U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

February 5, 2004

Mr. Robert G. Wright, Jr.
[redacted]

Re: New York Times questions and answers

Dear Mr. Wright,

This letter is in response to the submission of your proposed answers to questions posed by Judy Miller of *The New York Times* newspaper for review pursuant to the Federal Bureau of Investigation's (FBI) Prepublication Review Policy (PRP) (Manual of Administrative Operations and Procedures, Part I, 1-24).

Another review of your answers pursuant to the terms of the PRP was recently conducted. As a result of that review, it was concluded that your answers to the questions numbered 2-6; 8; 11-13; 15-16; 18-19; 21; and 25-26 do not contain information which is prohibited from disclosure. As a result, there is no objection to your submitting those identified answers, as presented, for publication. Additionally, the first paragraph of your answer to question 1, the first two sentences of your answer to question 9, and the first sentence of your answer to question 14 do not contain information which is prohibited from disclosure. There is no objection to your submitting those portions of answers for publication. For the reasons previously stated, disclosure of the answers to questions 7; 10; 17; 20; and 22-24, as well as those portions of answers to questions 1, 9, and 14 not approved for release above is still prohibited.

Should you have any questions, please contact me at 202-220-1109. Thank you for your participation in the FBI's prepublication review process.

Sincerely,

David M. Hardy
Section Chief
Record/Information Dissemination Section
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Karlton D Bolthouse

By:
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approved

QUESTIONS FROM JUDY MILLER of the NY TIMES
ANSWERS by ROBERT WRIGHT

1. **Q.** The Bureau says that everyone agreed in August 1999 - Bureau and USA Office - that there was no possible "SUA" because of the date of the Salah activity - that the case was basically "historical" (91-92 transactions) and that the 10-year statute of limitations had expired ... that you need SUA within the past five years to encompass a 10-year period under RICO, cause Salah was careful after he returned to the USA in 97 and that's why YOUR part of the case was closed. They also say that other "live" parts of the investigation were farmed out to/picked up by other field office-Milwaukee, Dallas ect. But that in your case, after January 1998, there was "no disagreement about the lack of SUA," but that there was disagreement about how to get some?

A. Through public source information, I can show HAMAS members can be prosecuted under RICO going back 10-years, to include acts which took place in 1992. My question is how could the 10-year statute of limitations for an act in 9/92 expire in 9/99? This adds up to 7 years. Wouldn't 10-years from 9/92 be 9/02? This is another fine example of the International Terrorism Unit and Intel side of the house not understanding VB and criminal law.

[redacted]

2. **Q.** That you were familiar with the important info being picked up by the "dark" - Intell - side of the investigation cause there was only one squad for a long time and you knew what was going on.

A. This is false, I was not told what was going on. In fact, the relief supervisor knowingly and intentionally withheld and hid intell information from me. Even information regarding my own cases. In addition, he lied about knowing the identity of subjects I was seeking to arrest. John Vincent was a witness to this.

3. **Q.** That the intell side of the investigation never prevented you from seeking intrusive monitoring authority, cause the Bureau occasionally had such techniques simultaneously, even on the same person.

A. This is false. We were told we could not pursue any activity regarding the criminal activity against anyone who was a subject of the intell side.

4. **Q.** That you were never denied "technical cuts" you needed to pursue your investigation from the intell side.

A. True & False. It's true we were never denied "technical cuts, " simply because we never heard the technical cuts to know which to ask for from the intell side. The intell side was supposed to tell us if they picked up any criminal info. They NEVER told us anything. It is my understanding the intell side may have even lied to the United States Attorneys about the existence of such information.

5. **Q.** That the Chicago office was a "bit of a mess" before Tim Gossfeld's arrival in January 1998? How So?

A. I'm not sure exactly how to answer this question. I can say this, the entire International Terrorism Unit of the FBI was a total mess. Due to the lack of program goals, objectives and incompetent management which turned a blind eye to the criminal activities of known and suspected terrorist. These criminal activities have been funding international terrorism throughout the world.

6. **Q.** Were you and Flessner under the misimpression that if there were a FISA on somebody, you couldn't get a Title 3?

A. Absolutely not! I was the one arguing that both sides could monitor simultaneously as long as each side satisfied the legal requirements. The intell side argued the criminal side could not run a Title 3 if a FISA was ongoing.

