

Gamal Abdel - Hafiz - 11/21/2005

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CAUSE NO. 067 203396 03

GAMAL ABDEL-HAFIZ,) IN THE DISTRICT COURT
Plaintiff,)

v.)

ABC, INC., ABC NEWS,) TARRANT COUNTY, TEXAS
INC., ABC NEWS HOLDING)
COMPANY, INC., DISNEY)
ENTERPRISES, INC.,)
WFAA-TV, L.P., WFAA OF)
TEXAS, INC., BELO CORP.,)
CHARLES GIBSON, BRIAN)
ROSS, ROBERT WRIGHT and)
JOHN VINCENT,)
Defendants.) 67TH JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF

GAMAL ABDEL-HAFIZ

NOVEMBER 21, 2005

12/2/05 17:15:26
John, here are 2 copies
of the Hafiz depositions
transcript (one for you
& one for Bob). Todd is
out with a sick BABY.

Keep him & his family in
your prayers. (Tina)

Dallas
Central Expressway, Suite 450
75204

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 VIDEOGRAPHER: Kathy Bentley - LegaLink Dallas
 ALSO PRESENT: Christa A. Liczbinski - Jason Walker

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1 ORAL AND VIDEOTAPED DEPOSITION OF GAMAL
 2 ABDEL-HAFIZ, produced as a witness at the instance of
 3 the Defendants ABC, INC., ABC NEWS, INC., ABC NEWS
 4 HOLDING COMPANY, INC., CHARLES GIBSON, BRIAN ROSS,
 5 WFAA-TV, L.P., WFAA OF TEXAS, INC. and BELO CORP., and
 6 duly sworn, was taken in the above-styled and numbered
 7 cause on the 21st day of November, 2005, from 10:11 a.m.
 8 to 5:36 p.m., before Julie C. Brandt, RMR, CRR, and CSR
 9 in and for the State of Texas, reported by machine
 10 shorthand, at the law offices of Loe, Warren,
 11 Rosenfield, Kaitcer, Hibbs & Windsor, P.C., 4420 West
 12 Vickery Boulevard, Fort Worth, Texas, pursuant to the
 13 Texas Rules of Civil Procedure and any provisions stated
 14 on the record or attached hereto.
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Page 9 1 A. Yes, sir. 2 Q. What was the name of the import/export company 3 that your brother was affiliated with? 4 A. Egyptian American Import and Export. 5 Q. What position did your brother hold in that 6 company? 7 A. He was the general manager. 8 Q. Was that a corporation, or was it a 9 partnership? What type of business entity was it? 10 A. It -- it was just the business, family-owned 11 business. We don't have that corporation in -- 12 Q. What was the name of the family that owned 13 that business? 14 A. The owner was Abdul Fatah. 15 Q. F-A-T-A-H? 16 A. Fatah Sadik. S-A -- the last name S-A-D-I-K. 17 Q. Okay. And what was this company in the 18 business of importing and exporting? What was the 19 product? 20 A. It mainly was carpet. 21 Q. And what capacity did you work for -- work in 22 with this company? 23 A. I was handling translations and meeting 24 foreign delegates that come to visit the company for 25 business, and like personal relations.	Page 11 1 Q. And what was the purpose of your coming to the 2 United States? 3 A. I came first to do a business. 4 Q. All right. What was the nature of that 5 business? 6 A. Well, I was going to work with a carpet 7 company, just trying to facilitate carpet import. Then 8 I decided to -- that was so competitive. 9 Q. Okay. What was the name of the carpet 10 company? 11 A. The same carpet company -- 12 Q. Okay. 13 A. -- that was in Egypt, yes. 14 Q. The Egypt -- Egyptian American import/export 15 company? 16 A. Yes. 17 Q. So your initial reason for coming to the 18 United States was to do business with this company that 19 you worked with in Egypt? 20 A. Yes, sir. 21 Q. And how long did you stay with them before you 22 realized it was too competitive? 23 A. No, I -- I just made some phone calls and made 24 some research for a couple months. Then I found it so 25 competitive, and the freight was so expensive. They
Page 10 1 Q. And how long did you work for this company? 2 A. I worked for the company from approximately 3 the summer of 1982 until the summer of 1984. Off and 4 on, of course, because I was in the military at the same 5 time. 6 Q. When -- when did you -- when were you 7 discharged from the military? 8 A. It was April of 1984. 9 Q. Was your discharge honorable? 10 A. Yes, sir. 11 Q. What rank did you hold in the Egyptian Army? 12 A. Just a private. It's -- it's a mandatory 13 service. 14 Q. And what -- where were you posted when you 15 were a private in the Egyptian Army for the time period 16 that you were? 17 A. It was a unit on the -- on the western side of 18 the Swiss Canal. 19 Q. And what was the responsibilities of the unit? 20 What did the unit do? 21 A. Heavy artillery. 22 Q. After you were discharged from the Egyptian 23 Army and left the Egyptian American import/export 24 company, what did you do next? 25 A. I came to the United States.	Page 12 1 I were getting cheaper freight from Europe. 2 Q. Okay. Did you return to Egypt at that time, 3 or did you -- 4 A. No. 5 Q. -- stay in the United States? 6 A. I stayed in the United States. 7 Q. All right. What did you do next in the United 8 States? 9 A. I worked for retail companies. I worked for a 10 company called Fina. 11 Q. F-I-N-A? 12 A. F-I-N-A. 13 Q. Is that the energy company? 14 A. Yes. 15 Q. Okay. 16 A. And after that, I opened a business. It's Zip 17 High Tech Printing. I was a silent partner in Zip High 18 Tech Printing in Irving, Texas. 19 Q. Okay. 20 A. I was a partner with a gentleman and his wife. 21 They were running the place. I just put some money 22 there. I continued working for temp companies. 23 Q. What was your job with Fina, the energy 24 company? 25 A. I start as an employee. I was a manager when

Page 9 1 A. Yes, sir. 2 Q. What was the name of the import/export company 3 that your brother was affiliated with? 4 A. Egyptian American Import and Export. 5 Q. What position did your brother hold in that 6 company? 7 A. He was the general manager. 8 Q. Was that a corporation, or was it a 9 partnership? What type of business entity was it? 10 A. It -- it was just the business, family-owned 11 business. We don't have that corporation in -- 12 Q. What was the name of the family that owned 13 that business? 14 A. The owner was Abdul Fatah. 15 Q. F-A-T-A-H? 16 A. Fatah Sadik. S-A -- the last name S-A-D-I-K. 17 Q. Okay. And what was this company in the 18 business of importing and exporting? What was the 19 product? 20 A. It mainly was carpet. 21 Q. And what capacity did you work for -- work in 22 with this company? 23 A. I was handling translations and meeting 24 foreign delegates that come to visit the company for 25 business, and like personal relations.	Page 11 1 Q. And what was the purpose of your coming to the 2 United States? 3 A. I came first to do a business. 4 Q. All right. What was the nature of that 5 business? 6 A. Well, I was going to work with a carpet 7 company, just trying to facilitate carpet import. Then 8 I decided to -- that was so competitive. 9 Q. Okay. What was the name of the carpet 10 company? 11 A. The same carpet company -- 12 Q. Okay. 13 A. -- that was in Egypt, yes. 14 Q. The Egypt -- Egyptian American import/export 15 company? 16 A. Yes. 17 Q. So your initial reason for coming to the 18 United States was to do business with this company that 19 you worked with in Egypt? 20 A. Yes, sir. 21 Q. And how long did you stay with them before you 22 realized it was too competitive? 23 A. No, I -- I just made some phone calls and made 24 some research for a couple months. Then I found it so 25 competitive, and the freight was so expensive. They
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Page 17 1 Mr. Shahim and Mr. Anwar were able to talk to you or 2 communicate with you about this business in -- back in 3 Egypt? 4 A. Actually, not in Egypt. I was in the United 5 States. 6 Q. You were here? 7 A. Yes. 8 Q. Okay. And -- 9 A. And the -- the -- Mr. Anwar came here to 10 attend the conference, I believe, for about a month -- 11 Q. Okay. 12 A. -- in Alabama. I -- I knew that he was in the 13 country. I went and visited with him. And he said that 14 they were looking for translators in his company. And 15 he went and looked into it. And he send me a contract, 16 and I accepted the offer, and I went for one year. 17 Q. Okay. And this would have been what year, '90 18 to '91? 19 A. '90 to '91. 20 Q. Okay. And did you do anything other than 21 translating services for the Saudi American Academy of 22 Sports Training? 23 A. No. That was my job, plus other 24 administrative work that they were assigning me to do. 25 Q. What type of administrative work?	Page 19 1 training that -- 2 A. Yes. 3 Q. -- the company was doing? 4 A. Yes. 5 Q. Okay. Fair enough. Why did you only stay a 6 year? 7 A. Well, I stayed a year because I asked for a 8 pay increase to compensate for all the other things that 9 they were asking me to do, and the pay increase finally 10 was approved. Then when I was going on vacation, the 11 manager -- or the general manager of the company refused 12 to give me my pay, nor pay for my round-trip ticket to 13 come to the United States. 14 He said, You do that on your own, and we'll 15 pay you when you come back. 16 At the same time, I learned that they had some 17 financial troubles, so I refused to travel without my 18 compensations. There were several instance there in 19 other companies that employees would travel and not get 20 compensated and lose all their money. 21 Q. Okay. So did you quit? Did you get fired? 22 What happened? 23 A. No. I quit. 24 Q. Okay. You quit, and then you went back to the 25 United States?
Page 18 1 A. What type of administrative work? I was like 2 the liaison between the company and the Saudis, since 3 the -- the language barrier was great. 4 Q. Okay. 5 A. So I was always liaison between the two. 6 Q. Okay. What did this company do? What sort of 7 sports training did they do? 8 A. They -- they managed the sports facilities, 9 and they hire trainers, coaches, translators to run the 10 facilities and train Saudi military individuals. At the 11 same time, they implement all the training programs. 12 Q. Okay. When you say that they trained Saudi 13 military individuals -- 14 A. Just physical training. 15 Q. Physical training. 16 A. Physical training. 17 Q. Okay. 18 A. Not military. 19 Q. Was there a -- was there any aspect of the 20 business that -- that trained athletes for the Olympics 21 or for competition at a -- at a level below that or -- 22 A. Well, I -- I -- they were training people, but 23 I don't think any of them was planning on going to a 24 competition. 25 Q. Okay. So it was mostly military physical	Page 20 1 A. I went back to the United States. 2 Q. Okay. And when you came back from Egypt to 3 the United States, where -- 4 A. From Saudi Arabia. 5 Q. From Saudi Arabia. I'm sorry. 6 A. Yeah. 7 Q. From Saudi Arabia, where did you -- where did 8 you come back to? 9 A. I came back to -- I was looking for a job with 10 my degree at that time, and I found that, most likely, 11 the government would be the only place that will use my 12 degree with translation. And I found also that this 13 would require a lot of time, so I could not just sit and 14 wait. 15 So I went back to Southland Corporation, and I 16 worked with them from the summer of '91 until I left to 17 go for -- to work for the FBI. I left in December '93. 18 Q. Okay. And did you go back to Southland in the 19 same capacity as a manager -- 20 A. Yes, sir. 21 Q. -- of a convenience store? 22 A. Yes, sir. 23 Q. And where -- what convenience store were you 24 managing once you got back in the summer of '91? 25 A. I started one on Hemphill. Then I went to

Page 21

1 another one on Hemphill.
 2 Q. Okay.
 3 A. And I left that one to go to the FBI.
 4 Q. All right. Were you -- were you married at
 5 any time up -- in this time period prior to '93?
 6 A. Yes, sir.
 7 Q. When did you get married?
 8 A. I was married in October 1985.
 9 Q. And what was the name of your wife that you
 10 married in October of '85?
 11 A. Bertie, B-E-R-T-I-E, Abdel-Hafiz. Her -- her
 12 name before the marriage was Bertie, Bertie Jackson.
 13 Q. And you are divorced from her, I take it?
 14 A. I got divorced in 1996.
 15 Q. And do you know whether she still goes by
 16 Bertie Abdel-Hafiz, or does she go by Bertie Jackson
 17 now?
 18 A. I don't know.
 19 Q. Okay. Do you know where she's -- where she
 20 lives?
 21 A. The last time I knew where she lived was more
 22 than a couple years ago, and she was in North Richland
 23 Hills.
 24 Q. North Richland Hills. Okay.
 25 A. Yes, sir.

Page 22

1 Q. Okay. Great. What was your immigration
 2 status during the time when you first came over to the
 3 United States up until you went to the FBI in December
 4 '93? Did you become a citizen --
 5 A. Yes, sir.
 6 Q. -- in that time period?
 7 A. Yes, sir.
 8 Q. Okay. When did you become a citizen?
 9 A. I became a citizen in March 1990.
 10 Q. And what -- what route did you take to
 11 citizenship? Did you have a green -- a work permit
 12 or --
 13 A. I -- I had the green card.
 14 Q. Uh-huh. Were you eligible for citizenship
 15 because of your marriage to Bertie Jackson?
 16 A. Yes, sir.
 17 Q. What position did you apply for with the FBI
 18 in 1993?
 19 A. It was a language specialist.
 20 Q. And did you apply in the Dallas/Fort Worth
 21 region or in some other part of the country?
 22 A. Dallas office.
 23 Q. And was your employment application accepted?
 24 A. Yes, sir.
 25 Q. Okay. And when was it accepted?

Page 23

1 A. It was accepted -- actually, it was accepted,
 2 and they told me, You passed the test. First, you take
 3 the test. They said, You passed the test, but we have a
 4 freeze on hiring. Then I was called a couple of weeks
 5 later, and they said, We can get you an exception from
 6 the freeze, and we can hire you if you accept to
 7 relocate.
 8 At that time they told me the relocations
 9 would be to New York or Chicago or Cleveland, Ohio,
 10 places of that nature. I accepted, and I start to fill
 11 out the application.
 12 Q. All right.
 13 A. Then I got hired in New York. And I relocated
 14 at my own expense.
 15 Q. Why did you have to relocate at your own
 16 expense?
 17 A. Because if they hire you, before you take the
 18 job, it's your responsibility to be there to accept the
 19 job. If they transfer you after you receive the job,
 20 they pay for your relocation.
 21 Q. And what month did you start work for the FBI
 22 as a language specialist in New York?
 23 A. January 1994.
 24 Q. Were you unemployed from the time you left
 25 Southland until you joined the FBI in New York in

Page 24

1 January 1994?
 2 A. Actually, I left the FBI before Christmas
 3 in -- in December '93.
 4 Q. You left --
 5 A. I left -- I left Southland Corporation.
 6 Sorry. I left Southland Corporation in December '93
 7 before Christmas, and I had some vacation time I used
 8 until I traveled to New York to take my job.
 9 Q. Okay.
 10 A. So I was actually using my annual leave during
 11 that time.
 12 Q. All right, sir. As a language specialist
 13 in -- in the New York office for the FBI --
 14 A. Yes, sir.
 15 Q. -- can you tell me generally what you did?
 16 A. Audio translations, video translations,
 17 written documents translation.
 18 Q. How long did you serve in that capacity as a
 19 language specialist in the New York office?
 20 A. Until October 14th of 1995.
 21 Q. And what occurred at that time?
 22 A. During that time?
 23 Q. No, no. What happened on October 14th, 1995?
 24 A. October 15, 1995, I went to the FBI academy to
 25 be a new agent trainee.

Page 25

1 Q. And is this the academy in Quantico, Virginia?
 2 A. Yes, sir.
 3 Q. Okay. How did it -- how did --
 4 A. Can I -- can I ask you a question --
 5 Q. Yes, sure.
 6 A. -- please?
 7 Q. Yes.
 8 THE WITNESS: Is it okay to talk about
 9 the Blind Sheik's testimony?
 10 MR. GREGORY: Well, he hasn't asked you
 11 anything about that.
 12 THE WITNESS: Okay.
 13 MR. GREGORY: Just --
 14 THE WITNESS: All right.
 15 MR. GREGORY: You still owe an obligation
 16 to the government.
 17 THE WITNESS: Okay.
 18 MR. GREGORY: Just answer the questions
 19 and --
 20 A. Okay. Go ahead.
 21 Q. Can you tell me the -- the process that you
 22 went through to decide to change your job from language
 23 specialist to an agent trainee?
 24 A. Actually, about the same day I went to take my
 25 job as a language specialist, because I was moved from

Page 27

1 Q. Okay. Did you pass the polygraph test?
 2 A. Yes, sir.
 3 Q. So you passed test 1, test 2, the polygraph
 4 and the medical?
 5 A. Yes, sir.
 6 Q. All right. And who was the agent that was
 7 asking you about your background and then encouraged you
 8 to apply as an agent?
 9 A. His name was Michael. I don't recall the last
 10 name. He is retired now.
 11 Q. Okay. So after passing these tests, the test
 12 1, test 2, the polygraph and the medical, they accepted
 13 you into the agent trainee program?
 14 A. Yes, sir.
 15 Q. And how long did -- did the training program
 16 at Quantico last?
 17 A. 16 weeks.
 18 Q. And can you tell me in general what types of
 19 things you were training in?
 20 A. They give you firearm training, physical
 21 training, self defense. They give you interrogation
 22 course. They give you two legal courses, extensive
 23 ones. White-collar crime course. They train you on
 24 court appearances.
 25 Q. How to testify in court?

Page 26

1 one office to another. I was giving -- getting
 2 fingerprints, so they make sure that the person that
 3 they hired from Dallas is the same person that arrived
 4 in New York.
 5 The agent who was fingerprinting me was
 6 talking to me, asking about my background, my education
 7 and languages and so on, and he -- he said, Why didn't
 8 you -- didn't you apply as an agent?
 9 I said, I just didn't know.
 10 He said -- he said, I think you should apply
 11 as an agent.
 12 He -- I said okay. But I felt like it will be
 13 very strange for me to go get a job the first day and
 14 tell them -- he said, Tell me your supervisor. And I
 15 thought my supervisor wouldn't like it a bit if I tell
 16 him the first day.
 17 So a couple months later, he kept telling me,
 18 you should apply, you should apply. I gave a memo to my
 19 supervisor, and he sent it up the chain, and it was
 20 approved.
 21 After that, I took the first test and I
 22 passed. Then I took the second test, and I passed. I
 23 took a polygraph test and I took my medical exam.
 24 During that time, they updated my background, and
 25 they -- they accepted me in the new agent class.

