

1 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,  
4 v.  
5 OMAR AHMAD ALI ABDEL RAHMAN,  
6 a/k/a "Omar Ahmed Ali,"  
7 a/k/a "Omar Abdel Al-Rahman,"  
8 a/k/a "Sheik Rahman,"  
9 a/k/a "The Sheik,"  
10 a/k/a "Sheik Omar,"

11 EL SAYYID NOSAIR,  
12 a/k/a "Abu Abdallah,"  
13 a/k/a "El Sayyid Abdul Azziz,"  
14 a/k/a "Victor Noel Jafry,"

15 IBRAHIM A. EL-GABROWNY,  
16 SIDDIG IBRAHIM SIDDIG ALI,  
17 a/k/a "Khalid,"  
18 a/k/a "John Medley,"

19 CLEMENT HAMPTON-EL,  
20 a/k/a "Abdul Rashid Abdullah,"  
21 a/k/a "Abdel Rashid,"  
22 a/k/a "Doctor Rashid,"

S5 93 Cr. 181 (MBM)

23 AMIR ABDELGANI,  
24 a/k/a "Abu Zaid,"  
25 a/k/a "Abdou Zaid,"

FARES KHALLAFALLA,  
a/k/a "Abu Fares,"  
a/k/a "Abdou Fares,"

TARIG ELHASSAN,  
a/k/a "Abu Aisha,"

FADIL ABDELGANI,  
MOHAMMED SALEH,  
a/k/a "Mohammed Ali,"

VICTOR ALVAREZ,  
a/k/a "Mohammed," and  
MATARAWY MOHAMMED SAID SALEH,  
a/k/a "Wahid,"

Defendants.

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August 2, 1995  
9:40 a.m.

Before:

HON. MICHAEL B. MUKASEY,

District Judge

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## APPEARANCES

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Southern District of New York

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1 (Pages 15615 - 15621 sealed)

2 (Recess)

3 (In open court; jury not present)

4 THE COURT: Mr. Jacobs, I know we have been at  
5 this for a long time and I know what familiarity breeds, but  
6 let's tighten it up. OK? Thank you.

7 Can we get Mr. Hampton-El up here, please.

8 CLEMENT HAMPTON-EL, resumed.

9 (Jury present)

10 THE COURT: Good morning, ladies and gentlemen.

11 JURORS: Good morning, your Honor.

12 THE COURT: Once again I am sorry for the late  
13 start. This one was not avoidable. Nonetheless, I regret  
14 it.

15 Mr. Hampton-El, you are still under oath. Mr.  
16 Wasserman, go ahead.

17 MR. WASSERMAN: Thank you, your Honor.

18 (Continued on next page)

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1 DIRECT EXAMINATION continued

2 BY MR. WASSERMAN:

3 Q Good morning, Rashid.

4 A Good morning.

5 Q We left off yesterday talking about Abdul Hakim,  
6 and the surveillance by the FBI at Calverton. Could you  
7 tell the jury what relationship Abdul Hakim had to the  
8 surveillance by the FBI? First of all, who is Abdul Hakim?

9 A Abdul-Hakim is a police officer.

10 Q Please speak up.

11 A Abdul-Hakim is a police officer who happens to be  
12 a Muslim and was at the range, training, and had nothing to  
13 do with the Alkifah office or anything else.

14 Q What happened?

15 A The FBI came there, and they were in a van and a  
16 vehicle, car, and they were taking pictures and observing  
17 the going ons at the range.

18 Q How was Abdul-Hakim involved with that?

19 A They took pictures of him, myself and everybody  
20 else at the range, and they called him down to the office to  
21 ask him what was he doing there with a group of Muslims that  
22 happened to be of --

23 MR. FITZGERALD: Objection, your Honor,  
24 competence and 401.

25 THE COURT: Were you present at that interview?

1                   THE WITNESS: No, I wasn't. I am going by what  
2 the man told me.

3                   THE COURT: That is stricken. You can't testify  
4 to what he told you. Go ahead, Mr. Wasserman.

5                   Q     Did Abdul-Hakim come back to Calverton?

6                   A     Not that I know of. He never came back with me.

7                   Q     Was there any other FBI surveillance that you  
8 were aware of personally?

9                   A     Yes. At my home, at the dojo that I had over on  
10 Rogers Avenue they would park outside my home --

11                  Q     Let me stop you for a minute. I am talking about  
12 1989, which is the year of Calverton.

13                  A     Yes, their presence was constant.

14                  Q     When you came -- let me go back. Were there any  
15 other people besides people you testified yesterday that you  
16 met through the Alkifah office -- yesterday you referred to  
17 having met Mahmoud Abouhalima when he visited you in the  
18 hospital, you met Sayyid Nosair at the Alkifah office in  
19 Brooklyn, Ali Shalabi visited you in Peshawar. Any other  
20 people that you came in contact with from the Alkifah  
21 office?

22                  A     Yes. I met Omar Abdel Rahman over at Masjid  
23 Farook at the time. He was the imam over there at one time.

24                  Q     Anybody else?

25                  A     Well, I had seen Ali Shinawy over there on

1 different occasions.

2 Q Is Mohammed Zawam related in any way to Ali  
3 Shinawy?

4 A Yes. That's his cousin. Both of them went to  
5 Afghanistan.

6 Q And you say that you met the Sheik Omar Abdel  
7 Rahman at Farook Mosque?

8 A Yes, he was the imam there.

9 Q When was that, sir?

10 A I think it was in the year, towards '91,  
11 something like that.

12 Q How did you meet him?

13 A He used to give the kuhbah there. He was a  
14 figure of Islam and he used to pray there. That's how I met  
15 him.

16 Q You used the term kuhbah?

17 THE COURT: Could you please spell that.

18 A He used to give the kuhbah there. That is  
19 K-U-H-B-A-H.

20 Q What kind of talk is that?

21 A It's a sermon that one gives during Jummah.

22 Q What is Jummah?

23 A Jummah is a religious -- Jummah means Friday and  
24 all Muslims come together to pray then, being that it is  
25 obligatory. The Koran was revealed during that time.

1 Q You heard Sheik Omar Abdel Rahman speak at Masjid  
2 Farook, right?

3 A Yes. I saw him speak there many times.

4 Q Did you have any personal meetings with him?

5 A Yes, I did.

6 Q Do you speak Arabic?

7 A No.

8 Q You spoke through an interpreter?

9 A Yes, I did.

10 Q What were the topics of discussion?

11 A One topic was when he was speaking out against  
12 Saddam Hussein and all these that were doing things very  
13 unIslamic and was not practicing Islam. He spoke about how  
14 wrong he was for entering Kuwait and getting the people in  
15 Iraq into the problems they were. And at that time the  
16 people at the masjid became very resentful and they told him  
17 to stop speaking about it, which he didn't, and then they  
18 physically made an attempt to attack him because he spoke  
19 out against this man.

20 Q Were you involved in any way with that physical  
21 attack?

22 A No.

23 Q Did you ever have any private audience with him?

24 A More than once.

25 Q And the topics of discussion?

1           A       Islamic law, what's permissible during prayer,  
2 food -- all things that would cover the practice of Islam.

3           Q       You mentioned that he was physically attacked  
4 when he spoke out against Saddam Hussein. Were there any  
5 other things that he spoke about that also created an  
6 antagonism among certain parts of the community?

7           A       Several things. He told the people that to come  
8 to America and not to live properly and to do the right  
9 things, example, to come here and sell things such as beer,  
10 pork, things that are against our religion, whatever we  
11 shouldn't do ourselves we shouldn't prescribe to someone  
12 else. If I don't eat pork, I am not going to give you pork  
13 to eat. If I don't drink, I am not going to invite you to  
14 liquor. To practice charity, to be consistent in your  
15 prayer. The best example is to follow the prophet and his  
16 actions.

17          Q       Why would those kinds of talks create any kind of  
18 antagonism among certain members of the Muslim community?

19                   THE COURT: Sustained.

20          Q       Can you describe who voiced opposition to those  
21 talks?

22          A       The people who were doing it, the Key Food  
23 owners, the Associated owners, the people who were making  
24 money off it. People tend to get upset when you tell them  
25 the truth.

1           Q       When you say Key Food, you are talking about the  
2 supermarket chain?

3           A       Yes.

4           Q       Going back to your personal life at the time, you  
5 testified yesterday that you went into the hospital at Long  
6 Island College Hospital to have your leg repaired  
7 surgically. When did you go back to work?

8           A       I went back to work, I think it was around '89 of  
9 November.

10          Q       '89 of November?

11          A       I was out for a year.

12          Q       You were out for a year. When did you come back  
13 from Afghanistan to the United States?

14          A       I came back from Afghanistan in the beginning of  
15 August.

16          Q       What year?

17          A       '88.

18          Q       And you then went into the hospital?

19          A       Correct.

20          Q       How did you support yourself in the year that you  
21 were out of work?

22          A       After I ran out of the little money that I had  
23 saved up and holiday time and sick time, I had to go on  
24 welfare.

25          Q       Did you receive any money from the Alkifah office

1 to meet your expenses?

2 A On two occasions they gave me money for my rent.

3 Q How much was your rent?

4 A \$450.

5 Q Did they give you any other money?

6 A No. This money was geared for jihad, so it was  
7 for the people in Afghanistan, those who were really  
8 destitute and were loss of family life, etc., etc.

9 THE COURT: Mr. Wasserman.

10 MR. WASSERMAN: Yes.

11 Q How long were you back at work -- you started  
12 back at work in 1989. What happened then?

13 A Then I was working on the job for a while. They  
14 gave me light duty for a while, until they thought I could  
15 get some stamina. I wasn't prepared to go back to work, but  
16 I had to in order to maintain the job. I was poisoned by a  
17 cleaning agents called Cidex, which is something we use to  
18 sterilize the delivery system that sends the dialysate to  
19 the machines.

20 Q How did you know that you had been poisoned?

21 A I started retaining a lot of water, my breathing  
22 was impaired, and then my pigmentation started changing. My  
23 face started getting big dark marks on it, my back, chest,  
24 and I went to the doctor and he put me in the hospital. He  
25 said that I had been burned from the inside out.

1 Q How long were you in the hospital?

2 A Close to three months.

3 Q When you got out, what did you do?

4 A My sense of smell, anything I smelled,  
5 cigarettes, perfume, cooking food, anything used to mess me  
6 up. So I was on comp for a while.

7 Q When you say comp --

8 A Compensation.

9 Q OK.

10 A And I remained home most of the time because just  
11 being out ---I still went to the masjid and prayed, there  
12 was a little dialogue here and there. But my activities  
13 were, you know, turned around quite a bit from there.

14 Q When did you go back to work from that?

15 A At the end of my compensation, which was a year.

16 Q In November 1990, Rabbi Meir Kahane was killed,  
17 on November 5, 1990. What was your reaction at the time?

18 A It was another news item. He got killed and, you  
19 know, I didn't shed any tears over it. It didn't affect me  
20 either way.

21 Q Did you take part in aiding the Sayyid Nosair  
22 defense fund or visit him in prison?

23 A I never visited him in prison. I did give \$100  
24 towards his defense fund, yes.

25 Q Was there any differences in the level of support

1 between the Arab Muslim community and the American Muslim  
2 community for Nosair and the defense?

3 MR. FITZGERALD: Objection, competence.

4 THE COURT: Sustained.

5 Q Were you asked to attend his trial by anyone?

6 A Yes.

7 Q Who?

8 A Many people, they asked me to come to the trial,  
9 demonstrations, you know, things of this nature.

10 Q What was your reason for not participating?

11 A Well, the fact that the FBI had been following me  
12 since '88, and anybody that went to these things, the man  
13 was all over the place taking pictures of people and what  
14 not, and I would think that they would try to put people in  
15 some kind of jeopardy by attending these things, and I had  
16 other things in mind.

17 Q When you say you had other things in mind, what  
18 did you have in mind?

19 A I had desire to go ahead and continue my efforts  
20 in jihad overseas.

21 Q What was happening in Afghanistan in 1990 and  
22 1991, do you recall?

23 A It was toning down a bit. The main thing, people  
24 said they needed because to my understanding there was a lot  
25 of negotiation going on, and they said they needed people to

1 rebuild Afghanistan, lawyers, doctors, carpenters, people  
2 who would help structure an Islamic society.

3 Q Were your activities in, say, the first half of  
4 1992 for Alkifah similar to your activities for them in  
5 1991?

6 A No. Everything came to somewhat of a standstill  
7 because Afghanistan was about squashed at that time, I  
8 believe. It was about over. So I focused mainly on Bosnia  
9 at that time, because a lot of things was happening there.

10 Q Did you meet Emad Salem in June of '92?

11 A First time I ever laid eyes on him in my life,  
12 '92.

13 Q Where did you meet him?

14 A I was at the Masjid Abu Bakr, making prayer, and  
15 when I completed my prayer, Ali Shinawy introduced me to  
16 him. He says this is Abdel Rashid, mujahid, and this guy  
17 said he wanted to introduce me, and he introduced me.

18 Q What happened then?

19 A He left us and Emad started talking a lot of  
20 foolishness, such as he wanted to kill people. First he  
21 said he did a lot of things and he killed people. He said  
22 the Jewish Defense League, the Jewish defense organization,  
23 Congressman Dov Hikind and Charles Schumer. He said he  
24 wanted to do something to these people, like kill them.

25 Q Did he ask you for any assistance?

1           A       He asked me could I get him a gun. I told him I  
2 could not help you in any short form fashion.

3           Q       About how long did you meet with him?

4           A       Talked maybe 15, 20 minutes, I believe.

5           Q       Did you get back to him in any way?

6           A       Never got back to him and never heard from him  
7 until the year of '93.

8           Q       The government brought out in its questioning of  
9 Ali Shinawy --

10                   MR. FITZGERALD: Objection to form.

11                   THE COURT: Why don't you just ask a question.

12           Q       Did you call Ali Shinawy on June 18 of 1992,  
13 twice?

14           A       I may have. I don't recall.

15           Q       Did you ever call him at any other time, if you  
16 recall?

17           A       Of course. He's a Muslim brother. I went to  
18 Oklahoma with him. I know him from his cousin Mohammed  
19 Zawam, I know him from seeing him at the masjid. Brothers  
20 always call each other.

21           Q       When you say you went to Oklahoma, what was that?

22           A       I went to Oklahoma with abdomen sample, Ali  
23 Shinawy happened to be heading up the program for people  
24 going there. They had a seminar there. I went on the bus  
25 with several other brothers, so we were together five days,

1 approximately.

2 Q Did Emad Salem at this meeting with you ask you  
3 for detonators?

4 A No, sir.

5 Q Did he tell you he was building a bomb?

6 A No.

7 Q Did there come a time in 1992 that you began to  
8 become involved with a project for Bosnia?

9 A Yes.

10 Q When approximately was that?

11 A Around August.

12 Q Could you tell the jury the beginning, from the  
13 beginning, who got you involved?

14 A A brother by the name of Taher --

15 Q Who is take here?

16 A He is a brother that was in Afghanistan same time  
17 I was there.

18 Q Go ahead.

19 A We met. He told me that he had been to Bosnia,  
20 matter of fact, and there was some people over there  
21 already, and would I be interested in going. I said without  
22 doubt I would be ready to go.

