmed his children and thus his family. In response to the suit, BOP institutes a public comment period about the CMUs, to end June 2. MSC members take this long-sought opportunity to write letters about what they know, and what they think, about the CMUs.

MARCH 31 – In a stunning ruling that has future implications for the Aref-Hossain case, as well as for the pending introduction of and vote on an Albany Common Council resolution (see next entry), the chief judge of the U.S. District Court for the Northern District of California rules in the Al Haramain Islamic charity case that the government violated a 1978 federal statute requiring Foreign Intelligence Security Act (FISA) court approval prior to conducting domestic surveillance. While it's

a decision narrowly focused on the Al Haramain case, this could mean that all the surveillance done by the NSA (wiretaps without a warrant) can be declared illegal—and this could have implications for rearguing Yassin’s appeal, since the Second Circuit dismissed the issue of warrantless wiretapping as having no “colorable basis” (see entry for July 2, 2008, Steve’s summary of the opinion).

APRIL 5 – The Albany Common Council passes a resolution that urges the U.S. Justice Department to implement the recommendation of its own Inspector General and establish an independent panel to review the convictions of Muslims who have been “preemptively prosecuted” to ensure their fair treatment under the Constitution and Bill of Rights (see entry under July 10, 2008). Albany is the first municipality in the country to adopt such a resolution (see Appendix B). Council member Dominick Calsolaro has persuaded six other council members to co-introduce the resolution.

A rally and march, organized by the MSC and attended by representatives from several area peace, justice, and civil liberties organizations, precedes the start of the Common Council meeting. During the public comment period before the council’s vote, two-dozen speakers from Albany, Maryland, New Jersey, Newburgh, Brooklyn, and The Bronx speak in favor of the resolution before an overflow crowd of more than 100. They include family members from the Newburgh 4 (New York), Fort Dix 5 (New Jersey), and Betim Kaziu (Brooklyn) cases, members of the Capital District’s Muslim community, the founder of a nationwide peace and justice organization based in Maryland, and MSC members. Two of Mohammed Hossain’s children also speak, as does twelve-year-old Lejla Duka, daughter of one of the Fort Dix 5. Lynne Jackson, a spokeswoman for Project SALAM and MSC member, says, “We hope that passage of this resolution encourages other cities and counties to pass similar resolutions, to show that citizens demand a second look into some of the most unjust prosecutions that withheld classified evidence...”

This is one of the biggest successes for the issue of preemptive prosecution the MSC has seen: not only formal legislative support, but also support from the city where Yassin and Mohammed lived, were tried, and were convicted. We urge you to go to your city and/or county legislators—especially if your locality has had a Muslim prosecution—and begin the process of educating them about preemptive prosecution, and then work with them on a similar resolution. If several municipalities in the country pass similar resolutions, it can give weight to the people’s demand that the Justice Department review the cases of *all* preemptively prosecuted Muslims throughout the country,

We also strongly suggest that you send your Congressman or -woman information about Muslim preemptive prosecution, and follow it up with a visit—whether your locality has had a case of Muslim preemptive prosecution or not. If enough members of Congress hear from their constituents about this issue, it will rise to national consciousness. There are already efforts being made, because of grassroots demand, to urge the House Judiciary Committee to hold hearings on the issue. Your contact with your representative can only add to the momentum.

APRIL 27 – On the eve of his trial for material support to Al-Qaeda, and after a draconian three-year detention in Manhattan’s Metropolitan Detention Center, most of which was spent in solitary confinement, Syed Fahad Hashmi takes a government plea bargain and pleads guilty to one count of conspiracy to provide material support for terrorism. The sentence will probably be fifteen years. The day before, the trial judge had approved the government’s request for an anonymous jury with extra security measures. In addition to the use of secret evidence and indefinite solitary confinement, the move to have an anonymous jury raised already heightened concerns as to whether a fair trial was even possible.