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1 A. How to testify in court. And how to do a case
 2 from the beginning. Then you take it -- take your
 3 evidence and testify to it in court.
 4 Q. Great. Anything else that you can remember?
 5 A. How to enter into a building to -- to arrest a
 6 person who has an arrest warrant on him.
 7 Q. Okay.
 8 A. That's basically it.
 9 Q. The legal courses that you took, you said you
 10 took two legal courses. Did either of them deal with
 11 the issue of wiretapping and recording people that the
 12 FBI suspected of committing crimes?
 13 A. They mentioned that, that you have to have a
 14 FISA.
 15 Q. Okay. And I think I know what that is, but
 16 what is --
 17 A. Yeah.
 18 Q. -- a FISA?
 19 A. Well, it's a --
 20 Q. What's it stand for?
 21 A. Well, the FISA, it's -- it's called
 22 physical -- no, it's -- it's federal --
 23 Q. Federal investigative subpoena authorization.
 24 A. Thank you. I'm drawing a blank here.
 25 Q. That's okay. All right. So you took the

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1 course at Quantico. And what happened after that?
 2 A. I was assigned to the Dallas division --
 3 Q. All right.
 4 A. -- to work international terrorism.
 5 Q. And what date did you report to the Dallas
 6 office to work on international terrorism?
 7 A. It was February 14th, I believe, of 1996.
 8 Q. How long did you work in the Dallas division
 9 assigned to international terrorism, starting in
 10 February 14th, 1996 and ending when?
 11 A. It ended February 13th, 2001.
 12 Q. And so in that -- in that five -- in that
 13 five-year period, you were working on international
 14 terrorism the whole time?
 15 A. Yes, sir.
 16 Q. All right. What -- what happened after
 17 February 13th, 2001?
 18 A. I was promoted to be the assistant legal
 19 attache at the American Embassy in Riyadh, Saudi Arabia.
 20 Q. How did that assignment come about?
 21 A. They advertise it. I applied. And I was
 22 chosen.
 23 Q. What did the application process consist of?
 24 A. You fill out a form with your background, with
 25 your qualifications, and the head of my office approves

1 Q. Okay. As I recall, you came back to the
 2 United States for a period of time to pack up your
 3 things, and then you went -- went to Saudi Arabia for
 4 the two-year period?
 5 A. Yes, sir.
 6 Q. Now, by this time you had remarried. Correct?
 7 A. Yes.
 8 Q. And what was the name of your second wife?
 9 A. Amal Youssef, Y-O-U-S-S -- Y-O-U-S-S-E-F.
 10 Q. And at the time that you moved to Saudi
 11 Arabia, you had two children?
 12 A. I had two children, yes.
 13 Q. And a third was born while you were posted in
 14 Saudi Arabia. Correct?
 15 A. Yes, sir.
 16 Q. What were your job duties as the legal attache
 17 to the Saudi -- the American Embassy in Saudi Arabia?
 18 A. My duties were to facilitate investigative
 19 requests that are sent from various field offices in the
 20 United States requesting law enforcement assistance in
 21 the Gulf area.
 22 Q. Did you also act as liaison for investigative
 23 requests that were coming the other direction, from the
 24 Saudi government to the American government?
 25 A. Yes, sir.

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1 or disapproves the nomination. If he or she approves
 2 it, it goes to headquarter with his approval. If he or
 3 she does not approve it, it still goes to headquarter,
 4 but will -- it will be stopped there.
 5 Q. Okay.
 6 A. Then a career board will make the decision and
 7 pick first and second choice, sometimes third choice,
 8 and give it to the director of the FBI. And he decides
 9 who he's going to put at that post.
 10 Q. Okay. Were you -- were you the first, second
 11 or third choice?
 12 A. I'm not sure.
 13 Q. Okay. How did you learn that your application
 14 for this position had been accepted?
 15 A. The application was accepted or I got the job?
 16 Q. Second. How did you find out you got the job?
 17 A. My supervisor in Dallas -- as a matter of
 18 fact, I was on temporary duty in Saudi Arabia in
 19 October -- from October 2000 through December 2000. And
 20 my supervisor from Dallas called me in Saudi Arabia and
 21 told me that I have been chosen as the assistant legal
 22 attache.
 23 Q. What was the name of your supervisor in
 24 Dallas?
 25 A. Tino Perez.

1 Q. Who did you report to while you were at the --
 2 the legal attache in Saudi Arabia?
 3 A. I reported to my boss who was -- who was the
 4 legal attache. I was the assistant.
 5 Q. Okay.
 6 A. The legal attache was Wilfred Rattigan.
 7 Q. Where is Mr. Rattigan today? Do you know?
 8 A. He's a supervisor in New York.
 9 Q. Was the -- I think you produced a document or
 10 two that suggested that the appointment to become the
 11 assistant legal attache was of limited duration, just a
 12 two year job. Was that always --
 13 A. It is -- it is a two-year job, and you can
 14 request extension.
 15 Q. Did you request an extension?
 16 A. Yes.
 17 Q. Okay. And what happened to that request?
 18 A. It was -- an extension was approved until
 19 September of 2003.
 20 Q. And what happened in September 2003?
 21 A. I was not in Saudi Arabia anymore.
 22 Q. At some point you had been called home.
 23 Correct?
 24 A. Yes, sir.
 25 Q. And when were you called home?

*File
Insurance
claim
starts on
page 33*

Page 33 1 A. I was called back to the United States at the 2 end of February 2003. 3 Q. What was the reason given to you for calling 4 you back to the United States from your posting in Saudi 5 Arabia? 6 A. I was under administrative inquiry by the FBI 7 based on allegations made against me by my ex-wife. And 8 the FBI have decided to terminate my employment. 9 Q. Okay. And the -- and the FBI terminated your 10 employment -- well, they first brought you home, and 11 then they terminated your employment -- 12 A. Yes. 13 Q. -- because your ex-wife claimed that you had 14 staged a burglary at your house and made a \$20,000 claim 15 on the insurance company for stolen merchandise or 16 things from your house, when, in fact, nothing had been 17 stolen and there had been no burglary. That was the 18 allegation? 19 A. That -- that's true. That was the 20 allegations. 21 Q. All right. And in connection with that 22 allegation, the FBI administered a polygraph examination 23 to you. Correct? 24 A. Yes. 25 Q. And you failed the polygraph exam, did you	Page 35 1 A. A retired polygrapher from the FBI advised me 2 of the technique that could be used before the polygraph 3 to get someone's blood pressure to be increased when 4 they are accused of something they haven't done. 5 Q. Okay. And you say a retired examiner told you 6 that? 7 A. Yes, sir. 8 Q. All right. And who was that retired examiner? 9 A. His name is Barry. I don't recall the last 10 name. 11 Q. And how were you talking to Barry, the retired 12 FBI examiner, before you took your -- 13 A. Not before. 14 Q. Oh, after? 15 A. After. 16 Q. After. 17 How did you come to be talking to Barry, the 18 retired FBI examiner? 19 A. It was through my attorney. It's through my 20 attorney. 21 Q. Did you ever speak to Barry yourself? 22 A. Yes. 23 Q. Okay. Did Barry ever provide any sort of 24 expert testimony or anything in -- 25 A. No. No.
Page 34 1 not? 2 A. They said I failed the polygraph test. 3 Q. Okay. And they further said that in 4 responding to the questions about the burglary that you 5 showed deception in your answers. Correct? 6 A. Yes. 7 Q. All right. And was that polygraph examination 8 challenged by you in any way? 9 A. Yes. 10 Q. Okay. And how did you challenge that 11 polygraph examination? 12 A. I challenged it during my oral presentation 13 with assistant director Robert Jordan of the FBI, who 14 was the head of OPR at that time. 15 Q. And basically what you said was, I don't care 16 what the polygraph says, it's not true, I didn't stage 17 this burglary, I didn't file a false insurance claim? 18 A. Not only that. I said that, and I also said 19 that the polygrapher set -- set me up for failure, and I 20 had the proof for that. 21 Q. Okay. You said the polygraph examiner -- 22 examiner set you up for failure -- 23 A. Yes. 24 Q. -- and you had proof of that. What was your 25 proof of that?	Page 36 1 Q. But just told you -- 2 A. He -- he told me, and he was willing to say 3 that in court. 4 Q. Okay. Did he ever get access to and examine 5 the actual test -- 6 A. No. 7 Q. -- that you took? 8 A. No. 9 Q. Who was the FBI examiner that -- that 10 conducted the polygraph examination that you failed? 11 A. I don't recall his name. 12 Q. Was anybody present when you took the 13 polygraph exam -- 14 A. No. 15 Q. -- other than yourself? 16 A. Just myself and him. 17 Q. As I understand it, your ex-wife had a number 18 of items that -- that you identified as belonging to 19 you, including things like VCR's and -- and electronic 20 equipment that had the serial numbers changed slightly. 21 Do you -- is that -- is that accurate? 22 A. I don't know about serial numbers being 23 changed slightly. That's what she said. 24 Q. Uh-huh. Did you ever view the evidence that 25 she presented --

Page 37 1 A. No. 2 Q. -- to the FBI? 3 A. No. 4 Q. Did you ever hear that she, in fact, had items 5 that you had reported stolen that she -- that she showed 6 to the FBI? 7 A. Yes, I heard of that. 8 Q. Okay. 9 A. And I saw -- I saw pictures. 10 Q. And you saw pictures, too? 11 A. Yes. 12 Q. Okay. And what was your response to that. I 13 mean, how did you explain that? 14 A. I was shocked. I was shocked. She also told 15 the FBI I had few items, of the items that were reported 16 stolen -- 17 Q. Right. 18 A. -- in my possession, and she had the remainder 19 of the items. They asked her to view and photograph 20 what she had. When she -- she got them out, she had an 21 item that she claimed two days before that I had it. 22 She had it out and they photographed. 23 Q. Uh-huh. 24 A. And that was one of the questions that they 25 asked assistant director of the FBI why no one asked	Page 39 1 Q. And then at some point you were terminated? 2 A. Yes, sir. 3 Q. All right. What was the date of your 4 termination? 5 A. May 27th, 2003. 6 Q. But, obviously, you were reinstated? 7 A. Yes, sir. 8 Q. And what was the date of your reinstatement? 9 A. I was reinstated as of the date of my 10 termination. That decision was made -- 11 Q. Yeah. Retroactive, right? 12 A. Retroactive, yes, sir. 13 Q. Okay. How long were you on administrative 14 leave? 15 A. I was on administrative leave from end of 16 February 2003 until May 27th, 2003. 17 Q. Okay. And then you were terminated, so you 18 were out of a job. 19 A. Yes. 20 Q. And when did they say, okay, you can have your 21 job back effective -- 22 A. It was the 30th or the 31st of January 2004. 23 Q. Okay. When you returned -- did you work at 24 all during the administrative leave? 25 A. No.
Page 38 1 her, You said Gamal had this, and you have it today. 2 Q. Uh-huh. So was your theory that she had 3 staged the burglary and made this claim, and you were 4 unaware of it? 5 A. I'm -- I was not aware of any of that. I 6 don't know. My theory could be wrong. She may have 7 staged it. Maybe somebody else did it and they brought 8 the items back. I have no idea. 9 Q. Okay. 10 A. I -- I never spoke to her. 11 Q. Okay. How did you discover the burglary? 12 A. We were both out of town. We came and we 13 tried to turn the living room light on. It wouldn't 14 come on. It was at night. And I went to turn another 15 light on, and I found the ladder in the middle of the 16 living room. And a chandelier in the living room was 17 missing. 18 Q. Okay. So as a result of these allegations 19 from your ex-wife, you were called home from -- from 20 Saudi Arabia -- 21 A. Yes, sir. 22 Q. -- and placed on administrative leave? 23 A. Administrative leave, yes. 24 Q. Okay. With pay or without pay? 25 A. With pay.	Page 40 1 Q. Okay. And what did you do between May 2003 2 and January 31, 2004? 3 A. I couldn't find a job. 4 Q. So you were unemployed? 5 A. I was unemployed and unable to find 6 employment. 7 Q. What efforts did you make to find employment 8 in that time period? 9 A. I send many applications over the internet. I 10 faxed many applications to different companies. I went 11 and delivered resumes to many companies myself. I 12 contacted friends who have friends in the -- the private 13 field. 14 Q. And did any of these -- I mean, how many -- 15 how many -- are we talking about 50 applications? 100, 16 200? 17 A. No. Maybe 50 to 100. 18 Q. Okay. Did any of these 50 to 100 entities, 19 friends, whatever you -- 20 A. Uh-huh. 21 Q. -- whoever you applied to, did any of them 22 state a reason for why they were not accepting your 23 application? 24 A. No. 25 Q. They wouldn't give you --

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1 A. No response.
 2 Q. No response.
 3 A. The friends themselves did not have
 4 employment. I was just contacting friends to let them
 5 know that I'm looking for employment, if they ever come
 6 across something.
 7 Q. Okay.
 8 A. But no one ever responded to do my
 9 applications or resumes or requests.
 10 Q. Did you indicate on the -- on the -- either
 11 the internet applications or the faxed applications or
 12 the ones that you delivered that you had been terminated
 13 from the FBI?
 14 A. No.
 15 Q. Was there any publicity surrounding your --
 16 first, your being brought back and put on administrative
 17 leave and then your subsequent termination?
 18 A. Yes, sir. ABC News website, they reported the
 19 fact that I was put on admin leave before I left Saudi
 20 Arabia.
 21 Q. Okay.
 22 A. They claimed victory for my termination, and
 23 they mentioned that that was after the -- they aired a
 24 story about me in December and my refusal to wear a
 25 wire --

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1 Q. Okay.
 2 A. -- against a Muslim.
 3 Q. Was there any other publicity, other than this
 4 ABC News website report?
 5 A. ABC -- ABC News website, the internet took the
 6 news from ABC, and there were many internet articles.
 7 There were some articles in Arab newspapers in different
 8 countries in the Middle East.
 9 Then on March 4th, 5th and 6th, the O'Reilly
 10 Factor, Mr. Bill O'Reilly on Fox aired three episodes
 11 back to back about me.
 12 Q. Okay. Was there -- and was the -- I'm trying
 13 to confine my questions on the publicity at this point
 14 to publicity about your administrative leave and then
 15 your subsequent termination.
 16 Was the -- and you may be responsive; I just
 17 want to be clear.
 18 A. Yes, sir.
 19 Q. Was the March 4th, 5th and 6th of 2003 Fox
 20 O'Reilly episodes, was that about your -- your
 21 termination and your administrative --
 22 A. About being -- being recalled and put on
 23 administrative leave.
 24 Q. So it was about that?
 25 A. Yes, sir.

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1 Q. Okay. Any other publicity, other than the ABC
 2 News website and the three episodes on the O'Reilly
 3 program on Fox about your termination? And the
 4 internet, you say, and the Arab newspapers and that type
 5 of thing?
 6 A. Not that I can recall now.
 7 Q. Okay. Was your administrative leave and
 8 termination related to anything other than the
 9 circumstances of this faked burglary? And I know there
 10 were some subsidiary charges. Like you hadn't listed a
 11 lawsuit on your employment application --
 12 A. Uh-huh.
 13 Q. -- against the insurance company --
 14 A. Yeah.
 15 Q. -- that was going on. But was there anything
 16 other than the -- the allegations from your ex-wife
 17 regarding the insurance fraud or the claimed insurance
 18 fraud that led to your administrative leave and to your
 19 termination?
 20 A. No, but when I reviewed my file, my OPR file
 21 with the FBI, I found that they have attached to that
 22 file of the OPR, based on allegations of my former
 23 spouse, the affidavit of Mr. Bob Wright in my EEO case
 24 against him. And they also attached a news article with
 25 his allegations against me.

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1 Q. Okay. What -- do you remember the publisher
 2 of the news article --
 3 A. No, I --
 4 Q. -- that had Mr. Wright's allegations?
 5 A. No, sir. The -- it was just a clip of a news
 6 article.
 7 Q. Okay. I've got -- I've got a couple that
 8 I'll -- that I'll show you --
 9 A. Yes, sir.
 10 Q. -- later today.
 11 A. Yeah.
 12 Q. One of them was in the Wall Street Journal.
 13 A. Yes, sir, I'm aware of that.
 14 Q. Okay. Did you ever ask anybody at FBI why
 15 attached to your OPR -- well, I know what it is. Can we
 16 tell the people among us who might not know what an OPR
 17 file is, what is an OPR file?
 18 A. This is the Office of Professional
 19 Responsibility. And this is like the internal affair of
 20 the FBI.
 21 Q. All right. And when did you look at your OPR
 22 file?
 23 A. I looked at my OP -- OPR file upon my return
 24 from Saudi Arabia to prepare for my oral presentation
 25 and my rebuttal.

A.D.
Ford
43-4

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1 Q. Okay. In your -- in your presentation and
2 rebuttal that you had that led to your reinstatement --
3 A. Yes, sir.
4 Q. -- did Mr. Wright's allegations or this news
5 article that quoted Mr. Wright make any allegations?
6 Was that a part of your presentation?
7 A. I -- I mentioned it --
8 Q. Okay.
9 A. -- to the assistant director. And I -- I was
10 trying to explain my position about Mr. Wright's
11 allegations.
12 And he said, We don't need to get into that,
13 because I looked at this whole situation, and I found
14 these allegations are baseless.
15 I asked him, if they are baseless, why a copy
16 of his EEO statement, sworn statement, and a copy of a
17 news article about the allegations are attached to my
18 OPR file.
19 He said, Well, I don't know how they got
20 there. They shouldn't have been there.
21 I told him, Why did you order them not to be
22 there if you are the head of the department?
23 Q. Yeah.
24 A. He seemed upset, and he didn't answer that.
25 Q. Okay. Who -- what's this person's name?

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1 A. Robert Jordan.
2 Q. Robert Jordan. Okay.
3 A. Yes, sir.
4 Q. Did you ever follow up with Mr. Jordan or go
5 back and look at your OPR file to see whether, in fact,
6 he had removed Mr. Wright's affidavit which made these
7 allegations and the news article that repeated his
8 allegations?
9 A. No, sir.
10 Q. Okay.
11 A. I -- I don't have the right to look at the OPR
12 file but once.
13 Q. Okay. So your -- your latest and best
14 information is that Mr. Wright's affidavit, which
15 contained the allegations against you, and a news
16 article repeating Mr. Wright's allegations, the last
17 time you saw the OPR file, it was there?
18 A. Yes, sir.
19 Q. So --
20 A. There's a -- I'm sorry. There's a statement
21 that was mentioned to me in January 2003 by Mike Kortan,
22 the head of the media department in the headquarter.
23 Q. Mike S. Goodman --
24 A. Mike Kortan.
25 Q. Oh, Kortan?

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1 A. Yes.
2 Q. C-O-R-T-O-N (sic). Okay.
3 A. And in the same office with me was Mr. Charles
4 Goodwin.
5 Q. All right.
6 A. At that time he was special assistant to the
7 assistant director. And Mike mentioned that ABC
8 Primetime people are calling him every couple weeks
9 asking him if Gamal has been terminated yet.
10 Q. Okay.
11 A. He said they are pushing hard.
12 Q. Okay. Did he identify anybody that -- at ABC
13 that was making these calls?
14 A. Not to me.
15 Q. Okay. Did he to anybody, to your knowledge?
16 A. No, not that I'm aware of.
17 Q. Okay.
18 A. He -- Mike Kortan is about three levels above
19 me, so I don't ask him questions. He -- he give me
20 information if he decides to.
21 Q. Okay.
22 A. He's a very kind person.
23 Q. So in January 2003, Mike Kortan tells you that
24 somebody from ABC Primetime --
25 A. Yes, sir.

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1 Q. -- is calling him every couple of weeks
2 wanting to know if you've been terminated yet?
3 A. Yes, sir.
4 Q. Okay. And Goodwin was present?
5 A. During that conversation.
6 Q. Okay. And did Goodwin contribute anything to
7 that conversation?
8 A. No.
9 Q. Okay. All right. So now you get reinstated
10 retroactively, but you are reinstated January 31, 2004.
11 A. Yes.
12 Q. And where -- where are you posted?
13 A. I returned to work on March 1st, 2004 --
14 Q. Okay.
15 A. -- in the Dallas division, where I originated
16 from.
17 Q. Okay. Was your assignment changed from
18 international terrorism?
19 A. Yes.
20 Q. Okay. What was it changed to?
21 A. To white-collar crime.
22 Q. And does that take us up to the present day,
23 that your still working in --
24 A. No.
25 Q. -- white-collar crime?