7. **Q.** That Flessner finally procured the pen register without FBI knowledge or approval? When?

A. [redacted]

8. **Q.** That there was a fight EVEN over bringing the civil forfeiture case, which you and Flessner won because of your incredible patience and perseverance?

A. A "fight" is an understatement. The intell side did everything they could to prevent it from happening. Even worse, the Department of Justice was the biggest obstacle to pulling off the seizure. For the record the United States Attorneys Office in Chicago was instrumental in helping to pull off the seizure. .

9. **Q.** Was Gossfeld your "biggest internal advocate" for about 18 months?

A. Yes, this is true. However, after the seizure ASAC Ed Worthington became a very big advocate for the case. [redacted]

[redacted]

10. **Q.** That you wanted to prosecute Mrs. Salah but that the US Attorney declined to prosecute because the evidence "didn't meet the threshold"?

A. [redacted]

11. **Q.** That the Bureau hired Peat Marwick (Paul Kane) to help you enter banking record data into your data base.

A. This is True. However, in my opinion, a criminal investigation for fraud should have been opened against those from Peat Marwick who made claims and promises to secure a $100,000 contract. Claims and promises made were knowingly and intentionally false. I can't believe someone actually brought this up. Yes I can. It about the only thing they can hang there hat on to try and show they supported the case. This was a complete joke! I am sorry, but I am saving this story for Congress.

12. **Q.** As evidence that the Bureau cared, Peat Marwick was paid one quarter of a million for this support for your case.

A. I have no knowledge of the payment being made. I told FBIHQ there were problems and they should not pay for this. FBIHQ told me they had received several complaints in the past about Peat Marwick (Paul Kane). When I asked them why they would even consider giving them a contract if there were problems in the past, I was not given an answer. Kane was a former supervisor at FBIHQ.

13. **Q.** That there were "dozens" of meetings about VB in Chicago and Washington and that far from being ignored, or undermined, everyone was frustrated that more progress had not been made.

A. There were a lot of meetings. I would define "everyone" as myself, John V., Tim Gossfeld and the AUSA's in Chicago. A lot of these meeting were unnecessary, many were called to try and clear up the problems between two divisions working the same case. Others were called in an effort to prevent the VB case and civil seizure from moving forward. Most of these meetings were caused as a result of mismanagement of the International Terrorism Unit. All of these meetings took a great deal of time away from my proceeding with the investigation.

14. **Q.** That your successor was "very excited" by the case at the beginning and hoped to complete it but concluded, regretfully, that he did not have SUA.?

A. You would have to speak to him about this, however, I know he was not excited about working this case. [redacted]

15. **Q.** That another person worked the last three years of the investigation with you and agreed that there was a lack of SUA?

A. Again, you have to speak to that person about this. He/She was not formally assigned to the case until January 1998, and just did what he/she was told by management after I the case was taken away from me.

16. **Q.** That you had "run ins" with many other agents on the squad?

A. This is true. I have a low tolerance level for those who are earning $80,000 a year and unwilling to do their job. For example, an agent who was assigned to the case refused to conduct ANY work for over one year. He was assigned to handle the XYZ Co. records. This agent placed an 8x10 mirror on his desk and bragged it was there so he could see management coming up behind him so he could shuffle some papers to make it look like he was working. After more than a year of this, it became so bad, all three AUSA's demanded he/she be removed from the case. Likewise, except for a few agents, the others did not want to work the case. Other than the other two assigned full-time to the case, the other agents conducted part-time work on the case (2 to 10 hours a week.) There were never more than four full-time agents and 5 or 6 part-time agents assigned to the case at the same time.

17. **Q.** That VB was never the "Global" HAMAS case, but a "historical" case of money laundering activity involving basically money that came into the accounts of four people.?

A [redacted]

18. **Q.** That you and your superiors argued over their refusal to "authorize or sponsor the misuse of the intelligence investigation to hunt for evidence for your criminal case."?

A. FALSE! Nothing like this ever happened. I argued that anyone conducting a criminal investigation should be allowed to review Intel information which had been collected in the past. This way there was no risk that anyone could claim the Intel methods were utilized to further a criminal case. To do such a thing would be illegal. At the VB II conference in October 1998, the FBIHQ Legal Unit agreed with my position. In December 1998, Chicago agents traveled to another FBI division and reviewed all of their intell files for evidence to further the criminal case. I never asked to illegally use intell methods to further the criminal case, if I had done such a thing I should have been disciplined.