The MSC and Project SALAM, which supports Free Fahad, the support group for Hashmi and his family, had planned a vigil at Albany’s federal courthouse for April 28, the start of his New York City trial, featuring a bit of street theater: participants planned to wear bags over their heads labeled “Anonymous Juror” to highlight the insult to citizens put forth by the prosecution’s

reasoning that “it is likely that the jurors [if they were not anonymous] will see in the gallery of the courtroom a significant number of the defendant’s supporters, naturally leading to juror speculation that at least some of these spectators might share the defendant’s violent radical Islamic leanings.” We cancel the vigil because of the plea.

MAY 19 – Yassin and Mohammed’s “Motion to Conduct a Stevens Review” is denied by the district court. No decision as of this writing regarding their 2255 motions.

MAY 30 – Shamshad, Steve, and Kathy speak as panel members during the Civil Rights Session at the Islamic Circle of North America (ICNA) convention in Hartford, CT. Their presentation topic: “Post-9-11 Law Enforcement Transgressions Against Muslims and Their Communities,” based around Shamshad’s book, *Rounded Up*.

JUNE – The Islamic Center of Long Island (ICLI), a large, well-respected mosque, writes a letter to Attorney General Holder and President Obama in support of the Albany Common Council resolution, with 270 signatures from its congregants. As a followup, Mauri’ Saalakhan [founder of the Peace and Justice Foundation in Maryland] convinces them to sponsor an event on July 30, at which Steve, Lynne, Kathy, and hopefully Shamshad will speak.

JUNE – A member of the masjid who owns a van has been driving Fatima Hossain and the kids to see Mohammed in Fairton, and getting reimbursed from the Rosenberg Fund for Children.

JUNE – Steve is trying to set up a meeting with Congressman Tonko to get him to hold a congressional hearing on preemptive prosecution and the need for the government to follow its own Inspector General’s report urging a review of these cases.

JUNE 14 – We write another letter to the warden at USP Marion, supporting the application of a former member of the Masjid As-Salam to visit Yassin. He’s a young Muslim who has become the literal caretaker of the Aref family; he knew Yassin well before the latter’s arrest, since he was a student of Yassin’s at the masjid; and he has twice been denied permission to visit, with no reason given. He can also bring Yassin’s children to visit, if he’s approved; so far only Steve and Kathy, as Yassin’s lawyers, are approved to visit, so they are the only ones who can bring the kids. This letter is signed by 19 MSC members. With the public comment period for the CMUs past, a selection of comments blasting BOP and the CMUs available on the CCR website (<http://ccrjustice.org/cmuc-comments>), and the CCR lawsuit getting national publicity, maybe this will work.

JUNE 19 – Two filmmakers, working with Democracy Now!, visit Albany to talk with MSC, Project SALAM, and masjid members about a documentary in progress on Muslim preemptive prosecution.

JULY 15 – The MSC and Project SALAM have already sent a letter of support to attorney Lynne Stewart in advance of her re-sentencing:

Lynne Stewart was a founding member of Project SALAM, a support and legal advocacy group for wrongly prosecuted Muslims. She recognized, as we do, that the attacks on Muslim are being done to support the government’s fake “war on terror,” to bolster their drive towards war. Lynne, who believes in civil and human rights with every ounce of her being, knew she had to give her clients the best defense possible, especially Muslims who are put at a disadvantage by the anti-Muslim atmosphere in the US since 9/11. We are opposed to any further sentencing and pledge to fight for her release from prison. We also pledge, in her name, to continue the fight for justice for all wrongly prosecuted Muslims and an end to war.

She had been convicted in 2005 of helping her client, Omar Abdul Rahman (the blind extremist cleric who conspired to blow up city landmarks), relay messages to terror cohorts in Egypt, and was initially sentenced to 28 months. Last year the federal appeals court ordered that she be re-sentenced because the judge in her initial trial did not rule whether she perjured herself. A carload of members attends her re-sentencing in New York City. She is sentenced to 10 years, which could keep her behind bars until she turns 80. Former U.S. Attorney General Ramsey Clark, her co-counsel in the terrorism case, calls the sentence “a travesty, a total injustice.”