23 Q Let me stop you for a moment. Why would you be  
24 ready to go?

25 A Because to my understanding what was going on

1 was, I think it was a disgrace in the sight of humanity that  
2 these people was under the heading of ethnic cleansing,  
3 setting up rape camps, raping women and killing, killing  
4 children, and I looked at it in the same form of genocide  
5 that was going on with the germ mans that killed the Jews,  
6 that people would kill the Africans that came here, before  
7 they came here and any other form of genocide, what happened  
8 in Afghanistan and everything else. So I thought it was my  
9 duty to try to do something as an individual.

10 Q What did Taher tell you beyond the fact that some  
11 people had already gone into Bosnia?

12 A He said that he wanted me first of all to go.  
13 After that he says the fact that I had a bad leg injury and  
14 that the fighting there was much worse than Afghanistan  
15 could ever be considered and the Serbs were well trained, he  
16 said that I would have to do some extra training if I was  
17 going to go climbing, etc., etc. Then he said why don't you  
18 just set up something here, I will give you a name, you will  
19 get people, these names that I am going to give you who will  
20 be ready to go there and train people.

21 Q Did he give you such a list?

22 A Yes. He gave me a list of about six veterans,  
23 previous background Vietnam, etc.

24 Q Did you contact them?

25 A I contacted the people, but everybody kind of

1       reneged on it, except for one, one brother by the name of  
2       Abu Ubaidah.

3             Q       Did there come a time when you met Abu Ubaidah?

4             A       Yes. After some time I met him over at the  
5       office of the Alkifah. He showed up.

6             Q       Approximately, if you recall, what month was that  
7       in 1992?

8             A       I think that might have been around October,  
9       middle or ending.

10            Q       Did you meet anybody else through Taher?

11            A       Yes. Bilal Phillips and Abdullah.

12            Q       Let's take one at a time. Who is Bilal Phillips?

13            A       He is a scholar from Saudi. He lived there for  
14       many years.

15            Q       Is he Saudi Arabian by birth?

16            A       No, he is Jamaican descent, from Jamaica, but he  
17       has lived in America, Canada, for most of his life.

18            Q       You mentioned the name Abdullah?

19            A       Abdullah is a brother who spent quite a bit of  
20       time in Afghanistan himself. So he happened to pop into the  
21       picture -- when I first saw Bilal.

22            Q       When did you first see Bilal, approximately, the  
23       month, in 1992?

24            A       In December I was invited to the Saudi Embassy in  
25       Washington, D.C.

1 Q Let me step back for a moment. Besides Bilal  
2 Phillips and Abdullah and Ubaidah, were there any other  
3 people whose names Taher gave you or introduced you to?

4 A There were some in Philadelphia, some in  
5 Baltimore, some in Ohio.

6 Q Let's go to the meeting with Bilal Phillips in  
7 Washington. What happened?

8 A Before I got to Washington, he called me up and  
9 he asked me would I come to Washington, that the people  
10 wanted to meet me from the Saudi Arabia. So I left.  
11 Tickets were supplied for me by a brother by the name of  
12 Hanif and Kither.

13 Q Who are Hanif and Kither?

14 THE COURT: Spell those for the reporter.

15 THE WITNESS: H-A-N-I-F, I believe, and  
16 K-I-T-H-E-R. Kither spent a lot of time in Saudi Arabia  
17 himself. He is also a scholar.

18 Q Where is he from?

19 A These are all Americans.

20 Q Where are they from? Where do they live?

21 A New Jersey.

22 Q What does he do, to the best of your knowledge?

23 A One is a security guard.

24 Q Who is that?

25 A Hanifa. And Kither is either a correction

1 officer or an imam at a prison in Jersey.

2 Q All right, and these people were introduced by  
3 Taher?

4 A Yes. These people were the people who handled  
5 the funds that was established for project Bosnia.

6 Q What funds are you talking about?

7 A It was moneys given to me to set up training here  
8 for the people who were supposed to go to Bosnia, because  
9 the first effort, the people, the names that he gave me,  
10 they reneged on it so I had to get other people that was not  
11 trained, to be trained, and that's where Ubaidah came in,  
12 being that he had military background, very proficient in  
13 martial arts, to do this training, and you needed money for  
14 it, to do this here, set up the training for Bosnia.

15 (Continued on next page)

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1 THE COURT: Excuse me, Mr. Wasserman. Wait for  
2 one minute. There is a sound problem.

3 We better take a short break, ladies and  
4 gentlemen. Please leave your notes and other materials  
5 behind. Please don't discuss the case. We will resume as  
6 soon as we can.

7 (Jury excused)

8 MS. STEWART: Judge, I had asked the court if we  
9 could take a moment. Since it has been thrust upon us.

10 THE COURT: It was given to us, right.

11 MS. STEWART: Last night on the Discovery Channel  
12 was a program, Islam and Democracy. It dealt primarily with  
13 Egypt although there was some small mention at the end of  
14 Jordan, and basically was very negative toward my client and  
15 graphically linked him with the death of Farag Foda, etc.,  
16 etc. I don't know whether the jury would have seen it. My  
17 understanding is that it is a channel that is part of the  
18 cable system, not part of general broadcasting, but it also  
19 is the kind of thing that they might have inadvertently  
20 looked at. They didn't say there was a trial taking place  
21 in federal court, but it is a documentary on that subject.  
22 I know they have been given a warning to report anything  
23 they have seen advertently or inadvertently, but I would ask  
24 your Honor to ask that informally -- I don't ask to be  
25 present -- Miss Schwartz can ask the question, if any of

1       them have seen that, and report back.

2                   THE COURT:   That sounds like informally off the  
3       record.  I would much prefer to give an enhanced,  
4       on-the-record instruction about their obligation to report  
5       anything they have seen advertently or inadvertently.

6                   MS. STEWART:  That would be fine, Judge.

7                   THE COURT:  Which I will do at the end of the  
8       day, which is when I usually give the instruction.  Do you  
9       want me to do it any other time?

10                  MS. STEWART:  That is fine, Judge.

11                  THE COURT:  That is when I usually do it.  I will  
12       tell them that repetition shouldn't diminish the force of  
13       the instruction given in a different way.  Thank you.

14                               (Recess)

15                               (Continued on next page)

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1 (Trial resumed; jury not present)

2 DEFENDANT TARIG ELHASSAN: Excuse me, Judge. I  
3 have a letter for you.

4 THE COURT: If you have a letter, you give it to  
5 your lawyer. Your lawyer will give it to my deputy. My  
6 deputy will give it to me.

7 (Letter handed to the Court)

8

9 CLEMENT HAMPTON-EL, resumed.

10 (Jury present)

11 THE COURT: You may proceed, Mr. Wasserman.

12 MR. WASSERMAN: Thank you.

13 DIRECT EXAMINATION (continued)

14 BY MR. WASSERMAN:

15 Q I think you left off at your visit in the Saudi  
16 embassy in Washington. Can you tell the jury who you  
17 visited at the embassy with?

18 A Well, I went to the embassy by myself. I was  
19 picked up at the Washington station in D.C. by a Marine  
20 sergeant by the name of Carson. He drove me over to the  
21 embassy. I was searched first by whoever the personnel was  
22 outside in military, and then by the Saudi police.

23 Q Who did you see?

24 Q I was taken upstairs and introduced to Prince  
25 Abdullah Faisal. And we spoke for a while. He said he had

1 heard about me from Afghanistan, he was looking forward to  
2 meeting me, it was a great pleasure. Then Bilal came into  
3 the room.

4 Q Bilal?

5 A Bilal Phillips.

6 Q Yes?

7 A And he introduced himself. He said almost the  
8 same thing. He says, you know, I heard about you from  
9 Afghanistan, you were with the mujahideen, and I was looking  
10 forward to meeting you. And we sat and we start talking.

11 Q What was the subject matter of the discussion?

12 A The subject matter was Bosnia.

13 Q Specifically was there anything specific about  
14 Bosnia?

15 A Yes. He said there were many rich Saudi sheiks  
16 that didn't have the opportunity to go to Bosnia, so they  
17 wanted to spend some of their money to help the people in  
18 Bosnia by setting up a training program which would send  
19 people to Bosnia to train people in Bosnia, because they  
20 said they didn't want us to fight there, they wanted us to  
21 train people.

22 Q Was there any explanation given why they didn't  
23 want you to fight?

24 A They said, if you fight there, the Bosnian people  
25 wouldn't fight themselves, because they -- he said that when

1 they were fighting there, what they did was, they would go  
2 out on a mission or whatever, you know, was going out to  
3 fight. After they finished the fight, they would go back  
4 home to their families.

5 Q Was there any amount of money mentioned by  
6 anybody?

7 A Yes. They said that it would be a budget of  
8 \$150,000. These moneys, a small portion would be given to  
9 me to establish a training program. The remaining would be  
10 given to people who went to Bosnia to help the people to  
11 support their families, to pay their bills, etc., here in  
12 America.

13 Q At this point in time, this is December of '92,  
14 correct, that you testified to?

15 A Yes.

16 Q Had you received any money prior to visiting the  
17 Saudi embassy?

18 A Yes. I was given \$8,000 from the man who handled  
19 the money here whose name is Hanif. He gave me \$8,000. He  
20 said this would be a start to establish something.

21 Q When did you receive that money?

22 A That was the later part of November.

23 Q As long as we are on money, did you give any  
24 money to Abu Ubaidah at any time in November of 1992?

25 A Several times. I had given him this stuff for

1 himself, because he said, you know, he didn't have a job, he  
2 left a family and whatnot, and he was doing this so he  
3 didn't have an income. So he needed a little money. So I  
4 would give him some personal money myself. But after I got  
5 the \$8,000, he asked me to send him some money one time.

6 Q Where?

7 A To Virginia.

8 Q And did you?

9 A I wired him \$500.

10 Q Do you know what it was for at the time?

11 A No. He was my trainer and I trusted his  
12 judgment, you know.

13 Q Were you keeping books and records at the time?

14 A Not at that time. I wasn't keeping close records  
15 then.

16 Q Did you also find out what the money was spent  
17 for?

18 A Eventually he told me he had purchased some  
19 weapons, and at that point I told him, you know, I told you  
20 we don't need weapons, the people are training or will be  
21 training, the man has all the weapons you need. I said,  
22 when you come there, bring no weapons, bring your body,  
23 \$35 a head for the individuals. I have all the weapons  
24 you need to train.

25 Q Who are you referring to?

1 A Mohammed.

2 Q Mohammed is?

3 A He is a brother that owns some property in  
4 Pennsylvania.

5 Q Did he go by another name?

6 A His name is Kevin Smith.

7 Q When did you first have the session with  
8 Mohammed, Kevin Smith?

9 A I think I start speaking to him the last part of  
10 November of the middle of December.

11 Q Who introduced you to him?

12 A Abdul Karim.

13 Q Who is Abdul Karim?

14 A A brother I have known for twenty years, a very  
15 good man, and he used to go up there to do some, you know,  
16 training himself, martial arts. A security man too. The  
17 family -- this place is for many things, you know.

18 Q You are talking of Kevin Smith?

19 A Yes.

20 Q Have you ever been out there?

21 A No.

22 Q Did Abdul Karim introduce you to anybody else  
23 during this period of time?

24 A I met, through him, Garrett Wilson.

25 Q What was the basis of the introduction, do you

1 recall?

2 A This man was supposed to provide me with supplies  
3 to give me some type of a program that would make this here  
4 training more sophisticated for Bosnia.

5 Q Did you ultimately meet Garrett?

6 A Yes, I met with him. He suggested I meet him in  
7 Jersey, over by the Holland Tunnel, and that's where I met  
8 him.

9 Q And did you meet him?

10 A Yes, I met him.

11 Q What then did you do when you met him?

12 A Well, he said, you know, let's go some place  
13 where we can talk, so I went over to a brother I know by the  
14 name of Asim. This is the same brother who does a lot of  
15 training himself, but some people hit him in the head and he  
16 called me up. I was talking to him on the phone, I believe.  
17 People heard it on tape already. And I went over to his  
18 house.

19 Q And Asim Mohammed, is that the person you are  
20 talking about?

21 A Asim Mohammed, yes.

22 Q Where does he live?

23 A Jersey City.

24 Q How long have you known him?

25 A I have known him for about six years.

1 Q What was the relationship that you had with him?

2 A Well, he claimed that he wanted to go to Bosnia  
3 himself. He was a very good friend of Asim, and I met him  
4 through him.

5 Q Met who through who?

6 A Asim Mohammad. He said he wanted to go to  
7 Afghanistan but it never developed. So we went over there  
8 at that house, and we talked, and he said what he wanted to  
9 do and what he wanted to provide, some of the things, the  
10 program.

11 Q Who are you talking about?

12 A Garrett Wilson at this time.

13 Q All right. As long as we are on Garrett Wilson,  
14 what did he want to provide, what would he sell, etc. etc.?

15 A He said he would sell crossbows and -- I have a  
16 list that was given to me.

17 Q OK.

18 A The equipment came to, like, \$2,400.

19 Q Did you discuss any specific kind of training  
20 with Garrett Wilson?

21 A Well, he brought out some things he wanted to  
22 institute himself. He recommended we do repelling.

23 Q What is repelling?

24 A This is to repel from buildings or you can repel  
25 from a mountain or wherever, to get to one point, from one

1 point to another point. And the fact that -- he said what  
2 we would do mainly is use buildings.

3 Q What is that, climbing or going down?

4 A Going down, swinging from one place to another.  
5 He said we could do this here in Jersey. He said there was  
6 a place -- and he had several guns himself. He said we  
7 could use his weapons, which were pistols, he said,  
8 shotguns, assault weapons, and things of this nature.

9 Q What was the relevance of repelling for what you  
10 wanted to do vis-a-vis Bosnia?

11 A Well, that was his suggestion. He said we could  
12 use it in Bosnia; that Bosnia is supposedly a mountain area,  
13 and if you are fighting, the fighting there, to my  
14 understanding, was from city to city, so from building to  
15 building. So this would be useful for the people to learn  
16 how to move from building to building and to repel.

17 Q Did you discuss purchasing any explosives from  
18 Garrett Wilson?

19 A Never ever.

20 Q Is there any reason that you took him to Asim  
21 Mohammed's apartment in Jersey City?

22 A As I said, he said he wanted some place to talk,  
23 so I was over there. I said I would use this here, and by  
24 the same token there was a brother there by the name of  
25 Kither. So moneys was discussed because they wanted me to

1 set up the program in Jersey. I said I couldn't set it up  
2 in Jersey, I don't know anybody in Jersey, and if I am going  
3 to deal with this here project of Bosnia, I need to be where  
4 I can have a place in Brooklyn, where I know people, to see  
5 if the people would be interested, because moving back and  
6 forth, not knowing these people, you know, like I wouldn't  
7 have been interested.

8 Q Was Kither at the meeting with you and Garrett  
9 Wilson and Asim Mohammad?

10 A Yes, Kither was there, and he suggested, he said,  
11 well, if this is what I wanted to do, to set it up in  
12 Brooklyn, this was permissible. He was a man that would be  
13 a decisionmaker, because, as I said before, he was an aalem,  
14 so regarding what was correct, he was there to say this is  
15 legitimate, allowed.

16 Q Aalem is what?

17 A A knowledgeable person, a person who is, like the  
18 sheik, he is very knowledgeable about the specific things  
19 covering the law, the principles, ethics, etc.

