July 8, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave. N.W.
Washington, DC. 20500

Dear President Obama and Attorney General Holder:

This is the fourth in a series of letters to you urging that you restore the rule of law in America and release innocent persons, mostly Muslims, who were illegally targeted and convicted under the Bush Administration. We will continue to write to you to raise these cases of conscience until justice is finally done.

1. U.S. v. Theodore Stevens (U.S. Senator from Alaska)—Prosecutorial Misconduct

Project SALAM congratulates you for your actions in the Stevens case, in which a U.S. Senator from Alaska was convicted of accepting bribes. Later you reviewed the case and discovered that the U.S. attorneys prosecuting the case had failed to turn over to the defense exculpatory evidence as required by law. As a result of this clear violation of law by attorneys in the Justice Department, you dismissed the case and referred the conduct of the attorneys for professional discipline. Your actions in the Stevens case were absolutely correct. We ask you to extend this same rule of law to all the hundreds of cases of innocent Muslims illegally entrapped by the Justice Department.

When you start on this review of Muslim defendants convicted in the government-induced hysteria following 9/11, we are convinced that you will find the same illegal activity by U.S. prosecutors. It is now clear that the Justice Department understood that most of the Muslims prosecuted for terrorist-related crimes after 9/11 were not guilty of any crimes at all—at best the government was simply suspicious that they might support crimes in the future. Your FBI and Justice Department are very open about this. They refer to these prosecutions as “preemptive prosecutions”—meaning that the defendants are prosecuted before they can commit a crime. We think that this term does not really capture what is involved. “Preemptive entrapment” would perhaps be a better term to describe what happens legally, and “preemptive internment” might be a better term to describe what has been done to these Muslims. They have been essentially interned by our government in the same way that hundreds of thousands of Japanese were interned during the Second World War, except that the internment is hidden under a veneer of criminal prosecution. The prosecutors’ files in these cases will certainly show this, in the same way that the prosecutors’ files in the Stevens case showed that the prosecutors failed to turn over exculpatory information.

It is not just the Stevens case, of course, that raises this issue. Federal judges have repeatedly raised concerns about the honesty and integrity of federal prosecutors trying terror-related charges. Judge Emmet Sullivan has expressed outrage at government prosecutors for withholding critical information.
in U.S. v. Aymen Saeed Batarfi, a case which has since been dismissed, and implied that this pattern of prosecutorial misconduct extended to other Guantanamo cases over which he is presiding. Judge Leonie Brinkema has also criticized government prosecutors in several cases pending before her. What is surprising is that you have not already begun an investigation of these cases to determine whether U.S. prosecutors have committed misconduct. Ted Stevens was a U.S. Senator, and the Guantanamo detainees occupy the very lowest social level in the U.S., but all are equal before the law. Each case deserves the same high level of fidelity to the law and to justice.

2. The Lodi Case—Hamid and Umer Hayat—The First Big Entrapment Case

In this letter, we want to highlight the unfair way that the U.S. government has been using agents provocateur, as part of its preemptive prosecution program, to entrap Muslims who have no intention of engaging in illegal activity. We wrote to you about this issue in our second letter, which described the case of U.S. v. Yassin Aref and U.S. v. Mohammed Hossain.

After 9/11, the Bush Administration freed the FBI from the constitutional restraints that normally would have prevented a law enforcement agency from entrapping individuals who had no intent to commit crimes. The idea was to preemptively prosecute Muslims before they could commit a terrorist act. In practice, this program has amounted to the U.S. government manufacturing charges against people who had no connection with terrorism and no interest in it.

One of the first big experiments with preemptive prosecution began when a store clerk reported to the FBI that Zawahiri, the Number 2 man in Al Qaeda, had visited the mosque in Lodi, California. This claim was preposterous and not true. Nevertheless, the FBI gave the clerk money and a tape recorder, and for three years he walked around the mosque tape-recording everything he could. No criminal activity was found, although the two imams from the mosque were deported for immigration violations. Then the government agent, who by then had been paid over $250,000 by the government, focused on a new target— the Hayats. This was easy, because the Hayats had taken the agent into their home and treated him like a son. In return, the agent secretly tape-recorded the family.