Where We Are Now: Project SALAM

The MSC has now become the local/Albany “chapter” of Project SALAM (Support And Legal Advocacy for Muslims). Although Project SALAM grew out of the MSC in 2008, by the start of 2010 it was clear that the momentum in most MSC members was toward a wider view of the hundreds of cases (similar to Aref-Hossain) of Muslim prosecution throughout the country, so the MSC was folded into SALAM’s activities and sponsorship. SALAM thinks nationally, and the MSC acts locally—a combination that continues to support Yassin and Mohammed, extends support to Muslim prisoners, their families, and their support groups, and forms alliances throughout the country around the issue of preemptive prosecution.

We realize that the Aref-Hossain case, with all legal avenues exhausted, and the MSC can still be useful as a touchstone for other support groups and for keeping the case alive locally. It is sobering to realize that Yassin will not be able to read this booklet; regulations at the Marion CMU state that prisoners are only allowed to receive book-length printed material directly from a publisher. On the other hand, we realize that Yassin and Mohammed will not be in prison forever, and though Yassin has eight more years to go on his fifteen-year sentence, and Mohammed has nine, one day the MSC will be there with their families to greet them and celebrate when they are finally free.

Project SALAM is devoted to researching and documenting the likelihood that the U.S. Justice Department’s post-9/11 terrorism-related prosecutions and convictions have included a significant number of Muslims who were innocent of any crime. Other cases were severely overcharged and/or oversentenced. Project SALAM proposes to examine these post-9/11 prosecutions and determine whether in each case there was substantial evidence of criminality, or simply evidence unfairly concocted and/or twisted to convict innocent Muslims. It also proposes to examine the tactics and strategies of the prosecution in these cases to determine if the government, in its effort to obtain convictions against Muslims, has stretched legal concepts beyond the point where a fair trial is possible, and is unfairly damaging communities.

A unique database that aims to document each case of preemptive prosecution in the country since 9/11 is a searchable feature of the website, <http://www.projectsalam.org>, which itself aims to be a central information resource about Muslim cases. A series of letters to Attorney General Eric Holder and President Obama, written by SALAM founder and attorney Steve Downs, that detail unjust tactics, particular cases, and significant legal developments that support the need to reexamine the domestic “war on terror” are posted on the website, with petitions attached so that anyone in the country can sign. The letters with signatures are then delivered. SALAM members also travel to rallies and marches for other defendants, speak about preemptive prosecution at conferences, symposia, and forums in the Northeast, and forge important connections with political and national organization leaders, defense lawyers, and legal and Muslim scholars. Featured speakers have been Steve Downs, Kathy Manley, Lynne Jackson, and Shamshad Ahmad. SALAM plans to launch a Speakers Bureau to cover all the speaking requests that have begun to come in, and will use the foundation of support that the MSC has built over four years to sponsor a myriad of activities that highlight the issue of Muslim preemptive prosecution in America.

Four years ago, the Aref-Hossain case became for the MSC the point of departure for a change of thinking about our government and how our system of justice has degraded since 9/11. We were concerned citizens whose commitment to social justice was tested in ways we could not have anticipated, but we followed our hearts and our intellects to arrive at this point. We will not give in, we will never give up, and we only hope you will join us in some way in the future.



