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**“Grand Jury Abuse in the Service of Islamophobia”**

**By: Imad-ad-Dean Ahmad. Ph.D**  
**(President, Minaret of Freedom Institute, Bethesda, MD)**  
[www.minaret.org](http://www.minaret.org)

**Abstract**

Among the effects of imperial expansion is the erosion of domestic society. We use the example of the corruption of the grand jury system as a study in how the hegemonic endeavors of the current administration promote Islamophobia as a substitute for the classical liberal ideology that had been the historic source of American social solidarity.

Grand juries were enshrined in the Constitution in order to protect the civil liberties of those who may be targets of prosecution. Instead, they are being used to achieve other objectives, such as prosecution itself, intelligence gathering, attempts to provoke or simulate perjury, generation of smears aimed at destroying the lives of the targets, an excuse for threatening individuals not convicted of any crime with indefinite incarceration in order to recruit them or punish them for political activity, and to provide a theatre upon which propagandists can draw for the demonization of Islam and Muslims.

This paper considers three particular cases. It examines (1) allegations that one of the “Paintball 11” was pressured to implicate innocents before a grand jury as part of a conspiracy, (2) the evidence that the grand jury system was used to punish Abdelhaleem Ashqar for refusing to spy on the Palestinian resistance, (3) how the system was used to prolong the incarceration of Sami Al-Arian, and (4) the Islamophobic dimension of the grand jury investigation into the “Virginia Charities.” Among the factors considered are the modes of operation of the prosecutors, the political context in which they operate, and the involvement of political propagandists both in providing material to rationalize the abuse and in exploiting the process itself for advancing their particular interests and the general cause of increasing state power.

**Introduction**

One of the perils of empire is its effect on the home front. Social solidarity may be employed in rallying support for imperial expansion in its early phases, but eventually social solidarity is eroded by the strains that overextension of empire places on the domestic society. This general principle, which may be found in the writing of Ibn Khaldun, is illustrated in complex and profound ways in the current situation in the United States.

The social solidarity on which the American republic was founded was not one of ethnicity, nor religion per se, but of ideology. Thus, although most of the first generation of American citizens were Anglo-Saxons and Christians of one sort or another, they were united not by these things but by their common faith in what we now call classical liberalism. This political ideology was open to Jews and those with national origins outside of Britain, and eventually to former slaves and to immigrants from all over the world. As solemn an oath is required of officeholders in America as to those of any theocracy, except this oath of duty not to a deity, a monarch, nor even a nation per se, but to the constitution of the nation.

The current efforts to re-establish and solidify hegemony in the Muslim world lie behind the current erosion of civil liberties. The attempt to generate support based on the traditional glue of American social solidarity, faith in liberty, is contradicted by the facts of the agenda of the neo-imperial mission as well as the decline of domestic liberty. Islamophobia provides for an appeal to an external threat as justification, but in the face of the facts that the carnage inflicted by the empire and its hegemonic clients exceeds that caused to the homeland by the purported threats, resort is made to demonization of the enemy, Islamophobia.

In this paper we shall focus on one particular tool used by the Islamophobes: grand jury abuse.

### **Corruption of the Grand Jury Process**

The grand jury was recognized by King John in England in response to the demands of the nobility as means for protecting people from unwarranted prosecution. That the primary function of a grand jury is to protect the rights of accused criminals and not as an investigative tool is clear from the wording of the Fifth Amendment to the U.S. Constitution:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger....