The son in the family, Hamid Hayat, went on a trip to Pakistan to arrange his wedding and also to take care of his mother. While he was in Pakistan, the government agent kept calling him like a brother on the telephone, goading Hamid to join a training camp and take up jihad. Upon Hamid’s return he was arrested, and after a grueling interrogation he confessed to having attended a jihadist training camp. Hamid’s father, Umer, was also arrested and confessed to attending a training camp. The father’s description of the training camp was so bizarre—it was supposedly as big as a football field, all underground, with ninja-like people practicing pole vaulting—that it seemed likely he had made the whole thing up and had never been to a training camp. He just wanted to appear to cooperate with the FBI. Eventually Hamid was convicted of providing material support for terrorists and was sentenced to twenty-four years in prison. His father’s case ended in a hung jury, and the father pleaded guilty to a minor charge to avoid a retrial.

Entirely apart from whether any crime was proven to have occurred, it is wrong for the government to allow one of its agents provocateur to follow someone around with a secret tape recorder for years, pretending to be the person’s friend and urging the person to commit crimes. This fits the classic definition of entrapment. We ask you to please look at the Hayat case and see if the files themselves do not indicate that Hamid Hayat and his father were entrapped.

3. The Fort Dix 5—More Entrapment by Agents Provocateur

In January 2006, a store clerk in South Jersey, NJ gave the FBI a videotape of some young men riding
horseback, having a pillow fight, shooting guns at a firing range, and shouting Islamic phrases. The men—brothers Eljvir, Dritan, and Shain Duka, along with Mohammed Shnewer and Serdar Tatar—had given the videotape, which had been shot during their vacation together in the Pocono Mountains, to the clerk to copy. The FBI decided that the group was suspicious and sent in two agents provocateur—Muslim men who had been convicted of serious crimes and were willing to cooperate with the government in exchange for leniency—to try to entrap the young men in criminal activity.

The agents showered attention on the young men and used money and manipulation to build up their interest in jihad. They showed the young men jihadist videos, taunted the men on their lack of resolve to take action, and followed the young men around with a hidden recording device to record every word spoken in passion or anger. By May 2007, the agents had persuaded one of the defendants to discuss a possible attack on Ft. Dix when the other youths were not present. Another defendant gave the agent a map of the base in response to the agents’ demands. The agents then persuaded the defendants to buy some automatic weapons, supposedly for target shooting. At this point, the whole group was arrested and charged with conspiracy, even though no definite plan had been made to attack anything and most of the defendants had never had a conversation with the agent about any plan to attack Ft. Dix. They were eventually convicted and sentenced to life plus thirty years. (That is to say, their sentences will expire thirty years after they have died.)

The young men who became the Ft. Dix 5 were foreign-born, but they had grown up American. Three of them ran a roofing business and took vacations together with their friends and families in the Poconos. They wanted the guns so that they would not have to wait in line at the firing range. None of them had ever been involved in terrorism, and it does not appear that any of them would have been involved, save for the long and expensive effort of the U.S. government to entrap them.

All of the defendants are vouched for by a community of supporters who know the character of the defendants, know that the defendants were not terrorists, and had no intention of hurting anyone. They were men with families; people who love America; people who supported their communities. They had everything to lose and little, if anything, to gain by becoming involved in the FBI plot. For people who know the defendants’ characters, the FBI’s “evidence” is simply trickery, lies, and manipulation. It is unpersuasive and unjust.

4. The Miami 6 (Liberty City) Case—More Entrapment

Batiste, the leader of a religious group in a part of Miami known as Liberty City, was reported to have told people that he wanted to overthrow the U.S. government by blowing up the Sears Tower so that it would fall on a nearby prison and release hundreds of Muslims, who would become his army with which he would establish his own country. This information was relayed to the FBI, who dispatched an agent provocateur to try to influence Batiste into turning his nonsensical fantasy into a real conspiracy. The agent persuaded Batiste that Osama bin Laden wanted him to bomb FBI offices in several cities, and the agent persuaded seven men to take an oath to bin Laden. Shortly afterwards, one of the men left the group, and it fell apart without having made any plans to do anything.