To contact Project SALAM:

lynnejackson@mac.com

To contact the Muslim Solidarity Committee:

callanca@gmail.com

Visit these websites for more information:

Project SALAM, <http://www.projectsalam.org>

Muslim Solidarity Committee, <http://nepajac.org/Aref&Hossain.htm>

Justice for Yassin Aref, <http://www.yassinaref.com>

Write to Yassin:

Yassin Aref, 12778-052

U.S.P. Marion, P.O. Box 1000

Marion, Illinois 62959

Write to Mohammed:

Mohammed Mosharref Hossain, 12779-052

FCI Fairton, P.O. Box 420

Fairton, New Jersey 08320

To Donate to the Aref-Hossain Family Fund:

c/o Law Office of Stephen Downs

26 Dinmore Rd.

Selkirk, New York 12158

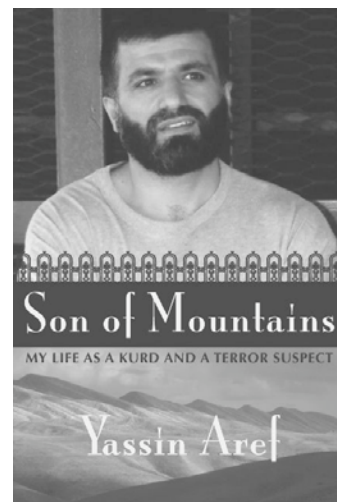
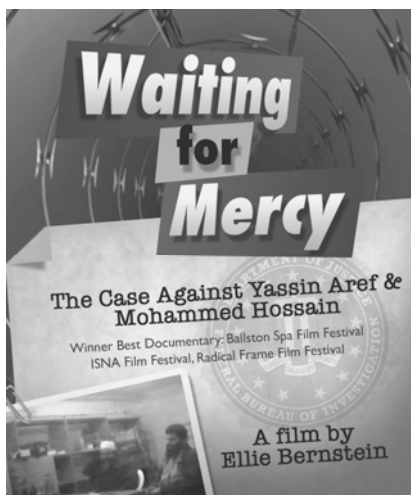
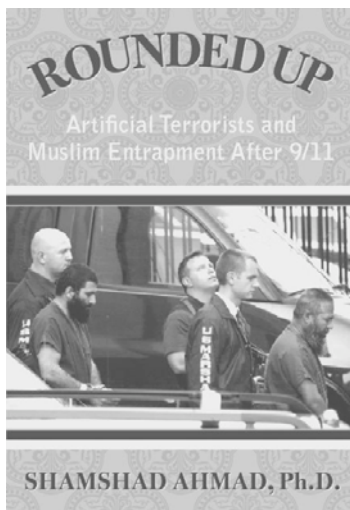
Be the change you wish to see in the world.

— Gandhi

Fear not the path of truth for the lack of people walking upon it.

— Imam Ali Ibn Abee Talib

Books and Film



Rounded Up, Artificial Terrorists and Muslim Entrapment After 9/11 by Shamshad Ahmad
(2009, 267 pages, \$17.50)

is a detailed narrative of the Aref-Hossain case from its beginning to the present, including transcriptions of many of the “sting” tapes. Available online at Amazon.com:

<http://www.amazon.com/gp/product/1935534173> (read customer reviews too)

and from the publisher, The Troy Book Makers:

<http://shop.thetroybookmakers.com/roundedup-p-74.html>

All proceeds go to the Aref Education Fund, to benefit Yassin Aref’s four children.

Son of Mountains, My Life as a Kurd and a Terror Suspect by Yassin Aref
(2008, 515 pages, \$27)

is Yassin’s autobiography. Available from

<http://shop.thetroybookmakers.com/sonofmountains-p-21.html>

while supplies last.

All proceeds go to the Aref Children’s Fund, to benefit Yassin’s four children.

Son of Mountains can be purchased with *Rounded Up* for \$35:

<http://shop.thetroybookmakers.com/muslimsolidaritybundle-p-75.html>

All proceeds go to the Aref Education Fund, to benefit Yassin’s four children.

Waiting for Mercy, written, produced, and directed by Ellie Bernstein
(2009, DVD, 68 minutes, \$15)

is a documentary look at the Aref-Hossain case that uses some of the actual material recorded by the FBI informant and features interviews with defense lawyers, prosecutors, journalists, community advocates, and Muslim community members. It also explores the broader issues raised by the case, including warrantless wiretapping, secret evidence, entrapment, and targeting of Muslims.