The Constitution thus makes the grand jury the *only* means by which any civilian not engaged in militia service may be called to trial for a serious crime. However, the grand jury has not been limited to this function. Instead, it has become an investigative tool for prosecutors. The grand jury conducts its business in secret and it has the power to compel testimony, and is not bound by the constitutional and evidentiary limitations applicable to the rest of the prosecutorial process.<sup>1</sup>

Because the grand jury is theoretically independent of the prosecutor's office, it has been deemed exempt, for example, from the exclusionary rule (prohibiting the use of illegally seized evidence) and a "witness called before a grand jury is not entitled to be informed that he may be indicted for the offense under inquiry and the commission of perjury by a witness before the grand jury is punishable, irrespective of the nature of the warning given him when he appears and regardless of the fact that he may already be a putative defendant when he is called."<sup>2</sup>

Because the grand juries have extraordinary powers, prosecutors have used them as investigative tools. The same powers that can be used to determine if there is case for indictment against a defendant can be used to make inquiries beyond the scope of any warrant or to set up called witnesses for prosecution based on their behavior before the grand jury, or to elicit embarrassing information unrelated to any criminal case.

The tools involved in the corruption the grand jury process were involved in the corruption of the Congressional investigation process that became known as "McCarthyism" due to their employment by Sen. Joseph McCarthy and his staff. Congressional investigations are supposed to empower the houses of Congress to determine facts that would be useful in the process of crafting legislation. The House Un-American Activities Committee (HUAC), the Senate Internal Security Subcommittee (SISS), and the Senate Permanent Subcommittee on Investigations (SPSI) were used not simply to assemble information for the purpose of drafting legislation, but as a tool of harassment of individuals believed to be Communist or soft on Communism.

These bodies, and numerous other investigative bodies, were used for purposes similar to those in which grand juries are now used against Muslims suspected of sympathizing with Hamas or Palestinian jihad. The multiple functions these bodies served against the "Red Menace" included prosecution (as with Julius and Ethyl Rosenberg),<sup>3</sup> intelligence gathering (as with the pressure successfully applied to Elia Kazan to "name names" of Communists and their sympathizers),<sup>4</sup> opportunities to provoke or simulate perjury (as with Alger Hiss),<sup>5</sup> and smears aimed at destroying the lives of the targets (as the Hollywood writers who ended up blacklisted and unable to work under their own names). In addition, the process was used against political opponents.<sup>6</sup>

A critical technique in the process was the demonization of the accused communists. This process consisted of portraying Communist Party "members as part of a worldwide conspiracy, advocates of violent revolution, inherently dishonest for concealing their party membership, and insensitive for sacrificing everything, even family relationships, for the party—and there was at least some evidence for all of these characterizations."<sup>7</sup>

In considering the cases below it is essential to recall at all times that once one has answered any substantive questions from a grand jury one is required to answer all questions unless they tend to incriminate the witness himself. This means that to obtain one's constitutional rights under the first, fourth, sixth, ninth and tenth

amendments of the constitution, one must refuse to answer any substantive question.

A subpoena to a Muslim activist places him in the awkward position of having to reveal sensitive information about himself, his friends, and his colleagues that may be used in used for propaganda purposes, that may be supplied to foreign powers to use against legitimate resistance operations or for other extra-constitutional purposes. It places the witness a position where an error in testimony may be turned into a charge of perjury, or where the mere fact of non-cooperation may be broadcast as prima fascia evidence of disloyalty or even terrorism.

## **Islamophobia**

Case studies:

### *Paintball 11*

The federal government will use the charge of “conspiracy” against people who have not broken any other law. In a conspiracy it is sufficient to prove that someone has discussed an illegal act and then performed an otherwise legal “overt act” in furtherance of the conspiracy. Eleven young men in Virginia were accused of playing paintball as an overt act training to violate the “Neutrality Act” that prohibits Americans from fighting against nations with whom the United States is not at war. In their case, the accusation was that they planned to fight against India in the cause of the liberation of Kashmir. This act is rarely enforced. For example, the many American citizens who fought on the side of Israel against Egypt, Syria and Jordan, were never prosecuted despite the fact that they actually violated the law rather than simply conspired to violate it.