Page 49 1 A. No. 2 Q. Okay. Tell me when it changed. 3 A. I -- I requested not to work in international 4 terrorism upon my -- my return. 5 Q. Okay. Why not? 6 A. The publicity that surrounded me and my 7 responses to the media exposed me to the Arab and Muslim 8 community a lot worse than I was already exposed. So I 9 decided to stay away from the international terrorism 10 arena. I requested that from my special agent in 11 charge. He was kind enough to grant that. In -- in 12 January -- in February 2005, I was transferred to work 13 international terrorism again. 14 Q. Who was -- who was the SEC that -- that 15 granted your request not to work in international 16 terrorism? 17 A. Mr. Lupe Gonzalez. 18 Q. And so from February 2005 to the present day, 19 you have been working in the Dallas division of the FBI 20 on international terrorism cases? 21 A. Yes, sir. 22 Q. All right. I want to ask you about a couple 23 of just general questions. 24 A. Yes, sir. 25 Q. When -- when you're investigating suspected	Page 51 1 testified 19 times in the federal court. 2 Q. Okay. And as I understand that testimony, 3 that was you -- you were translating various things, 4 documents, conversations, tapes -- 5 A. Yes, sir. 6 Q. -- that type of thing? 7 A. Yes, sir, and I testify to the translation. 8 Q. Right. Right. 9 A. Yes, sir. 10 Q. I remember that. That's the -- what -- what 11 is popularly called the Blind Sheik? 12 A. The Blind Sheik, yes, sir. 13 Q. Okay. And you testified in that. Have you 14 ever testified in court in your capacity as an FBI 15 special agent? 16 A. No, sir. 17 Q. Okay. Another way that you can obtain 18 information about subjects of your investigation 19 would -- to get court -- court authorization. First, 20 department authorization, U.S. attorney authorization, 21 and then authorization from a judge to do a wiretap? 22 A. Yes, sir. 23 Q. All right. And that would be a nonconsensual 24 recording of the subject, because they don't know what's 25 happening and you had to get judicial approval.
Page 50 1 terrorists, there are a number of ways to -- to gather 2 information. Correct? 3 A. Yes, sir. 4 Q. All right. One of them would be to conduct an 5 interview and then fill out what the FBI calls a Form 6 302. Correct? 7 A. Yes, sir. 8 Q. And could you explain for us just generally 9 what a Form 302 is? 10 A. The Form 302 is a -- is a -- a communication, 11 an FBI communication that will explain the --the gist of 12 a conversation with a subject or a witness or a person 13 that you have interviewed regarding anything. 14 Q. Okay. And I suppose that one of the purposes, 15 just to make a record of -- of the conversation? 16 A. Yes, sir. 17 Q. All right. Written record of the 18 conversation? 19 A. Written record of the conversation. 20 Q. Now, is -- in your -- in your duties or your 21 years with the -- with the FBI, have you ever testified 22 in court in criminal cases? 23 A. As a matter of fact, when I was a language 24 specialist. I volunteered to testify in the case of the 25 United States versus Omar Abdul-Rahman and others, and I	Page 52 1 Correct? 2 A. Yes, sir. 3 Q. Okay. And then there's another way to get 4 information, which is, I understand, called consensual 5 recording where you may be recording a telephone 6 conversation that you're having or you may be in a 7 conference room with a -- with a hidden microphone? 8 A. Yes, sir. 9 Q. And that -- and the FBI calls that consensual 10 recording. Correct? 11 A. Because you -- you are a party to the 12 conversation. 13 Q. Right. And so you've consented, even though 14 the other party doesn't know that you're taping them? 15 A. Exactly. 16 Q. Okay. And you are aware that this case 17 surrounds some allegations by Mr. Wright and others that 18 you refused to conduct consensual recordings with 19 certain suspects or people that the FBI was interested 20 in? 21 <u>A. One</u> 22 Q. One. Okay. And that one was whom? 23 A. I don't think I can mention his name. 24 Q. Okay. 25 A. I'm sorry.

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1 Q. You are a person of the Muslim faith.
 2 Correct?
 3 A. Yes, sir.
 4 Q. All right. In your years with the FBI as a
 5 special agent, have you ever done a consensual recording
 6 of another Muslim where that person did not know that
 7 you were conducting their recording?
 8 MR. GREGORY: I'm going -- I'm going to
 9 have to object, counselor. I think the -- the witness
 10 is doing as best he can in answering your questions, but
 11 I just would prefer that we stay away from sources and
 12 methods and techniques, especially as it relates to
 13 these types of terrorism related investigations.
 14 MR. BABCOCK: Your objection is noted.
 15 Q. Now, can you answer the question?
 16 A. I cannot answer. If he's saying no, that's --
 17 that's over my head.
 18 Q. Okay.
 19 A. I cannot answer.
 20 Q. All right. Fair enough.
 21 MR. LATHAM: Is he saying no?
 22 MR. BABCOCK: Yeah, are you --
 23 MR. GREGORY: Well, I'm saying no.
 24 Investigative techniques, especially as it relates to
 25 this -- this witness, is something that we just would

1 want to inquire about. So that's my question, and -- to
 2 you?
 3 MR. GREGORY: Let me speak to him for a
 4 second off the record.
 5 MR. BABCOCK: Yeah. It's about time to
 6 take a break anyway, so --
 7 THE VIDEOGRAPHER: We are now going off
 8 the record. The time is now 1 -- I'm sorry -- 11:11.
 9 (Break from 11:11 a.m. to 11:29 a.m.)
 10 THE VIDEOGRAPHER: We are now going back
 11 on the record. The time is now 11:29.
 12 Q. (BY MR. BABCOCK) Okay. Before the break,
 13 there was a topic on the table, and there was a request
 14 by the assistant U.S. attorney representing the
 15 government to have a conference, and that has occurred.
 16 You were able to meet with Mr. Gregory?
 17 A. Yes.
 18 Q. All right. Mr. Gregory is not your lawyer, is
 19 he?
 20 A. No, he's not.
 21 Q. Okay. Not representing you in this case
 22 anyway?
 23 A. No, he's not representing me.
 24 Q. Okay.
 25 A. He's on behalf of the FBI.

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1 prefer not to get into.
 2 A. And -- and let me clarify one more thing. I
 3 don't want to give you my testimony and end up in hot
 4 water with the FBI because I'm exposing everything that
 5 they're working hard on --
 6 Q. Right.
 7 A. -- all their lives just to -- to prove my
 8 case.
 9 Q. Right. And -- and that may be a conflict that
 10 may be able to be reconciled some day or maybe not.
 11 A. Let's hope.
 12 Q. And let me, just for the sake of the record,
 13 because sometimes I -- in fact, most of the time I ask
 14 questions that are not as artful as they should be. So
 15 the -- the information I am interested in is, is knowing
 16 whether there has been any occasion during your career
 17 with the FBI, right up until today as you're sitting
 18 here, where you have engaged in consensual recording, as
 19 we've defined it, of another Muslim, a person you knew
 20 to be a Muslim; that is, you either recorded a telephone
 21 conversation without the subject knowing about it or
 22 participated in a face-to-face meeting where the
 23 conversation was being recorded and the Muslim subject
 24 didn't know about it.
 25 So that's -- that's the general area that I

1 Q. On behalf of the FBI. Correct.
 2 A. Yes, sir.
 3 Q. And Mr. Windsor is your lawyer. Correct?
 4 A. Mr. Windsor is my attorney, yes.
 5 Q. Along with others, but --
 6 A. Yes, sir.
 7 Q. And your -- your meeting with Mr. Gregory was
 8 just the two of you. Correct?
 9 A. Yes, sir.
 10 Q. All right. What did you-all talk about?
 11 MR. GREGORY: I'm going to object to
 12 that. But let me state for the record now, as to the
 13 line of questioning that we were into just before the
 14 break, I'm going to instruct the witness not to answer
 15 that question. It is privileged.
 16 MR. BABCOCK: Which one?
 17 MR. GREGORY: Getting into investigative
 18 sources and methods and techniques. And that's our
 19 posture --
 20 MR. BABCOCK: Okay.
 21 MR. GREGORY: -- in that regard.
 22 Q. (BY MR. BABCOCK) Okay. There's a couple of
 23 questions that I think there have been instructions on.
 24 The first is my question, what you and
 25 Mr. Gregory talked about during the break. I believe

Page 57 1 he's interposed an objection of the nature that you 2 should not answer, but I don't want to speak for you on 3 that one. Would that be correct? 4 A. Yes, correct. 5 Q. Okay. So will you follow Mr. Gregory's 6 instructions on that and not reveal what you and he 7 talked about? 8 A. Yes. 9 Q. Okay. And then the second thing Mr. Gregory 10 just said was that in terms of my question about whether 11 in your career you've ever done a consensual recording 12 of another Muslim where, as far as you knew, they were 13 not aware that they were being recorded, you refused to 14 answer those line of questions as well. Correct? 15 A. Based on the instructions from my employer. 16 Q. Yeah. I understand. 17 A. Yes. 18 Q. I understand. 19 MR. GREGORY: And, again, that's a 20 government privilege -- 21 MR. BABCOCK: Right. 22 MR. GREGORY: -- investigative technique. 23 Q. Okay. Now, you said before we got into this 24 that there was only one Muslim that you had been accused 25 of -- of not recording?	Page 59 1 A. Yes, sir. 2 Q. Okay. And the other accusation was made by an 3 FBI agent in Tampa, Florida, by the name of Barry 4 Carmody. Correct? 5 A. He never made that allegations to me. 6 Q. Well, in fairness, Mr. Wright never made the 7 allegations to you either, did he? 8 A. Well, he made it to colleagues, to the media. 9 I haven't seen Mr. Carmody making these allegations. 10 Q. Well, I'll try to help you on that. 11 A. That would be great. 12 Q. Okay. You attended the American Muslim 13 Council convention on June 26th of 1998, did you not? 14 A. Yes, sir. 15 Q. All right. And at that convention, you met a 16 gentleman by the name of Sami al-Arian? 17 A. Yes, sir. 18 Q. All right. And Mr. al-Arian at that 19 convention told you that he had previously called you 20 and wanted to talk to you. Correct? 21 A. Let me just make one comment. 22 Q. Okay. 23 THE WITNESS: The case of Mr. al-Arian is 24 still in the court. 25 MR. GREGORY: Can we go off the record
Page 58 1 A. Yes. 2 Q. Okay. There was really more than one, wasn't 3 there? 4 A. No. 5 MR. GREGORY: I'm going to -- I'm going 6 to object to this line of questioning. Again, we're 7 talking about governmental privileges as it relates to 8 investigations in the terrorism arena, and I will assert 9 that privilege. 10 MR. BABCOCK: Okay. 11 MR. WINDSOR: Let me -- let me ask 12 something to clarify. Are you asking him if there is 13 more than once person he was accused of not recording, 14 or are you asking him if there was more than one person 15 he didn't record; because I'm not sure the accusation -- 16 what anybody -- you're following me? 17 MR. BABCOCK: Absolutely. Completely. 18 Good distinction. And let me approach it that way. 19 Q. You were accused by your colleagues or former 20 colleagues of refusing to record more than one Muslim on 21 more than one occasion. Correct? 22 A. Yes. 23 Q. Okay. And one of the accusations was made by 24 Agent Wright, and we're going to talk about that. 25 Correct?	Page 60 1 for a second? 2 MR. BABCOCK: Sure. 3 THE VIDEOGRAPHER: We are now going off 4 the record. The time now is 11:34. 5 (Break from 11:34 a.m. to 11:38 a.m.) 6 THE VIDEOGRAPHER: We are now going back 7 on the record. The time is now 11:38. 8 Q. (BY MR. BABCOCK) Okay. There was a question 9 that was on the table, and then you interposed a comment 10 and then we had the break. 11 The question was that at this American Muslim 12 Council convention on June 26, 1998, Mr. Sami al-Arian 13 came up to you to talk to you, and said that he had 14 called you and wanted to speak with you. Correct? 15 A. I was instructed by the representative of the 16 FBI not to discuss any ongoing investigations or any 17 investigations related to other field offices of fear 18 that it's involving other people who are still under 19 investigation. And I believe that I have supplied you 20 with a copy of a 302 that's in your hand, and whatever 21 the FBI released out of their redaction on this, that's 22 what we're going to stick with. 23 Q. Who was this representative of the FBI that 24 instructed you not to say anything to Mr. al-Arian about 25 any ongoing investigations?

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1 A. That question again, please?
 2 Q. Yeah. What was the name of the representative
 3 of the FBI who instructed you -- I take it in the June
 4 of 1998 time period -- not to have any conversations
 5 with Mr. Arian about --
 6 A. No. No. The representative of the FBI now
 7 told me not to discuss this case, which is Mr. Gregory.
 8 Q. Okay.
 9 A. Yeah. Not them.
 10 Q. Not them. Okay.
 11 A. No, not them.
 12 Q. All right. Fair enough. Well, we'll just go
 13 on a question by question basis --
 14 A. Yes, sir.
 15 Q. -- and see what you will answer and what you
 16 won't answer.
 17 A. Well, I'm willing to answer all of them, but
 18 I'm under instructions not to get into any investigative
 19 matters.
 20 Q. Well, and -- and that's between you and your
 21 employer.
 22 A. Yes.
 23 Q. I mean, I'm -- I'm just trying to defend the
 24 lawsuit.
 25 A. I understand, sir.

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1 A. Well, his name is not here, so I cannot
 2 confirm the name of the person that I have investigated.
 3 This is a 302 that was authored, and the FBI chose to
 4 redact certain names and information, so I'm not in
 5 liberty to go any further with the names.
 6 Q. Okay. So you're -- you're refusing to provide
 7 any of the information that is redacted from this 302.
 8 Correct?
 9 A. I am not refusing to provide. I'm under
 10 instructions not to. I would love to -- to win my
 11 lawsuit against your client.
 12 Q. Right.
 13 A. But I am not willing to win that at the -- at
 14 the expense of my liberty, of being imprisoned for
 15 unauthorized disclosure of certain information.
 16 Q. Okay. Not to mention that they might fire
 17 you?
 18 A. Well, that would be the first thing. Then
 19 will be going to -- to jail after that.
 20 Q. Okay. You said a minute ago that this Sami
 21 al-Arian is an ongoing case, or something of that
 22 nature. Correct?
 23 A. Yes, sir.
 24 Q. All right. And, in fact, you know and it was
 25 publicly revealed that Sam al-Arian was indicted for

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1 Q. So we know that you and Mr. al-Arian were at
 2 this American Muslim Council convention on June 26,
 3 1998. Correct? You've already testified to that.
 4 A. Yes.
 5 Q. Okay. Now, the question is, did he seek to
 6 speak with you?
 7 A. Yes.
 8 Q. All right. And did you speak with him?
 9 A. Yes.
 10 Q. All right. And did you write up a 302 as --
 11 as you pointed out here a second ago?
 12 A. Yes, sir.
 13 Q. All right. And is that 302, which I suppose I
 14 should show you --
 15 MR. BABCOCK: Make this Exhibit 2, okay?
 16 (Exhibit 2 marked.)
 17 Q. I've handed you Exhibit 2, which is an FBI
 18 Form 302, and at the bottom it says that it was authored
 19 by yourself. Would that be accurate?
 20 A. Yes, sir.
 21 Q. And was it authored by you on the date
 22 indicated, which was June 30, 1998?
 23 A. Yes, sir.
 24 Q. All right. And is this the 302 that reports
 25 on your contact with Sami al-Arian?

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1 various acts of terrorism. Correct?
 2 A. Yes.
 3 Q. All right. And that case has proceeded to
 4 trial in Tampa, Florida. Correct?
 5 A. That I'm aware of, yes.
 6 Q. All right. And closing arguments have been
 7 made. Correct?
 8 A. I'm not sure of that.
 9 Q. Okay. And the jury has the case. You don't
 10 know whether the jury has the case or not?
 11 A. I'm not aware of that.
 12 Q. All right. You are aware and it's been
 13 publicly disclosed in court that Barry Carmody was the
 14 case agent, the FBI case agent that was on the Sami
 15 al-Arian matter. Correct?
 16 A. I'm aware of that.
 17 Q. All right. And you are aware that Mr. Carmody
 18 asked you, requested you to record a conversation with
 19 one of the suspects in that investigation?
 20 A. Yes.
 21 Q. All right. And you refused to do so.
 22 Correct?
 23 A. No.
 24 Q. Well, tell me about your conversation with
 25 Mr. Carmody in that regard.

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1 A. I advised Mr. Carmody that an individual
2 contacted me, whom he is the case agent on.
3 Q. All right.
4 A. And I told Mr. Carmody that this individual
5 requested if I can find someone in FBI headquarter that
6 can answer some questions for this individual. I
7 advised that individual that I'm not in headquarter, and
8 usually what happen in Washington and in New York, in
9 Texas, we don't know much about. But I promised him
10 that I will get back to him.
11 I advised my acting supervisor at that time,
12 and I immediately advised Mr. Carmody's supervisor, who
13 told me that Mr. Carmody would get ahold of me.
14 Mr. Carmody requested that I would call the individual
15 back, and he gave me five or six questions to ask the
16 individual in the conversation.
17 I advised Mr. Carmody that in order for me to
18 log in five or six questions to this individual, a
19 conversation of about 15, 20 minutes needed to take
20 place. Therefore, I need to find what are the
21 parameters of the conversation. Since I'm not aware of
22 any case, I'm not aware of the details of the case, any
23 allegations what this individual is involved in -- it is
24 not my case -- I wanted outline and parameters from the
25 AOC.

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1 Mr. Carmody, who asked me to call the AOC, he
2 said that the AOC is saying, stay away from any
3 investigative matters. I told him that this would
4 become discoverable, and this will cause some problems
5 if I'm not aware of what's going on.
6 Then Mr. Carmody's supervisor called my
7 assistant special agent in charge, Mr. Robert Garrity,
8 and told him that we need Gamal to do that phone call
9 because we think that the individual is trying to
10 corrupt someone within the FBI.
11 My special agent in charge told me that this
12 will cause me -- although this would cause me some
13 problems for losing credibility with the community and
14 other people that I speak with, he instructed me to go
15 ahead and do the -- the phone call.
16 In order for me to do that, I have to do
17 paperwork. I did the paperwork. And before the
18 paperwork was signed by the acting supervisor, my
19 supervisor who was out of town arrived. He refused to
20 sign the paperwork. I advised him that Mr. Garrity is
21 the one who ordered it.
22 He said, No, we don't do consensual monitoring
23 on this international terrorism squad. We're not a
24 white-collar crime squad; therefore, it's not going to
25 happen, and I will speak to Mr. Garrity.