Screened in 2009 at the Islamic Society of North America (ISNA) Film Festival, the Radical Frame Film Festival, and the ACLU Annual Convention, and upcoming on LinkTV. Available from

<http://www.waitingformercy.com>

These can also be purchased at the MSC table at this conference.

APPENDICES

Appendix A

Groups and Organizations That Have Supported the MSC

The MSC would like to express its gratitude to the following organizations and groups for their solidarity and support over the past four years.

ACLU	Luibrand Law Firm, PLLC
Albany Central Federation of Labor	Lynne Stewart Defense Committee
Albany Common Council	Masjid As-Salam
Albanyweblog.com	New York Civil Liberties Union, Capital Region Chapter
Bethlehem Neighbors for Peace	Northeast Peace And Justice Action Coalition (NEPAJAC)
Bill of Rights Defense Committee (BORDC)	Palestinian Rights Committee
CAIR, Albany Chapter	Pax Christi Schenectady
Capital District Labor-Religion Coalition	Peace and Justice Foundation
Capital District Pax Christi	Pine Hills Neighbors for Peace
Center for Constitutional Rights (CCR)	Poets for Peace
Center for Law and Justice	Rosenberg Fund for Children
Chatham Peace Initiative	Saratoga Peace Alliance
Commission on Peace and Justice of the Roman Catholic Diocese of Albany	Save the Pine Bush
Dr. Dhafir Support Committee	Schenectady Neighbors for Peace
Empire Justice Center	Social Responsibilities Council of the First Unitarian Universalist Society of Albany
Free Fahad	Society of Friends, Albany
Free the Fort Dix 5	Solidarity Committee of the Capital District
Free the Newburgh 4	Southern Rensselaer Neighbors for Peace
Grannies for Peace	Tobin & Dempf, LLP
Green Party	Troy Neighbors for Peace
Guilderland Neighbors for Peace	Troy Peace Action
Interfaith Alliance, Capital District Chapter	Upper Hudson Peace Action
Islamic Center of the Capital District (ICCD)	Veterans for Peace (Tom Paine Chapter)
Jackson's Computer Services	<i>Washington Report for Middle East Affairs</i>
Java Jazz Café	Women Against War
Kindlon Shanks and Associates	
Little Italy Pizzeria	

Appendix B***Albany Common Council Resolution re Preemptive Prosecution of Muslims, April 5, 2010***

Resolution Number 39.41.10R (As Amended)

RESOLUTION URGING THE U.S. DEPARTMENT OF JUSTICE TO REVIEW THE CONVICTIONS OF MUSLIMS WHO WERE “PREEMPTIVELY PROSECUTED” TO ENSURE THEIR FAIR TREATMENT UNDER THE U.S. CONSTITUTION AND BILL OF RIGHTS

Passed: Yes – 10, Present – 4, Absent – 1

WHEREAS, the Declaration of Independence of the United States and the United States Constitution and the Bill of Rights are the cornerstone of our democracy; and

WHEREAS, since 9/11 some Muslims in the United States have been targeted by the U.S. government for increased scrutiny, surveillance and prosecution; and

WHEREAS, the United States government created a warrantless electronic surveillance program which obtained secret classified information on Americans, apparently in violation of various laws including the Foreign Intelligence Surveillance Act, and the First and Fourth Amendments to the U.S. Constitution; and

WHEREAS, the Department of Justice and the FBI created a program called “preemptive prosecution” in which Muslims who are not involved in criminal activity are targeted and prosecuted based on “secret evidence,” often derived from warrantless electronic surveillance; and

WHEREAS, there is a substantial probability that the activities and programs of the U.S. government which target a religious minority in such a manner violate their civil rights as Americans; and

WHEREAS, in 2003 the Albany Common Council voted unanimously to object to the Patriot Act because of the dangers that this act posed to the civil rights and liberties of all Americans; and