One of the “Paintball 11,” Ismail Royer, admitted that it was his intention to fight against India, but insisted that most of the others indicted were just innocent fans of the game of paintball and thus resisted government pressure that he should testify against them before a grand jury in exchange for a promise of a drastically reduced sentence instead of the twenty years to which he was eventually sentenced.<sup>8</sup>

According to Royer,

The government has made a major mistake in adopting the approach of treating ALL Islamic movements, with certain rare exceptions, as actual or potential threats. My group of friends and I, for example, never thought for an instant, or even discussed, any kind of anti-American actions. It was and is the last thing on our minds. Lashkar e-Taiba is focused exclusively on Kashmir, and within the Islamic milieu is involved in the intellectual struggle AGAINST al Qaida. The head of Benevolence International Foundation was imprisoned for sending x-ray machines to Chechens, who couldn't care less about America. Examples abound.

...

I would also add that Ibrahim Hamdi and I are alone in the whole “Paintball 11” (now 12 or 13) group that ever really considered fighting anywhere, anyway (I actually did, in '95 [in support of Bosnian troops]<sup>9</sup>). The rest were paintball players or fantasists, with the misfortune of knowing us. Even those who traveled to Pakistan were known to me as non-serious people going through motions, for show, and merely fooled around there for a little bit and moved on. I've heard the FBI first became aware of the post-9/11 group of four travelers to Pakistan [including Royer] when one of them, upon returning to the United States, began bragging about around his university campus that he gone with the intention of fighting the United States. Perhaps the ‘fantasy’ of doing so would be a more accurate term, and anyway he speaks for himself, and the first I heard of it was when the FBI began asking questions about it, and our homes were raided.<sup>10</sup>

Despite the fact that none of the Paintball 11 was involved in planned violence against America nor in any form of violence against civilians, the government claimed a victory against terrorism.<sup>11</sup> The judge who sentenced the men, however, called the sentences “‘draconian’ and ‘sticking in my craw’ but that she had no choice because of congressionally mandated minimum sentences for certain firearms convictions.”<sup>12</sup>

#### *Abdul Haleem Ashqar*

Abdul Haleem Ashqar is a Palestinian who came to the United States in 1989 and taught classes in business and management at Howard University until he lost his job due to the allegations against him. He has repeatedly refused to speak to a grand jury on the grounds that “to do so would violate my long-held and unshakable religious, political and personal beliefs” and that his answers “could and would be given to Israel and would be used against me in an unfair, illegal and politically motivated prosecution for my beliefs, association and religion.”<sup>13</sup>

Ashqar claims that his problems with the government are all due to his persistent refusal to spy on Hamas.<sup>14</sup> He had been arrested (and he claims tortured) by Israelis for participating in demonstrations. The following are the critical elements in the sequence of events as reported to me by Ashqar:

On Sept. 4, 1994 the FBI asked Ashqar if he knew of anyone who would commit a violent act against the United States would he tell them? He told me that his response was “Absolutely, I would tell you; but the way I look at it I am not going to hurt anyone working for the cause of freedom, justice equality within the context of law, even if the Israelis think it is not.”

On Sept. 5, 1996 government officials told him he had to choose from four options: (1) deportation, (2) a subpoena to New York where, in the words of the officials, the FBI and U.S. attorneys’ offices are “dominated by Jews who are pro-Israel,” (3) public exposure of documents that the government had obtained by tapping his phone, fax and e-mail, which, they told him would put his life in jeopardy and “maybe Hamas will kill you for compromising your security,” or (4)

help them incriminate some people. Ashqar said “the only one I have control over is the fourth, and I don’t want to become a collaborator.”

When repeated efforts to get Ashqar to collaborate failed, including an earlier detention for refusing to speak to a grand jury, the grand jury was again used as a means of punishment under the guise of coercion. First came the smear. He received a notice of termination from Howard University on June 16, 2003, the same day that he received his subpoena. Intimidation of family members followed when they spoke to his wife making threats and the offering inducements: money to open a business, jobs for both of them including an appointment to a ministry in Arafat’s government. There is no need to go into all the items in Ashqar’s lengthy list of threats and incentives, as the point that the motivation of his harassment, the desire that he should spy for the benefit of Israel has been established. The final weapon in the arsenal was the specter of indefinite incarceration for noncompliance with the grand jury subpoena.