20 Q Now, where in Jersey City did you have this  
21 meeting with Kither and Asim Mohammad and Garrett Wilson; do  
22 you recall the address?

23 A No, I don't recall the address.

24 Q Do you recall what kind of building you had it  
25 in?

1           A       Yes, it was a very large apartment complex with  
2 several sides on it, I think about four, maybe consisting of  
3 more than a hundred families. And he was the super there.

4           Q       Do you recall the particular place within this  
5 building that the meeting was held?

6           A       It was a lot of vacant apartments there in the  
7 building, so we went into a vacant apartment that had some  
8 furniture in it because they store stuff in these places  
9 too, because he was living in the basement, I mean his  
10 family, and so he took mattresses and all the rest of his  
11 stuff and furniture that was out there, upstairs to  
12 different apartments, and this happened to be one of the  
13 apartments with some of the stuff in it.

14          Q       He was living there with his family?

15          A       Yes.

16          Q       Did you know his family?

17          A       No. I knew his son but that's it.

18          Q       This meeting was held in what month in '92, do  
19 you recall?

20          A       Maybe it was around December sometime, I am not  
21 sure.

22          Q       Going back to the meeting at the Saudi embassy,  
23 did anything occur after that meeting in Washington?

24          A       Well, after we had this discussion, we went over  
25 to the sergeant's home, Sergeant Carson. Before we arrived

1 at his home, he stopped and showed me a masjid that they  
2 were using on one of the military facilities there, for  
3 Muslims to pray. I didn't know what the place was because  
4 it was dark. We went to his home and we continued the  
5 discussion about Bosnia.

6 Q What was the subject matter of that discussion as  
7 specifically as you can recall it?

8 A Well, we were talking about the type of training,  
9 and he said he would like to suggest some things. So he  
10 gave me some manuals on different techniques, sniping,  
11 camouflage, a number of other things.

12 Q What did you do with those manuals?

13 A I took the manuals with me.

14 Q Let me show you what has been --

15 MR. WASSERMAN: May I approach, your Honor?

16 THE COURT: Yes.

17 Q -- what has been introduced as Government Exhibit  
18 823, which is boobytraps; 829 is combat skills of the  
19 soldier; 831A is field firing techniques; 831B, sniping; and  
20 831C, machine guns and machine gunnery. Do you recall  
21 whether these are the manuals which he gave to you?

22 A All of these are the manuals I received from him.

23 Q When you say you took the manuals, where did you  
24 take them?

25 A Well, before I brought them home, because we went

1 some place else after that, then I brought them home with  
2 me.

3 Q After meeting at Sergeant Carson's home, did  
4 anything else occur in Washington?

5 A Yes. The following morning there was a gathering  
6 at Fort Belvoir, in Virginia.

7 Q Fort Belvoir?

8 A Fort Belvoir.

9 Q How do you spell that?

10 THE COURT: B-e-l-v-o-i-r.

11 MR. WASSERMAN: Thank you.

12 A It was an Islamic conference there for all  
13 military personnel, Navy, Army, Air Force, Marines, and  
14 whatever. We went to the meeting, pictures were taken, they  
15 asked me to give a lecture there. Pictures were taken. You  
16 signed in.

17 Q Did you give a lecture?

18 A No. I listened to a lecture.

19 Q Did anything occur after this gathering relating  
20 to the Bosnian matter?

21 A At the meeting I was given several names of  
22 individuals who would be leaving the military in the very  
23 near future, those who would be getting out in a week or  
24 two; different states that would provide training also or  
25 themselves was interested in going to Bosnia.

1 Q Who gave you these names?

2 A Bilal Phillips.

3 Q Do you know where he got them from?

4 A Sergeant Carson.

5 Q When you say Sergeant Carson, he introduced  
6 himself as Sergeant Carson?

7 A Yes, he did.

8 Q Do you know that to be his true name today?

9 A No, I found out, later on, his name is not  
10 Sergeant Carson.

11 Q Was there anything else that occurred in  
12 Washington?

13 A He himself said he had the highest clearance and  
14 that he was going to come to Brooklyn and he was going to  
15 participate in training, in training the people. He said  
16 his mother lived there, in the Brownsville or East New York  
17 area along Belmont, and he was familiar with Brooklyn so he  
18 would be looking forward to coming here and visiting.  
19 But --

20 Q Did you follow -- I am sorry?

21 A What happened was, because I spoke to his family  
22 and he asked me to speak to his son because his son was  
23 encountering some problems, and I told him you should not be  
24 fearful. Try to be strong. And if you run into anything,  
25 try to deal with it the best way you can. He said he had

1 received orders to go to Somali, and he would have to leave  
2 for California, so he wasn't sure if he was going to come,  
3 but in all probability he would.

4 Q Did you contact the people on the list that you  
5 got from Bilal Phillips?

6 A I contacted a few of them but it was the same  
7 results. It was negative, except --

8 Q And -- I am sorry?

9 A Except for one medic in Harlem. He said he would  
10 come and train with me, himself, but he never showed up  
11 either.

12 Q Did there come a time that you met Siddig Ali in  
13 1992?

14 A Yes.

15 Q Who introduced you and what were the  
16 circumstances?

17 A Well, after shopping around for people, a brother  
18 by the name of Dr. Osman --

19 Q Spell it.

20 A O-s-m-a-n. He said that he had a brother who  
21 knew several Muslims who would be very glad to participate  
22 in Bosnia.

23 Q Did he tell you who that brother was?

24 A Siddig Ibrahim Siddig Ali.

25 Q Did there come a time when you met Siddig Ali?

1           A       He called my home, introduced himself, asked me  
2 would I come over in Jersey and meet him.

3           Q       And when is this, when in '92, approximately?

4           A       Somewheres around November, middle part, or  
5 towards the end.

6           Q       Did you go to New Jersey to meet with him?

7           A       I went to Jersey City to meet with him. After  
8 arriving, he told me I should call him. I called him and he  
9 directed me a little further.

10          Q       What did you do with him, if anything, that day?

11          A       I went to his home and picked him up, never going  
12 upstairs. And he said, before we spoke about Bosnia, he  
13 said he was very much interested; would I go to a prison  
14 with him and give a lecture. So we went to the prison. He  
15 spoke to the first group of people -- this was on a Friday,  
16 prayer time -- and I spoke to the second group.

17          Q       Do you recall which prison?

18          A       No, I don't.

19          Q       What happened after that?

20          A       Then we left there. He said he wanted to go and  
21 pick up another brother. I drove him and he picked up Abdel  
22 Mohammad Rahman Haggag.

23          Q       Was this the first time you met that person?

24          A       First time.

25          Q       What if anything did you and Siddig Ali and Abdel

1 Haggag do?

2 A Well, he came downstairs and he says to me,  
3 well, -- well, we were introduced. And he said, "Do you  
4 want to come upstairs and meet someone, a sheik?" I said  
5 no. And I left -- we left.

6 Q Do you know who he was referring to?

7 A I had no idea. I was concentrating on getting  
8 this Bosnian thing together.

9 Q Is there any other contact with Siddig Ali after  
10 that day?

11 A Yes. Him and Haggag came over to Brooklyn. I  
12 took them to a place at Sixth Avenue and 62nd Street, which  
13 sells a lot of military surplus, and I purchased -- me and  
14 Ubaidah also went, I went in my car and they went in their  
15 car -- I purchased a lot of stuff, blankets, canteens,  
16 knives, I think we might have even gotten some binoculars,  
17 boots, ponchos -- things that you would use for outdoors and  
18 for training.

19 Q What was Siddig's involvement, if any?

20 A Well, Siddig, when I first met him, he showed a  
21 whole lot of enthusiasm and he said to me, "I'm ready to go  
22 right now." I said, "Wait." He said, "I am ready to go to  
23 Bosnia right now." I said, "You can't go because you have  
24 to have training. We can't send you there if you are not  
25 trained." And he seemed a little disenchanted, but he said

1 all right.

2 Q How about Abdel Haggag?

3 A Haggag, from my understanding, was a complainer,  
4 and he was soft.

5 Q What are you basing this opinion on?

6 A What my training told me. Ubaidah, he said while  
7 training these people --

8 THE COURT: Are you offering that for the truth?

9 MR. WASSERMAN: No.

10 A While training these people, this man cried all  
11 the time. He couldn't run --

12 MR. FITZGERALD: Objection.

13 THE COURT: Sustained. Move on to something  
14 else.

15 Q Did Siddig have anybody in training?

16 A Siddig said he had 40 men if I needed it. He  
17 said, all Sudanese and they are ready.

18 Q Where did the training take place?

19 A Well, first they started just doing outdoor  
20 calisthenics because there was no place at that particular  
21 time set up.

22 Q What time are we talking about?

23 A Mid -- beginning November and mid-November,  
24 something like that.

25 Q Where was this training given?

1           A       They used to do running in Lincoln Park.

2           Q       Where is Lincoln Park?

3           A       In Jersey.

4           Q       Who was doing this training, do you know?

5           A       Brother Ubaidah was doing the training, Siddig  
6 was doing the training. The rest of the people I hadn't met  
7 because Ubaidah I trust him as to his judgment, and he was a  
8 trainer, so the men he chose was satisfactory to me.

9           Q       Do you know how many people Siddig brought, if  
10 any, to the training?

11          A       He said he had brought a dozen or so, but they  
12 start falling to the wayside, they start leaving out,  
13 because he is a serious trainer and there was some physical  
14 contact, so when people got struck, some of them start  
15 crying, you know, couldn't deal with the blows.

16          Q       Are you talking about the Lincoln Park training?

17          A       Yes.

18          Q       Did there come a time that the training took  
19 place in any place else?

20          A       After that, the calls that I had initiated to  
21 brother Mohammad, they start going up to Pennsylvania. The  
22 idea was to go to Pennsylvania from Thursday night till  
23 Sunday evening and train. And when I would establish a  
24 place for them to train, because I didn't have it yet, that  
25 day, of the four days, would be done here in the city,

1 indoors.

2 Q Can you recall approximately when this training  
3 at Mohammad's began?

4 A I think it was the latter part of December or the  
5 beginning, very beginning of January.

6 Q Do you recall how long it lasted?

7 A It lasted until the end of January, I believe,  
8 when the FBI start taking pictures of the brothers up there,  
9 and they approached Mohammad and questioned him and  
10 suggested --

11 MR. FITZGERALD: Objection; competence.

12 THE COURT: Sustained.

13 Q Going back for a moment to your meeting with  
14 Bilal Phillips in December at the Saudi embassy, did you,  
15 after that meeting, see Bilal Phillips again?

16 A Yes. After the meeting of him and Prince  
17 Abdullah Faisal, he said that he wanted me to go to Europe  
18 with him, Austria, to meet the people who would be providing  
19 the money that was being sent from Saudi Arabia for the  
20 training here.

21 Q Did you know at the time what Bilal Phillips'  
22 occupation was in Saudi Arabia?

23 A I had no idea.

24 Q Did you subsequently go with him to Austria?

25 A Yes, I did.

1 Q And approximately when did you go?

2 A I think that was around the earlier part of  
3 January. Yes, around the early part of January.

4 Q And what happened there?

5 A We went there, and there was some difficulty,  
6 because the man who was supposed to be there to provide the  
7 money was not there at the time, and they said it wasn't  
8 time for us to come to get the money. He had said that he  
9 had made the call and there was the connection for the  
10 moneys to be picked up, so he should be there. And he  
11 wasn't. So we had to set up in a hotel and go back, before  
12 we achieved what we went for.

13 Q What did you achieve that you went for?

14 A We picked up \$20,000.

15 Q Is this in cash?

16 A Cash. All hundred-dollar bills.

17 Q Who took the money?

18 A I took it.

19 Q Where did you take it?

20 A I brought it back to America.

21 Q Did you declare it when you came into the  
22 country?

23 A No, I didn't.

24 Q How did you take it into the country?

25 A I put \$10,000 in my pocket and I put another

1 \$10,000 in my pants.

2 Q Was there any duty to declare the \$10,000 in your  
3 pants?

4 A Well, I just felt this project Bosnia was  
5 something that I didn't want to expose in public, and I  
6 didn't think that they would let me bring the 20,000 in, so  
7 I just put it in my trousers.

8 Q You knew, did you not, that you were required to  
9 declare it when you came in?

10 A Yes.

11 Q What did you do with the \$20,000 after you came  
12 to the Customs?

13 A When I arrived back to New York, I gave the money  
14 to Hanif, the brother in Jersey.

15 Q What then happened to the money?

16 A Then he gave me 10,000.

17 Q Now, what did you do with that 10,000?

18 A 10,000 I searched around. I had been looking,  
19 with the 8,000, to find a place to set up the training, but  
20 all the storefronts and stuff that I was looking at, people  
21 wanted \$2,000 a month, \$2,500 and I couldn't afford that  
22 because this is supposed to be a very small budget. I found  
23 a place on Rogers Avenue, and I rented an apartment upstairs  
24 and a place downstairs that used to be a livery place for  
25 cabs. I rented both.

1           Q       And who did you rent the place from, do you  
2 recall?

3           A       From Junior Pussey.

4           Q       How do you spell it?

5           A       That is P-u-s-s-e-y.

6           Q       Now, when you rented the place, do you recall  
7 what you rented it for, how much money?

8           A       I rented the upstairs for \$800 and downstairs,  
9 started with \$1,100 but I got him down to a thousand.

10          Q       Do you recall when you took occupancy of the  
11 premises?

12          A       I took occupancy February 22 upstairs and, later  
13 on, downstairs because it needed a lot of work, the place.  
14 As I said, it used to be a livery. The walls were shot, no  
15 lighting, etc. And he fixed it up. And I moved in there  
16 about the end of March or the beginning of April.

17          Q       Did you sign up for electricity and phone?

18          A       Electricity, phone, gas, all the, you know,  
19 necessary things we would be moving.

20

21                   (continued on next page)

22

23

24

25

1 Q What was the function of the downstairs going to  
2 be?

3 A Downstairs was going to be a training area, so we  
4 set it up as a dojo for close contact.

5 Q What is a dojo?

6 A Dojo is a place where you study martial arts,  
7 aiki combative, aiki jujitsu.

8 Q What is aiki jujitsu?

9 A It's a Japanese form of martial arts.

10 Q What else was Rogers Avenue going to be used for,  
11 if anything?

12 A As I said before, downstairs was going to be used  
13 for training. Upstairs, because I was told people would be  
14 coming from Saudi Arabia, they wanted to see what type of  
15 training was going on, how the moneys were being spent, so  
16 upstairs -- Muslims try not to have too much comfort in this  
17 life so I just put rugs on the floor. I said they can sleep  
18 on the floor when they come. That was going to be for the  
19 people who came from Saudi, to stay upstairs, and they would  
20 have also upstairs and be able to go right downstairs and  
21 see what was going on and see the people who were part of  
22 the training.

23 Q The video that was played for the jury the other  
24 day, can you tell the jury how that video came to be?

25 A The video was developed because after the

1 training ceased in Pennsylvania --

2 Q When was that, sir? Do you recall approximately?

3 A Around the end of January, when the FBI said they  
4 wanted to do a raid only the brothers there and asked --

5 MR. FITZGERALD: Objection.

6 THE COURT: That is stricken.

7 MR. WASSERMAN: I am sorry. Reporter, can you  
8 read my question.

9 (Record read)

10 THE COURT: I believe you asked how the video  
11 came to be made.

12 Q How did the video come to be made?

13 A The video came because there was a need, it  
14 showed the people something was going on when in fact things  
15 had stopped, and I only had a handful of men at that time.