WHEREAS, in 2009 the Albany Common Council voted to support immigrant rights in the City of Albany so that immigrant families would not live in constant fear of repression, jail, or deportation; and

WHEREAS, because of excessive secrecy by the U.S. government about its warrantless eavesdropping and preemptive prosecution programs, substantial doubt remains as to whether hundreds of Muslims were preemptively prosecuted, and guilty of crimes, and whether the defendants received their civil rights guaranteed under the U.S. Constitution, including the right to receive exculpatory information and a fair trial; and

WHEREAS, after Senator Ted Stevens was convicted of bribery, the Justice Department did an independent assessment of how his case was prosecuted, determined that exculpatory information had been withheld by prosecutors, and dismissed the case; and

WHEREAS, the Inspector General of the Department of Justice, in a July 10, 2009 report on U.S. surveillance programs recommended “that the Department of Justice carefully consider whether it must re-examine past [terrorism] cases to see whether potentially discoverable but undisclosed Rule 16 or Brady material was collected under the President's Surveillance Program, and take appropriate steps to ensure that it has complied with its discovery obligations in such cases” (report, p. 19).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany requests that the U.S. Department of Justice implement the recommendation of its own Inspector General, and establish an independent panel within the Department of Justice, similar to what was done in the Stevens case, and to what was recommended by the Inspector General, to review all of the convictions of Muslims who were “preemptively prosecuted” to determine if these defendants were properly given exculpatory information and other rights of discovery to which defendants in criminal prosecutions are entitled, and whether these prosecutions in all ways met the high standards of truth, openness, fairness, and justice that are embodied in the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED, that the Common Council of the City of Albany requests that the Clerk of this Council forward copies of this resolution to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

Appendix C***Op-Ed in Voices of Faith column, Albany Times Union, May 29, 2010*****Don't indict community for one act**

By Shamshad Ahmad

Muslims make up one-fifth of the world's population. About 58 sovereign countries—all in the Third World, where conditions and standards are very different than in the West—have a Muslim majority. Until about half a century ago, most of these countries were ruled by European colonial powers. Muslim immigrants in Europe have a strong connection with this history; they are often looked down upon as the "subjects" of former colonies, and in turn, many carry resentment toward the countries in which they live.

American Muslims have a more positive attitude. The Muslim presence in America goes back to the early period of slavery, when many slaves captured in Africa or bought in trade were Muslims. A noticeable Muslim presence in America did not become apparent until the 1960s, when Congress liberalized immigration laws and the number of Muslims entering the country increased greatly. Many decided not to go back to their home countries after completing their education or training, and professionals decided to immigrate here. The number of immigrants, children, and local converts swelled to more than 6 million by the 21st century.

Since Muslim immigrants have, in general, enjoyed fair treatment on almost every level of American society, there is no antagonistic relationship between Muslims and their new country of residence. Some elements of American foreign policy—such as support for oppressive rule and dictatorships in Muslim countries, unconditional support for Israel in its occupation of Palestinian territories and, more recently, the U.S. wars in Iraq and Afghanistan—cause discontent in the Muslim community. Yet for the most part, American Muslims don't feel that such views take them outside the tapestry of freedom of thought and opinion. Overall, Muslims appreciate the opportunities they have found here, and strive day and night to realize the American dream.

But 9/11 changed America, changed the world, and changed the American Muslim. In the wake of 9/11, the eyes of suspicion turned to all Muslims in the U.S., and their institutions and mosques became the focus of scrutiny. 9/11 succeeded primarily because of an intelligence failure. In response, the government allocated tremendous money and manpower to law enforcement. Intelligence agencies felt extra pressure to produce visible results. Based on suspicion only, thousands of Muslims across the nation were detained and questioned, and their property was seized. Many innocent people fell victim to this aggressive policing, and many families, communities, mosques and Islamic institutions suffered. Entrapment and pre-emptive prosecution became commonplace. This, coupled with new legislation that permitted government surveillance of its own citizens without judicial oversight and the unprecedented use of classified evidence at trial that defendants were not permitted to see, further empowered the authorities.