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1 I left the matter. A few days later, I asked
2 him if he spoke to Mr. Garrity about this. He said, No,
3 I forgot. I will talk to him today. He spoke to him
4 the same day, and Mr. Garrity told him, No, I want Gamal
5 to do it.
6 I was told to do it. I did the paperwork all
7 over again. My supervisor signed it. Mr. Garrity
8 signed it. I made the phone call to the individual's
9 office with the presence of the primary relief
10 supervisor on my squad. And the individual was not in
11 his office. His secretary answered, and she said that
12 he is in Washington, D.C. attending a conference. I
13 wrote a communication to Mr. Carmody, and I sent him a
14 copy of the tape.
15 That's as far as I'm going to go.
16 Q. Who was the supervisor? Robert Garrity was
17 the acting supervisor who --
18 A. No. Robert Garrity was the assistant special
19 agent in charge in the Dallas division.
20 Q. Okay. Who was the supervisor that said that
21 you should go ahead and record this Muslim terrorist
22 suspect?
23 A. The one that called Garrity --
24 Q. Okay.
25 A. -- from Tampa? Jay Korner.

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1 Q. Jay --
2 A. Korner, K-O-R-N-E-R.
3 Q. Okay. All right. And what -- what role did
4 Mr. Korner play? Was he an FBI or a U.S. attorney?
5 A. No. He was an FBI supervisor.
6 Q. FBI supervisor in Tampa?
7 A. Yes, sir.
8 Q. Okay. And then who -- who was it that came
9 back and said, No, we don't do consensual monitoring --
10 A. That was my squad supervisor in Dallas, Ronald
11 Patton. Ron Patton.
12 Q. And Ron Patton said to you, We don't do
13 consensual monitoring on international terrorism?
14 A. Yes, sir.
15 Q. Okay. And the -- the end result of it was
16 that you called this person that Carmody wanted you to
17 do -- to do a tape recording of a conversation?
18 A. Yes, sir.
19 Q. And you got his secretary?
20 A. Yes, sir.
21 Q. And she said, He's not here; he's in
22 Washington?
23 A. And I left a message.
24 Q. Left a message?
25 A. I advised her who I am and to advise him that

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1 I called.
2 Q. And what happened after -- and so she took the
3 message?
4 A. She took the message. It was on tape.
5 Q. Okay.
6 A. I identified myself on the tape. And a
7 primary relief supervisor was with me and identified
8 himself on the tape before we started the phone call.
9 Q. So you started the phone call saying, Hey,
10 this is the FBI calling?
11 A. No. No. We started the tape.
12 Q. I see.
13 A. Then we -- we dialed the number and made the
14 phone call.
15 Q. Okay. And who was it that was on the tape
16 when you started it?
17 A. It was Pete Moore.
18 Q. And this was a secretary at the University of
19 south Florida that you called, that answered?
20 A. I'm not sure where she was. I just called the
21 office number that I had.
22 Q. Okay. And you left a message, and you never
23 got a call back?
24 A. No. She said he would be gone for a week.
25 Q. Okay. And you never got a call back?

1 A. Something like that.
2 Q. Okay. And so -- so the suspect says, hey, you
3 can call me when I return to my office next week.
4 Correct? That's what -- that's what your 302 says,
5 Abdel-Hafiz advised the suspect that he, the suspect,
6 could call him when he returns to his office next week.
7 A. I'm the one who told him that he can call me
8 when he return to his office next week.
9 Q. Okay. All right. So -- so what you're
10 saying, you're telling the suspect, you can call me?
11 A. Yes.
12 Q. And did he ever call you?
13 A. No.
14 Q. And did you ever make an effort to call him?
15 A. Well, because he continued to tell me what he
16 wanted to tell me right there. I was hoping that he
17 would say, okay, let's talk on the phone next week, and
18 I would do what I started to do two days before.
19 Q. Okay. And do you know whether this suspect,
20 who I will suggest to you has been publicly revealed in
21 multiple courtroom testimony, including this document
22 being in evidence, is Sami al-Arian. You don't have to
23 confirm that. But did this suspect tell you that he was
24 interested in talking to you?
25 A. Not after --

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1 A. I never got a call back. The second day, I
2 traveled to Washington to attend that conference, and he
3 met me there.
4 Q. Okay. And so your 302 that we have here
5 that's marked as Exhibit 2 was subsequent to this
6 telephone call that you had made to the -- the suspect's
7 office?
8 A. Yes.
9 Q. Okay. So you see him at the conference, you
10 talk to him, he says he didn't get your message, but
11 that --
12 A. He said he did get my message.
13 Q. Well, look at your 302. First paragraph,
14 Advised Abdel-Hafiz that he did not receive this
15 message. Hafiz -- Abdel-Hafiz advised the suspect,
16 we'll call him, that, he, the suspect, could call him
17 when he returns to his office next week.
18 A. Yes.
19 Q. Was that accurate at the time you wrote it?
20 A. That -- that's -- yeah, that's accurate. I --
21 I told him that I called him. And he said -- because
22 that was the -- I believe the next day after the phone
23 call, and he said he did not get the message, but thank
24 you for calling me anyway.
25 Q. Okay.

1 Q. Not after this?
2 A. Yeah, after we talked.
3 Q. All right. And after this June 30, 1998, 302,
4 is it a fact or not that Mr. Carmody, after this
5 contact, asked you to record Mr. -- Mr. Suspect,
6 Mr. Terrorism suspect?
7 A. No. No.
8 Q. No. Okay.
9 A. Mr. Carmody never contacted me after that.
10 Q. Okay. So -- so then it would be totally false
11 to say that -- that you refused to record this terrorism
12 suspect, who I will tell you is Sami al-Arian, a Muslim.
13 That would be false. Right?
14 A. That's -- that's absolutely false.
15 Q. Okay. And you say that -- that you never
16 heard that Mr. Carmody had never made this allegation
17 publicly?
18 A. Yes, sir.
19 Q. Okay. Until this very moment?
20 A. Until this very moment.
21 Q. Okay.
22 MR. BABCOCK: Let's make this Exhibit 3.
23 (Exhibit 3 marked.)
24 Q. I have handed you what's been marked as
25 Exhibit 3, and it is a declaration of Barry Carmody,

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1 signed by him, notarized on May 30th of 2002. Having
 2 seen Exhibit 3, does this refresh your recollection
 3 either, one, that you've seen this document before or,
 4 two, that you've heard these allegations?
 5 A. I read this. Who did he make this to?
 6 Q. Well, we're going to get to that.
 7 A. Okay.
 8 Q. I take it you've never seen this before?
 9 A. Yes.
 10 Q. Okay. Yes, you've never seen it before?
 11 A. Yeah, I've never seen it before.
 12 Q. It says in the second paragraph, From 1995
 13 through February of 2000, in the course of conducting a
 14 lawful investigation within the jurisdiction of the
 15 FBI's Tampa office, I had occasion to seek the
 16 assistance of an FBI special agent assigned to the
 17 Dallas FBI office.
 18 In that time period, you were assigned to the
 19 Dallas FBI office. Correct?
 20 A. Yes, sir.
 21 Q. And Mr. Carmody, in that time period, sought
 22 your assistance, as you've just described. Correct?
 23 A. Yes.
 24 Q. All right. It goes on to say -- this sworn
 25 statement or this declaration -- I asked special agent

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1 A. Uh-huh.
 2 Q. -- of refusing to record another Muslim.
 3 Correct?
 4 A. I heard of that news conference. I did not
 5 see it.
 6 Q. Okay. Were you aware that that news
 7 conference that Mr. Wright participated in was broadcast
 8 over the C-Span cable channel to -- to a nationwide
 9 audience?
 10 A. Not that I'm aware of.
 11 Q. All right.
 12 A. I know that was somewhere on TV, but I was
 13 overseas at that time.
 14 Q. Okay.
 15 A. That's why.
 16 Q. All right. And in -- in subsequently
 17 investigating this lawsuit and -- and the claims that
 18 you're making here, did you determine that, in fact,
 19 Mr. Wright had released a sworn statement and attended a
 20 press conference on or about May 30 of 2002?
 21 A. I knew that he held a news conference. I am
 22 not aware that my name was mentioned in it.
 23 Q. All right. He held a news conference, and the
 24 date of that news conference was on or about May 30,
 25 2002. Correct?

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1 blank to record a telephone conversation during a
 2 meeting with an individual involved in an open FBI
 3 criminal investigation. Special agent blank refused to
 4 record this telephone conversation, saying he would make
 5 the call but would not record it. I said this was
 6 unsatisfactory. It had been discussed with the United
 7 States attorney's office in Tampa, and we required a
 8 recorded conversation.
 9 He still refused to record the conversation.
 10 Special agent blank's refusal to record the telephone
 11 conversation may have had -- negatively impacted the
 12 conduct of the FBI's investigation.
 13 I informed FBI headquarters twice about this
 14 incident in 1998, and again in 2000, but I am aware of
 15 no discipline action -- no disciplinary action being
 16 taken against him in this matter. In fact, I have been
 17 told that Special Agent Robert Wright had a similar
 18 experience with special agent blank in the course of his
 19 subsequent investigation he pursued?
 20 Did I read that correctly?
 21 A. Yes, sir.
 22 Q. All right. And it is true that on May 30th of
 23 2002 that Mr. Wright held a press conference, at which
 24 he described an experience that he had with the FBI with
 25 a Muslim agent who he said, he accused --

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1 A. Yes, sir.
 2 Q. All right. And I think you're right, that --
 3 that your name was not mentioned, but he did speak about
 4 a Muslim agent --
 5 A. Yes, sir.
 6 Q. -- who had refused to record another Muslim.
 7 Correct?
 8 A. Yeah, he mentioned that.
 9 Q. All right. Do you have any doubt in your mind
 10 that he was talking about you?
 11 A. I -- I don't believe I have a doubt, no.
 12 Q. Okay. And when Mr. Carmody issues the
 13 declaration that he did on that same day -- and I
 14 will -- I will tell you it was read at the press
 15 conference -- do you have any doubt in your mind that
 16 Mr. Carmody was speaking about you in this declaration,
 17 which is Exhibit 3?
 18 A. It's very possible that he was talking about
 19 me.
 20 Q. Let me -- let me hand you -- let me get marked
 21 first as Exhibit 4 --
 22 (Exhibit 4 marked.)
 23 Q. Exhibit 4, I will represent to you is a
 24 transcript of the press conference that was held in
 25 Washington, D.C. on or about May 30th of 2002. And I'd

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1 I like to ask you to turn to page -- pages 32 and 33 of
2 this press conference. Excuse me. I meant page 30.
3 And down at the bottom of page 30, line 22,
4 there's a gentleman by the name of Mr. Fitten. And it
5 says, Good morning, my name is Tom Fitten. I'm
6 president of Judicial Watch.
7 Do you know who Judicial Watch is?
8 A. Yeah, I heard of them.
9 Q. Okay. And what do you know about Judicial
10 Watch?
11 A. Well, I didn't know anything about them until
12 I found that they were representing Mr. Wright.
13 Q. Okay. And do you know anything about them
14 other than it's an organization that's representing
15 Mr. Wright?
16 A. They call themselves the watchdog, the
17 Judicial Watchdog.
18 Q. Okay. What does that -- have you learned
19 anything about that? I don't know much about them
20 myself, so --
21 A. Well, I -- I learned a little bit. That
22 they -- they watch everything that the Department of
23 Justice and their affiliates are doing.
24 Q. Right. And -- and publicize things that they
25 feel need publicity, I take it?

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1 2000.
2 Q. Right.
3 A. The whole situation happened in '99.
4 Q. Right.
5 A. There were several communications back and
6 forth that you have copies of.
7 Q. Right.
8 A. Between myself and Mr. Wright --
9 Q. Right.
10 A. -- or Mr. Vincent.
11 Q. Correct.
12 A. None of these communications included
13 accusations or allegations that I said, I will not
14 record this person because a Muslim doesn't record
15 another Muslim.
16 Q. Okay.
17 A. Are you aware of that?
18 Q. Well, whether I am or not, we can --
19 A. Well --
20 Q. -- we can go out and have a drink, and I'll
21 answer all your questions, but --
22 A. Well, I'm just trying to put this on the
23 record.
24 Q. Sure. You put --
25 A. Yeah.

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1 A. Yeah.
2 Q. All right. And I take it you've learned that
3 they hold press conferences?
4 A. Yes.
5 Q. All right. So Mr. Fitten says -- he's
6 president of Judicial Watch -- Before I read
7 Mr. Carmody's declaration, I would like to read an
8 excerpted portion of a sworn statement made by our
9 client Mr. Wright that was released to Mr. Wright under
10 the Freedom of Information Act. It's a public document.
11 It was approved for release with some excisions by the
12 Department of Justice and the FBI.
13 Did I read that --
14 A. Yes, sir.
15 Q. -- correctly?
16 A. Yes, sir.
17 Q. And you are familiar with the sworn statement
18 of Mr. Wright where he recounts his accusations against
19 you about refusing to record another Muslim. Correct?
20 A. Yes, sir.
21 Q. All right. And without going through --
22 A. Just to -- to -- I need to clarify one thing,
23 please.
24 Q. Certainly.
25 A. He gave his -- his statement in the year of

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1 Q. You put whatever on the record --
2 A. Yes.
3 Q. -- you want on the record.
4 A. Yes, sir.
5 Q. So we've -- we've fast-forwarded here. But I
6 want to get back to your point --
7 A. Sure.
8 Q. -- and go over those documents.
9 A. Yes, sir.
10 Q. But I want to fast-forward here to May 30 of
11 2002 and Mr. -- Mr. Wright's, Agent Wright's affidavit.
12 And without reading the whole thing, wouldn't it be fair
13 to say that his sworn statement where he makes
14 accusations against you was -- was put on this -- put on
15 this record?
16 A. Yes, sir.
17 Q. All right. Now, turn over to page 35. And
18 Mr. Fitten is still the speaker. It starts at line 7.
19 We have here the declaration of -- in addition
20 to the document I just read from, the declaration of
21 Barry Carmody, which is sworn to under oath and which is
22 signed today. Oh, and Wright's is sworn under oath as
23 well, the document that you-all have.
24 And then he reads, quote, I, Barry Carmody, a
25 resident of Hillsboro County, Florida hereby declare as

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1 follows. And then there follows a recitation on public
 2 television at a press conference the statements that are
 3 contained in Exhibit 3.
 4 Would you agree with me?
 5 A. Yes, sir.
 6 Q. All right. And would a fair reading of
 7 Exhibit 3 be that Mr. Carmody, who was the special agent
 8 in charge of the -- the Sami al-Arian investigation,
 9 asked you to record a witness and that you refused?
 10 A. No.
 11 Q. You don't think that that's fairly stated in
 12 this -- the accusation --
 13 A. The accusations, yes.
 14 Q. Yeah.
 15 A. He's accusing me of that, yes.
 16 Q. Okay. Okay. Fair enough. Now, Mr. Wright's
 17 sworn statement that was released and read at this press
 18 conference was a sworn statement that was created in
 19 response to a complaint that you made about him to the
 20 FBI where you charged him with racism. Is that correct?
 21 A. Yes, sir.
 22 Q. And you learned that Mr. Wright had made
 23 accusations about him -- about you within the FBI.
 24 Correct?
 25 A. Yes, sir.

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1 (Exhibit 5 marked.)
 2 MR. BABCOCK: Make this the next one. Is
 3 this 5, I think?
 4 Q. You have produced for us a document that is
 5 Bates numbered GAH 189 through 194 and marked in this
 6 record as Exhibit 5. And can you tell us what this
 7 document is?
 8 A. This is the agency's memorandum support of a
 9 final order finding no discrimination and affirming the
 10 administrative judge's decision.
 11 Q. All right. And it relates to a complaint that
 12 you yourself made to the Department of Justice, but
 13 regarding Mr. Wright's conduct. Correct?
 14 A. Yes, sir.
 15 Q. And it says in Factual Background that in
 16 March 1999, on the front page -- in March 1999, a
 17 special agent from the Federal Bureau of Investigation's
 18 FBI Chicago division requested that Hafiz wear a hidden
 19 recording device to record his conversation with a
 20 Muslim who was the subject of an FBI investigation.
 21 Did I read that correctly?
 22 A. Yes, sir.
 23 Q. All right. And is that an accurate statement,
 24 that first sentence?
 25 A. Yes.

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1 Q. All right. It then goes on to say that for a
 2 variety of reasons Hafiz refused to record his
 3 conversation with the subject.
 4 Did I read that correctly?
 5 A. Yes, sir.
 6 Q. All right. And is that a -- is that a correct
 7 statement?
 8 A. For a variety of reasons, it was decided that
 9 I do not wear that recording.
 10 Q. Okay. So you think that's an incorrect
 11 statement?
 12 A. Yes. I did not write this. This is the
 13 judge's writing.
 14 Q. Right. Okay. By the way, the judge found
 15 that there was no act of discrimination practiced by
 16 Mr. Wright against you. Correct?
 17 A. No, by the Bureau.
 18 Q. By the Bureau?
 19 A. Yes.
 20 Q. Well, did he find that Mr. Wright had
 21 practiced an act of discrimination?
 22 A. Well, I recall reading something here that
 23 said that he -- he does not condone the actions of
 24 Mr. Wright. I'm trying to find it here.
 25 Q. Yeah, point that out for me.