The purpose of a citation of civil contempt in such cases is to coerce the witness into testifying. Ashqar’s previous lengthy confinement demonstrated that it would have no such coercive effect in his case and he had been released for just this reason. Thus the new incarceration had all the appearance of being punitive, effectively punishment for refusing to become an Israeli collaborator. This impression is confirmed by the government’s unprecedented request that Ashqar be imprisoned for life, and by the underhanded method that request has been made:

In its response, the government never explicitly states that it is seeking a life sentence, but nevertheless, the government states that the Court should adopt the sentencing range suggested by the probation officer, which is life imprisonment. The government does not mention life imprisonment specifically, but only alludes to it, because it knows the Kafkquesque farce of such a punishment for the crime of failure to testify.<sup>15</sup>

### *Sami Al-Arian.*

Sami al-Arian is a Palestinian computer engineer who was born in Kuwait. He has resided in the United States 1975, when he was the age of 17. In the late 1980s and early 1990s he became very active in Muslim, and especially Palestinian, causes.<sup>16</sup> In particular he formed the World Islamic Studies Enterprise (WISE) for the purpose of “trying to challenge the idea that was being advanced in the early 90’s of the clash of civilizations.”<sup>17</sup> Al-Arian held the view that “what we need is dialogue of those civilizations.”<sup>18</sup> Al-Arian places the beginnings of the attacks on his efforts with their attempts to bring Rashid al-Ghanouchi to the United States. Among the principals in the campaign against Al-Arian was by Stephen Emerson who prominently featured Al-Arian in his televised video “Jihad in America”<sup>19</sup> and Johns Loftus, a former Justice Dept. prosecutor and biographer of Israeli spy Jonathan Pollard, who boasts on his website that he “may know more intelligence secrets than anyone alive.”<sup>20</sup>

Al-Arian had become active in support of George W. Bush's campaign for president in 2000,<sup>21</sup> causing some turmoil within the Republican Party. When his son was ejected from a White House meeting on the faith-based initiatives proposal, the Secret Service sent apologies to Abdullah and the Al-Arian family, blaming "an overzealous guard and a new computer system."<sup>22</sup>

Neoconservative outlets readily propagated accusations against Al-Arian,<sup>23</sup> but the attempt to fire him from his job at the University of South Florida stalled when academic and Muslim groups rallied to his support.<sup>24</sup> Then on Feb. 20, 2003 a 118-page indictment<sup>25</sup> was handed down containing extremely serious charges that frightened some of the most outspoken Islamic advocacy groups into silence. Ultimately Al-Arian was acquitted of the most serious charges while the jury hung on the remaining charges.<sup>26</sup>

To avoid the alternatives of trying him yet again or admitting weakness of the case, the government negotiated a deal that in exchange for pleading guilty on a single count of conspiracy. It is significant that the charge is one of "conspiracy" to commit a crime rather than the actual commission of a criminal act. To be guilty of conspiracy one need be guilty of no wrongdoing. It is sufficient that one discuss a criminal act with others and that any one of the "conspirators" perform an otherwise legal overt act in furtherance of the conspiracy. For example, the list of overt acts listed in the indictment in connection with the count to which Al-Arian pled guilty include: "In or about December 28, 1990, in Chicago, Illinois, SAMI AMIN ALARIAN ... attended the Third Annual ICP Conference." This act alone would be sufficient to convert otherwise unprosecutable talk about criminal activity into an illegal act of conspiracy. However, it is important to note that at the time of the alleged overt act, Palestinian Islamic Jihad had not yet been declared a terrorist organization. In addition, Alarian stipulated that he provided some assistance in immigration matters with unnamed persons with some unspecified association with PIJ after it was declared an illegal organization, and that he mislead a reporter into thinking that he did not know who Ramadan Shallah was.<sup>27</sup> All the facts stipulated pertained to an admission of "guilt by association." In return, the government agreed to ask the court to give Al-Arian the minimum sentence and upon release he would be deported.<sup>28</sup> The government also agreed that Al-Arian would not be forced to testify in front of a grand jury. This was critical because Al-Arian would never agree to participate in what he believed to be a "fishing expedition," despite the fact that failure to do so could result in his incarceration for an indefinite period.