American Muslims hoped that nine years after 9/11, the media hype and government policing would take a more rational turn. We hoped that terror-related events would be treated as criminal acts rather than as wholesale indictments of the entire Muslim community and of Islam. Unfortunately, the sensationalism of such events remains the same; the purposeful obscuring of facts remains the same; and the general assumption of guilt before innocence remains, unfailingly, the same. A government attitude that upholds just, fair, and honest legal conduct still seems to be off the table.

American Muslims are weary of being equated with terrorists. Terrorism is not only against the central beliefs of our peaceful religion; it is against basic common sense for those of us who wish to live and flourish in this country. We exclude any discussion of violence in our mosques where it is inappropriate. For this reason, extremists often shun Muslim community centers and mosques as being too apologetic, and instead favor a radical path that can only be found online, on the websites of those who are Islamically illiterate but dangerously persuasive. Yet we and our mosques are still under surveillance. We feel depressed, confused and frightened, with the government's unjust policing on one side and a handful of criminals carrying Muslim names on the other.

American Muslims want to live here with pride. We pray that we will be accepted as citizens of America, without our patriotism being weighed against our religion.

Shamshad Ahmad is president of Masjid As-Salam mosque in Albany and a physics professor at the University at Albany. He is the author of Rounded Up, Artificial Terrorists and Muslim Entrapment After 9/11. He can be reached at ahmad@albany.edu

Appendix D***Op-ed in Albany Times Union, July 1, 2010*****Accept Muslims, embrace peace**

By Stephen Downs and Joe Lombardo

On 9/11, a small group of terrorists attacked the United States. In response, our government has spent the past nine years waging a "war on terror."

It exploited those attacks as an excuse to start wars in Iraq and Afghanistan, using fear of Muslims as the justification. A preemptive war against Iraq was begun under false claims that Iraq had weapons of mass destruction and that the Iraqi government would share these with terrorists, particularly al-Qaida. Thousands of Muslims were rounded up in the Middle East as possible terrorists and tortured. The "worst of the worst" were sent to Guantanamo to be held and tortured indefinitely. But the U.S. knew all along that many of these prisoners were innocent, misrepresenting them as terrorists in order to generate fear that would induce Americans to permit restriction of their civil liberties and allow their tax dollars to be spent supporting these wars.

Our government needed to find terrorists living among us as a further way to manipulate our fear of Islam and thus fight its "war on terror" at home. Taking inspiration from former Vice President Dick Cheney's 1 percent doctrine (if there is a 1 percent chance someone might be a terrorist, the government must act as if it is a certainty), the government launched a program of preemptive prosecution against Muslims to entrap and convict them of contrived crimes in order to preempt them from possibly supporting terrorism in the future.

Hundreds of Muslims are serving long prison sentences in America for crimes they did not commit. The purpose of these prosecutions is to increase our fear of Muslims and to convince the public that repressing both the Constitution and civil liberties is the way to prevail over terrorism.

We know the consequences of this injustice firsthand. We were involved in cases of Muslims who were targeted and entrapped in the Albany area, such as Yassin Aref, Mohammed Hossain, Ansar Mahmood, Dr. Rafil Dhafir and Imam Warith Deen Umar. We know that these individuals were not involved in terrorism, and our government now acknowledges as much. When innocent people are entrapped and framed based essentially on their religion, we cannot turn our heads and pretend that we do not see injustice. We cannot remain silent while these Muslims and their families, our friends and neighbors, have been wronged.

On April 5, the Albany Common Council became the first city in the United States to pass a resolution calling on the U.S. government to appoint a special prosecutor to re-examine the cases of Muslims who were preemptively prosecuted. The inspector general of the Justice Department has recommended this, but the department itself has taken no action.

Without Muslims falsely convicted of terrorism, how would our government justify its repression of civil liberties, its wars abroad and the "war on terror" itself?