19. **Q.** That by June 1999, two thirds of the 30 member squad were working on VB?

A. There were three full-time agents and a few other agents conducting part-time work on the case (2 to 10 hours a week.) There were never more than four full-time agents and 5 or 6 part-time agents assigned to the case at any given time. In fact in June 1999, SAC McChesney split the squad and three or four of the part-time agents were taken off the case. This only left three full-time agents and 1 or 2 part-time agents.

20. **Q.** That you guys even looked at "murder for hire" as a way of getting them, and couldn't make the case?

A. Completely false. [redacted]

21. **Q.** That some in Justice and Bureau wanted Flessner replaced, but Scott L. said no.

A. I wanted Flessner replaced. Why? Because he had a lot of other cases and I found myself repeating the same things over and over. Scott L. actually fixed the problem by assigning

Flessner to the case full-time and adding another criminal AUSA to assist him. In addition, Joe F. was also working the civil side of the case.

22. **Q.** Didn't Milwaukee pick up part of the investigation (Sarsour) and Dallas another part (Holyland) after your part of the investigation was closed?

A. [redacted]

23. **Q.** Did you ever, at any time, hear anyone in authority suggest that the Bureau or Justice did not want to pursue Hamas because they weren't targeting Americans, just Israelis, and that going after their fund-raising in America might alter that strategy?

A. [redacted]

24. **Q.** Did anyone else pick up the investigation of Bait Umal?

A. [redacted]

25. **Q.** How can you say this investigation had no priority if you were able to subpoena over 400 people?

A. I have no idea what you are talking about. Hundreds of subpoenas were issued for records and a handful of people. The issuing of subpoenas has nothing to do with any support from the FBI. They were issued via the Assistant US Attorneys, due to my efforts to justify the issuance of each one. The "support" for the issuance of these subpoenas would be the US Attorneys Office. I did not need the approval of anyone from the FBI to obtain a subpoena. Thank God!

26. **Q.** Do you know why the Intel people at the Bureau thought that this channel (Intel) was so important that it couldn't be compromised by prosecuting Salah?

A. No clue. Again, we were never told what was going on with the Intel side. Knowing who was behind the Intel case, I would guess there was a lot of creative writing going on.

27. **Q.** Why did you choose RICO rather than try to use the 1996 Material Support Law, which specifically outlawed providing money or resources to designated terrorist?

A. For one reason, the 1996 law had not yet been utilized. However, the main reason is it's almost impossible to track the subjects criminal activities to the actual terrorist activities of a "designated terrorist." Although I did so in the 1998 civil seizure case, it is virtually impossible in a criminal case without the subject admitting this activity. Why go through all of this when traditional criminal acts (money laundering, international money laundering, bank fraud...) by co-conspirators of an enterprise (HAMAS) can be prosecuted for their activities going back 10 years. It's really that simple. Had the FBI done it job, HAMAS never would have established the overwhelming presence it has in the US. In addition, the attacks ordered and financed by HAMAS from the US, as mentioned by President Bush, Attorney General Ashcroft and Mr. O'Neal on December 4, 2001, would not have happened. Why did the Middle East Peace process fail? Because of the all the HAMAS attacks from 1991 to the present. If the FBI had done it's job, the current situation in the Middle East wouldn't exist.

28. **Q.** Under the RICO statute, has the Statute of Limitations of M. Salah's activities in 9/92 and 1/93 expired?

A. No. Under RICO, Salah could be indicted through 1/23/03. The RICO statute of limitations goes back to activities which took place 10 years ago. Therefore, Salah's act between 9/92 and 1/93 are still indictable. It was inexcusable for the FBI to close the VB investigation while information was still being gathered against the entire HAMAS enterprise, not just a certain person(s) or organization(s) linked to HAMAS. The entire Enterprise should have been taken out at once, not in some piecemeal fashion which only allows the Enterprise to rectify the problem(s) caused by the single loss.

TO PREPUBLICATION REVIEW: See the attached news reports and documents for this last section (See Page 9 for endnotes for 1-9).