16 Q When you say the people, who were the people?

17 A Bilal Phillips and the people in Saudi Arabia,  
18 because I was invited to come to Saudi, so I was supposed to  
19 take the video and show them and sit down as people with  
20 them.

21 Q Do you recall who the people who took part in the  
22 making of the video, who were filming, were?

23 A Abu Ubaidah, Sayfullah, the professor who was on  
24 the stand here, Earl Gant, and there was three other  
25 brothers, four other brothers, I forget their names.

1 Q Was there anybody who participated in making the  
2 video who was also involved in the training in Pennsylvania?

3 A Abu Ubaidah -- no.

4 Q When was this video made, to the best of your  
5 recollection?

6 A Somewheres in April.

7 Q How do you date that in your mind?

8 A Because I was asked to come to Saudi, and it was  
9 conflict. I couldn't get there at the time they wanted me  
10 to. And then someone else wanted to go themselves, Kither  
11 said he would go, because he spoke Arabic and he knew the  
12 traditions and what not of the Arab people.

13 Q When you said you couldn't go, why?

14 A I am working all the time, so most of the time  
15 I'm working anyway, so I couldn't get the time off.

16 Q When you say that the people who took part in the  
17 training in Pennsylvania were not the same people depicted  
18 in the video, had you met the people who took part in the  
19 training in Pennsylvania?

20 A Yes. Sayfullah I had met before, and Earl Gant  
21 and two of the other brothers, because they had came down  
22 from Philadelphia and did some brief training themselves.  
23 They said they wanted to go to Bosnia.

24 Q Did Sayfullah take part in the training in  
25 Pennsylvania?

1           A       No.

2           Q       Who is Sayfullah?

3           A       He is a martial artist from Philadelphia.

4           Q       Had you met him before the making of the video?

5           A       Yes. He came over a few times. He stayed over,  
6 and one time when I was unable to go he had to make a trip  
7 to Europe with Ubaidah.

8           Q       For what purpose?

9           A       To pick up moneys.

10          Q       Was there any kind of relationship between  
11 Sayfullah and Ubaidah?

12          A       Very close. Sayfullah used to train him, so he  
13 was with Sayfullah for quite sometime.

14          Q       Who is Earl Gant?

15          A       Earl Gant is a brother who used to be in this  
16 case. He was also training.

17          Q       Of the people who trained in Pennsylvania,  
18 besides Siddig Ali and Abdel Haggag, did you meet anybody  
19 else for training in Pennsylvania?

20          A       Two other individuals.

21          Q       Who were they?

22          A       After getting the place on --

23          Q       If I may, let me just ask, during the time of the  
24 training did you meet anybody?

25          A       No.

1 Q This occurs after the training?

2 A Yes.

3 Q When approximately do you meet them and who do  
4 you meet?

5 A I met Tarig Elhassan and Amir Abdelgani. They  
6 came over to the place that I finally got over on Rogers  
7 Avenue, to meet me and to try to help fix the place up.

8 Q When was this, approximately?

9 A The last part of February or the beginning of  
10 March.

11 Q Did the Trade Center bombing have any effect on  
12 the training at that time?

13 A To my understanding from Kelvin Smith, yes, he  
14 said he was afraid.

15 MR. FITZGERALD: Objection.

16 THE COURT: Again that is stricken. Let's go,  
17 Mr. Wasserman.

18 Q Did it have any effect on your activities at the  
19 time?

20 A Not to me, because I didn't think I am doing  
21 anything wrong.

22 Q Did anybody at any time in any way approach you  
23 for explosives, in '92?

24 A Never, then or ever in my life.

25 Q What about Emad Salem?

1           A       On the 30th, they did, but at that particular  
2 time, at that juncture no one had said anything.

3           Q       Are you knowledgeable about explosives?

4           A       No knowledge at all.

5           Q       No knowledge from your tour in the army or tour  
6 in Afghanistan?

7           A       I had bombs dropped on me but I don't know how  
8 they function.

9           Q       Did you go back to Europe at any time after your  
10 first trip with Bilal Phillips to Austria?

11          A       I made two additional trips.

12          Q       When were they?

13          A       Another one in January, and the last one was in  
14 February.

15          Q       Do you recall who you went with in January on  
16 your second trip?

17          A       I went with Ubaidah the second and the third  
18 trip.

19          Q       Where did you go on the second trip?

20          A       Same place, to Vienna and --

21          Q       Do you recall who you saw in Vienna, the name of  
22 the person?

23          A       Brother by the name of Shakana,. That's  
24 S-H-A-K-A-N-A.

25          Q       How much money was picked up on the second trip,

1 if you recall?

2 A 20,000.

3 Q Did you take that money or did someone else take  
4 the money?

5 A I gave the money to Hanif. Out of it --

6 Q Excuse me. How did the money get to Hanif?

7 A Myself and Ubaidah took it to him.

8 Q You gave the money to Hanifa?

9 A Yes, I did.

10 Q You gave him 20,000?

11 A Right.

12 Q What happened to that 20,000, if you know?

13 A Out of the 20,000, he supported his family --  
14 excuse me -- the families for this Bosnia project, because  
15 it was a lot of people had kids, wife, grand, etc., and they  
16 were told if they went these things would be taken care of  
17 as though they were here.

18 Q Did you know those people?

19 A No, I never met any of them.

20 Q Did you get any money from Hanif at that time?

21 A I think at that time I got an additional 10,000.

22 Q You made one additional trip you testified to?

23 A Yes.

24 Q Where was that?

25 A To Vienna again, but this time the people said we

1 have no moneys for you. Abdul who went with me on the first  
2 trip, he went inside of Yugoslavia, and matter of fact they  
3 asked me to go in there and set up a place so it would make  
4 it easier for the people to come. But my wife said no way  
5 Jose.

6 Q Did you want to?

7 A Pardon?

8 Q Did you want to?

9 A I was willing.

10 Q Go ahead.

11 A They said I had to go to Yugoslavia. And most  
12 people said you're crazy if you go in there. Anyway, I  
13 bought a ticket for myself and Ubaidah, and we went. We  
14 arrived in Yugoslavia and it was like, it was unreal. It  
15 was an armed camp.

16 Q Where in Yugoslavia did you go?

17 A Zagreb.

18 Q Do you know what part of Yugoslavia Zagreb is in?

19 A That's in Croatia.

20 Q Croatia?

21 A Yes.

22 Q What happened when you arrived in Croatia?

23 A When I arrived, because I was dressed  
24 Islamically -- I don't think about these things because it's  
25 natural, and when I arrived everybody at the airport had

1 machine guns and shotguns and pistols and stuff and I was  
2 scrutinized very, very, very closely. I was asked what I  
3 was doing there.

4 Q What did you tell them?

5 A I told them I came to spend some money, you know,  
6 to look at Yugoslavia.

7 Q What actually had you come for?

8 A I went there to meet Abdullah and to look at the  
9 situation.

10 Q You went to meet Abdullah?

11 A Yes.

12 Q Go ahead.

13 A And to look at the situation, to see that if in  
14 fact I was going to go there, to see what it looked like. I  
15 was taken from the airport and driven to a development. On  
16 the way -- first of all, at the airport Abdullah told me, he  
17 said listen, I just bought a pair of boots, cost \$300, they  
18 got nice leather in Vienna. He says if anybody comes to you  
19 and says take your boots off, take your coat off, you be  
20 sure to take them off because if you don't, you be dead  
21 meat. I said you got to be crazy. He said I mean it.

22 So we got in this vehicle and we started driving,  
23 myself, Ubaidah and another brother that came with him. We  
24 maybe went 4, 5,000 yards. There was troopers on both sides  
25 of the street with machine guns and on the other side they

1 stopped the vehicle and they were talking to the people.  
2 And all of a sudden, the guy raised his foot -- pow -- and  
3 he kicked the guy out of the vehicle and he put his gun on  
4 him. I said wow, this is serious.

5 So I understood what he was talking about when he  
6 said if they come to you give up your boots and your coat,  
7 to give that up and whatever else, you know.

8 Q Did you ultimately get any funds in Zagreb?

9 A Yes, we stayed over that day and that night, and  
10 the following morning -- that night, excuse me, we spoke to  
11 Bilal on the phone, and he said even though the program had  
12 somewhat become stagnant -- because what happened with  
13 Bosnia, the opening that the mujahideen was going in, they  
14 closed up the opening, stopped the mujahed from going in.  
15 So they was looking for another way to get in and they said  
16 maybe only by the ocean and stuff like that.

17 So being that a cycle of programs, moneys and  
18 what not was coming to an end, he said that there would be  
19 new budget established, that the Saudis was willing to give  
20 up \$250,000, and it would continue. So I talked to him on  
21 the phone, this is what he is telling me. I said hamdi  
22 Allah, praise be to Allah, and we went to -- excuse me. We  
23 went to bed.

24 The following morning, before I got the money, we  
25 went to the masjid. What I saw out there was people in

1 bread lines, drinking water that was festered and everything  
2 else. And at the masjid there was a soldier who was  
3 blocking the door, had a cigarette hanging out his mouth and  
4 his foot across the door. And the people said we weren't  
5 going in there. And I said we are going to pray, and I ran  
6 up the stairs. There was like several layers, 10 steps to  
7 each layer. As I approached, his leg was across the door  
8 and I just raised the leg. I was going to break the  
9 sucker's leg, and he moved the leg. And I went inside and I  
10 said come on to the people, let's pray, this is the house of  
11 Allah, nobody is supposed to close this door. So we prayed,  
12 went back, had some food, stopped, talked for a while, then  
13 he gave me the money.

14 Q How much did he give you?

15 A 20,000.

16 Q Did you leave Zagreb that day?

17 A Yes, we left that afternoon, went to the airport,  
18 had a meal, a rather extravagant meal. See, he got locked  
19 up over there, and I guess they know that from the tapes  
20 already, but he got locked up over there for using a credit  
21 card that was no good.

22 Q When did he get locked up?

23 A They called me and told me he got locked up in  
24 April sometime, I believe.

25 Q Where did you go from Zagreb?

1           A       It was hard getting out of Zagreb, because the  
2 soldier, he must have searched me about 15 times back and  
3 forth through the thing, and it looked like he was trying to  
4 provoke me so he could kill me. He came up in my face like  
5 this, we were almost kissing, you know.

6           THE COURT: The question with was where you went  
7 from Zagreb.

8           THE WITNESS: Excuse me.

9           THE COURT: The question was where you went from  
10 Zagreb.

11          THE WITNESS: Yes.

12          A       I went back to Vienna.

13          Q       Did you see anybody there?

14          A       I told them I got the money, I left Vienna and  
15 came back to America.

16          Q       Where in America?

17          A       Brooklyn first -- I stayed in Brooklyn because  
18 they came over to Brooklyn and picked up the money.

19          Q       Who picked up the money?

20          A       Kither and Hanifa.

21          Q       Was there a split of the money? How was the  
22 money distributed, if at all?

23          A       They gave me \$15,000 and they said that's it.

24          Q       What did you do with that money?

25          A       We were still, like I said, the project wasn't

1 dead to me, it wasn't over. So we got some more equipment.

2 I gave Ubaidah the money to get whatever he need, and he

3 purchased a lot of stuff that would be used for training.

4 MR. WASSERMAN: Your Honor, may I approach?

5 THE COURT: Yes.

6 Q Rashid, I want to show you a passport. Would you

7 take a look at it, please. Whose passport is that?

8 A That's me.

9 Q I want you to take a look at -- when you say

10 that's me, does that mean this is your passport?

11 A That's my passport.

12 Q I want you to take a look at this page of the

13 passport.

14 MR. WASSERMAN: Your Honor, if I may, I would

15 like to introduce that into evidence.

16 THE COURT: Does it have an exhibit number on it?

17 MR. WASSERMAN: Z, Hampton-El Z.

18 MR. FITZGERALD: If I could just look at it for a

19 moment.

20 THE COURT: Yes.

21 MR. FITZGERALD: No objection.

22 THE COURT: Hampton-El Z is received without

23 objection.

24 (Defendant Hampton-El Exhibit Z received in

25 evidence)

1           Q        Could you tell the jury, the visa entry that is  
2    on the page that I have just shown you.

3           A        This is 2/20/93 to Zagreb.

4           Q        Is that stamped by --

5           A        This is stamped by turizam, Zagreb government.

6                   (Continued on next page)

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1 Q Thank you.

2 MR. WASSERMAN: Your Honor, may we take a moment  
3 to publish this to the jury?

4 THE COURT: Yes.

5 MR. WASSERMAN: Your Honor, if I may, while the  
6 jury is looking may I approach side bar?

7 THE COURT: Yes.

8 MR. WASSERMAN: Thank you.

9 (At the side bar)

10 MR. WASSERMAN: Your Honor, I have about probably  
11 another 15, 20 minutes and then we have to go to the tapes,  
12 which requires installing the machine, which will have to be  
13 done over the lunchtime. I just wanted to advise the court.  
14 If I thought I was going to go to 12:30, I would ask for a  
15 5-minute rest for him, because he has been going for about  
16 an hour.

17 THE COURT: He is doing all right. Go until you  
18 are out of gas, and then ask for another side bar. We will  
19 come up to the side and I will break for lunch.

20 (In open court)

21 (Pause)

22 THE COURT: Mr. Wasserman, I think you can  
23 continue.

24 MR. WASSERMAN: Thank you, Judge.

25 BY MR. WASSERMAN:

1           Q       Rashid, approximately how much money were you  
2 given for this project?

3           A       In the neighborhood of 44,000, \$45,000.

4           Q       That is moneys that came from your trips to  
5 Europe?

6           A       Yes.

7           Q       Did you provide any payments to Siddig Ali from  
8 that money?

9           A       On a few occasions he asked me for money.

10          Q       Do you recall when, approximately?

11          A       I think it started in January. He said that --  
12 well first of all Ubaidah said that Siddig had been helping  
13 him, which he had, driving him around because he didn't have  
14 a vehicle, and that he had lost his job, or he was on the  
15 verge of losing his job because he hadn't lost it just yet,  
16 and that he needed some money. So I gave him some money.

17          Q       How much money, do you recall, approximately?

18          A       I think the first time was \$200. After that, the  
19 approach came from him, and he said his rent needed to be  
20 paid, phone bill needed to be paid, he needed food and stuff  
21 like this.

22          Q       Do you recall approximately when that was?

23          A       Perhaps towards the end of the month, of the same  
24 month. If not, the early part of February. That was 500,  
25 he said, because it was his phone bill, his food, and his

1 apartment. And he approached me again, came by my job.

2 Q When was that?

3 A I think that was towards the end of March. I  
4 believe it was the end of March, beginning of April,  
5 something like that. And he asked for money again. I told  
6 him listen, if you need a job --

7 Q We are talking '93, correct?

8 A Yes.

9 Q Go ahead.

10 A I said listen, if you need a job I'll help you  
11 get one, but, you know, I ain't got it like that.

12 Q When you say he came by, where was that?

13 A Brooklyn Kidney Center, Flatbush and Sterling.  
14 He popped out out of the blue. Somebody said someone wants  
15 to see you, it was Siddig. So I gave him \$20, that's all I  
16 can help you. He seemed to be somewhat annoyed by it, but  
17 that's the way I see it.