The first two trials ended with hung juries; jurors refused to convict the six remaining men essentially for having taken an oath to bin Laden in a theatrical script written and directed by the FBI and the agent provocateur. On May 12, 2009, a third jury finally convicted five of the Miami 6 of conspiracy. The defendants argued that the agent provocateur was offering them money for his outlandish plots and that they were willing to play along to get the money, not realizing that he was playing them along to get convictions. Entrapping such people with lies and manipulation is fundamentally wrong, and is contrary to the American understanding of the role of the government in a free society.
5. The Newburgh 4—Entrapment and the Slander of Islam

On May 21, 2009, the FBI announced the indictment of four “Muslims,” Onta Williams, James Cromitie, David Williams, and Laguerre Payen, on charges that they were “planning” to blow up a Jewish synagogue and shoot down an airplane with a missile. The Justice Department professed that these were violent Muslims who hated Jews and wanted to strike back against America for what it was doing in the Middle East. But when the facts emerged, it turned out that that the men, all American-born ex-convicts and hapless losers, were only marginally involved with Islam and participated in the plot only because it was set up, financed, and relentlessly promoted by an FBI agent provocateur, Shahed (“Maqsood”) Hussain. While in prison, two of the men had reported that they were Christian, and one reported no religious affiliation. None of them were apparently involved in regular prayers at any mosque or had much education about Islam. One was addicted to crack cocaine. Another was unemployed and took medication for mental health problems.

Pretending that he was a devout Muslim, “Maqsood,” the agent provocateur, went to a mosque in Newburgh and began inviting other worshipers to meals so he could talk to them about violent jihad. He offered people a substantial amount of money to join his “team.” His con was so obvious that real Muslims concluded he was a government agent and avoided him, but he was able to attract Mr. Cromitie, an occasional attendee at the mosque. Eventually, through Mr. Cromitie, he was able to involve David and Onta Williams and Laguerre Payen in his plot.

There is no doubt that with enough money and a clever con man, the FBI can entrap millions of gullible people in crazy schemes that would never otherwise have been considered. Drug addicts, people suffering from mental health issues, the unemployed, ex-convicts, frustrated teenagers—all are susceptible to flashy con men offering them money to act out their frustrations against society. The FBI could have entrapped similarly frustrated people in virtually any homeless outreach program or religious charitable organization. Entrapping such people is cruel and pointless and does not make us safer. If the government spent even half as much money helping such people develop their lives in a positive direction, we would all be safer and better off.

Moreover, it is profoundly wrong for the government to pretend that the people it entrapped with money and fast talk were real Muslims, or that this was a violent Islamic scheme. The defendants had virtually nothing to do with mainstream Islam, and indeed Islamic leaders and mosque members avoided the agent provocateur’s scheming.

The government set up the scheme to play on false stereotypes of violence, wrongly associated with Muslims, to incite hatred against Islam with the American people. The Newburgh 4 case is an embarrassment to law enforcement and a slander of Islam. It is the perfect example of why the government should not engage agents provocateur to entrap people, or to slander religions.