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1 A. I will.
 2 MR. BABCOCK: Make this 6.
 3 (Exhibit 6 marked.)
 4 A. I believe there was another document from the
 5 judge. I don't know if you have it in your possession
 6 or not.
 7 Q. I do not.
 8 A. You do not. There was another document from
 9 the judge where he mentioned that he does not condone
 10 Mr. Wright -- his decision does not condone Mr. Wright's
 11 actions against me or does he believe that this is
 12 acceptable, but he is just deciding that I was not
 13 subjected to harassment by the Bureau.
 14 Q. All right. But it's not in this document
 15 Exhibit 5?
 16 A. Not that I see it here.
 17 Q. Okay. All right. And the -- the results of
 18 what happened was the administrative law judge who heard
 19 your matter recommended that the -- that the case be
 20 dismissed and that that was affirmed in a final order of
 21 finding no discrimination. Correct? That was the
 22 procedural result of your complaint?
 23 A. No. The procedure was that that was his
 24 recommendation to dismiss the case, and I had the right
 25 to appeal it. And I decided not to pursue it any

Page 85 1 further. 2 Q. All right. So there were two levels. There 3 was a recommendation of dismissal. That was affirmed. 4 And then you decided not to appeal it any further. 5 Correct? 6 A. Yes. 7 Q. All right. 8 A. Based on my attorney's recommendation at that 9 time. 10 Q. Okay. Is it -- is it true that -- that you 11 contacted the Equal Employment Opportunity counselor on 12 May 28th of 1999 to allege that a telephone conversation 13 between Wright and a Dallas FBI special agent 14 discriminated against you? 15 A. I don't recall the date, but I -- I know I 16 made a complaint. 17 Q. Okay. If you'll look at page 2 of this 18 document, Exhibit 5, GAH 190, it says in paragraph 6, On 19 May 28th, Hafiz contacted an EEO opportunity counselor. 20 A. Yes. 21 Q. Is that -- 22 A. Yes. 23 Q. -- correct or incorrect? 24 A. That's correct. 25 Q. All right. And then you filed your complaint	Page 87 1 United States attorneys present advised this was not 2 what they desired, and inquired what the route of 3 Special Agent Abdel-Hafiz's objection was to wearing the 4 wire. Special Agent Abdel-Hafiz advised that he feared 5 for his safety. When he was told the FBI could protect 6 him, Special Agent Abdel-Hafiz told them he did not 7 trust the FBI to protect him. The assistant United 8 States attorneys continued to ask why Special Agent 9 Abdel-Hafiz would not wear the wire, and he stated, 10 quote, A Muslim does not record another Muslim. 11 Did I read that correctly? 12 A. Yes, you did. 13 Q. All right. Is -- is that what -- is that the 14 accusation that Mr. Wright made about a telephone 15 conference call that you and he and others were on? 16 A. This is the allegations, yes. 17 Q. All right. And the affidavit is -- or the 18 sworn statement is sworn to and subscribed Chicago, 19 Illinois, the 21st day of March 2000. Correct? If you 20 look at -- all the way to the last page. 21 A. Yes, sir. 22 Q. All right. And prior to that, there had been 23 a -- this meeting that we've talked about and we'll talk 24 about a little bit more. But there was a controversy 25 among the various people in the FBI about whether or not
Page 86 1 of discrimination on July 2nd of 1999? 2 A. Yes, sir. 3 Q. All right. Now, in response to your 4 complaint, Mr. Wright provided Exhibit 6, which was the 5 sworn statement. Correct? 6 A. Yes. 7 Q. Okay. If you'll turn to page 3 of this 8 document, there are some black marks, but there's some 9 handwriting as well. Do you recognize this -- this 10 handwriting? 11 A. No. 12 Q. All right. 13 A. It seems like this is maybe Mr. Wright's 14 handwriting. 15 Q. Okay. 16 A. I mean, he has a redacted FBI document. 17 Q. Right. 18 A. And he -- he identified the names with his 19 own -- 20 Q. If it's his handwriting, sure. 21 All right. Let's turn to -- at the bottom, it 22 says on the affidavit -- on the sworn statement, Page 5 23 of 11 pages. 24 A. Uh-huh. 25 Q. The last paragraph, it says, The assistant	Page 88 1 you were going to wear a recording device without 2 letting your subject know about it, and the result of it 3 all was that you didn't wear the recording device. 4 Correct? <u>That was the result of all the conversations?</u> 5 A. I was ordered not to wear the recording 6 device. 7 Q. Okay. Which -- 8 A. I have to be careful with that, because ABC 9 said I have disobeyed orders to wear recording device. 10 No, I was ordered not to wear the recording device. 11 Q. Okay. The result of it all was you didn't 12 wear the recording device? 13 A. And I did not meet the person. 14 Q. And you didn't meet the person? 15 A. And I did not meet the person. 16 Q. Okay. So -- 17 A. The person never requested to meet me. I have 18 never requested to meet him. 19 Q. Uh-huh. 20 A. The meeting did not take place, and I did not 21 wear the recording device. 22 Q. Okay. We'll get to that in a minute. 23 A. Sure. 24 Q. But -- but after -- after that state of 25 affairs, then you injected yourself into the controversy

Page 89 1 by filing the discrimination complaint. Correct? 2 A. No, I did not inject myself. I was trying to 3 stop Mr. Wright from spreading rumors about me. 4 Q. Okay. In any event, you voluntarily filed the 5 discrimination complaint against Mr. Wright. Correct? 6 A. Yes, sir. Yes, sir. 7 Q. And that provoked the sworn statement, which 8 is Exhibit 6. Correct? 9 A. Yes, sir. 10 Q. And that sworn statement later found its way 11 into the public through the Freedom of Information Act. 12 Correct? 13 A. Yes, sir. 14 Q. And it further found its way into the public 15 by -- by being read at a Judicial Watch press conference 16 in 2002, in May of 2002. Correct? 17 A. Yes, sir. 18 Q. All right. And following that press 19 conference, there was media publicity about these 20 allegations by Mr. Wright and Mr. Carmody. Correct? 21 A. I don't know if Mr. Carmody made media 22 publicity. I just found out about it today. 23 Q. Okay. Let me amend the question then. 24 A. Yes, sir. 25 Q. Following this press conference that Judicial	Page 91 1 A. Can you give me just one minute -- 2 Q. Oh, sure. 3 A. -- to look at this, please? 4 Q. Take as much time as you want. 5 (Exhibit 8 marked.) 6 MR. BABCOCK: Some more reading for you 7 guys. 8 MR. GREGORY: Thank you. 9 THE VIDEOGRAPHER: Sir, we have seven 10 minutes left on this videotape. Would you like me to go 11 ahead and change tapes while they're reading? 12 MR. BABCOCK: Yeah. 13 THE VIDEOGRAPHER: We are now going off 14 the record. This concludes tape number 1. The time is 15 now 12:24. 16 (Break from 12:24 p.m. to 12:27 p.m.) 17 THE VIDEOGRAPHER: This marks the 18 beginning of videotape number 2. We're going back on 19 the record. The time is now 12:27. 20 Q. (BY MR. BABCOCK) Mr. Abdel-Hafiz, here is 21 Exhibit 7 -- 22 A. Before we go to the exhibit, please, let me 23 read something from Mr. Wright's affidavit. 24 Q. Okay. 25 MR. WINDSOR: Don't do that.
Page 90 1 Watch had that there was publicity about Mr. Wright's 2 allegations about you? 3 A. Yes, sir. 4 Q. All right. And you have produced for us a 5 videotape of various news accounts that either you 6 recorded or somebody recorded and it sent to you? 7 A. Yes, sir. 8 Q. All right. And let me ask you that. Was it 9 something that you recorded, or did somebody record it 10 and send you this videotape? 11 A. This videotape was sent to my attorney's 12 office by someone in the Chicago office. I don't know 13 this person. He did not put a name. 14 Q. So it was sent anonymously? 15 A. Anonymously, yes, sir. 16 Q. From the Chicago FBI office? 17 A. From the Chicago FBI office in a -- in a 18 manila office with the FBI on it, FBI Chicago on it. 19 Q. Did you dust it for prints? 20 A. No. 21 Q. Okay. Let's make the next -- 22 MR. BABCOCK: What is it, 7? 23 (Exhibit 7 marked.) 24 Q. Okay. I have a transcript of one of the news 25 broadcasts that --	Page 92 1 THE WITNESS: Okay. 2 MR. WINDSOR: Just go ahead and answer 3 his question. 4 THE WITNESS: Okay. 5 Q. Well, I'm happy to have you do it. 6 A. That's okay. 7 Q. But you follow your lawyer. 8 A. Sure. Okay. 9 Q. This is Exhibit 7, which is a transcript of 10 one of the news reports that you provided us by 11 videotape of. And I take it that before -- upon receipt 12 of the videotape from the anonymous source in the 13 Chicago FBI office, you looked at the tape, I assume? 14 A. Yes. 15 Q. All right. And one of the reports on here was 16 by Rita Cosby, a reporter for Fox Wire Television Wire 17 Service. And if you go to page 2, line 3, Following 18 that emotional press conference, Agent Wright, who is 19 represented by attorneys from Judicial Watch, gave Fox 20 Wire a hard-hitting exclusive interview. 21 Did I read that correctly? 22 A. Yes, sir. 23 Q. All right. And was this television news 24 report after the press conference that we've been 25 talking about earlier that was on May 30th of 2002?

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1 A. I'm -- I'm not sure when.
 2 Q. Okay. The language would suggest itself to
 3 you that it was shortly after the news conference, would
 4 it not?
 5 A. I'm aware that Mr. Wright made several news
 6 conferences.
 7 Q. In that May, June 2002 time period?
 8 A. No. He made one in June 2002, and I know that
 9 he made several, or at least one more, later on.
 10 Q. Okay.
 11 A. So I'm not sure what time period this is.
 12 Q. All right. Let me ask you -- let me ask you
 13 this: To your knowledge, did Mr. Wright conduct any
 14 press interviews prior to the May 30, 2002, what I'll
 15 call the Judicial Watch press conference in Washington,
 16 D.C.?
 17 A. I'm not sure.
 18 Q. Okay.
 19 A. I was overseas at that time.
 20 Q. Okay. And -- and your investigation for this
 21 lawsuit hasn't revealed anything one way or the other on
 22 that?
 23 A. Not one way or another, no.
 24 Q. Okay. It is clear, however, that your lawsuit
 25 is not about the May 30, 2002 press conference.

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1 Correct?
 2 A. Yes.
 3 Q. Okay. Now, do you have any reason to believe
 4 that this Rita Cosby, Fox broadcast was subsequent to
 5 December 19th of 2002?
 6 A. I'm not sure. I haven't even read what she
 7 said.
 8 Q. Okay.
 9 A. I mean, when I got that tape, I looked at
 10 everything.
 11 Q. Right.
 12 A. It all talk about the same thing.
 13 Q. Yeah.
 14 A. But I -- I'm not sure of the dates.
 15 Q. Okay. The only reason I was asking was it
 16 just suggested to me that, you know, following that
 17 emotional press conference, where I think it's -- the
 18 record will reflect Mr. Wright broke down in tears, and
 19 they're talking about the May 30 press conference --
 20 A. Yes.
 21 Q. -- Wright, who is represented by Judicial
 22 Watch, gave Fox Wire a hard-hitting exclusive interview,
 23 it suggested to me it was shortly after that, but maybe
 24 it wasn't. So --
 25 A. Okay.

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1 Q. You don't know one way or the other?
 2 A. I don't know.
 3 Q. Okay. Let's -- let's turn to page 6, however.
 4 And it's line 13. And the reporter Rita Cosby says, I
 5 understand that you asked an FBI agent to wear a wire
 6 tap. It was a Muslim agent, and he said to you, quote,
 7 I will not, as a Muslim, wiretap other Muslims. Is that
 8 correct?
 9 And Wright says, I think the quote was, Muslim
 10 doesn't record another Muslim.
 11 And the reporter says, And what was your
 12 reaction to that?
 13 And Wright says, Shock, disbelief, the same as
 14 the other people who were in the room at the time.
 15 This is referring to you, is it not, sir?
 16 A. Yes, sir.
 17 Q. Okay. And this would be another instance
 18 where Mr. Wright's accusations were -- were given a
 19 public airing, so to speak?
 20 A. Yes.
 21 Q. Okay. Let me hand --
 22 A. But, again, my name was not mentioned at that
 23 time.
 24 Q. Right. You don't have any doubt it was you,
 25 do you?

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1 A. I -- I didn't have much doubt that was me.
 2 Q. Right. Then or now?
 3 A. Then or now.
 4 Q. Okay. Let me hand you Exhibit 8, which is
 5 another transcript from the videotape that you provided
 6 us, but this time it's a transcript of the CNN
 7 Crossfire. And would it be fair to say that, once
 8 again, Mr. Wright is on television talking about his
 9 thoughts about the FBI and other things in a general
 10 sense?
 11 A. I believe so, yes.
 12 Q. All right. And then if you'll turn to page 6,
 13 at line 17, it says -- unidentified person: Mr. Wright,
 14 there's one incident you talked about that upset you
 15 very much about a former FBI agent's refusal to put a
 16 wire on a suspect. Can you tell us about that?
 17 And Wright says, I'm sorry. Can you repeat
 18 that?
 19 And the person says, There's an incident that
 20 you talked about, about a fellow FBI agent's refusal to
 21 put a wire on a suspect. Can you tell us about that?
 22 And Wright says, Only what was in my
 23 statement, and I totally stand by that statement. The
 24 bottom line was --
 25 And the unidentified person says, What was

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1 that?
 2 Wright says, What it came down to was, a
 3 suspect of a terrorism investigation contacted an FBI
 4 agent in another division who happened to be a Muslim to
 5 ask if he could talk to him regarding my investigation,
 6 because he had been subpoenaed to appear in Chicago to
 7 answer some questions. And the Muslim agent initially
 8 agreed to do it, but within an hour changed his mind and
 9 said he would not wear a wire against another Muslim.
 10 He said -- and the quote was, quote, A Muslim doesn't
 11 record another Muslim. And what concerns me is this
 12 individual was working international terrorism
 13 investigations and was refusing to do the sworn duty
 14 that he was sworn he would do.
 15 Did I read that correctly?
 16 A. Yes, sir.
 17 Q. And do you have any doubt that he was speaking
 18 about you when he made this statement to CNN Crossfire?
 19 A. No, I don't have doubt.
 20 Q. We talked earlier about a publication in the
 21 Wall Street Journal, and you, I assume, read that at the
 22 time that it came out?
 23 A. Yes.
 24 Q. All right. And by the way, do you know the
 25 date of the CNN Crossfire program?

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1 A. No.
 2 Q. Okay.
 3 (Exhibit 9 marked.)
 4 Q. Let me hand you Exhibit 9. Now, we do know
 5 the date of the Wall Street Journal article by Glenn
 6 Simpson, and that is November 26th of 2002. Correct?
 7 A. Yes, sir.
 8 Q. And when did you see this -- this article?
 9 A. I believe the second or the third day after it
 10 came out.
 11 Q. Okay. So November 27th, 28th, somewhere in
 12 that time period?
 13 A. Around, yes.
 14 Q. Okay. And without -- without going through
 15 the whole thing, would it be fair to say that both the
 16 accusations by Mr. Wright and the accusations by
 17 Mr. Carmody were published in this Wall Street Journal
 18 article which did name you by name?
 19 A. Yes.
 20 Q. All right. And where were you when you were
 21 first able to read this November 26, 2002 Wall Street
 22 Journal article, which says, Muslim FBI agent is accused
 23 of not taping terror suspects?
 24 A. I was in Saudi Arabia.
 25 Q. Okay. And how did you -- how did you come to

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1 get a copy of this?
 2 A. I was contacted by the media office at the
 3 embassy who gave me an e-mail that was sent to them, I
 4 believe, by Mr. Simpson of the Wall Street Journal. He
 5 advised -- the e-mail was sent to the care of Gamal
 6 Abdel-Hafiz. And he gave me the e-mail. The e-mail
 7 stated that they were preparing to write a story about
 8 Mr. Wright's allegations against me, and they would like
 9 to get a response from me as soon as possible.
 10 Q. Okay.
 11 A. I believe I received this on a Saturday or a
 12 Friday. I sent an e-mail to FBI headquarter to Mike
 13 Kortan, and I told him that it seems like Mr. Wright is
 14 not stopping. And he said, You have the right to
 15 respond. I said I was told not to respond to the media
 16 in May 2002 by my chain of command. And he said,
 17 We'll-- we'll handle it.
 18 By the time we went back and forth on a couple
 19 of e-mails, Mike Kortan said the story came out today;
 20 it was a Tuesday. So they -- they did print the story
 21 without a response from me or from the FBI.
 22 Q. And did -- did this news article in the
 23 Wall Street Journal cause you any trouble, any problems?
 24 Did it have any impact on you?
 25 A. It was the first embarrassment that I have

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1 seen with my name on it.
 2 Q. Okay. Were you able to determine whether it
 3 had any -- had any damage to your reputation in any way?
 4 A. It was too quick and too soon -- too close to
 5 the -- to the ABC December 19th program, Prime Time.
 6 Q. So is what you're -- is what you're saying is
 7 you can't segregate the damage that the
 8 Wall Street Journal might have caused your reputation as
 9 against the damage that the ABC broadcast might have
 10 caused? Can't tell which caused you damage or how much?
 11 A. Yes, I can tell. The ABC Prime Time, they
 12 made some factual errors in their statements and
 13 misrepresentations. This, when I read it, it just
 14 wrote -- it printed down the allegations by Mr. Wright
 15 and Mr. Carmody. So I'm not seeing analytical piece
 16 here. unlike ABC program.
 17 Q. Okay. So -- so Exhibit 9, which is the
 18 November 26, 2002 Wall Street Journal report, after you
 19 read it again today here in the deposition, you don't
 20 find any factual errors or misrepresentations in this
 21 article. Is that correct?
 22 A. Well, I -- it's been a few years since I read
 23 it. If you want to give me a chance to read it, I'll be
 24 more than happy to answer that.
 25 Q. Yes. Go through it, you know, carefully, and

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1 tell me whether there are any factual errors or
2 misrepresentations or any other complaint that you might
3 have about this Wall Street Journal article. And just
4 identify it, and we'll go down one by one if you have
5 any.
6 A. The two -- the two errors that I can see here
7 now --
8 Q. Okay.
9 A. -- is on the fourth paragraph.
10 Q. All right. All right.
11 A. It says: After a BMI accountant allegedly
12 told Mr. Abdel-Hafiz in 1999 that company funds, quote,
13 may have been used to finance, end of quote, the 1998
14 bombing of two U.S. embassies in east Africa. This was
15 not true. This is an untrue statement.
16 Q. And how is it untrue?
17 A. That the accountant never told me that. He
18 just told the -- some of the people that the company was
19 doing business with connected to an organization that
20 was searched by the U.S. government during the
21 investigation of the U.S. embassy bombings.
22 Q. Okay.
23 A. Also, the second one in the same paragraph --
24 Q. Uh-huh.
25 A. -- it says that, PM -- PMI's president sought

1 BMI accountant allegedly told Mr. Abdel-Hafiz in 1999
2 that company funds, quote, may have been used to
3 finance, quote, the 1998 bombings of two U.S. embassies
4 in east Africa, that's not true; the accountant never
5 told you that?
6 A. He never told me that.
7 Q. Okay. Was that accusation made in Wright's
8 affidavit?
9 A. I don't recall.
10 Q. Okay. All right. Now, your -- your lawyer
11 asked some good questions of Mr. Wright and Mr. Vincent.
12 And you were here the whole time.
13 A. Yes, sir.
14 Q. Right?
15 A. Yes, sir.
16 Q. And I want to ask you the same questions.
17 This is from Vincent's deposition, page 15, line 3. And
18 my question is this: Well, were you aware that some of
19 Mr. Wright's previous statements, and I mean previous to
20 December of 2002, regarding a Muslim not recording
21 another Muslim, were you aware that they had caused
22 something of a stir in the FBI?
23 And what's your answer to that question?
24 A. Yes.
25 Q. Okay. And what is your information in that

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1 a meeting with -- with Mr. Abdel-Hafiz. He never did
2 seek a meeting. He was just asking.
3 Q. Okay. In fairness, though, it says, According
4 to the Wright affidavit. The whole sentence says, PMI's
5 president --
6 A. Yeah.
7 Q. -- sought a meeting with Mr. Abdel-Hafiz,
8 according to the Wright affidavit.
9 Would that be an accurate statement? Did
10 Wright say that?
11 A. In his affidavit?
12 Q. Uh-huh.
13 A. Yes, he did.
14 Q. Okay. So that would be accurate?
15 A. Yes.
16 Q. Okay. So the only -- the only thing that is
17 false --
18 A. Again, let me go back. It is accurate
19 according to his affidavit. I'm not saying that his
20 affidavit is accurate.
21 Q. Right. I understand that.
22 A. Yes. Okay.
23 Q. I understand that. But the only -- the only
24 thing that is false in this Wall Street Journal article
25 of November 26, 2002 is the sentence that says, After a

1 regard?
2 A. My information in that regard, that Mr. Wright
3 made several comments, several people, and it started to
4 cause me some problems in the trust between me and my
5 fellow agents, but it never gotten outside the FBI. My
6 chain of command, my employer and my management always
7 trusted me and always praised my -- my work that I was
8 assigned.
9 Q. Okay. So -- so you say Mr. Wright's comments
10 did cause quite a stir within the FBI, but -- but it
11 never got outside of the FBI?
12 A. That I'm aware of.
13 Q. That you're aware of?
14 A. Yes, sir.
15 Q. Okay. All right. Here is the next question,
16 and this was asked of Mr. Wright himself.
17 A. Yes.
18 Q. After your -- and he's asking Wright, of
19 course --
20 A. Uh-huh.
21 Q. -- after Wright's May of 2002 press
22 conference, were you aware that some of the statements
23 in that press conference caused some problems for
24 Mr. Hafiz within the FBI? That's -- I put that question
25 to you.