18 Q This was, you testified, late March, early April?

19 A I believe so.

20 Q Did you provide him with any moneys afterward?

21 A No, to the best of my recollection, no.

22 Q Did you provide Ubaidah with money?

23 A Ubaidah after a while required a salary because  
24 he did have kids and he wasn't working. So I started him  
25 off with a thousand dollars a month, and his need became a

1 little greater, because he said he had five kids and a wife.  
2 So I raised the fund up -- excuse me -- the moneys to \$1,500  
3 a month.

4 Q When did you pay him the \$1,500 a month?

5 A Usually at the end of the month or the beginning  
6 of the month. One time he received, because he needed an  
7 advance, two months in one time. So that was like \$3,000.

8 Q How long did these payments continue?

9 A Until I got arrested.

10 Q Did you provide him anything else besides these  
11 monthly payments?

12 A He needed a place to stay, so eventually, he  
13 didn't take over, but the apartment upstairs became his. He  
14 lived upstairs on the top floor, him and his wife, and I  
15 think it was two children. They lived up there, so that was  
16 his place at that time, until the people came, but it didn't  
17 look like they were coming.

18 Q Did you keep any books and records evidencing  
19 these payments?

20 A Yes, I did.

21 Q I would like to show you what has been marked as  
22 Hampton-El Y -- may I approach, your Honor?

23 THE COURT: Yes.

24 Q Rashid, would you take a look at what has been  
25 marked Hampton-El Y for identification, and do you recognize

1 what has been so marked?

2 A This is the ledger, yes.

3 Q What is that ledger of?

4 A This is the ledger for everything --

5 THE COURT: Mr. Wasserman, your client can't be  
6 heard without the microphone.

7 A This is a ledger for everything that was spent  
8 for the project Bosnia, down to buying a 5-pound bag of  
9 sugar. Everything is down there.

10 Q Do you know who prepared this ledger?

11 A My wife did.

12 Q Do you know what she prepared it based upon?

13 A Receipts from grocery stores, from anything that  
14 was used for gas, I got a receipt for.

15 Q Who gave her the receipts?

16 A I gave her the receipts.

17 MR. WASSERMAN: Your Honor, at this time I would  
18 move what has been marked defendant Y in evidence.

19 MR. FITZGERALD: I have seen copies, I would just  
20 like to look at the original for a second.

21 THE COURT: Go ahead.

22 MR. FITZGERALD: No objection.

23 THE COURT: Exhibit Y is received without  
24 objection.

25 (Defendant Hampton-El Exhibit Y received in

1 evidence)

2 MR. WASSERMAN: Your Honor, we have copies of  
3 Exhibit Y which I would ask the court's permission to  
4 publish after the lunch break.

5 THE COURT: All right.

6 MR. WASSERMAN: Thank you.

7 Q Did there come a time, Rashid, where there was a  
8 meeting between you, Abdel Haggag, Ubaidah, and I believe  
9 Amir Abdelgani?

10 A Yes, there was.

11 Q When approximately did that occur?

12 A The middle of March or towards the end of March.

13 Q How do you date that? What makes you recollect  
14 it as then, approximately?

15 A Well, if wasn't too far from Siddig's constant  
16 approach, because after he asked me for money and I kind  
17 of -- I think he was upset because I only gave him \$20 last  
18 time, and he start complaining that it was misuse of funds  
19 and Ubaidah was very extravagant and he was wasting money,  
20 and that himself and Haggag did not like it, and they were  
21 very upset about it and they wanted to go at and have a  
22 meeting about it. So I told him if I am going to talk about  
23 this man I want him to be present here, so we will have a  
24 meeting, discuss this, we will see what happens.

25 Q When you say talk about it with him present, who

1 is the him present?

2 A Abu Ubaidah.

3 Q Did the meeting happen?

4 A This is how I remember the meeting, from these  
5 things. The meeting happened. We all sat down and start  
6 talking. Haggag seemed to be somewhat of a ringleader. He  
7 was the most aggressive, and he said that he would not  
8 permit myself and Ubaidah to use the brothers in this  
9 program and spend money and waste it, that him and Siddig  
10 had to take over the project, take over the moneys, decide  
11 how it would be spent, and control everything.

12 I said well, this meeting, number one, is to  
13 establish if Ubaidah has been over extravagant, and to my  
14 way of thinking, I said, at this point he hasn't because the  
15 stuff that was downstairs in the dojo was needed to train  
16 people, he perhaps spent a little too much money on the  
17 videos, which I admonished him for and told him don't do  
18 that. And any receipts for moneys that he had spent I  
19 wanted to see them immediately. And I told him to -- or  
20 them that they should shake hands, apologize and amend, and  
21 that would be it. They shook hands, they got up, and Haggag  
22 and Siddig and Ubaidah went into an adjoining room. I heard  
23 a lot of screaming and crying. So I got up and I went  
24 inside, and Siddig was standing up in the corner screaming  
25 and crying, I can't take it any more, I can't take it,

1 ripping his clothes off, and Haggag seemed to be laughing  
2 and they were saying something in Arabic, I don't know what  
3 they was talking about. And they kind of calmed him down.  
4 Ubaidah grabbed him, calm down, calm down, and I gave him a  
5 sweater to put on that I had in the apartment.

6 After that, we spoke, shook hands, I said As  
7 Salamu Aleikum Wa Rahmatu Allah Wa Barakatu, and they  
8 left -- that means peace be on you and a lot of things --  
9 and they left, himself, Amir and Haggag. But one of the  
10 concerns they brought up was that Amir had used a credit  
11 card to rent a van, and they wanted me to give Amir back  
12 this money. I disagreed first, that I wouldn't do it, and  
13 then I says all right, I'll give it to him. And later on I  
14 retracted that statement even, because I said this money, I  
15 had no knowledge of this arrangement with you and Ubaidah, I  
16 did not tell you to spend this money and I can't pay it to  
17 you out of the money of project Bosnia.

18 Q Was there ever any time after this meeting --  
19 this meeting took place at Rogers Avenue, correct?

20 A Yes.

21 Q Was there ever any time after this meeting that  
22 you were alone with Abdel Haggag?

23 A No, we were always together up until the meeting  
24 broke up, and when the meeting broke up Haggag, Siddig,  
25 Ubaidah and them removed themselves and went to the

1 adjoining room. I was still sitting. That's when I heard  
2 the crying and screaming, and that was it. We were never  
3 alone. We shook hands and they left. That was it.

4 Q You never had any conversation with him about  
5 Mahmoud Abouhalima or anything along those lines?

6 A At no time at all.

7 Q After this meeting takes place, did you have any  
8 further contact with Siddig Ali?

9 A Yes.

10 Q What was it?

11 A Later on, Siddig Ali and Haggag -- I was coming  
12 out of a restaurant where I usually eat, called India House.

13 Q Where is that located?

14 A Over on Court Street and Atlantic Avenue.

15 Q Go ahead.

16 A When I came out the two of them were standing  
17 across the street, Haggag and Siddig. They said Salam alay  
18 kum, sheik, I said Salam back, and they said we need to talk  
19 to you.

20 Q When approximately did this take place in  
21 relation to the meeting at Rogers Avenue?

22 A This is early April.

23 Q Go ahead.

24 A They said we need to talk to you. I says all  
25 right, what do you want to talk about? They said let's take

1 a walk. So we walked around the corner, Dean Street, over  
2 to Smith Street, came back up Atlantic Avenue. In the  
3 process we stopped for a minute or two and sat on the  
4 sidewalk there, and they says we have a project we want to  
5 do here. I said what are you talking about? He said we  
6 want to do something here in America. I said what? He said  
7 well, I can't tell you what it is. I said so, what's up?  
8 He said we need some weapons. I said let me tell you  
9 something. If you are doing something haram, you are going  
10 to go to hell. I said and if you're doing something  
11 illegal, you're going to end up in jail. So you better get  
12 your head together, think about what you're doing. He says  
13 no, no, sheik.

14 Q Who said, who is he?

15 A Siddig.

16 Q Go ahead.

17 A He said this is halal, this is halal. I said all  
18 right. He says what can you do for me? I says I can't do  
19 anything this time, I'll look into it. He says I need it  
20 right away. I says how much time you need? He says two  
21 days. I says all right, I'll talk to you in two days. Two  
22 days passed by, I didn't talk to Siddig and Siddig made no  
23 effort to get in touch with me.

24 Q He never called you?

25 A Never.

1           Q     Did you ever have any further contact with Siddig  
2 after that?

3           A     Yes, I did.

4           Q     Did he ever tell you what the weapons were for?

5           A     He never mentioned his project or the weapons.

6           Q     Did you ask him?

7           A     No, I thought he was stupid talking about. I  
8 thought it was something crazy he was speaking about, this  
9 project.

10          Q     Did you ever have any other discussions with  
11 Siddig after that concerning any action, if you will?

12          A     Yes.

13          Q     When was that, approximately?

14          A     Same month, later on. He popped up at my job  
15 again. This time I was kind of annoyed because I am not  
16 accustomed to having people just come to my job without  
17 being invited. I said look, what do you want to talk about?  
18 He said I need to talk to you, sheik. I took a brief break  
19 and we took a walk. I'm like two blocks from Prospect Park.  
20 And I said what do you want to talk about? We sat. He said  
21 well, I want to go ahead and get the Serbs. I said what do  
22 you mean get the Serbs? He said, there is a Serb warehouse  
23 here, and I think he mentioned an armory. He said they're  
24 sending stuff to Serajevo and we have to go ahead and do  
25 something, I want to do something. I said yeah, all right.

1 He says you want to join? I said all right, I'm on board.

2 That was it.

3 Q After your trip to Zagreb, did you go back to  
4 Europe again?

5 A No. The next trip after having that one to Saudi  
6 Arabia, I made arrangements to meet the sheik Bilal  
7 Phillips, in Philippines.

8 Q When was that?

9 A That was in May.

10 Q Did you go to the Philippines?

11 A May 15, yes.

12 Q What was the purpose of your going?

13 A The purpose was to show him how the moneys was  
14 being spent, so I took a copy of the book, that same budget  
15 right there, and its total. I took a video to show him the  
16 type of training, combative jujitsu that people were doing.  
17 And also there was a symposium there which they asked me to  
18 speak at. So these were the multipurposes that I went  
19 there.

20 Q Did you speak at the symposium?

21 A Yes, I did.

22 Q What did you speak about?

23 A He suggested that I speak about the Malcolm X  
24 movie. I did in brief but I thought it was more important  
25 for the people to see the spread of Islam and how it had

1 grown in America and how many masjids there were and how  
2 that at one time there was great, great division between the  
3 Muslims here because there used to be a thing called the  
4 black Muslims and there is no black Muslim. Islam  
5 transcends all color. There is no nationality, there is no  
6 barriers. We all believe in the same God, we practice the  
7 same deans, we follow the same prophet. So this is what I  
8 thought was necessary to tell the people.

9 Q Is that what you told them?

10 A Yes, that the growth here, and the barriers that  
11 had been built with the foreign element and the Muslim  
12 element -- excuse me -- and the American element had  
13 diminished to a great degree.

14 Q When you were in the Philippines you were with  
15 Bilal Phillips?

16 A Yes, I was.

17 Q Did you take part in any jihad in the  
18 Philippines?

19 A No.

20 Q Did you meet anybody in the Philippines besides  
21 Bilal Phillips?

22 A Yes. I met the assistant mayor. I met the  
23 ambassador --

24 Q Mayor of what city?

25 A Manila.

1 Q Go ahead.

2 A I met the ambassador for Malaysia. I met a  
3 diplomate from Indonesia. There were a lot of dignitaries  
4 at the meeting. Attorneys, I met an attorney, I can't think  
5 of his name. He had a radio station that I was supposed to  
6 do some speaking on the radio there, too.

7 Q Did you meet anyone else?

8 A And I met a sister whom I became more than fond  
9 of.

10 Q What was her name?

11 A Fatima.

12 Q Last name?

13 A Gibriel.

14 Q I would like to show you what has been marked as  
15 defendant's AA1, AA2 and BB1 through BB12.

16 May I approach, your Honor?

17 THE COURT: Yes.

18 Q Rashid, I am going to show you AA1 and AA2 first.  
19 Could you identify AA1?

20 A AA1?

21 Q What is it?

22 A AA1 is the symposium. It says Symposium on  
23 Islam, Environment and World Peace.

24 Q Do you recognize that?

25 A Yes, I do.

1 Q What is it?

2 A This is what we call da'wa, to propagate Islam.

3 Q What is the document itself that I have shown  
4 you?

5 A It's from the Philippines.

6 Q Specifically what is the document? What is its  
7 relationship, if any, to your trip there?

8 A It was my purpose for going -- one of the  
9 purposes for going, other than to meet Bilal and give him  
10 the stuff for project Bosnia.

11 Q I would like to show you what has been marked as  
12 AA2. Do you recognize that document?

13 A Yes.

14 Q What is it?

15 A This is a certificate from the Islamic da'wa  
16 Council of the Philippines for brother Abdul Rashid  
17 Hampton-El.

18 MR. WASSERMAN: Your Honor, at this time I would  
19 like to offer into evidence AA1 and AA2.

20 MR. FITZGERALD: No objection.

21 THE COURT: AA1 and AA2 are received without  
22 objection.

23 (Defendant Hampton-El Exhibits AA1 and AA2  
24 received in evidence)

25 Q Rashid, at this time I want to show you what have

1       been marked as BB1, BB2, through BB12. Do you recognize  
2       those photographs?

3             A       Yes. These are photographs of myself, of the  
4       mayor's assistant from the Philippines, of the --

5             Q       Excuse me. Your, is of yourself and other people  
6       in these pictures were people in the Philippines at that  
7       time at the conference?

8             A       Including Bilal Phillips, the mayor from Manila,  
9       the mayor's assistant, attorneys --

10            THE COURT: Mr. Wasserman, your client can't be  
11       heard without the microphone.

12            MR. WASSERMAN: Let me do one thing at a time. I  
13       would like to move the photographs into evidence and ask  
14       Hampton-El to identify each photograph.

15            MR. FITZGERALD: If I could just look at them for  
16       a second.

17            No objection.

18            THE COURT: BB1 through BB12 are received without  
19       objection. Go ahead.

20            (Defendant Hampton-El Exhibits BB1 through BB12  
21       received in evidence)

22            Q       Taking them briefly one by one, briefly explain  
23       who is in the picture. BB1?

24            A       Myself, Bilal and the mayor's assistant.

25            Q       In BB1, where is Bilal?

1           A     He is sitting between me and the mayor's  
2     assistant.

3           Q     BB2?

4           A     This is, I believe, the ambassador from Indonesia  
5     and an attorney.

6           Q     BB3?

7           A     This is another picture of the ambassador from  
8     Indonesia and myself.

9           Q     I am sorry. Just a correction, your Honor. That  
10    was BB4. I will find BB3 in a moment.

11           Q     BB5?

12           A     This is myself and I believe it is one of the  
13    media, because this was not --

14           THE COURT: Mr. Wasserman, again --

15           MR. WASSERMAN: Pardon me, your Honor.

16           A     This is myself and I believe it is the media  
17    because this symposium was not only for Muslims, there was a  
18    lot of non-Muslims there too, because the object was to give  
19    da'wa.