All of these cases are similar to the case of U.S. v. Yassin Aref and U.S. v. Mohammed Hossain, about which we wrote you in our second letter. In that case, the government set up an elaborate plot to entrap an imam, Yassin Aref, and a member of his mosque, Mohammed Hossain. (Indeed Shahed “Maqsood” Hussain, the agent provocateur in the Newburgh 4 case, was also the agent provocateur—using the name “Malik”—in the Aref/Hossain case, and he used a similar entrapment plot involving a missile. There is no doubt that Shahed Hussain, a convicted felon, is a con man and manipulator, but it is wrong for the government to use his nefarious talent to create frauds with which to ruin innocent people). These cases illustrate the injustice that occurs when the U.S. government goes into the business of entrapping its citizens in crime using almost unlimited resources, money, and psychological manipulation. This is especially so when the details of the “plot” are only discussed with one member of the group, but all of the members are held responsible for being part of this plot that they have never heard of. We are confident that if you examine the files in these cases with an open mind, as you did in
the case of Senator Stevens, you will agree that most if not all of the defendants in these cases never intended to engage in terrorist actions, and would not have become involved in any illegal activity except for the trickery and manipulation of the agents provocateur sent to entrap them.

Yours very truly,

[Signature]

Stephen Downs Esq., lawyer,
26 Dinmore Road, Selkirk NY. 12158; (518) 767-0102; swdowns68@aol.com
<table>
<thead>
<tr>
<th>Signature</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Jeanne Finley</td>
<td>I am a muslim girl who have been living in the USA for three years. I want people understand that real muslim/ real islam does not support anything about hurting people.</td>
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<tr>
<td>Claire Nolan</td>
<td></td>
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<td>Nell Brady</td>
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<td>Lynne Jackson</td>
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<td>Sanie</td>
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<td>Tim Truscott</td>
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<tr>
<td>Marguerite A. Gillard</td>
<td>This is SO important. This Memorial Day I mourn not just those who gave themselves for our country but the destruction of our law when FBI agents and prosecutors can wrongfully entrap and convict innocent people. President Obama, I KNOW you care about this. Thank you for listening.</td>
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<tr>
<td>Brian Schwartz</td>
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<td>Linda G. Richard</td>
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<td>Michael Bentley</td>
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<td>Joseph Piette</td>
<td>You can add to this list of wrongful prosecutions the most recent travesty of justice in New York City - the men accused of plotting to attack a synagogue - another case of overzealous undercover informants and FBI terrorist under every rock paranoia.</td>
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<td>Lenore Daniels</td>
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<td>Mohamed G.E.</td>
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<td>Anonymous</td>
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<td>REV EDWARD PINKNEY</td>
<td>I WANT YOU TO RESTORE THE RULE OF LAW IN AMERICA AND RELEASE INNOCENNE PEOPLE;</td>
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<tr>
<td>Jay Steele</td>
<td></td>
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<td>Constance Garcia-Barrio</td>
<td>The Lodi, Fort Dix, and Miamai 6 cases represent a very serious breakdown of justice.</td>
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<td>Edward S. Herman</td>
<td></td>
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<td>Anonymous</td>
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<td>Khadija Lynch</td>
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<td>Ashraf Osman</td>
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<td>Joseph A. Reedy</td>
<td>It is disturbing that arrests in this and similar cases are made on the basis of undercover informants, who supply the lions share of the motivation and equipment for the acts. This takes advantage of individuals who, for whatever reason, may not be thinking clearly. This type of entrapment needs to cease.</td>
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<td>Robert Sprinkle</td>
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<td>Mohamed Bugaighis</td>
<td>Stop this racist and fascist behaviors! They are a disservice to the USA and degrades its credibility and standing in the world, whose one fifth of its population are Muslims.</td>
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<tr>
<td>Ronald Krinock</td>
<td></td>
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<tr>
<td>Barbara Siomos</td>
<td>This is so outrageous. First they teach them HOW and WHY then they arrest them.</td>
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<td>Colia Clark</td>
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<td>Raphael McNamara</td>
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<td>Ateeq Ahmed</td>
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<td>Maiga Milbourne</td>
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<td>Richard E. Rogers</td>
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<td>Salim Manzar</td>
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<td>Nick Ospa</td>
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<td>Adrienne K. Leasa</td>
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Bernard J. Berg
Dezeray Rubinchik
Lina Ibrahim
Kim Biondi
Audrey Hoak
Azra Fasihuddin
George Tillman
Nahid Abunama-Elgadi
Anonymous
Maria Bulat
Andrea Saunders
Ron Ford
Wilma Heston
Keith
Ellen E Barfield
Nan Scott
Anonymous
Maeve Smith
Nick Osopa
Al Khan
Louise Legun
Lenore Daniels
Kathy Manley
Carrie Kuehl
Steve Trimm
Margaret Murtagh
Joseph Koczaja
Anonymous
Jeanie Shaterian
Marie Drislane
Michael Rice, Esq.
Fred Childs
John Burke
Rebecca Leggett
Joe Piette
May Saffar
Nada Khader
Sondra Sprinkling
Mabel Leon
Faisal Hashmi
Inas Shnewer
Audrey Hoak
Dave Capone