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1 A. Yes, sir.
 2 Q. All right. And what problems after the press
 3 conference?
 4 A. I was taking national security polygraph in
 5 July of 2002 in headquarter, and the polygrapher asked
 6 me if I ever made this statement that a Muslim doesn't
 7 record another Muslim.
 8 Q. Uh-huh.
 9 A. And the polygrapher was convinced that I made
 10 this comment.
 11 Q. Was that one of the subjects of the polygraph,
 12 the national security polygraph?
 13 A. That was a national security polygraph. And
 14 he was saying that he doesn't feel good about somebody
 15 who said -- who puts his faith before his work and says
 16 a Muslim doesn't record another Muslim.
 17 And I mention to him that I have worked on
 18 very sensitive cases, and I have done work that put my
 19 life on the line repeatedly and my family's life on the
 20 line for the FBI and for the U.S. government, and
 21 there's nothing in my religion to keep me or prevent me
 22 from recording a criminal, regardless of their religion.
 23 A criminal wants to commit a crime against humanity,
 24 they have no religion.
 25 Q. But, of course, you're only investigating

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1 said he was convinced about the statement, what was his
 2 name?
 3 A. Bill Warner.
 4 Q. And he is a polygrapher here in the
 5 Dallas/Fort Worth area?
 6 A. No.
 7 Q. Washington, D.C.?
 8 A. He's -- he's in headquarter.
 9 Q. And he, in this polygraph examination, asked
 10 you point-blank, did you make this statement, A Muslim
 11 does not record another Muslim?
 12 A. No, he did not ask me if I made it. He said
 13 that he doesn't feel good about anyone who is making
 14 such a statement. We got into a confrontation. Then
 15 when he heard what I have done for the Bureau and the
 16 cases I worked on, he apologized and he said, Anyone who
 17 puts his life on the line to testify against the Blind
 18 Sheik will have my utmost respect.
 19 Q. Okay. So you were able to convince him
 20 that -- that everything was okay?
 21 A. Yes.
 22 Q. Now, other than the polygraph exam that you
 23 failed with respect to your wife's insurance
 24 allegations, how many other polygraph exams have you
 25 taken with the FBI?

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1 suspected criminals; you don't know that they are
 2 criminals until they're convicted. Right?
 3 A. That's true. That's true. There's nothing
 4 wrong with making sure that they are criminals or not
 5 criminals. Let me add that -- and please permit me to
 6 say that working international terrorism, all my
 7 subjects were Muslims.
 8 Q. Right. And so going forward, from today on,
 9 regardless of what you've done in the past, you don't
 10 have any problem with doing a consensual recording of a
 11 Muslim, I assume?
 12 A. I never had a problem.
 13 Q. And do you have a problem going forward today
 14 with --
 15 A. No.
 16 Q. If you were asked to record a Muslim tomorrow,
 17 you would be happy to do it?
 18 A. Today I would do it.
 19 Q. You would be happy to do it today?
 20 A. I would be more than happy to do it now.
 21 Q. Although, you're going to be otherwise
 22 occupied today.
 23 A. Yes.
 24 Q. All right. Now, the name of the polygrapher
 25 that you were -- that made this comment to you, that

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1 A. About five.
 2 Q. Have you failed any of the others? And by
 3 that I mean, have you -- has a polygraph examiner
 4 indicated that you showed deception with respect to any
 5 response on any of those five polygraphs?
 6 A. Two of them were repeated because they were
 7 inconclusive.
 8 Q. Okay. And putting the insurance polygraph
 9 aside and taking all five polygraphs and the two that
 10 were repeated for being inconclusive --
 11 A. Well, two -- two of the five.
 12 Q. Two of the five were inconclusive. All right.
 13 So we have five polygraphs. Two were repeated because
 14 they were inconclusive.
 15 A. Uh-huh. If they were not repeated, there
 16 would have been three.
 17 Q. Okay. Fair enough. So it's not seven; it's
 18 five?
 19 A. No, it's five.
 20 Q. And of those five polygraphs, was there ever a
 21 question to which the polygraph examiner concluded that
 22 you were showing deception?
 23 A. No. At the same time, I was never accused of
 24 anything before I start to take the polygraph either.
 25 Q. Okay. Well, did they give you a polygraph

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1 about the Muslims don't record Muslims --
 2 A. No.
 3 Q. -- issue?
 4 I want to see --
 5 A. I was never polygraphed. I was never
 6 investigated about that.
 7 Q. Okay. All right. A couple more questions,
 8 and then we'll break for -- for lunch. The situation --
 9 I just want to be sure I've covered all the topics I
 10 wanted to cover.
 11 But the -- the situation that we found
 12 ourselves in on December 1 of 2002 was that Mr. Carmody,
 13 an FBI -- fellow FBI agent, had publicly accused you of
 14 refusing to record a Muslim who was a suspected
 15 terrorist. That was one thing that was in the public
 16 domain. Right?
 17 A. Yes.
 18 Q. All right. Two, Mr. Wright, Mr. Vincent and
 19 the Assistant U.S. Attorney Mr. Flessner had publicly
 20 accused you of refusing to record a second Muslim who
 21 was suspected of terrorism. That was in the public
 22 domain. Right?
 23 A. Yes.
 24 Q. All right. Third, Mr. Wright had complained
 25 to -- internally to another FBI agent about you, which

1 Q. Okay. Prior to December of 2002, Mr. Wright
 2 had complained to another FBI -- a special agent in the
 3 Dallas office about you?
 4 A. Yes.
 5 Q. Okay. And you had sued him for
 6 discrimination?
 7 A. Yes.
 8 Q. And the results of that didn't occur until
 9 after the -- the results of that claim of discrimination
 10 wasn't decided until 2004. Right?
 11 A. Yes, after I was reinstated on my job.
 12 Q. There was interagency, that is, correspondence
 13 within the FBI about Wright's allegations. You're aware
 14 of that. Correct?
 15 A. Which one are you referring to?
 16 Q. Mr. Wright's allegations that you wouldn't --
 17 you refused to record another Muslim.
 18 A. I was never aware of any correspondence within
 19 the FBI. I was never questioned.
 20 Q. I may be using the wrong term.
 21 A. Yeah.
 22 Q. And I'm talking about --
 23 A. The only -- the only thing within the FBI was
 24 his affidavit in the EEO case that I'm aware of.
 25 Q. Okay. Well, I'm going to refresh your

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1 is what provoked your discrimination complaint.
 2 Correct?
 3 A. No. Let's -- let's go back and -- and repeat
 4 those, please.
 5 Q. Okay.
 6 A. I lost my track here.
 7 Q. Okay. It's talking about Carmody --
 8 A. Yes.
 9 Q. -- publicly. Wright, Vincent, Flessner,
 10 publicly. And now I'm talking about Wright,
 11 internally --
 12 A. Wright, Vincent --
 13 Q. Flessner, the --
 14 A. -- Flessner.
 15 Q. -- assistant U.S. attorney?
 16 A. When?
 17 Q. Prior to December 1 of 2002.
 18 A. I'm -- I'm not aware of Vincent or Flessner --
 19 Q. Okay.
 20 A. -- saying anything before December 2002.
 21 Q. Okay. Thank you. So Wright and Carmody are
 22 the only two you're aware of that publicly accused you
 23 prior to December 2002?
 24 A. I only became aware of Mr. Carmody's
 25 accusation today by you.

1 recollection after lunch.
 2 A. Okay.
 3 Q. And we've gone over the fact that there was --
 4 there was a stir or a lot of discussion within the FBI
 5 before the press conference, and then it caused you some
 6 problems after the press conference. Correct?
 7 A. Well, it didn't cause me much problems. It
 8 was just emotionally taxing when you feel like people
 9 are talking about you or talking about your lack of
 10 loyalty, if you will.
 11 Q. Fair enough. And then we know that prior to
 12 December 1 of 2002 there was a Wall Street Journal
 13 article on this subject. Correct?
 14 A. Yes, sir.
 15 Q. And you don't know, but I'll represent to you
 16 that both the Rita Cosby Fox Wire broadcast and CNN were
 17 prior to December 1 of 2002. But -- but you just don't
 18 know?
 19 A. I don't know.
 20 Q. Okay. Fair enough. So that's the state of
 21 affairs prior to the ABC broadcast, as best we can
 22 construct it?
 23 A. Yes, sir.
 24 Q. Okay. Let's -- let's break for lunch.
 25 THE VIDEOGRAPHER: We are now going off

Page 113 1 the record. The time is now 12:57. 2 (Break from 12:57 p.m. to 1:53 p.m.) 3 THE VIDEOGRAPHER: We are now going back 4 on the record. The time is now 1:53. 5 Q. (BY MR. BABCOCK) I want to, after we've had a 6 chance to digest lunch, return to Exhibit 2, which has 7 been previously marked. And I think you testified that 8 you are the -- you are author of this document. 9 Correct? 10 A. Uh-huh. 11 Q. Is that a yes? 12 A. Yes, yes. I'm sorry. 13 Q. That's all right. Are -- are all of the 14 statements in this Exhibit No. 2 accurate? 15 A. Yes, as far as I can recall. 16 Q. Thank you. Did you send this 302 -- this Form 17 302, which is Exhibit 2, to Special Agent Carmody? 18 A. Yes. 19 Q. All right. And did you have a discussion with 20 Special Agent Carmody about this after you sent it to 21 him? 22 A. He never called me back. 23 Q. Okay. There are accusations made about the 24 special agent who was running the case that -- 25 A. Uh-huh.	Page 115 1 form by the United States Department of Justice. Do you 2 recognize this document? 3 A. Yes, sir. 4 Q. And can you tell me what this is? 5 A. It's an electronic communication that's 6 authored by me on March 22nd, 1999. 7 Q. All right. And to the extent you can read 8 this document, are all of the -- this is drafted by you? 9 A. Yes, sir. 10 Q. All right. And are all the statements in this 11 document Exhibit 10 accurate? 12 A. Yes. 13 Q. All right. Was -- was your -- one of your 14 roommates in college a gentleman by the name of Abbas 15 Ebrahim? 16 A. No. 17 Q. Did you know -- did you know an individual by 18 the name of Abbas Ebrahim? 19 A. I will not -- 20 Q. Excuse me? 21 A. I will not answer that name. 22 Q. Why not? 23 A. (Witness pointing at document.) 24 MR. GREGORY: Off the record for a 25 second.
Page 114 1 Q. -- the person you were speaking with. And one 2 was that he should have retired two years ago but was 3 granted extensions -- 4 A. Uh-huh. 5 Q. -- that he was exaggerating the facts about 6 the case, and that -- that he was out of his element 7 working a terrorism case because he always worked 8 interstate theft violations. 9 A. Uh-huh. 10 Q. Did you report these accusations about the 11 case agent to -- to anyone? 12 A. No. 13 Q. All right. Did you believe at the time you 14 were speaking to this person that is the subject of this 15 Exhibit 2 that that person was a suspect in a terrorism 16 case? 17 A. Yes, I knew he was. 18 Q. Okay. You knew he was? 19 A. I knew he was. 20 Q. Okay. Very good. 21 MR. BABCOCK: Mark this the next exhibit, 22 please. What's that? 23 THE REPORTER: 10. 24 (Exhibit 10 marked.) 25 Q. Exhibit 10 has been produced to us in redacted	Page 116 1 THE WITNESS: Okay. Can I take this with 2 me out -- 3 MR. BABCOCK: Yeah, but you better unzip 4 your microphone. 5 THE WITNESS: That would make a lot of 6 sense. Thank you. 7 MR. GREGORY: Excuse us for just a 8 moment. 9 THE VIDEOGRAPHER: We are now going off 10 the record. The time is 2:01. 11 (Break from 2:01 p.m. to 2:03 p.m.) 12 THE VIDEOGRAPHER: We are now back on the 13 record. The time is now 2:03. 14 Q. (BY MR. BABCOCK) I think before the break I 15 asked you whether Abbas Ebrahim was a friend of yours, 16 or a long-time friend. I forget exactly what I said. 17 And then you pointed to a portion of Exhibit 10, and I 18 think what you were pointing at was the part that says, 19 Expressed promises of confidentiality, both limited and 20 unlimited, have been granted to the following 21 individuals. And then there's a blank space. 22 A. Yes. 23 Q. Is that what you were pointing at? 24 A. I was pointing at that, yes. 25 Q. Okay.

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1 MR. GREGORY: And with regard to that,
2 the government will voice a privilege under informant,
3 as well as investigative, and we will let the deponent
4 testify in general about the document, but we just won't
5 get into --
6 A. Without names.
7 MR. GREGORY: Without authorizing him to
8 talk about the particular individuals.
9 MR. BABCOCK: Okay.
10 MR. GREGORY: Is that fair?
11 MR. BABCOCK: Sure. Well, it's fair in
12 the sense that I understand your position. I mean,
13 whether it's fair to the defendants in this lawsuit
14 remains to be seen. But -- but I understand what you're
15 saying.
16 Q. Without reference to the -- to the document,
17 are you acquainted with an individual by the name of
18 Abbas -- or Abbas Ebrahim?
19 A. Yes, sir.
20 Q. All right. And is Mr. Ebrahim an accountant?
21 A. No.
22 Q. Has he ever been an accountant?
23 A. He was acting as an accountant at one time.
24 Q. All right.
25 A. Besides his job as an engineer.

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1 A. Yes, sir.
2 Q. And why did you -- why did you advise the
3 Chicago office of this contact?
4 A. Well, unfortunately --
5 MR. GREGORY: I'm going to object to that
6 again. That's a -- that's a pending investigation going
7 into matters which are privileged.
8 MR. BABCOCK: Okay.
9 Q. If you'll turn to the second page of this --
10 MR. BABCOCK: And by the way, before I
11 get -- if he objects and says you can't answer, can I
12 assume that you're not going to answer?
13 A. Yes.
14 Q. Okay. So I don't have --
15 A. Definitely.
16 Q. So I don't have to keep saying, you know, did
17 you hear --
18 A. Yes, definitely. If he -- if he tells me not
19 to answer something, I will not answer it.
20 Q. Okay. And if he -- sometimes people object
21 and they just object because the question is a bad
22 question. But I take it that his objections --
23 A. No, he's not objecting as my attorney, he's
24 objecting on behalf of the Federal Bureau of
25 Investigation and the U.S. government.

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1 Q. Okay. And has Mr. Ebrahim ever worked for a
2 company called BMI?
3 A. Yes, I'm aware of that.
4 Q. Okay. And do you know whether BMI stands for
5 Baitulmal or house of money?
6 A. Yes.
7 Q. And it does?
8 A. It does.
9 Q. All right. Now, BMI was -- and some of the
10 people involved in it was a -- was under investigation
11 by the Chicago office of the FBI. Correct?
12 A. I cannot comment on that.
13 Q. There was an operation that was being run out
14 of the Chicago FBI office by the name of Vulgar
15 Betrayal. Correct? That was the name of the
16 investigation. Correct?
17 A. Yes.
18 Q. All right. And this document, Exhibit 10,
19 relates to the Vulgar Betrayal investigation. Correct?
20 A. Yes.
21 Q. And you were writing to advise that you had
22 had a conversation between yourself and, as you
23 described it in this document, a long-time friend,
24 that -- the conversation taking place in Falls Church,
25 Virginia. Correct?

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1 Q. So if he opens his mouth to object, you're not
2 going to answering it?
3 A. I'm not going to answer.
4 Q. Okay. That -- that will save us some time.
5 A. Yes.
6 Q. If you turn to the second page, there's a
7 whole big, huge -- well, there's about half the page, or
8 half the typewritten page --
9 A. Uh-huh.
10 Q. -- is blacked out -- is blacked out. I take
11 it -- I'm not asking you to tell me what it is just yet,
12 but I take it you know generally what is in that blacked
13 out portion. Correct?
14 A. Yes.
15 Q. All right. Now, I'm telling you to ask me
16 what's in that blacked out portion.
17 A. I cannot tell you.
18 Q. And because?
19 A. Because the Bureau said I am not authorized to
20 release this.
21 Q. And -- and they haven't told you that in
22 words, but just by the fact they blacked it out?
23 A. By the fact they blacked it out, that means
24 I'm not authorized. No one else is authorized to reveal
25 it.

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1 Q. Okay. Now, a part that they haven't -- they
 2 haven't blacked out is that this -- this person who is a
 3 long-time friend of yours, you do acknowledge that the
 4 person you're talking about is a long time friend.
 5 Right?
 6 A. Is a long-time friend, yes.
 7 Q. All right. And he told you he has an uneasy
 8 situation about the -- uneasy feeling about the
 9 situation, and should he resign?
 10 And then it says here, Special Agent
 11 Abdel-Hafiz advised the person that he, Abdel-Hafiz, is
 12 not aware of any investigation regarding those
 13 individuals, nor the companies he mentioned. Is that --
 14 did I read it accurately?
 15 A. Yes, you read it accurately.
 16 Q. And is that true that you told this long time
 17 friend of yours that you don't-- you don't know of any
 18 investigation?
 19 A. He was asking me if they are under
 20 investigation.
 21 Q. And you told him you don't know?
 22 A. And he asked me other things in that blacked
 23 out part, and that's the answer to it.
 24 Q. All right. But -- but you did say that --
 25 that you are not aware of any investigation regarding

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1 those individuals, nor the companies that -- that this
 2 person mentioned. Right?
 3 A. Yes.
 4 Q. All right. I thought it was the policy of the
 5 FBI never to deny or confirm that there was an
 6 investigation going on.
 7 A. Yes.
 8 Q. That's the policy?
 9 A. That's the policy. I did not tell him there
 10 is or there is not. I said I'm not aware of any. I'm
 11 in Texas.
 12 Q. Excuse me?
 13 A. I'm in Texas.
 14 MR. GREGORY: Just answer the question --
 15 Q. Okay. You're in Texas, he's in Chicago, and
 16 you're saying, hey, I don't know of anything going on.
 17 Right?
 18 A. Yes.
 19 Q. Okay. And you don't think that's a violation
 20 of policy?
 21 A. No, it's not.
 22 Q. Even saying that much?
 23 A. No, it's not.
 24 Q. Then it says, Special Agent Abdel-Hafiz
 25 advised this person to remain with his employment as

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1 long as he desires and there should not be any reason to
 2 be alarmed.
 3 Now, if you're under investigation, isn't that
 4 reason to be alarmed? I mean, if the FBI is
 5 investigating me, I'm pretty alarmed about it. But
 6 there wasn't any reason to be alarmed, you said to him.
 7 Right?
 8 A. Yes.
 9 Q. Wasn't that a violation of policy, you know,
 10 giving him --
 11 A. No.
 12 Q. -- a sense of false security there?
 13 A. No.
 14 Q. You found out shortly after this that, of
 15 course, his company was under investigation. Right?
 16 A. Yes.
 17 Q. Okay. And you advised this long-time friend
 18 of yours, to, quote, continue carrying out his duties as
 19 usual. Correct?
 20 A. Yes.
 21 Q. Okay. And why were you giving advice to your
 22 long-time friend about continuing to remain in his
 23 employment, no reason to be alarmed, and just keep going
 24 about your duties as usual? Why were you doing that?
 25 MR. GREGORY: I'm going to object to

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1 that. That's going into investigative sources and
 2 methods and --
 3 THE WITNESS: Operational.
 4 MR. GREGORY: -- operational matters.
 5 MR. BABCOCK: Okay.
 6 Q. Okay. Was this the -- was this long-time
 7 friend the person that Mr. Wright asked you to record
 8 without his knowledge?
 9 MR. GREGORY: Once again, I'm going to
 10 have to -- I'm going to have to object if it's an
 11 investigative matter dealing with informant issues.
 12 Q. Okay. Have you ever heard the name Solomon
 13 Bihieri, B-I-H-I-E-R-I?
 14 A. Yes.
 15 Q. All right. Was Mr. Bihieri ever the subject
 16 of a FBI terrorism investigation?
 17 A. I cannot answer that.
 18 Q. Did Mr. Wright ever ask you to secretly record
 19 Mr. Solomon Bihieri?
 20 A. I cannot answer that.
 21 Q. Do you know whether Mr. Bihieri had any
 22 affiliation with BMI -- BMI, the house of money?
 23 A. Yes.
 24 Q. All right. And what was Mr. Bihieri's
 25 relationship to BMI?