20           Q     BB6?

21           A     Myself, attorney, ambassador from Indonesia and  
22    ambassador -- excuse me -- the prime minister of Malaysia.

23           Q     BB7?

24           A     That's myself on the podium lecturing the people.

25           Q     BB8?

1           A       This is myself and a brother by the name of  
2   Abdullah I met there who is part of the da'wa program, da'wa  
3   program meaning to propagate the dean of Islam, dean meaning  
4   faith.

5           Q       BB9?

6           A       It is myself in the home, taking a picture.

7           Q       BB10?

8           A       I am at the zoo in manila.

9           Q       BB11?

10          A       Same place, eating at a restaurant.

11          Q       BB12?

12          A       The zoo by the eagle cage.

13          Q       And the long lost BB3, who is in that picture?

14          A       Myself and Bilal shaking hands after the meeting,  
15   greeting, you know. It was successful.

16                   (Continued on next page)

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1           MR. WASSERMAN: Your Honor, together with the  
2 ledger that has been marked as Y, after the lunch break I  
3 would request permission to publish the pictures as well as  
4 the certificate of attendance and programs that have been  
5 AA1.

6           THE COURT: All right.

7           MR. WASSERMAN: At this time, your Honor, I would  
8 request that we resume after the lunch break.

9           THE COURT: Do you want to publish it now? Why  
10 don't we publish it now.

11          MR. WASSERMAN: No problem.

12          (Pause)

13          THE COURT: Ladies and gentlemen, we are going to  
14 break for lunch now. Please leave your notes and other  
15 materials behind. Please don't discuss the case, and we  
16 will resume this afternoon.

17          (Jury excused)

18          MR. NOOTER: Your Honor, my client would like to  
19 be excused this afternoon. I will be here to protect his  
20 interests, if that is all right.

21          THE COURT: Mr. Saleh, is it all right if we go  
22 ahead without you?

23          DEFENDANT WAHID SALEH: Yes, sir.

24          THE COURT: You are excused.

25          MR. JACOBS: Your Honor, my client would like to

1 be excused as well. He is not feeling well. He would like  
2 to return to MCC.

3 THE COURT: You, too, Mr. Mohammed Saleh, is it  
4 all right if we go ahead without you?

5 DEFENDANT MOHAMMED SALEH: Yes.

6 THE COURT: I hope you feel better.

7 MR. SERRA: Your Honor, Mr. Alvarez would like to  
8 inform your Honor of something. I told him that it was  
9 likely that you would direct him to do it through me.

10 THE COURT: Not only likely, but I do direct him  
11 to inform me through you.

12 MR. SERRA: Yes. May we come with Mr. Alvarez to  
13 the robing room?

14 THE COURT: Yes.

15 Miss London, I read your client's note. I will  
16 respond to it in writing.

17 MS. LONDON: Thank you.

18 (In the robing room; Mr. Alvarez Mr. Serra and  
19 Mr. Khuzami present)

20 MR. SERRA: Your Honor, I guess we are without  
21 the presence of an interpreter.

22 THE COURT: That is unfortunate. I noticed that  
23 Mr. Khuzami is here. This is not to be ex parte?

24 MR. SERRA: No, your Honor. Given the subject of  
25 the conversation, it was my opinion that the government has

1 a right to be present.

2 (Interpreter present)

3 MR. SERRA: Your Honor, the reason that we are  
4 here is because there is a dispute, a fairly major dispute  
5 as a matter of strategy between Mr. Alvarez and me, and he  
6 asked that it be put on the record. I don't know that there  
7 is any application to the court. He wishes to call Siddig  
8 Ali as a witness. I don't want to, because it is  
9 privileged, go into conversations he and I have had.  
10 Suffice it to say that we have discussed the subject many  
11 many times.

12 It is my basic position that I have read  
13 Mr. Siddig Ali's plea allocution before your Honor and I am  
14 aware that he would say that Mr. Alvarez is guilty. That is  
15 what it amounts to. For that reason, as a strategic matter  
16 I am not willing to call Mr. Alvarez. As Mr. Alvarez knows,  
17 I am not in fear of the government calling him because there  
18 is much material to use should the government do that. But  
19 I don't believe it is in Mr. Alvarez's interests and I feel  
20 it strongly enough that I will not do it despite his wishes  
21 to call Mr. Siddig Ali as a witness in this case.

22 That is why we are here. As I understand the  
23 state of the law, it is my decision as to everything except  
24 two items, namely if we go to trial in the first place and  
25 if Mr. Alvarez testifies, and I am exercising that

1 discretion not to call a witness who I believe will hurt my  
2 client.

3 THE COURT: If Mr. Alvarez wishes to put his  
4 position on the record, he may, other than as you have  
5 stated, although I have to tell him, as I am sure you have,  
6 and since the government is here and they have access to  
7 this transcript, he ought to be very careful about what he  
8 says and how he says it, because if it is anything that can  
9 be used against him, it will.

10 MR. SERRA: Your Honor, my understanding of  
11 Mr. Alvarez's position is that since so much of what Siddig  
12 Ali says is on tape, which is surely true, over and over and  
13 over, that he does not fear Siddig Ali as a witness, and I  
14 surely understand that viewpoint, but my opinion is that  
15 there is something else, there is another consideration as  
16 to whether we affirmatively call him as a witness. That is  
17 what I understand Mr. Alvarez's position to be, that he  
18 feels that Siddig Ali will look very bad as a witness. And,  
19 your Honor, it is my advice that Mr. Alvarez not speak on  
20 the record, whether the government is present or not,  
21 because we are on the record.

22 DEFENDANT ALVAREZ: Can I speak directly to you,  
23 your Honor?

24 THE COURT: If you want to --

25 DEFENDANT ALVAREZ: Just three minutes.

1           THE COURT: In spite of your lawyer's advice, if  
2 you want to talk to me I can't stop you from talking to me.  
3 I am simply telling you that, as I said a moment ago, you  
4 ought to be very careful, number one. And number two, if  
5 your lawyer has accurately stated your position, then I  
6 question what more you would wish to tell me. But it is  
7 your decision as to whether you wish to do that or not.

8           DEFENDANT ALVAREZ: It is my purpose to come and  
9 speak to you, to call to your attention, my purpose in  
10 bringing Siddig Ali to the witness stand is because there  
11 are certain things that are going to benefit me, and I am  
12 very sure of that. Without getting into details, I would  
13 like him to come. But my attorney has refused to call him.  
14 Simply, I just wish to place that on the record, because it  
15 is something that I want to do, bringing Siddig Ali in.

16           THE COURT: I think the record is quite complete  
17 on that. I should say that Mr. Serra is correct when he  
18 states the law, namely that there are two decisions in a  
19 case that are up to a client alone. The first decision is  
20 to whether to plead guilty or not guilty, and the second  
21 decision is to whether to testify or not, that is, whether  
22 the client testifies or not. Those two decisions are the  
23 client's, that is, yours. Everything else is the lawyer's  
24 decision, and therefore his decision as to tactics and  
25 strategy will control, and although my opinion is really

1 irrelevant to this discussion, I can see quite clearly and  
2 easily the reason why he wants to refrain from calling  
3 Siddig Ali. It is not at all in my estimation an  
4 unreasonable decision. But you have your record as to your  
5 preference. Thank you very much.

6 DEFENDANT ALVAREZ: Thank you very much.

7 (Luncheon recess)

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AFTERNOON SESSION

2:05 p.m.

(Trial resumed; jury not present)

MR. WASSERMAN: Your Honor, as your Honor may recall, I am putting in some tapes, in agreement with the government, without objection. Then I am putting Ms. Siri Averill the stand with respect to two transcripts that were prepared with respect to those tapes.

THE COURT: I see. Out of order?

MR. WASSERMAN: Out of order.

THE COURT: All right. Shall I explain to the jury?

MR. WASSERMAN: Yes.

THE COURT: All right.

MR. WASSERMAN: I guess my client will retake the stand after that.

THE COURT: All right.

MR. WASSERMAN: Thank you.

MR. FITZGERALD: A brief request. Mr. Wasserman is going to play one section of a tape, which is a single sentence, a number of times, and I am not going to object to that because he wants the jury to figure out whether it is as he transcribed it. Because that one sentence is taken out of context of the entire transcript, I would just like an instruction given at that time that they should view

1 everything in the context of the whole tape. But I don't  
2 want to otherwise interfere with the presentation.

3 MR. WASSERMAN: I have no objection.

4 THE COURT: Do you want me to clear the language  
5 in advance, or do you trust me to improvise something that  
6 says that?

7 MR. WASSERMAN: I have confidence in you.

8 THE COURT: Thank you. I hope it is not  
9 misplaced.

10 (Jury present)

11 THE COURT: Good afternoon, ladies and gentlemen.  
12 Mr. Wasserman?

13 MR. WASSERMAN: Thank you. Your Honor, the  
14 defense is offering into evidence three digital audiotapes  
15 marked for identification W1, W2, and W3. The first is a  
16 digital audiotape copy of Government Exhibit 325, which is a  
17 tape of CM25. W2 is a digital audiotape provided by the  
18 government to the defense of Government Exhibit 343, which  
19 is CM41 and 45. Pursuant to stipulation with the  
20 government, the relevant portion which was the transcript  
21 reflecting the excerpt of Government Exhibit 343T, there is  
22 a stipulation as to the date being June 16 and not June 14.

23 THE COURT: It is all June 16, 1993.

24 MR. WASSERMAN: It is all. As to W3, that  
25 contains several enhanced portions of W1 and W2.

1           My understanding is that there is no objection  
2 from the government to the introduction of those tapes into  
3 evidence.

4           MR. FITZGERALD: That is correct, your Honor.

5           THE COURT: All right. W1, W2 and W3 are  
6 received without objection.

7           MR. WASSERMAN: Thank you.

8           (Defendant Hampton-El Exhibits W1, W2, and W3  
9 were received in evidence.)

10          MR. WASSERMAN: In addition, Government Exhibit  
11 marked for identification 325E, audiotapes 1 through 3, is  
12 being offered into evidence; again, it is my understanding,  
13 without objection from the government.

14          MR. FITZGERALD: That is correct, your Honor.  
15 And the record can reflect they are consent tapes.

16          THE COURT: All right. 325E, cassette tapes,  
17 consisting of three tapes, are received without objection.

18          (Defendant Hampton-El Exhibit 325E was received  
19 in evidence.)

20          MR. WASSERMAN: I should make clear, your Honor,  
21 that on W1 there are two digital audiotapes and on W2 there  
22 are four digital audiotapes. W3 is just one digital  
23 audiotape.

24          Your Honor, at this time the defense is calling  
25 out of order -- my client will resume the stand after we

1 hear from her -- Ms. Siri Averill.

2 THE COURT: We are going to interrupt Mr.  
3 Hampton-El's testimony so Ms. Averill can testify. Go  
4 ahead.

5 MR. WASSERMAN: Thank you.

6

7 SIRI AVERILL,

8 called as a witness by the defense,

9 having been duly sworn, testified as follows:

10 MR. WASSERMAN: Your Honor, may I approach?

11 THE COURT: Go ahead.

12 DIRECT EXAMINATION

13 BY MR. WASSERMAN:

14 Q Good afternoon, Ms. Averill.

15 A Good afternoon.

16 Q Ms. Averill, how are you employed?

17 A I am a paralegal for the defense of Clement  
18 Hampton-El.

19 Q Approximately how long have you been engaged as a  
20 paralegal?

21 A It was a year in May.

22 Q What is your professional education?

23 A I graduated Brooklyn Law School last June, I  
24 passed the July bar, and I am awaiting admission to the bar  
25 right now.

1           Q       Ms. Averill, there before you are two documents  
2           and a number of tapes. The tapes have been marked into  
3           evidence as W1, W2 and W3. The transcripts are W1-T and W2-  
4           T for identification. Do you recognize those transcripts?

5           A       The transcripts? Yes, I do.

6           Q       What is W1-T?

7           A       W1-T is a transcript of CM25.

8           Q       And W2-T?

9           A       W2-T is a transcript of a portion of CM41, 45.

10          Q       You prepared those transcripts based upon what  
11         recordings?

12         A       Based upon the digital audiotape recordings.

13          Q       Do those transcripts actually reflect what you --  
14         withdrawn.

15                 There are underlinings in those transcripts, are  
16         there not?

17         A       Yes, there are.

18          Q       What do those underlinings stand for?

19         A       Where what I heard differed from the government  
20         transcript.

21          Q       And the government transcripts in question are  
22         325T and 343T, respectively, is that correct?

23         A       Yes.

24          Q       Where you underlined and inserted a word, is that  
25         what you heard?

1           A       Yes, it is.

2                   MR. WASSERMAN:  Your Honor, I would offer into  
3 evidence at this time what has been marked as W1-T and W2-T.

4                   MR. FITZGERALD:  No objection to their being  
5 received as an aid to the jury.

6                   THE COURT:  W1-T and W2-T are received again as  
7 aids to the jury.  Since these are English language tapes --  
8 yes?

9                   MR. WASSERMAN:  Yes, your Honor.

10                  THE COURT:  -- it is what is on the tape that is  
11 in evidence.  These will be received accordingly.

12                   (Defendant Hampton-El Exhibits W1-T and W2-T were  
13 received in evidence.)

14                  MR. WASSERMAN:  Thank you.  No further questions.

15                  THE COURT:  Cross?

16                  MR. FITZGERALD:  Briefly, Judge.

17       CROSS-EXAMINATION

18       BY MR. FITZGERALD:

19           Q       Good afternoon, Ms. Averill.

20           A       Good afternoon.

21           Q       I will just ask you questions only about W1-T,  
22 which is the transcript corresponding to CM25.

23           A       Yes.

24           Q       And transcript of W1.  You indicated that what is  
25 underlined is where what you heard differs from the

1 government version?

2 A That's correct.

3 Q Did you review the entire transcript, even the  
4 parts that are not underlined?

5 A No. I reviewed portions of the transcript.

6 Q The second question I have is: When you reviewed  
7 the underlying portions of the transcript, were you given a  
8 transcript in an underlined fashion and you verified the  
9 fact of what is here is what is written in the transcript,  
10 or did you create the transcript itself?

11 A I created the transcript myself.

12 Q When you were working and listening to CM25, did  
13 you have anything written in front of you to look at to see  
14 whether or not the words you heard on the tape were what was  
15 in front of you?

16 A I had the original government exhibit, yes.

17 Q Let me just direct your attention to what is in  
18 evidence at pages 77 and 78 and 79. I am just going to ask  
19 you questions on those three pages. What I would like to do  
20 is actually listen to the tapes once, going through those  
21 three pages, but to tell you the questions in advance so you  
22 know what to listen for. If you would like to write down,  
23 if you could, if you would write it down on the transcript  
24 next to it so you can listen to the two words to compare,  
25 yes or no, and then you can just listen to it once and I

1 will simply ask you to tell me again whether or not you  
2 think any of those underlinings should be changed.

3 A OK.

4 Q If you look at the very bottom of page 77.

5 MR. FITZGERALD: I don't think the jurors have  
6 these in their books, your Honor. This will be Hampton-El  
7 W1-T.

8 MR. WASSERMAN: They do.

9 THE COURT: Page 77?

10 MR. FITZGERALD: Page 77. If you look at the  
11 bottom of page 77, the last speaking portion is  
12 Mr. Hampton-El who says, "Yes. You see, the obvious thing  
13 is to let them think." And as to the words "obvious thing,"  
14 if you could put a Post-it or write in there, above "obvious  
15 thing" the words "I did things." So that when you listen to  
16 the tape, determine whether it says "the obvious thing is to  
17 let them think" or "I did things to let them think." That  
18 is the first thing.