The government's reason for making this offer has been stated. Al-Arian's motives are also obvious, and confirmed by his family,<sup>29</sup> namely the length and cruel conditions of his incarceration.<sup>30</sup> The government recommended that he be given the lower end of the sentencing guidelines, 39 months in prison of which he had already served 38 months.<sup>31</sup> He was hoping for release after one more month and a prompt deportation thereafter. The magistrate overseeing the plea agreement warned Al-Arian that the deportation process "may be a matter of months."<sup>32</sup>

The mere fact that Al-Arian made the plea agreement provided fodder for neoconservative bloggers to attack him as someone who had either lied in

pleading not guilty in the first place or was lying now.<sup>33</sup> However, by a further abuse of the grand jury process, Al-Arian is still imprisoned more than year later,<sup>34</sup> despite the plea agreement.

The plea agreement was circumvented on the grounds that the judge who accepted the plea agreement was based in Tampa while Al-Arian has been subpoenaed before a grand jury in Virginia, in connection with the investigation into the Virginia charities discussed below. With the consent of the federal prosecutor, Gordon Kromberg, and despite the reservations of Al-Arian, the judge in charge of the grand jury in Virginia, Gerald Lee, had referred the question of the meaning of the plea agreement to the Tampa judge James Moody, Jr. who had accepted the plea.<sup>35</sup> But the federal prosecutors in Florida “later took the position that referring such legal questions to another jurisdiction is illegal and unconstitutional,” causing one of Al-Arian’s attorneys to complain about the unfairness of faulting “Al-Arian for seeking relief in Florida when Judge Lee ordered him to go there and the government concurred” and to protest, “We are being whipsawed.”<sup>36</sup>

Grand juries meet for finite periods, not exceeding eighteen months. This led one reporter to misreport that “Al-Arian cannot be held for more than 18 months in jail for civil contempt.”<sup>37</sup> He overlooked the fact that the federal prosecutors could call for a new grand jury in the same matter, which is precisely what Kromberg has done in this instance.<sup>38</sup>

### *Virginia Charities*

The grand jury that ended its work on Dec. 21, 2006, before which Sami Al-Arian refused to testify, seems to have been aimed at trying to find evidence against a number of northern Virginia charities that had been raided in March of 2002. Despite the seizure of records and computer files and an eighteen-month grand jury investigation, “No charges have been filed against the principals” or the charities.<sup>39</sup> Yet despite this, the initial raid and the persistence of the grand jury investigation itself has been used to smear the targeted charities.<sup>40</sup> The erasure of the files on the hard drives and the prolonged holding of the written records—far beyond the deadline by which the court ordered their return—constitutes harassment.<sup>41</sup>

I close with a personal note to show that no one should feel safe from the potential of grand jury abuse. As the deadline for the expiration of the grand jury approached, “Dozens of grand jury subpoenas issued in a terrorism financing investigation of Muslim charities in northern Virginia have spawned a largely secret legal battle before a federal appeals court...”<sup>42</sup> The prosecutor, the same Gordon Kromberg who botched the Al-Arian plea referral mentioned above, actually sought to subpoena me in my capacity as custodian of records of the Minaret of Freedom Institute to testify on the last day of the grand jury in connection with a seven-year-old event that was publicly broadcast on C-SPAN, on “The United States and Iran: It's Time to Talk.” The Immigration and naturalization Service officials sent to serve me the subpoena showed me a list of purported attendees including Sami Al-Arian's name. I told them that after seven years I couldn't recall



who had attended the session, but that in any case it was open to the public and had been cablecast by C-SPAN. The main speaker at the symposium, former assistant secretary of state Robert Pelletreau, commented “that investigators had not contacted him about the event. ‘It wouldn't have been anything nefarious that there'd be a government interest in following up on,’ he said.”<sup>43</sup>