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1 A. I knew he was the president of BMI.
 2 Q. And did you know that your long-time friend
 3 Abbas Ebrahim worked for Mr. Bihieri as an accountant?
 4 A. As an engineer and a part-time accountant,
 5 yes.
 6 Q. Okay.
 7 MR. BABCOCK: The next one.
 8 (Exhibit 11 marked.)
 9 MR. BABCOCK: What is this? 11?
 10 THE REPORTER: 11.
 11 MR. BABCOCK: This is 11. No, this is
 12 12, isn't it?
 13 THE REPORTER: No, it's 11.
 14 MR. BABCOCK: 11.
 15 Q. Okay. You've been handed what has been marked
 16 as Exhibit 11, and can you tell me what this document
 17 is? I will tell you it's been produced to us by the
 18 United States Department of Justice in redacted form,
 19 heavily redacted form, I might add. Can you tell us --
 20 A. This is a -- this is an electronic
 21 communication from the Chicago division to the Dallas
 22 and to FBI headquarter.
 23 Q. All right. And this is dated April 16th of
 24 1999. Correct?
 25 A. Yes, sir.

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1 you know what's --
 2 A. Yes, I know.
 3 Q. All right. And you -- you won't tell us.
 4 Correct?
 5 A. I cannot tell you.
 6 Q. All right. Now, the part that isn't redacted
 7 says, An interesting development occurred on March 12th
 8 when Special Agent Abdel-Hafiz of the Dallas division
 9 met with -- and then it's blacked out -- following an
 10 inservice that Special Agent Abdel-Hafiz attended at
 11 Quantico.
 12 And then it says, Blank told Abdel-Hafiz that
 13 his boss had been subpoenaed before a federal grand jury
 14 in Chicago. This person told Special Agent Hafiz that
 15 he was worried for the following reasons.
 16 Have I read that correctly?
 17 A. Yes, sir.
 18 Q. And did that accurately reflect this
 19 interesting development that occurred on March 12th of
 20 1999?
 21 A. Almost, yes.
 22 Q. All right. And it says, He was worried for
 23 the following reasons. And the first reason was that he
 24 would not elaborate on the nature of the matter. What's
 25 that about? I mean, he told you he was concerned, but

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1 Q. It says in some unredacted portion here, it
 2 says, The mission of the Vulgar Betrayal investigation
 3 is for the FBI to identify and neutralize through
 4 criminal process the HAMAS terrorist support
 5 organization located within the United States.
 6 Is that your understanding of the mission?
 7 A. I didn't know the mission. I don't understand
 8 what the mission was.
 9 Q. You didn't then, do you now?
 10 A. I -- no, I did not.
 11 Q. Never had any understanding?
 12 A. I never had any understanding of the mission.
 13 Q. All right. Have you ever seen this -- this
 14 document before today?
 15 A. Oh, yes.
 16 Q. Okay. And, again, there's some heavily
 17 redacted portions on the first page, which has got the
 18 Bates number US DJ 64, the entirety of the -- almost the
 19 entirety of the second page, 65 -- US DJ 65, and a large
 20 portion of the third page, US DJ 66, are redacted.
 21 Do you know what is contained either generally
 22 or specifically in those redacted sections?
 23 A. I cannot -- I cannot mention anything that's
 24 in there, that -- that section.
 25 Q. That's not my question. My question is, do

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1 he wouldn't tell you why? Is that basically what it is?
 2 A. No.
 3 Q. Okay. What is it?
 4 MR. GREGORY: I'm going to object to
 5 that. That's information from an individual we have
 6 promised confidentiality. It's blacked out on the -- on
 7 the form here.
 8 THE WITNESS: Actually, it's talking
 9 about a different person. I mean, that's a completely
 10 different name.
 11 MR. BABCOCK: Okay. Does that -- does
 12 that change anybody's attitude?
 13 MR. GREGORY: Not mine.
 14 Q. Okay. And then it says, Blank did not tell
 15 him that blank, another accountant, had also been
 16 subpoenaed by the same grand jury. Is this other
 17 accountant different from your long-term friend who is
 18 the part-time accountant?
 19 A. Yes, sir.
 20 Q. Okay. Now, it says here in the -- on page 4,
 21 the Bates number US DJ 67, that after you returned to
 22 Dallas, you went and obtained some Vulgar Betrayal
 23 information from DET. What is DET?
 24 MR. WINDSOR: I'm going to object to
 25 that.

Page 129 1 Q. Oh, detective. I'm sorry. Detective? You 2 don't need to give me the name, but DET means detective? 3 A. Detective, yes. 4 Q. Okay. And discovered that blank was a target 5 of the Vulgar Betrayal investigation. 6 Now, did I read that correctly? 7 A. Yes. 8 Q. Is that accurate? Is that what happened? 9 A. Yes. 10 Q. And you advised that you've known this person 11 for many years and actually listed him as a reference on 12 your application for employment with the FBI. Correct? 13 A. Yes. Yes. 14 Q. Did it concern you at this time that someone 15 who is a long-time friend of yours and that you had used 16 as a reference on your application for employment with 17 the FBI was now the target of a terrorism investigation 18 by the agency? 19 A. He was not a target. <i>recountant</i> 20 Q. Okay. Did it concern you that this person, 21 who is not the target but was -- was caught up in this 22 investigation, was involved in it in some sense, was 23 your long-time friend who -- who had given you a 24 reference for your FBI application? 25 A. No, it did not concern me.	Page 131 1 Q. And is it true that you were told that you 2 should meet with this suspect and that you would have to 3 record the conversation since this person was the 4 subject of a major criminal investigation? 5 A. The person who told me that is a fellow agent 6 not in my chain of command. 7 Q. That wasn't my question. My question was -- 8 A. That is the question. 9 Q. Huh? 10 A. I think that's the question. Please -- please 11 clarify the question. 12 Q. Okay. Let's see what the question was. Maybe 13 I asked another bad question. 14 A. No. I'm sorry. 15 Q. Okay. And the question is -- and it -- 16 MR. BABCOCK: I'm just going to read it 17 again if you -- if you'll leave it up there. But you're 18 not, are you? 19 THE REPORTER: I can't. I can read it. 20 MR. BABCOCK: Yeah, why don't you read 21 it. 22 (Requested testimony read.) 23 A. That was the question. My answer was: I was 24 told by an agent, a fellow agent, not anyone in my 25 management or my chain of command.
Page 130 1 Q. There's some handwriting here on the left-hand 2 side of this document. It's -- it's a very bad copy, 3 and Jay is going to get me a good copy, he's promised. 4 But that is your handwriting, is it not? 5 A. Yes. 6 Q. All right. Can you make out what is said 7 there? 8 A. I can see he did -- he did it as -- I cannot 9 read it. I don't recall what it was. 10 Q. Okay. We'll see if we can get a better copy. 11 And then -- then the next paragraph I want to ask you 12 about, Special Agent Abdel-Hafiz asked special agent -- 13 and that's blacked out, but -- but that person is Bob 14 Wright, isn't it? 15 A. I cannot answer that. 16 Q. Well, Special Agent Abdel-Hafiz asked special 17 agent somebody if he wanted him to meet with somebody. 18 I've read that correctly. Right? 19 A. Yes, sir. 20 Q. All right. Then it says, Special Agent 21 Abdel-Hafiz was told that he should meet with him; 22 however, he would have to record the conversation since 23 this person is the subject of a major criminal 24 investigation. That's what it says. Right? 25 A. Yes, sir.	Page 132 1 Q. Okay. Fair enough. So the statement is true, 2 but you add the -- you add the provision that the person 3 telling you this, even though the document doesn't say 4 it -- the person telling you this was a fellow agent. 5 Correct? 6 A. Yes. 7 Q. All right. And that fellow agent was the 8 person that was the case agent for the -- the Vulgar 9 Betrayal investigation? 10 A. I cannot answer that. 11 Q. It was a little bit more than just the special 12 agent who told you this. In fact, it was the United 13 States -- the assistant United States attorney from the 14 U.S. attorney's office who also concurred with this 15 statement that you should record this conversation. 16 Right? It's what it says in the next sentence. 17 A. Yeah, he concurred. 18 Q. Okay. So -- 19 A. But he's still not in my chain of command. 20 Q. All right. So you're told by a fellow agent 21 and the United States attorney's office for the -- for 22 the office that's conducting the investigation. Right? 23 A. Yes. 24 Q. Okay. 25 A. Let me add, please --

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1 Q. Sure.
2 A. -- had I -- had this been decided to go on,
3 neither the United States attorney, nor the agent, nor
4 the Chicago division would have been having the right
5 to -- to sign the documents to approve that. My special
6 agent in charge in Dallas or any of his designees would
7 be the ones that have to authorize me to do that.
8 Q. Okay. Now, this -- this conversation between
9 you and the special agent is occurring on April 12th of
10 1999. Correct? That's what the document says here.
11 A. I believe so, yes.
12 Q. Okay. Now, two days later, there's a
13 conference call. Correct?
14 A. Yes.
15 Q. All right. And -- and on the 4th of April,
16 SSA -- that means your -- the supervising special agent,
17 right --
18 A. Yes.
19 Q. -- had a conference call with another SSA,
20 another supervising special agent, right --
21 A. Uh-huh.
22 Q. -- and Special Agent Abdel-Hafiz regarding a
23 future meeting between Special Agent Abdel-Hafiz and a
24 Vulgar Betrayal target. Is that -- is that correct?
25 A. Yes.

1 about issues in which the government is willing to put
2 forth, in which we've done so on these documents. He
3 cannot go farther than that.
4 MR. BABCOCK: Yeah. I -- and I know,
5 Jay, you're in an uncomfortable position because you've
6 got agents on both sides of this case. And -- and all I
7 would say is we are now at the critical meetings
8 which -- where Mr. Abdel-Hafiz, you know, has his side
9 of the story. And we're trying to find out whether --
10 whether, you know, a fact finder would -- would believe
11 him or not.
12 Now, we're not entitled to know who else was
13 on these calls, so -- but I understand your position, so
14 we'll just -- we'll go forward.
15 Q. And it says here that the call concluded with
16 Abdel-Hafiz deciding not to pursue a meeting with the --
17 the suspect.
18 A. Yes.
19 Q. Or as it says in the prior sentence, the
20 Vulgar Betrayal target.
21 A. Yes.
22 Q. So this was your decision alone?
23 A. No, it was not my decision.
24 Q. That's what it says, though.
25 A. No, no, no, no. No, no, no. I have to

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1 Q. All right. And it says here on this document
2 that the call concluded with Special Agent Abdel-Hafiz
3 deciding not to pursue a meeting with blank, which I
4 assume is the target. Right?
5 A. Yes.
6 Q. Okay. And there's some handwriting up there.
7 Again, that's your handwriting. Right?
8 A. Yes.
9 Q. And can you tell us what that -- what that
10 says?
11 A. I believe it says, Again, this is the safety
12 issue.
13 Q. Okay.
14 A. Again, something is the safety issue.
15 Q. Question mark.
16 A. Question mark.
17 Q. Okay. And can you tell us the names of the
18 two supervising special agents that are blacked out here
19 on the -- on this particular paragraph?
20 MR. GREGORY: I'm going to voice -- I'm
21 going to voice an objection there. Deletion codes are
22 listed as -- for privacy interests of the individual
23 agents who are involved in making this decision, of
24 which Gamal was directly under their chain of command.
25 And the -- the witness is only authorized to testify

1 explain this.
2 Q. Okay. Well, you --
3 A. The supervisor and the other supervisor who
4 had a conference call with me --
5 Q. Right.
6 A. -- the supervisor from Chicago was under the
7 impression that I wanted -- and that impression that he
8 told us he got from Mr. Bob Wright -- that I wanted to
9 meet with that subject regardless of the fact that he's
10 a subject, but I don't want to record the conversation.
11 After knowing that I have no desire of meeting
12 the person, I never asked to meet the person, I don't
13 care about meeting the person as long as I live, he
14 said, Let's not pursue this. I said, Okay, I'm not
15 going to pursue a meeting with him.
16 Q. Okay. But that's not -- that's not what --
17 this paragraph, in fairness, doesn't say all that, does
18 it?
19 A. Well, I did not write that.
20 Q. Fair enough. I don't know who wrote it since
21 that's been blocked out?
22 A. Well, and there is another communication that
23 will follow this, to respond to this from Dallas that
24 will start by saying that this communication does not
25 reflect the facts and the truth.

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1 Q. Well, let's just stick with this one for the
 2 moment since we're on it.
 3 A. Okay.
 4 Q. The sentence, whoever wrote it and whatever --
 5 A. Uh-huh.
 6 Q. -- whatever they had in their head concludes
 7 with -- or this paragraph concludes with, The call
 8 concluded with Special Agent Abdel-Hafiz deciding not to
 9 pursue a meeting with the blanked out Vulgar Betrayal
 10 target. Correct?
 11 A. Uh-huh.
 12 Q. Is that yes?
 13 A. Yes. I'm sorry.
 14 Q. Okay. That's fine. Okay. And we know one of
 15 the SSA's is -- is a Chicago SSA. Correct?
 16 A. Yes.
 17 Q. Because you just said that.
 18 A. Yes.
 19 Q. And the other SSA is a Dallas SSA?
 20 A. Yes.
 21 Q. Okay. Who was the Dallas SAA (sic) at the
 22 time, without revealing who was blocked out there?
 23 A. It was Ronald Patton.
 24 Q. Ron Patton.
 25 And who was the Chicago SSA at the time,

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1 Now, were you, in fact, on a conference call
 2 at 10 a.m. on April 15th of 1999, the subject of which
 3 was clarification of why you wouldn't be willing to meet
 4 with the Vulgar Betrayal target?
 5 A. Yes.
 6 Q. All right. And it says, Special Agent
 7 Abdel-Hafiz related the following: Since the 3/12/99
 8 encounter in Washington with blank, has telephoned
 9 Abdel-Hafiz on numerous occasions. Is that true,
 10 that -- that this target had telephoned you on numerous
 11 occasions since March 12th?
 12 A. It's not the target. I have never spoken to a
 13 target --
 14 Q. Okay.
 15 A. -- during that time.
 16 Q. So somebody had telephoned you on numerous
 17 occasions?
 18 A. Someone, yes.
 19 Q. Someone. Okay. The calls from someone raised
 20 two issues, the concerns of blank, in particular, about
 21 his scheduled grand jury appearance, and long blank
 22 called on Sunday, April 11th and stated that blank was
 23 getting scared about his upcoming grand jury appearance.
 24 That -- is that accurate, to the extent we can decipher
 25 it from the blanks?

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1 without revealing who might be on that blocked out --
 2 A. Tim Gossfield.
 3 Q. How do you spell his last name?
 4 A. G-O-S-S-F-I-L-D, I believe -- or I-E-L-D.
 5 Q. Okay.
 6 A. One of those.
 7 Q. Tim Gossfield. Great. Thank you.
 8 A. You're welcome.
 9 Q. Now, apparently there's another call the
 10 following day on April 15th of 1999. Correct?
 11 A. Yes, sir.
 12 Q. All right. And it looks like preceding that
 13 call, special agent blank and special agent blank,
 14 assistant U.S. attorneys blank, long blank and blank met
 15 in assistant U.S. attorney blank's office to discuss the
 16 Vulgar Betrayal investigation. During this meeting,
 17 assistant U.S. attorney blank asked about the Dallas
 18 agent's future contact with blank.
 19 The ASU -- AS -- AUSA's were informed Special
 20 Agent Abdel-Hafiz did not want to pursue this matter
 21 since there was a need to record the meeting. At
 22 10 a.m., a conference call was made to SSA blank and SA
 23 Abdel-Hafiz for clarification of why SA Abdel-Hafiz was
 24 not willing to meet with blank. Special Agent
 25 Abdel-Hafiz related the following.

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1 A. Well, what's written is accurate.
 2 Q. Well, is it a fact that you got some calls and
 3 they raised the two issues that we see here?
 4 A. Yes.
 5 Q. Okay. And then this person wants to know
 6 whether you can give him some advice about his grand
 7 jury appearance. Right?
 8 A. A person asked another person --
 9 Q. Okay.
 10 A. -- if that could happen.
 11 Q. Okay. And you got a handwritten note here
 12 that says -- boy, I can't read it. Can you?
 13 A. That did not happen.
 14 Q. That did not happen?
 15 A. Yes.
 16 Q. So you didn't give any advice about this guy's
 17 grand jury appearance?
 18 A. I did not give advice, and I did not volunteer
 19 to meet with anyone.
 20 Q. Okay.
 21 A. The person was asking, would it be a good idea
 22 to seek.
 23 Q. Okay. All right. And by the way, why -- why
 24 did you make these handwritten notes on -- on this
 25 document?