19 Then turn to page 78, the next page. If you can  
20 look at the eighth attribution down, and if you look at the  
21 second line, "distracting deception, (UI) from here to there  
22 to there." If you hear the digital version of the tape, if  
23 you would listen to the unintelligible and see if you hear  
24 the word "call," c-a-l-l.

25 A That's where there is no underline?

1           Q       Right. "(UI)." Just to see if the digital  
2 version now makes it intelligible. And feel free in any  
3 answer to say yes or no or you are not sure. I realize it  
4 may not be clear.

5                   The next speaking part Hampton-El said "The  
6 Jewish Defense League is, disgusted with you  
7 and." Would you look at those words and see whether or not  
8 you hear "infested with UN pay. So is it "is disgusted with  
9 you" or "infested with UN pay"?

10          A       All right.

11          Q       The next sentence says "and this is a rebuttal to  
12 world peace," "world peace" being underlined. Just write  
13 down to see if you hear the words "those people" instead of  
14 "world peace."

15          A       Yes.

16          Q       In the next speaking part, Mr. Hampton-El says  
17 "nothing to think about." The first word, see if it is  
18 "something" rather than "nothing."

19                   And the next speaking part, the third line, it  
20 says "getting so old (UI)." Then you hear the words "these  
21 people on the phone." If you could listen to see whether or  
22 not you hear "yahood" on the phone, y-a-h-o-o-d.

23          A       OK.

24          Q       The next speaking part, under Hampton-El, where  
25 it says "(UI) when the call comes in, aki," if you could

1 listen to see whether you can hear "when that happened,  
2 aki."

3 A OK.

4 Q And then the next speaking part there is no  
5 underlining where it says "structure symbols." If you could  
6 listen to the digital tape and see whether or not the words  
7 are "structure similar," s-i-m-i-l-a-r.

8 A OK.

9 Q And finally, just three things to listen to on  
10 page 79, and we will be done. The two-thirds of the way  
11 down the page, a relatively long-speaking part by Siddig  
12 Ali --

13 A Right.

14 Q -- on the second line it says "It'll take at  
15 least years." If you can listen to see whether it says  
16 "take this here," t-h-i-s h-e-r-e.

17 A Yes.

18 Q And then the final two questions, or the next  
19 line by Hampton-El, "Course, with that you don't need me."  
20 The word "me" is underlined. You listen to whether you hear  
21 the word "me" or "it" or whether you can tell the difference  
22 between the two.

23 A OK.

24 Q And then finally, on the next attribution to  
25 Hampton-El, when you hear the second line "told me when I,"

1 if you listen to see whether the sentence read "The two  
2 structures you said before," said before or told.

3 A OK.

4 Q I realize I gave you a lot, but I will play it  
5 and you just listen and make a note as to whether that  
6 changes any of the words or whether you are not sure.

7 MR. FITZGERALD: I think we are ready to play the  
8 tape.

9 (Tape played)

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11 (continued on next page)

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1                   THE WITNESS: Excuse me, excuse me. I just  
2 wanted to make sure -- never mind. I got confused with the  
3 stickie. Go ahead.

4           Q       If you need to stop, go ahead.

5           A       I had overlapping stickies.

6                   (Tape continued)

7           A       There are a couple portions, actually, I couldn't  
8 tell. Would you like me to listen to them again?

9           Q       OK. Why don't I run through them and just ask  
10 you, for example, on the first page, 77, I did things --

11          A       The obvious thing -- with these headphones, I  
12 couldn't tell.

13          Q       And then on page 78, did you hear the word  
14 call --

15          A       I couldn't tell.

16          Q       The section where it said disgusted with you or  
17 infested with UN pay, could you tell what it was?

18          A       Again, I would want to listen to it again,  
19 several of these.

20          Q       The next one where it says world peace versus  
21 those people?

22          A       That one I heard, world peace.

23          Q       The next one, nothing for something?

24          A       I heard nothing.

25          Q       The next one, did you hear Yahoood on the phone

1 telling me to come?

2 A I think I did, yes.

3 Q And the next one where it says Hampton-El  
4 unintelligible, did you hear when the call comes in or when  
5 that happen?

6 A I heard -- see, where it says where the call  
7 comes in aki unintelligible, I heard aki when that happens.  
8 The unintelligible was when that happens.

9 Q And then where you see the word structure  
10 symbols, could you tell whether it was symbols or similar?

11 A I heard symbols.

12 Q And just three questions on page 79. Where it  
13 said it will take at least years, did you hear at least  
14 years or this here?

15 A I heard at least years.

16 Q With that you don't need me, could you tell  
17 whether it was me, it --

18 A I heard me. I heard the M.

19 Q And finally, the two structures you told me or  
20 the two structures you said before, which ones did you hear?

21 A Said before. I heard said before.

22 Q Thank you. Will you agree with me that sometimes  
23 you have to listen a number of times to make up your own  
24 opinion as to what you hear?

25 A Sometimes you have to listen several times, yes.

1           Q       And the ones that you identified you think you  
2    have to listen to several times?

3           A       For right now, yes.

4                   (Continued on next page)

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1 MR. FITZGERALD: Thank you.

2 THE COURT: Anything else, Mr. Wasserman?

3 MR. WASSERMAN: No, thank you.

4 (Witness excused)

5 THE COURT: Ladies and gentlemen, we are going to  
6 take a short recess. Please leave your notes and other  
7 materials behind. Please don't discuss the case. We will  
8 resume shortly.

9 (Jury excused)

10 THE COURT: Is this the point at which you are  
11 going to play the tape, Mr. Wasserman?

12 MR. WASSERMAN: Yes, your Honor. Thank you.

13 CLEMENT HAMPTON-EL, resumed.

14 (Jury present)

15 THE COURT: Mr. Wasserman.

16 (Continued on next page)

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1 DIRECT EXAMINATION continued

2 BY MR. WASSERMAN:

3 Q Good afternoon, Rashid.

4 A Good afternoon.

5 Q Did there come a time after you had that  
6 discussion in the park with Siddig about doing something to  
7 the Serbs here that you saw Siddig again?

8 A Yes. I saw him again.

9 Q Could you raise your voice.

10 A Yes, I saw him again.

11 Q Do you remember when?

12 A I think the exact date was the 30th of May.

13 Q You were aware -- pardon me. Withdrawn.

14 Where did you see him that day?

15 A It was over at the training center for Bosnia,  
16 Rogers Avenue, the dojo.

17 Q Please lift your voice up.

18 A The apartment dojo up on Rogers Avenue.

19 Q Thank you. Had Siddig or you made an appointment  
20 in advance with each other?

21 A He said he wanted to talk to me.

22 Q Did he tell you he was bringing anything?

23 A No, he didn't.

24 Q When he came, approximately what time of day was  
25 it?

1           A       I think it was the late afternoon.

2           Q       Was there anybody with him?

3           A       Emad Salem.

4           Q       I would like to ask you a series of questions  
5 concerning that meeting. How long was the meeting?

6           A       Perhaps two hours.

7           Q       You are quite aware that conversation was  
8 recorded as CM 25?

9           A       I am now.

10          Q       I would like to play the tape and, your Honor,  
11 with the court's permission hand up to Mr. Hampton-El what  
12 has been marked as Defendant's Exhibit W1T.

13                   THE COURT: Go ahead.

14                   MR. WASSERMAN: If the jurors would put earphones  
15 on. Thank you.

16                   (Tape played)

17          Q       Rashid, a few questions about what has happened  
18 so far in this meeting. At the moment the tape stops, what  
19 is going on?

20          A       We are getting ready to perform prayer.

21          Q       At the beginning, on page 1 of the transcript, it  
22 refers to the last time we met, or rather, I am sorry, Emad  
23 Salem is saying at the bottom of the page the last time we  
24 met, and you referred to Abu Bakr, and then on the following  
25 page he says Abu Bakr with Sheik Ali, and you say nahm,

1     nahm. Then two attributions down you say hamdi Allah, I  
2     know the brother, you know, we talked about some things  
3     already.

4                     What is being referred to there?

5             A       Referring to the time that I was over at Abu Bakr  
6     making prayer and Ali Shinawy introduced me to Emad Salem.

7             Q       What are some of the things you discussed?

8             A       He approached me at that time and asked me to get  
9     him a weapon and the things that he said he wanted to do was  
10    to harm -- first of all, he spoke about how many people he  
11    had did already, he had killed people before and he did  
12    things in. And that Dov Hikind, Charles Schumer, Jewish  
13    Defense League and the Jewish Defense Organization, he was  
14    interested in doing something against them.

15            Q       Did you ever provide him a weapon?

16            A       Never.

17            Q       Do you know of anyone who provided him a weapon?

18            A       Not to my knowledge. I never saw him again until  
19    this time here.

20            Q       Down the page there is a reference to your having  
21    15 cars on you, surveilling you. Is that true?

22            A       It's a little exaggerated but it was several  
23    cars, as much as 8 and as many as 10, to the best of my  
24    recollection, FBI.

25            Q       When you say on page, I believe it is 4, that I

1 know where they live, I know their names, is that true?

2 A That's a lot of garbage. I mean, that's  
3 something I was dropping on him to impress him, so to speak.

4 MR. WASSERMAN: We can continue with the playing  
5 of the tape.

6 (Tape continued)

7 MR. WASSERMAN: Your Honor, with the court's  
8 permission and for everybody's mental health, we are going  
9 to pass the pause by. It will just take a second to where  
10 it picks up on the tape. Thank you.

11 MR. FITZGERALD: No objection.

12 (Pause)

13 MR. WASSERMAN: I think we are ready to resume.  
14 Thank you.

15 (Tape continued)

16 Q Rashid, I am directing your attention to page 5,  
17 the second attribution. You say I can get the most  
18 sophisticated equipment. Where did you have access to the  
19 most sophisticated equipment, if anything?

20 A I didn't.

21 Q Where if anyplace did you have access to the most  
22 sophisticated equipment for what is referred to as the bug  
23 detector?

24 A I didn't. Garrett Wilson offered me something  
25 but there wasn't anything sophisticated about it. This was

1 just feeding into the conversation of what Emad was saying.

2 But I had no access to this type of stuff.

3 Q Did you have any concern about being bugged?

4 A Yes, I did. The fact that I was being surveilled  
5 by the FBI to the degree that I was, I figured perhaps I was  
6 bugged, or could be.

7 Q There is a reference earlier in the transcript  
8 that you went and tripped the hand of someone you thought  
9 was surveilling you from the FBI. Is that correct?

10 A Yes, it is. The fact that these people were  
11 always around my home, my job, following me all the time, I  
12 tried to approach them many times to find out exactly what  
13 was going on. Each time I approached them they rolled up  
14 their car window or they sat there like, just like that  
15 without opening their mouths. So this one day by my job, it  
16 was five cars, 21 Sterling Street, one across this side of  
17 Flatbush, the other on the right-hand side, on Sterling.  
18 Two on Flatbush, one going towards Grand Army Plaza and the  
19 other one going towards Atlantic Avenue. The fifth car was  
20 down by the Cinema Theater.

21 So I saw the people leaning out against the car.  
22 I said today I am going to see if I can find out what's  
23 going on. So I crossed the street like I was going to get  
24 some chicken from this place across the street, and I waited  
25 for the light to change and the traffic was moving. At this

1 time I looked for an opening, I dashed across the street.  
2 The guy bounced up off the car. I said how you doing,  
3 what's up, why are you following me all the time? He said  
4 look, man, you're OK in my book, I'm just doing my job. I  
5 said OK, I'll do mine. So I start writing down some license  
6 numbers and the woman jumped in the car, she was quite  
7 angry, and they took off.

8 (Continued on next page)

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1 MR. WASSERMAN: Just one second. Excuse me, your  
2 Honor. One moment with counsel.

3 Your Honor, may I approach side bar with counsel?

4 (At the side bar)

5 MR. WASSERMAN: Your Honor, it is just that there  
6 is a redacted portion in the transcript that had been agreed  
7 to previously between the government and Ms. Stewart,  
8 counsel for Sheik Omar Abdel Rahman. The government is  
9 suggesting that we can simply fast forward a page and a half  
10 and continue.

11 MR. FITZGERALD: Just tell the jurors not to  
12 listen while she cues it up.

13 THE COURT: Fine. Is that right now or in the  
14 middle of what you are going to play?

15 MR. WASSERMAN: We are right there now.

16 (In open court)

17 MR. WASSERMAN: If the jurors would please keep  
18 their headsets off until we find the place to resume. Thank  
19 you.

20 (Pause)

21 MR. WASSERMAN: Your Honor, my apologies to the  
22 court. We are not able to resume after the redacted  
23 portion. If it is OK with the court, we can continue with  
24 other things.

25 THE COURT: We will take a break in 10 minutes,

1 so if you can continue with something else, we can find it  
2 at the break.

3 MR. WASSERMAN: Your Honor, we will be resuming  
4 on page 8, the ninth attribution down where Hampton-El says  
5 I got signatures.

6 (Tape played)

7 (Continued on next page)

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1 BY MR. WASSERMAN:

2 Q Rashid, that last attribution, can you explain  
3 that to the jury?

4 A Referring to the signatures, I was referring to  
5 the time I was in the armed services --

6 Q I want sorry. That is not my question. The  
7 question is, on page 9 at the top where it says so I'm just  
8 saying that when Sayyid Nosair, he knows why I don't come  
9 see him, can you explain what you were meaning there?

10 A I was meaning that myself being involved in  
11 project Bosnia and my efforts for jihad overseas, he would  
12 understand why I wasn't coming to see him.

13 Q Why would you not come to see him because of your  
14 efforts of jihad overseas?

15 A I felt as though the fact that he was being  
16 scrutinized, his trial, rather, and the publicity that he  
17 received, that whoever I would get to participate in project  
18 Bosnia or any other thing, people would be fearful because,  
19 number one, when people hear FBI they tend to step back a  
20 notch. The FBI to my way of thinking is an intimidating  
21 government agency. So this is what I meant by what I said.

22 MR. WASSERMAN: Thank you.

23 (Tape continued)

24 MR. WASSERMAN: Your Honor, this is a reasonable  
25 break.

1                   THE COURT: Ladies and gentlemen, we are going to  
2 take a short break now. Please leave your notes and other  
3 materials behind. Please don't discuss the case and we will  
4 resume shortly.

5                   (Jury excused)

6                   (Recess)

7                   (Continued on next page)

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1 (Jury present)

2 THE COURT: You may proceed.

3 MR. WASSERMAN: Thank you, your Honor.

4 DIRECT EXAMINATION (continued)

5 BY MR. WASSERMAN:

6 Q Rashid, on page 8 you said, "I got signatures, I  
7 got maybe five, ten thousand signatures of the United States  
8 Army organized government of America." Was that true?

9 A Exaggeration. It wasn't true.

10 Q Moving on to page 9, Mr. Siddig Ali at the middle  
11 of the page says, "I need something. I need it bad, bad,  
12 OK?" Did you know what he was referring to?