On July 23–25, Albany will host the United National Peace Conference, bringing together all the national peace organizations to discuss strategies for implementing peace in the U.S. and the world. Speakers will include Noam Chomsky, Kathy Kelly and Cindy Sheehan.

One of the issues the conference will consider is how Muslims here and abroad are mistreated based on fear of Islam, and how to break this exploitation of fear cycle. You will hear many stories from both Muslims and non-Muslims like us, who have been personally touched by experiences of injustice and are determined to speak out about it.

Even if you cannot attend the conference, you can still help promote peace. Learn to see your local Muslim community as your American neighbors who are striving, like you, to build this country, and as people from whom you have nothing to fear. We came to know Albany's Muslim community from different perspectives. Each of us has learned from them that despite media hype, Islam is a peaceful religion that recoils from extremists or terrorism. Unfortunately, we have also learned how maligned and fearful Muslims are throughout America.

It is time to stop the wars, persecution and injustice that flow from fear. It is time to start a healing that only peace can bring.

Stephen Downs is an attorney in Selkirk and founder of Project SALAM (Support And Legal Advocacy for Muslims). Joe Lombardo is a Delmar-based organizer of the United National Peace Conference. Register for the conference at <http://www.nationalpeaceconference.org>

Appendix E***Yassin Aref's Message to the United National Peace Conference, July 24, 2010***

Welcome to our city—welcome to Albany, whose city council passed a resolution asking the government to review the cases of many innocent men who were unfairly targeted, wrongfully convicted and sentenced to long prison terms, far from their families and loved ones.

Dear friends—there are those lobbying behind the scenes, using the media, money and politics to mislead our government and misguide people by giving them wrong information, fabricating stories and exaggerating claims about a terrorist threat, in order to keep the wars going and divide the community. They want us to hate our neighbors; they want us to distrust our friends; they want us to fear each other. All in order to scare people and make them support the wars and the discrimination that are destroying our nation, our values, our Constitution and our place among nations.

Dear friends—today more than ever we need to stand united with a clear and strong voice and say to our government and our president:

- * Stop the wars immediately and do not drop any more bombs in our names;
- * Clean the oil spill in the Gulf and do not allow any companies to dig more wells;
- * Close Guantanamo and do not torture or mistreat any human beings in the name of safety;
- * Close the CMUs and do not prevent children from hugging their dads—do not isolate and dehumanize anyone in the name of security;
- * Free all the political prisoners—they have committed no crimes, but have been targeted, entrapped, and framed for their beliefs and because they spoke out;
- * We need to stop global warming and decrease air pollution;
- * We need free health care and medicine for everyone, especially the sick and elderly;
- * We need free and improved education for our youth;
- * We need peaceful relations with the world and we must lead by example, not by force

We are here to ask the president:

Where is the change he promised?

Where is the change people voted for?

Why is our Army still in Iraq?

Why are our sons still dying in Afghanistan?

Why is Guantanamo still open?

Why do CMU prisoners have no contact visits?

Why do millions still have no health care?

Why are more schools closing in our country?

Why is the number of foreign visitors and students declining year after year?

Why is the world not safer now, after ten years of bloodshed and the waste of hundreds of billions on the war?

Mr. President, you cried out for justice and peace; you cried out for freedom and dignity; you spoke of change, but now it seems like it was only about winning the election, just like all the other politicians.

Dear friends—our future as Americans and as human beings, as well as the security of our country and the entire world, depends on what we do. If we can prevent fools, greedy lobbyists and corrupt politicians from destroying our values and our Constitution, and if we say NO to discrimination and preemptive prosecution, we will save our nation and the world. Otherwise we will all end up victims.

Thank you very much for your time.

Thank you for coming here to say no to war.

Thank you for standing for peace and justice.

Yours in solidarity,

Yassin Aref

unfairly targeted and wrongfully convicted, isolated prisoner who can't have contact visits with his children.