The following outlines why Salah is still indictable under RICO:

1. In statements made by Salah in 1993, he stated, "Around July 1992, I met Abu Abada in Washington, D.C. ...Abu Abada asked me to go to Israel in order to set up the military branch of HAMAS on the West Bank and I agreed. Abu Abada gave me two names: ...2. Adel Awadallah from Al-Bireh, in order to check with them whether it was possible to establish a military branch by means of their squad." "...In August 1992, I met with Adel Awadallah, ...who was in charge of the HAMAS military branch in Ramallah." "We talked about material situation, simply, so that we will send him money by means of the Sarsour family. ...The Sarsour family is famous in America." Salah claimed he did not like the Sarsour's because they, "Sell alcoholic drinks and pork." Salah admitted that during January 1993, he $60,000 to Adel Awadallah via Marwan Hawaja to be distributed among the needy families of the deportees and Hamas activist in the area. (See Endnote 1)

2. In 1996 and 1997, three HAMAS suicide bombings killed over 50 people and injured hundreds. Two of those killed were Americans Mattityahu Eisenfeld and Sarah Dunker. (See Endnote 2)

3. On October 1, 1997, an Israeli intelligence source said Adel Awadallah, a resident of El-Bireh, received his instructions to go-ahead for the attacks from Hama's operational headquarters. "Adel Awadallah, the Hamas terrorist believed to be the mastermind behind the two recent (1997) bombings in Jerusalem. ...The senior Israeli intelligence source said Awadallah is thought to have planed the two recent suicide bombings at Jerusalem's Mahaneh Yehuda market and Rehov Ben-Yehuda mall, which killed 20 people and wounded hundreds." (See Endnote 3)

4. In retaliation for Awadallah's attacks, the Israelis mossad agents attempted to assassinate HAMAS leader Khaled Mishal in Jordan. The assassination was foiled and the mossad agents were captured. The mossad agents were returned to Israel in exchange for the release of Sheikh Yassin, the founder of HAMAS who had been imprisoned since 1989. (See Endnote 4)

5.On March 29, 1998, Adel Awadallah's brother Imad shot and killed fellow Hamas terrorist Mouhidin al-Sharif. After learning of his brothers arrest, Adel Awadallah made a video tape stating warning that Hamas "would bring sorrow into every Israeli home." He also accused the PA of collaborating with Israel in al-Sharif's death. (See Endnote 5)

6. On 8/18/98, Imad Awadallah escaped from the PA prison. (See Endnote 6)

7. On 9/10/98, the Israeli government issued a statement that "two terrorists were liquidated." These two terrorist were Adel and Imad Awadallah. (See Endnote 7)

8. On 9/21/98, Mahmad Abu-Tair was arrested by Israel for assisting Adel Awadallah. He admitted to several transfers of funds from Jamil Sarsour, a Hamas activist from Milwaukee, WI during 1998. Abu-Tair transferred cash from Sarsour to Awadallah. These transfers were to two acts within the past 10 years by the Enterprise to prove it was still operating. Therefore, at this time (9/98), the US government could have done all the way back to acts which took place between 9/88 and 9/98 (10 years). (See Endnote 8)

9. On 10/23/98, Jamil Sarsour was arrested when he arrived from the US to Israel. Sarsour admitted in 1997-1998, together with his brother they opened a special bank account in the U.S. to deposit funds which were transferred to Adel Awadallah via checks. Sarsour admitted to passing cash, notes and other items to Adel Awadallah. In May 1998, Sarsour purchased wigs in the US to pass to Adel Awadallah to aid in his escape of the region. (See Endnote 9)

You see, Salah as a member of the Enterprise met with Adel Awadallah in 1992 and 1993, to direct and finance the Enterprises terrorist activities. At the time, Salah told Awadallah the Enterprise would finance his activities in the future via the Sarsour family in America. Awadallah later masterminded several terrorist attacks in 1996 and 1997. In 1997-1998, Jamil Sarsour provided the financial support to Adel Awadallah. Hence, Sarsour's acts in 1998, provided the two acts within the past five years, required by the RICO statute. This is what VB had been seeking, we knew it was only a matter of time before we found something like this.

If for some reason you still don't understand why Salah can still be indicted today for the acts he committed less than 10 years ago, you should run this by one of the attorneys at your paper who knows the RICO statute.

ENDNOTES

1. See 103 & 407

2. See 457 & 499

3. See 498

4. See 502 & 504

5. See 525

6. See 544

7. See 545

8. See 187

9. See 399