13 A No, I didn't.

14 Q Speak up.

15 A No, I didn't. I don't recall him even saying  
16 that.

17 Q At the bottom of page 10, where he said, "What do  
18 you think they did to Bruce Lee." What did they do to Bruce  
19 Lee that you are referring to?

20 A I was speaking about before this "A Touch of  
21 Death," it is called, and it was just --

22 Q Where did you get it from?

23 A A Kung Fu movie.

24 Q Moving on to page 12, you say, near the middle of  
25 the page, the third attribution "So it's something you got

1 to do, ak, to continue our work." What are you referring  
2 to? What is "our work"?

3 A Project Bosnia.

4 Q At that time there was no more training going on,  
5 was there?

6 A No.

7 Q What training was going on?

8 A There was no training at that time.

9 Q At the paragraph below you say "Because in fact  
10 most people are not ready." What are you referring to  
11 there?

12 A Jihad. I went to several people and most people  
13 weren't ready. And I wasn't referring only to here; I was  
14 referring universally, as far as the Muslims were concerned,  
15 because there was little help being done, as far as I was  
16 concerned, for the people in Bosnia.

17 MR. WASSERMAN: You can resume the playing of the  
18 tape.

19 Sorry, we are in the middle of page 13, the third  
20 attribution from the top, Mr. Hampton-El, and we are about  
21 five lines in where it says "it's Christmas or New Year's,"  
22 and where it says "I am sick saying to myself."

23 (Tape played)

24 Q Rashid, when we picked up on the tape, you said,  
25 "So I'll go to Salat in the morning in the park inshallah."

1 What is the reference to the park?

2 A I was referring to the Eid. There is an Eid  
3 after Ramadan. Ramadan is a month of fasting and, after the  
4 month ends, there is a festival, a celebration, so it is  
5 called Eid, E-i-d.

6 Q What has the park got to do with it?

7 A The park, all of the Muslims gathered there. It  
8 started out about two or three thousand; now it is up to 25,  
9 30,000 people. They come to the park, they greet each  
10 other, they pray, they listen to a long sermon, they  
11 exchange gifts, and they are happy because they were able to  
12 achieve the fasting, and the fasting consisting of many  
13 areas aside from abstaining from oral intake.

14 Q What park are you talking about?

15 A Prospect Park usually, and many other parks.  
16 They are in all the parks.

17 Q What park were you talking about at the time?

18 A Prospect Park in Brooklyn.

19 Q There is a word that is used in the next  
20 attribution to you, "Takwa, the state of Allah,  
21 unintelligible, takwa is very, you know." What does takwa  
22 mean?

23 A Takwa has many shades of meanings. The main one  
24 is fear of your creator, God consciousness, love, obedience.

25 Q In the next attribution, you are talking about

1 something coming "out of Egypt, America, Great Britain,  
2 Japan, France, Israel, etc., etc. All those powers of kufar  
3 being aided by people like Mubarak, Hussein, Khomeini,  
4 Assad, etc." What are you talking about?

5 A First of all, Great Britain, France, Israel,  
6 America, a lack of understanding of Islam and in its truest  
7 form, because it's been written by people who lack the  
8 knowledge in its purity, speaking of Mubarak, Assad,  
9 Khomeini --

10 Q Stop for a second, if you would. Mubarak is who?

11 A He is the president of Egypt.

12 Q Hussein is?

13 A He is the president of Syria.

14 Q And Khomeini?

15 A He was the president or emir of Iran.

16 Q And who is Assad?

17 A Excuse me. Hussein is Iraq. Assad is Syria.

18 Q Are you putting together those people, Mubarak,  
19 Hussein, Khomeini and Assad, with the powers of kufar?

20 A In a certain respect, the fact that they are  
21 Muslim and they have knowledge of Islam, but they have  
22 deviated from the true path, in the respect that Mubarak, I  
23 look at him as a dictator, a tyrant, because he oppresses  
24 the people of Egypt, he locks them up, puts them in jail,  
25 kills them. If a man wears a beard there, he is

1       incarcerated.  If he speaks about Islam, he is scrutinized  
2       and his family is put in jeopardy.

3             Q       What about Saddam Hussein?

4             A       Saddam Hussein, well, everybody knows he's been a  
5       fool and because he did a lot of stupid stuff to get his  
6       people in a problem there by entering Kuwait and creating  
7       havoc.  He caused war for his people.

8             Q       What about Khomeini, Assad?

9             A       Assad?  It is known by Muslims, and probably  
10       people who are non-Muslims, that he's went into towns or  
11       communities in one weekend, from Friday to Sunday morning,  
12       he killed in the neighborhood of 200,000 people.  And he  
13       oppresses Islam too.  And Khomeini, I thought he was radical  
14       in the sense that he is a man and we as Muslims, we worship  
15       Allah, and we don't look up to any man as someone who would  
16       direct us as to what to do, unless with something that was  
17       according to the laws of Islam.

18            MR. WASSERMAN:  Let's continue with the tape,  
19       please.

20            (Tape played)

21            Q       Rashid, working backwards, what film are you  
22       referring to in the line that you just heard?

23            A       The film I am referring to is a film I made in  
24       the hospital about Afghanistan.

25            Q       You mentioned that before.  You say that you have

1 been on TV. Were you ever on TV?

2 A Yes, I was, not heavy, I mean CNN came by the  
3 masjid one time when the Jewish Defense League said they  
4 were going to close us down. There was a march on the  
5 masjid and I was outside and spoke briefly.

6 Q There was a mention here of Shayton,  
7 S-h-a-y-t-o-n, as it is spelled in the transcript. What is  
8 Shayton?

9 A Shayton is the devil.

10 Q And you are talking about a bomb at the top of  
11 the page and then at the bottom of the page, number 16, you  
12 say when you made the Salat you don't hear the bomb. What  
13 are you referring to?

14 A I am speaking about when I was in Afghanistan  
15 they used to bomb us, and it was disturbing the first time,  
16 but when you focused on your prayer, it was like you didn't  
17 hear it. And I got blown up. There was bombing going on.  
18 And we all stopped and prayed, and we didn't hear. It was  
19 locked out.

20 Q There is a lot of music going on in the  
21 background. Where was that coming from?

22 A That was the music, a kid across the street had  
23 like two ghetto blasters, big radios sitting outside his  
24 window, and he was blasting them. This is what I was  
25 referring to in the bombing in Afghanistan, because he says,

1 "How can you do this?" I says, "Well, I have heard enough  
2 loud music that you have to learn how to block it out  
3 sometimes, otherwise you can't read Koran, you can't sleep,  
4 you can't concentrate on your prayer."

5 MR. WASSERMAN: We will resume.

6 Page 17, and it is about a third of the way up,  
7 should begin approximately with the words "So they know all  
8 this."

9 (Tape played)

10 (continued on next page)

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1           MR. WASSERMAN: Going to page 19, there is a  
2 reference there in the middle of the page to, they tell me  
3 they want to be paid money to go inside. Who is they and  
4 what is inside?

5           A       I was referring to Afghanistan. They wanted to  
6 pay me when I got there a salary for going inside, and I  
7 told them that the Muslim doesn't take a salary to function.

8           Q       The question, if I may, and you may look at the  
9 page in the transcript, is, the fifth attribution down on  
10 page 19 they are saying, so, ah, I have experts -- have you  
11 found the attribution? Do you recall what that says? If  
12 you don't, you don't. Do you recall, rather, what that  
13 meant? If you don't, you don't.

14                   (Pause)

15           Q       Does reading it refresh your recollection?

16           A       Not really.

17           Q       At the bottom -- rather, in the middle on page  
18 20, you are saying, the only one who got all the way was  
19 certain brothers and one of them is still inside.

20           A       Right.

21           Q       Who were you referring to there?

22           A       Speaking about Taher, and he was inside Bosnia.  
23 As I said before, the entrance for people to go inside  
24 Bosnia had gotten closed up, so there were many people who  
25 got there, and there was way out.

1           Q       There is a reference right below that where you  
2       are telling Siddig, and there is a lot of Sudanese brothers  
3       in there. Was that correct?

4           A       Yes. My understanding was that a lot of the  
5       people that went to Bosnia was Egyptian, Sudanese and Saudi.

6           Q       If you turn to page 21, in the middle of the  
7       page, where it begins with the people are armed, Serbian  
8       army is armed, etc., there are two words that are used and  
9       they have a PH in parentheses after them, the word deen and  
10       the word kuhfars. What is dean and what is kuhfars?

11          A       Deen is the faith, Islam. The word deen is faith  
12       in Islam.

13          Q       What is kuhfar?

14          A       Kuhfar is someone who has no faith, is either  
15       communist or just atheist.

16          Q       Moving to the next page, page 22, in the second  
17       Hampton-El attribution, five lines from the bottom of it  
18       there is a word dunya, D-U-N-Y-A, followed in the next line  
19       by PH in parentheses. What does dunya mean?

20          A       Dunya means this life, this world.

21          Q       That word is followed by, it's a jail for the  
22       Muslims, this world here, it's a prison for us, so the  
23       awakening has to be there. What are you referring to? What  
24       do you mean?

25          A       I am referring to Muslims. This life is an

1 unreal stage, it's something like today is going to leave  
2 and there will be tomorrow. It's not going to last long, so  
3 we don't strive in this life. We live this life, we have to  
4 go through it, we try to enlighten people about the tenets  
5 of Islam but we are not going to cling to it because we are  
6 striving for the life to come, which is eternity.

7 (Continued on next page)

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1 THE COURT: Mr. Wasserman, may I see you at the  
2 side.

3 (At the side bar)

4 MR. WASSERMAN: The exact question actually is,  
5 there is a line there ain't no freedom here referring to the  
6 United States and my question wasn't actually precise.

7 THE COURT: Are you planning to march through  
8 this page by page, line by line?

9 MR. WASSERMAN: Not line by line but it is  
10 necessary to go through it --

11 THE COURT: Are you going to go through all 80  
12 pages of this?

13 MR. WASSERMAN: I have to.

14 THE COURT: At this rate?

15 MR. WASSERMAN: I will try to move along.

16 THE COURT: It's ridiculous. Mr. Wasserman,  
17 look, part of what we do here is to establish a priority of  
18 facts. You seem to inhabit a democracy of facts in which  
19 every fact is equal to every other fact and every fact gets  
20 a vote.

21 MR. WASSERMAN: I have no way of presenting my  
22 defense than this recorded conversation and explaining what  
23 he is doing as the conversation is proceeding. Otherwise  
24 the jury will draw the wrong inference as to different --

25 THE COURT: Mr. Wasserman, you are going to

1 establish some priorities here or I am going to do something  
2 that I do not want to do here and did not want to do and  
3 that is to set a time limit. This morning you moved along  
4 from subject to subject, but this is absurd.

5 MR. WASSERMAN: Your Honor, I have no way of  
6 accelerating it.

7 THE COURT: Yes, you do.

8 MR. WASSERMAN: What is that?

9 THE COURT: Common sense.

10 MR. WASSERMAN: Judge, the point here is that  
11 although it will take several hours, it will establish for  
12 the jury when my client is serious and when he is not and  
13 how this conversation progressed. There is no other way of  
14 doing it. The government played this conversation in its  
15 entirety, and there are many things that need to be  
16 explained to the jury that occur in this conversation. It's  
17 that simple. They are using it to convict him and I need to  
18 use it to have the jury reach a different decision. If you  
19 want to give a time limit to the defense, you're the judge,  
20 but it is not something that -- I have thought this through  
21 very carefully and I have worked very hard to prepare this.  
22 This is not something that I am doing to tax them.

23 THE COURT: That is the effect.

24 MR. WASSERMAN: It's the defense.

25 (In open court)

1 BY MR. WASSERMAN:

2 Q Rashid, there is a line in that paragraph that  
3 says there ain't no freedom here, referring to America.  
4 What did you mean by that?

5 A Meaning that the Muslims, they are being  
6 distracted by --example. One leaves Egypt, one leaves  
7 Somalia, Sudan, wherever, be it Europe, be it Africa, be it  
8 the Middle East, where there is poverty, people are poor to  
9 a very great degree. So they come here and they become  
10 very, very stagnant and content, with the TV, the  
11 wall-to-wall carpeting, etc., etc. And the freedom that a  
12 person would have for his own mind as to know that the  
13 preparation he is making in his life is for the life to  
14 come, you can't take a building with you, a car, a boat or  
15 nothing else. Only thing you can take with you is your  
16 actions.

17 MR. WASSERMAN: Can we continue the tape.

18 (Tape continued)

19 BY MR. WASSERMAN:

20 Q Rashid, at page 22, at the bottom, you state this  
21 is not the time to fall back, this is the time to advance.  
22 And then on the following page, the first attribution to  
23 you, this is not the time to stick your head in a hole and  
24 hide, this is the time to bring your whole body up and let  
25 the man know that you have no fear of him. Continuing on

1 the next attribution, that he cannot intimidate you. What  
2 are you talking about?

3 A I am speaking about Bosnia again. I am speaking  
4 about people, the World Trade having happened, it upset a  
5 lot of people because it was said that Muslims had did it.  
6 So people became afraid because the scrutiny that was there  
7 before heightened, and any time you would ask a person,  
8 mention something about Bosnia, jihad, they would step back  
9 and say I don't want no part. And I would tell them this is  
10 not about here, this is about going over there and help  
11 people who are being destroyed, so why be afraid, as long as  
12 you are not doing anything bad, what you going to stick your  
13 head in a hole in the ground and play like, you know, you  
14 are in problems.

15 MR. WASSERMAN: Your Honor, this would be a  
16 convenient breaking point. If you want me to continue, I  
17 will.

18 THE COURT: Try one more.

19 MR. WASSERMAN: I am sorry, Judge.

20 THE COURT: Do one more.

21 MR. WASSERMAN: Could you continue, please.

22 (Tape continued)

23 Q Who was the guy who was a changed man who was  
24 very, very annoyed?

25 A Bilal Phillips.

1 MR. WASSERMAN: Thank you.

2 THE COURT: Ladies and gentlemen, we are going to  
3 break for the day. Please leave your notes and other  
4 materials behind. Please don't discuss the case.

5 I have said several times, please don't see, hear  
6 or read anything about this case or any related matter, and  
7 I want to stress that now and in the coming days. I would  
8 also remind you that if even inadvertently you do see  
9 anything that relates either to this case or any other case  
10 that you think could conceivably affect your judgment, you  
11 are asked to point it out to Miss Schwartz who can then  
12 point it out to me, and we can talk about it if necessary.  
13 If that admonition, see you tomorrow morning. Good night.

14 (Jury excused)

15 THE COURT: For any of defense counsel who may be  
16 interested in it, the topic I discussed with Mr. Wasserman  
17 at the side was the process that we are now going through,  
18 and the wisdom and efficacy of it. What he told me in  
19 essence is, he has thought it through very carefully and  
20 that it is necessary for him to go through this process in  
21 order to put on his defense. I don't know whether he has  
22 discussed this with anyone else or not. I would invite any  
23 of you who have views to discuss it with him.

24 See you tomorrow morning.

25 One more thing. The record should reflect that

1 we are now approximately, what, a third, Mr. Wasserman,  
2 through this tape? Less than that, right?

3 MR. WASSERMAN: We are about a third of the way.

4 THE COURT: And we started when?

5 MR. WASSERMAN: We started this afternoon.

6 (Page 15735 sealed)

7 (Proceedings adjourned until Thursday, April 3,  
8 1995, at 9:30 a.m.)

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