JUSTICE NOW!
Thank you.
n Innocent poor people are targeted & sacrificed by some greedy ruthless informer. This FBI practice MUST be stopped.

What did they REALLY do, I do not accept the informer, who is he who does he work for?

Please discontinue the above-referenced absurd “sting” operations. These practices are a worthless use of limited Dept. of Justice monetary resources, and make a mockery of the term justice.

I am truly offended that my tax dollars are used to pay FBI agents to concoct terrorist plots and to pay con men both money and forgiveness of their actual crimes to incite innocents to play along with such plots.

You have my support on this.

In hope for justice to be served.
On behalf of WESPAC Foundation

LONG LIVE JUSTICE!!!!
Send the FBI agents provocateurs to infiltrate Zionist organizations which promote terrorist actions against Palestinians domestically and internationally, campaign with false stories in the media, and advocate war to the enrichment and hegemony of Israel.

Rule by our Constitution!

Entrapments like these do not build the reputation of the Justice department, nor really count as convictions, rather they sully record of the department and the attorneys who pursue them.

The arguments in this petition seem to me to clearly justify the conclusion of this petition -- that there is a compelling need to reexamine the files in these cases.

This is about justice, something we must cling to if we want our country to remain a great nation.

It is high time that the present administration look into the entrapment practices of the past administration and correct the ill-conceived path of misusing the justice system of this nation to victimize certain groups of the society.
Armand F. Baker
Bea Dewing
Barbara Murphy

I can only hope that this new administration will clear the shame of the U.S. actions of the past 8 years. Entrapment, torture, overturning civil rights, destroying families of victims of entrapment are NOT American virtues.

Robert H. Stiver
Yahya Merchant
Syed Suhail Ahmad
nasreen rashid
Maria B. Erdman
Nova Budiman
amin eddebbbarh
Eliah Kagan
William Coop
ghazwan kroma

Anonymous

This issue is bigger than the targeting of Muslims and so-called terrorists. This is really about the United States engaging in a Protection Racket to shore up support to continue expanding the very lucrative Public Safety industry. We need to target the real culprit to stop this war on people for profit. http://www.endtheodds.org/mediaclass/

Yahia Megahed
Anonymous
Cornelia H. Frisbee Houde
sofia Dasti
Janet Gillmar

Clearly the narratives in these cases do not bolster long-standing American ideals and principles about our government.

burim
Ilse Heinigen Baker

Some day these unfair entrapments will be illegal; let us hasten the day. This is not worthy of the United States, it is a stain on its soul. Ilse H Baker

Anonymous

Please deal evenly and justly with Muslims and the mid-east conflict. Thanks

Meredith Tupper
Keith Kinneberg
Anonymous
Samira Jaridly
Cynthia McKinney
Nancy Meyers
Rick Hlavaty
Johanna D. Movassat, Ph.D.
seyedmusawi

Justice yes, but entrapment no

Ed knox
Burton Steck
Philip G. Rich

Mr. President and Attorney General Holder, entrapment is a bad thing. I depend on people who know the law to help me become aware of this fact. Please do what you can to make sure justice is being done in the above cases cited by Stephen Downes. Thank you.