Did the government have a motive to harass us? Only months earlier I had sent Mr. Kromberg’s boss, attorney Chuck Rosenberg, an e-mail challenging a comment he made defending the prosecution of the Paintball 11 against charges that it was religiously motivated. The bulk of the investigation and prosecution was before Rosenberg arrived at the office, but Rosenberg told the press that the government does “not prosecute people because they are Muslims or Catholics or Jews. We prosecute them because they have committed criminal acts that warrant prosecution.”<sup>44</sup>

When I received no response to my inquiry, I posted a critical blog.<sup>45</sup> The timing of the subpoena might be interpreted as an intimidation attempt. The inconvenience we suffered seems trivial next to the persecution suffered by the others covered in this study, but it demonstrates that no one is safe from abuse of the grand jury system in service of Islamophobia.

## **Conclusions**

Our study of these four cases demonstrates the similarities of grand jury abuse to McCarthyism. Rather than use the process to insure that the accused are only indicted on reasonable evidence, the prosecutors seek to obtain evidence. In the process they employ intimidation, they seek to obtain intelligence information not only for the U.S. government but for foreign governments’ domestic interests such as Israel as well. Information is leaked to neoconservative outlets that use it to demonize Muslims and Islam. The political context is virtually identical to that of the Cold War era except that now it is “Islamofascism” rather than “Communism” that is the threat, but all Muslims are the targets as all leftists were before. The failure of the process to actually apprehend any real terrorists becomes an argument for yet increased governmental authority and discretion.<sup>46</sup>

## **Acknowledgements**

I gratefully acknowledge research assistance by Alejandro Beutel.

## **Endnotes**

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<sup>2</sup> Ibid.

<sup>3</sup> Julius’ Soviet control Alexandr Feklisov subsequently confirmed Julius’ guilt, but insisted that an injustice had been done to Ethyl “who, insofar as he knew, engaged in no espionage work at all.” Doug

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<sup>4</sup> Arthur Miller, "Are You Now or Were You Ever?" The Guardian/The Observer (June 17, 2000).  
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<sup>5</sup> See [Weinstein, Allen](#), *Perjury: The Hiss-Chambers Case*, (New York: Random House, 1997) and Victor Navasky, *A Matter of Opinion* (New York: Farrar Straus and Giroux, 2005).

<sup>6</sup> This characteristic of McCarthy is so commonly acknowledged that the definition of McCarthyism in the American Heritage Dictionary (2000) is "the practice of publicizing accusations of political disloyalty or subversion with insufficient regard to evidence" and "the use of unfair investigatory or accusatory methods in order to suppress opposition." [http://www.bartleby.com/cgi-bin/texis/webinator/ahdsearch?search\\_type=ent&query=mccarthyism&db=ahd&Submit=Search](http://www.bartleby.com/cgi-bin/texis/webinator/ahdsearch?search_type=ent&query=mccarthyism&db=ahd&Submit=Search). Accessed 10/22/07.

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<sup>9</sup> Tim Cavanaugh, "Wahhabi Who? The strange case of Ismail Royer," Reasononline (7/2/03)  
<http://www.reason.com/news/show/32818.html>. This would have been prosecutable without resort to the conspiracy laws.

<sup>10</sup> Ibid.