Marya Bangee
Allen Greenberg
Chris
jerome fine
Melva Underbakke
wesley kauhane
Nicholas Heer
James Rothenberg
Anonymous
Anonymous
aly abulkheir
Mark Jacquinot
Ephrosine Daniggelis
hlanda
Daniel Straw
Franklin Stahl
Janice Gittino
Elaine Donovan
Anonymous
Anonymous
Anonymous
Anonymous
Robert G. Haty SR
Bonnie Koshofer
Bonnie Koshofer
Anonymous
Anonymous
C. Maury C. Knight
Kristin Elmendorf
Please take us away from the McCarthyism tactics that have been used against Muslims -- and blacks and have increased the levels of racism and religious intolerance in this country. There is no reason for replacing the hatred against communism and Communists with hatred and purported fear of Muslims. Too many people have an agenda for this hatred. It is unAmerican. The Muslims have been made victims.

Caroline Herzenberg
mustafa alamin
Isabel Bigelow
Claire Nolan
Theodore P. Wright, Jr.
Vicki Fox
Anonymous
Anonymous
Bob Elmendorf
President Bush used preemptive war to fight a war that never should have been waged, and the FBI is using preemptive prosecution to prevent violence that would never occur were it not for their instigation.

Ubaid ul-Haq
Sara
Warren Kundis
Elizabeth Molchany, J.D.
Susan Hassib
husam amin
terry aqqad
Allen Church
Gabriele Ronnweber
This is not the country that I love and served.

Only justice will bring peace.

Why is it USA is harassing, abusing, torturing, raping, terrorising and murdering Muslims all over the world. It is about time Muslims' rights and welfare are respected. Your nuclear arms will not defeat Muslims. If that happens, it will mean the end of human race on planet Earth.

Stop terrorizing jurors and the public to win your false cases against Muslims.

I have always felt that the Albany case was entrapment and was delighted to hear that others do too.

DEAR Mr. President and all respected fellows of Obama Administration. We ought to LOVE and DEFEND AMERICA, "USA." with a mission of JUSTICE and PEACE. It is a common sense reasoning to live and rest in AMERICA is to have OUR “NATIONAL SECURITY OF AMERICA” FIRST AND FOREMOST. Please, let LAW-ABIDING AMERICANS SERVE and SERVE FREELY. Let us NOT TO BE USED AND FOR THE PURPOSE OF PROSECUTING WITH REGARDS TO ALL OTHERS.

Fear is a strong emotion and results in a fine line between evil and good, which is easily broken. If we want peace we must work for justice and I am grateful to Stephen Downs for his perseverance.
Please distinguish between the innocent and guilty.

The fear of the post-9/11 time has allowed this erosion of our system of justice - not unlike the fear that allowed our country to round-up and intern Japanese-Americans during WWII. Please review these cases and uphold the values we all want to believe in.

Mr. President, Indeed, justice is the strong fortress, which protects people from social corruption, which work from within to destroy the society. The just caliph, ÅìUmår Ibn ÅìAbd al-ÅìAzîz realized this fact when the governor of the city of Hims in Syria wrote him, ÄùThe wall of the city of Hims collapsed, I ask the Prince of the believers to permit me to reconstruct it.Äù However, the caliph wrote him back, ÄùFortify your city with justice.Äù In another version, he wrote him, ÄùFortify your city with justice, and clean it from injustice.Äù Therefore, Mr. President, order your agents to stop committing injustice against law abiding Muslim citizens.

may the LORD bring justice to all

I agree with this petition wholeheartedly. The Bush Administration went too far in the aftermath of the tragedy of 9/11.

How many real terrorists has Homeland Security found and arrested?

Entrapment is a type of law enforcement that is not consistent with our democratic values, and it is not making us safer.
Read Son of Mountains by Yassin Aref. This man is totally innocent of any crime yet remains imprisoned at US taxpayer expense. End this injustice please!

I would feel much safer with actual, legitimate forms of investigations. This is just a mockery of our justice system.

I am the Aunt of Daivd Williams. and this is a sad day for my family. we will stand, and do all that we can to get them out. what is this world coming towen the FBI, come into a community pick out people to use, where is the justice