<sup>11</sup> Jerry Markon, "'Va. Jihad' Case Hailed As Key in War on Terror," Washington Post (6/8/06)  
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<sup>12</sup> NBC4.com, "Judge Cuts Sentences In 'Virginia Jihad' Cases" (7/30/05)  
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<sup>13</sup> Transcript Grand Jury #02 GJ 369 (6/25/03).

<sup>14</sup> Abdul Haleem Ashqar (7/19/07) private communication. All quotes from Ashqar herein are from the same interview unless otherwise cited.

<sup>15</sup> William B. Moffit, "Defendant Abdelhaleem Hasan Abdelraziq Ashqar's Reply to the Government's Response to His Sentencing Memorandum," U.S. v. Abdelhaleem Ashqar #03 CR 978 (filed Nov. 2007) p. 10. <http://minaret.org/ashqar.pdf>. Accessed 11/5/07.

<sup>16</sup> Sami Al-Arian, "Minaret of Freedom Institute Fifth Annual Dinner Edited Transcript," p. 6.  
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<sup>17</sup> Ibid., p. 9.

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<sup>19</sup> Steve Emerson, "Steve Emerson, True Patriot Hero," excerpted from American Jihad: The Terrorists Living Among Us. <http://www.blessedcause.org/Patriot%20Progress/Steve%20Emerson.htm>. Accessed 10/22/07.

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- <sup>32</sup> Ibid.
- <sup>33</sup> See, e.g., Steven Emerson, "Sami al-Arian Admits His Terrorist Connections" (4/17/06) [http://counterterror.typepad.com/the\\_counterterrorism\\_blog/2006/04/sami\\_alarian\\_ad.html](http://counterterror.typepad.com/the_counterterrorism_blog/2006/04/sami_alarian_ad.html). Accessed 10/24/07.
- <sup>34</sup> Al-Arian would have served an additional eleven months anyway since the judge refused to give the minimum sentence, but that is beyond the scope of this paper.
- <sup>35</sup> Josh Gerstein, "Federal Appeals Court Struggles With Al-Arian Case," New York Sun (9/12/07) <http://www.nysun.com/article/62436>. Accessed 10/24/07.
- <sup>36</sup> Ibid.
- <sup>37</sup> Ibid.

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<sup>38</sup> Marvin D. Miler, Esq. (2006) private communication.

<sup>39</sup> Jerry Markon, "Muslim Anger Burns Over Lingering Probe of Charities," *Washington Post* (10/11/06) [http://www.washingtonpost.com/wp-dyn/content/article/2006/10/10/AR2006101001234\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/10/10/AR2006101001234_pf.html). Accessed 10/25/07.

<sup>40</sup> See e.g., Sherri Gosset, "Federal Money Goes to Controversial Muslim Group," *Accuracy in Media* (3/15/05) [http://www.aim.org/aim\\_column/A2778\\_0\\_3\\_0\\_C/](http://www.aim.org/aim_column/A2778_0_3_0_C/).

<sup>41</sup> Jamal al-Barzinji (2006) private communication.

<sup>42</sup> Josh Gerstein, "Subpoenas Issued in a Terror-Finance Probe Spark a Secret Battle Before a Federal Court," *New York Sun* (3/22/07). [http://www.nysun.com/article/50942?page\\_no=1](http://www.nysun.com/article/50942?page_no=1). Accessed 10/25/07.

<sup>43</sup> *Ibid.*

<sup>44</sup> Jerry Markon, *op.cit.*

<sup>45</sup> Imad-ad-Dean Ahmad, "Is There Religious Neutrality in the Enforcement of the Neutrality Act?" (7/20/06) <http://blog.minaret.org/?p=15>. Accessed 10/25/07.

<sup>46</sup> David Cole, "Anti-Terrorism on Trial Why the Government Loses Funding Cases," *Washington Post* (10/24/07) A19. [http://www.washingtonpost.com/wp-dyn/content/article/2007/10/23/AR2007102301805\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/10/23/AR2007102301805_pf.html). Accessed 10/25/07.