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1 A. Because I was preparing for the response, as I
2 was ordered by my Special Agent in Charge, Danny
3 Defenbaugh. He told me to prepare a response for
4 Chicago, so I was making notes as I was talking to
5 him --
6 Q. I see. Okay.
7 A. -- to clarify all the issues.
8 Q. So these notes were made contemporaneous with
9 April 16th, 1999?
10 A. Just about, yes.
11 Q. Okay. Within a day or so?
12 A. Yes.
13 Q. All right. Was this Assistant U.S. Attorney
14 Mark Flessner on the -- on this call? He's spoken
15 publicly about it, but I just want to know whether you
16 deny that he was on the call.
17 A. I am not sure who the names were on the call.
18 Q. Did anybody identify himself as assistant
19 U.S. attorney or AUSA Flessner?
20 A. Yes. Yes.
21 Q. All right. So somebody by the name of
22 Flessner identified himself on the call?
23 A. Yes.
24 Q. All right. And it says, AUSA blank explained
25 the significance of the contacts made by blank and the

1 with blank or anybody else, but that he did not want to
2 wear a body recorder -- recorder or consent to any other
3 type of consensual recording.
4 Is that what you related?
5 A. No, not exactly.
6 Q. So that's -- so that's in error. Is that
7 correct?
8 A. That's in error.
9 Q. Okay. What -- what did you relate to them
10 in -- in that regard?
11 A. What was said, that I'm willing to meet with
12 this person or anybody else, but a recording would
13 become a safety issue for me and my family.
14 Q. Well, I think that -- it goes on to say that
15 later.
16 A. Yes, but -- but there are certain things that
17 were plugged in into this particular communication that
18 did not take place.
19 Q. Well, did you say, in words or substance, that
20 you did not want to wear a body recorder or consent to
21 any other type of consensual recording with this
22 suspect?
23 A. No.
24 Q. You never said that?
25 A. I never said that. I said, I don't want to be

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1 potential significance of the contact with blank as
2 yielding, one, possible evidence of mens rea, or
3 knowledge of wrongdoing; and, two, lines of inquiry that
4 would possibly constitute an obstruction of justice
5 violation.
6 Did the assistant U.S. attorney explain this
7 on the conference call that you participated in?
8 A. I don't recall that.
9 Q. Okay. Are you saying it didn't happen or you
10 just don't remember?
11 A. I don't remember.
12 Q. Okay. It could have happened; you just don't
13 remember?
14 A. It could have happened, yes.
15 Q. All right. It says, Special Agent Abdel-Hafiz
16 was asked by the Chicago AUSA's whether he would be
17 willing to meet with blank and record the conversation
18 by wearing a body recorder. Special Agent Abdel-Hafiz
19 was told that the recording would protect him and, in
20 addition, provide the best possible evidence for the
21 case.
22 Did that happen?
23 A. Yes.
24 Q. Okay. It goes on to say, Special Agent
25 Abdel-Hafiz related that he would be willing to meet

1 doing consensual monitoring with this person that would
2 become discoverable and would become a safety issue for
3 me and my family.
4 Q. All right.
5 A. My SA's here commented that we'll do the
6 meeting and we'll do a recording that's overt recording,
7 that the person will know. Chicago refused in writing
8 to do so.
9 Q. All right. The first part of the sentence is
10 accurate, because you related that you would be willing
11 to meet with the target or anybody else.
12 A. Yes.
13 Q. You told him that?
14 A. Yes, sir.
15 Q. But to make it 100 percent accurate, you would
16 have to amend the second part of the sentence to say,
17 but for safety reasons, he did not want to wear a body
18 recorder or consent to any other type of consensual
19 recording. Correct?
20 A. Yes, sir.
21 Q. Okay. And then it would be accurate?
22 A. Yes, sir.
23 Q. All right. It goes on to say, When the AU --
24 A -- when the AUSA's asked for an explanation, Special
25 Agent Abdel-Hafiz stated that the recording would be

This is good. I don't see a problem.

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1 ultimate act of betrayal?
 2 A. I was trying to educate them on the way the
 3 community will look at it.
 4 Q. But it was in response to a question to you
 5 about why you wouldn't agree to record this person.
 6 A. Why it would become a safety issue for me and
 7 my family to record this person.
 8 Q. Why is it not a safety issue today? I mean,
 9 wouldn't it be a safety issue today?
 10 A. After I have been exposed, all the safety
 11 issues have been on the table already.
 12 Q. All right. So there's still a safety issue --
 13 A. Yes.
 14 Q. -- you just don't care anymore?
 15 A. Well, no, it's not I don't care anymore. I do
 16 care. It's just the safety issue, I cannot control it
 17 as much anymore.
 18 Q. And why can't you just -- I mean, you've
 19 already been accused of refusing on religious grounds
 20 not to wear a wire. Why wouldn't that help you on a
 21 safety issue, since that's been publicly disseminated?
 22 A. And it was also publicly disseminated by me
 23 that I'm willing to -- to record anyone, or even inside
 24 a mosque.
 25 Q. Okay. And how did you publicly disseminate

1 Q. Okay. Going back to this document,
 2 Exhibit 11, page 6, US DJ 69, it says, Special Agent
 3 Abdel-Hafiz asked why it was necessary to record a
 4 conversation with blank. AUSA blank explained that it
 5 was necessary to protect the agent to assure that any
 6 false representations about what the agent said or did
 7 in the conversation could be disproved.
 8 Did that conversation take place? Did you
 9 ask, hey, why do we have to record this guy? And he
 10 said, well, it's for this reason?
 11 A. Yes, I -- I recall asking that.
 12 Q. Okay. And did he give you that response,
 13 that, hey, this is to protect you, to make sure that --
 14 A. Yes.
 15 Q. -- any -- anything they say, oh, well, I
 16 didn't say that or he didn't say that --
 17 A. Yes.
 18 Q. -- could be disproved? Okay.
 19 Okay. Then the next sentence -- the next
 20 paragraph says, Following a 3:30 p.m. telephone
 21 conference between the Chicago AUSA's and SSA regarding
 22 blank, regarding the same subject matter as the 10 a.m.
 23 call, blank, United States Attorney for the Northern
 24 District of Illinois was briefed about the reluctance of
 25 Special Agent Abdel-Hafiz to record a possible meeting

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1 that? How --
 2 A. That was during an interview with Channel 11.
 3 Q. All right. And when did this interview with
 4 Channel 11 take place?
 5 A. October 2003.
 6 Q. Okay. And what were the circumstances of the
 7 interview?
 8 A. The media were trying to get a response from
 9 me about those allegations against me.
 10 Q. Do you remember the name of the reporter on
 11 the Channel 11 that conducted this interview?
 12 A. Jennifer something.
 13 Q. Okay. They're all named Jennifer.
 14 A. Yeah.
 15 Q. So in that instance, did the FBI give you
 16 permission to talk to Jennifer at Channel 11?
 17 A. I was unemployed at that time.
 18 Q. Ah. That's right. So you were -- you had
 19 terminated by that time?
 20 A. Yes.
 21 Q. All right. You certainly had access to the
 22 media whenever you wanted to talk to them: it's just
 23 that while you were at the FBI, they wouldn't let you
 24 talk. Right?
 25 A. Exactly.

1 that he might have with a prime target of the Vulgar
 2 Betrayal matter.
 3 My question is: Was there a 3:30 p.m.
 4 telephone conference call that you participated in
 5 separate and apart from the 10 -- 10 a.m. call that
 6 we've been talking about?
 7 A. No.
 8 Q. Okay. Did you have any knowledge about this
 9 3:30 p.m. telephone conference?
 10 A. No.
 11 Q. Okay. Do you know which SSA the Chicago
 12 AUSA's were having their conference with?
 13 A. No.
 14 Q. Okay. Is it accurate to say, as the document
 15 here does, that there was reluctance by you, Special
 16 Agent Abdel-Hafiz, to record a possible meeting that he
 17 might have with a prime target of the Vulgar Betrayal
 18 matter?
 19 A. Yes, there was reluctance.
 20 Q. Okay. And that reluctance was for the reason
 21 you have indicated, which was safety and cultural
 22 issues?
 23 A. Yes.
 24 Q. All right.
 25 A. There was another issue, that the person had

Good

Page 145 1 subject to discovery at a later time and that -- and 2 that could possibly be learned in the Muslim community 3 in Dallas and elsewhere that he had done this. 4 Did you say that? 5 A. Yes. 6 Q. All right. The next sentence says, He 7 expressed that disclosure would create a grave safety 8 issue for himself and his family. 9 And did you say that? 10 A. Yes. 11 Q. When AUSA blank told Special Agent Abdel-Hafiz 12 that any safety risks would be addressed by the FBI, 13 Special Agent Abdel-Hafiz responded that he did not 14 trust the FBI to protect him or his family. 15 Did you say that? 16 A. Yes, I have. 17 Q. You said it on that conversation? 18 A. I said it on that conversation. Before you go 19 on, please -- 20 Q. Yes. 21 MR. GREGORY: Gamal, just answer the 22 question. 23 THE WITNESS: This is very important to 24 explain this one. 25 MR. GREGORY: Well --	Page 147 1 When asked by AUSA blank why he thought he would face 2 safety risks, Special Agent Abdel-Hafiz responded that 3 the secret recording of a conversation between Muslims 4 is regarded in the Muslim culture as the ultimate act of 5 betrayal. 6 Did you say that? 7 A. Yes. 8 Q. All right. When AUSA blank asked why it was 9 any different from reducing a conversation with a 10 criminal subject to a FD 302 and testifying about the 11 conversation, Special Agent Abdel-Hafiz related that it 12 was a cultural matter that we wouldn't understand. 13 Did you say that? 14 A. I attempted to explain and he couldn't 15 understand it. And I told them that, you will not be 16 able to understand that culture issue. 17 Q. Okay. I take it from your answer before lunch 18 that you are now prepared to commit this ultimate act of 19 betrayal in the Muslim culture by recording 20 conversations with a Muslim. Correct? 21 MR. GREGORY: I'm going -- I'm going to 22 object. That's an investigative issue, privilege. We 23 don't want to have this witness talking about current or 24 anticipated investigative techniques he may or may not 25 involve himself in.
Page 146 1 THE WITNESS: It's very important to 2 explain this one. 3 MR. GREGORY: Can we recess for just a 4 moment? 5 MR. BABCOCK: Certainly. 6 THE WITNESS: Okay. 7 THE VIDEOGRAPHER: We are now going off 8 the record. The time is now 2:38. 9 (Break from 2:38 to 2:40 p.m.) 10 THE VIDEOGRAPHER: We are now going back 11 on the record. The time is now 2:40. 12 Q. (BY MR. BABCOCK) Anything you want to get off 13 your chest? 14 A. No. We'll continue. 15 Q. By the way, many of these redactions are -- 16 have the P code, which I think their code shows is 17 privacy. And I take it that you've waived any privacy 18 interest you have. Correct? 19 A. Yeah. I -- I withdraw my privacy issues. 20 Q. All right. And that's true not only with 21 respect to these documents, but with respect to your 22 personnel file or any related documents. Correct? 23 A. Yes. 24 Q. Okay. Let's go back to this Exhibit No. 11 at 25 the bottom of page 5, Bates numbered US DJ 68. It says,	Page 148 1 MR. BABCOCK: In fairness, though, he did 2 answer that -- that -- in fact, he was quite emphatic 3 about it, that today, if I let him out of this 4 deposition, he'll go out and record all the Muslims he 5 can fine. I mean, I'm overstating it, but he did 6 testify to that. So even if you might otherwise have a 7 good objection, I think on this one he's -- 8 MR. WINDSOR: Well, then he's already 9 answered it. 10 Q. Yeah. And I just want to -- want to follow up 11 to -- to see whether you still today believe as you did 12 in April of 1999 that the secret recording of a 13 conversation between Muslims is regarded in the Muslim 14 culture as an ultimate act of betrayal, or has something 15 changed? Maybe it has. 16 A. Among the Muslim communities -- 17 Q. Yeah. 18 A. -- that's considered an act of betrayal. When 19 somebody is confining you as a source or as a subject 20 and they don't know that they are subject, they consider 21 that this a betrayal of them. For me, it's not a 22 betrayal. 23 Q. So your attitude today is no different than it 24 was in -- on April 16th or April 15th of 1999 on the 25 issue of Muslims regarding that secret recording is an

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1 an attorney, and that was not mentioned here.
 2 Q. Okay. USA blank, and that would be the U.S.
 3 attorney. Right? When it says AUSA, that's an
 4 assistant --
 5 A. Yes.
 6 Q. -- but USA means the U.S. attorney. Right?
 7 A. Uh-huh.
 8 Q. USA -- U.S. Attorney blank then contacted
 9 Chicago SAC. And that would be the special agent in
 10 charge of the office. Right?
 11 A. Yes, sir.
 12 Q. Okay. For -- to further discuss the
 13 situation. Both USA and SAC agree that the FBI should
 14 pursue the effort to obtain this evidence.
 15 Did I read that correctly?
 16 A. Yes, sir.
 17 Q. Were you aware of that before seeing this
 18 document?
 19 A. I was aware of it when I read the document
 20 then.
 21 Q. Okay. And you read the document within a day
 22 or two of its creation. Correct?
 23 A. Yes, sir.
 24 Q. All right. This -- if you go back just one
 25 second. I'm sorry. I forgot to ask you about something

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1 Q. Okay. And you documented the fact that this
 2 person was -- was applying?
 3 A. Applying, yes.
 4 Q. Okay. Did he ever -- was his application ever
 5 accepted, so far as you know?
 6 A. No.
 7 (Exhibit 12 marked.)
 8 Q. Okay. Here is Exhibit 12. And can you
 9 identify what this is?
 10 A. This is a lead portion of an electronic
 11 communication.
 12 Q. All right. Have -- have you ever seen this
 13 before today?
 14 A. Yes.
 15 Q. And did you see it on or about April 16th,
 16 1999?
 17 A. Yes.
 18 Q. It says that the Dallas division -- it comes
 19 from Chicago. Correct?
 20 A. I believe so, yes.
 21 Q. Okay. And that's the Chicago division of the
 22 FBI. Right?
 23 A. Yes, sir.
 24 Q. All right. It says, The Dallas division has
 25 requested to have Special Agent Gamal Abdel-Hafiz inform

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1 on this document.
 2 It appears that this long time engineer,
 3 part-time accountant friend of yours was applying for a
 4 language specialist position with the FBI. Is that
 5 correct at this time? At the time of this memo, April
 6 16th, '99?
 7 A. Where is -- where is that listed at?
 8 Q. It's page 4, US DJ 67. It's the paragraph
 9 that starts, On March 16th, '99, Abdel-Hafiz --
 10 A. Yes. Yes.
 11 Q. So your long-time friend who is the engineer,
 12 part-time accountant with the target company is applying
 13 for a language specialist position with the FBI?
 14 A. Yes.
 15 Q. All right. Did that worry you at all that --
 16 that this guy who was involved with a company that's a
 17 target of a terrorist investigation is -- is going to
 18 apply for a position with the FBI?
 19 A. I was not worried about it.
 20 Q. Okay. Did you -- did you alert anybody in the
 21 language specialist department of the FBI that, hey,
 22 we've got a guy who is caught up in one of our
 23 investigations who is applying?
 24 A. I -- I documented this on several occasions.
 25 Not -- not to the Language Services Unit.

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1 blank to tell blank that Abdel-Hafiz is willing to meet
 2 with blank regarding the Chicago grand jury and its
 3 investigation. It is further requested that Special
 4 Agent Abdel-Hafiz meet with blank in Dallas and
 5 consensually monitor the meeting.
 6 And you write, How can I bring him to Dallas?
 7 Right?
 8 A. Yes.
 9 Q. Okay. So that's your question. The guy is in
 10 Chicago. How am I going to get him to Dallas?
 11 A. He was not even in Chicago.
 12 Q. Okay. So -- but he's not in Dallas?
 13 A. He's not in Dallas.
 14 Q. He wasn't in Arlington?
 15 A. No, he was not anywhere in Texas.
 16 Q. Okay. So -- so you're saying, well, forget
 17 about consensually monitoring the guy, I can't get him
 18 to Dallas anyway. Right?
 19 A. Yeah.
 20 Q. Okay. And did anybody say, well, you know,
 21 we'll buy you a plane ticket and you can go to where he
 22 is and talk to him? Did anybody suggest that when you
 23 responded, How can I bring him to Dallas?
 24 A. No. That was my question to my boss, How --
 25 how can I bring him to Dallas?

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1 Q. Right. And the answer to that is probably you
2 can't.
3 A. Yeah.
4 Q. But you can go to him; right?
5 A. Well, that was not an issue, if I could go to
6 him.
7 Q. Okay. Because you were willing to go,
8 obviously?
9 A. I was willing to go, yes.
10 Q. Sure. And then it says, Should blank prefer
11 to conduct the conversation with Special Agent
12 Abdel-Hafiz on the telephone, Chicago requests -- and
13 that I guess would address the Dallas issue --
14 A. Uh-huh.
15 Q. -- because you could phone him up on the
16 phone, right, no matter where he is --
17 A. Yeah.
18 Q. -- assuming they have a phone. Should blank
19 prefer to conduct the -- the conversation with Special
20 Agent Abdel-Hafiz on the telephone, Chicago requests
21 that blank be called at his residence after work hours
22 and that the conversation also be consensually
23 monitored.
24 That's what it says. Right?
25 A. Yes.

1 recording is done covertly.
2 That's what it says. Right?
3 A. Yes, sir.
4 Q. And what they're saying is, look, if you're
5 not willing to covertly record this guy, then we don't
6 want you to do it at all. Right?
7 A. That's true.
8 Q. Okay. It says down here at the bottom, The
9 Chicago division and the U.S. Attorney's Office for the
10 Northern District of Illinois are both of the opinion
11 that an overtly recorded meeting between Special Agent
12 Abdel-Hafiz and blank would be -- would be unproductive
13 and, in fact, possibly detrimental to the Vulgar
14 Betrayal investigation. The possibility exists that
15 such a meeting would provide an open forum for blank to
16 make entirely self-serving statements which could
17 subsequently be presented to the court in his defense.
18 Therefore, Chicago opposes any overtly recorded future
19 contact between Special Agent Abdel-Hafiz and blank.
20 Did I read it correctly?
21 A. Yes, sir.
22 Q. All right. Now, tell me how an overtly
23 recorded meeting would provide this Vulgar Betrayal
24 target an open forum to make self-serving statements
25 which could be presented to the court in his defense?

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1 Q. And that didn't happen, did it?
2 A. No, it did not happen.
3 Q. You didn't meet with him in Dallas or anywhere
4 else?
5 A. Or anywhere else.
6 Q. And you didn't call him on the phone and
7 consensually monitor the conversation?
8 A. That's true.
9 Q. Okay.
10 MR. BABCOCK: Is this 12?
11 THE REPORTER: 13.
12 MR. BABCOCK: 13. Getting there.
13 (Exhibit 13 marked.)
14 Q. Okay. Exhibit 13, do you recognize this?
15 A. Yes, sir.
16 Q. And have you seen it before?
17 A. Yes.
18 Q. And did you see it on or about May 17th, 1999?
19 A. Yes, sir.
20 Q. All right. And this is from Chicago to Dallas
21 with a copy to you. Correct?
22 A. Yes, sir.
23 Q. All right. And it says in the synopsis,
24 Dallas division has requested not to proceed with
25 consensual monitoring assistance to Chicago unless

1 How would that work?
2 A. I don't know. They wrote this.
3 Q. Okay. You read this, and you said --
4 A. Yeah.
5 Q. -- you said, I don't know what you're talking
6 about.
7 A. They believe -- they believe if he -- if he
8 knows that I'm recording him that he would be saying
9 good things about himself.
10 Q. Okay. Is that -- was that concern legitimate
11 in your mind or not?
12 A. It's possible.
13 Q. Okay. Have you ever seen it happen in the
14 course of your work with the FBI?
15 A. Not that I'm aware of. I -- not that I can
16 recollect.
17 Q. Okay. You said earlier that these 302's get
18 produced to the defendants. Right?
19 A. Yes, sir.
20 Q. Okay. And -- and a covert tape recording
21 would get produced as well. Right?
22 A. Yes.
23 Q. Okay. Okay. It goes on to say, Based upon
24 the suspicious activity linking -- and then there's a
25 whole big blank -- being investigated in the Vulgar

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1 Betrayal matter, Chicago suspects that a covertly
2 recorded interview of blank could be productive from an
3 investigative standpoint. Dallas has requested to
4 reconsider proceeding with the covert recording if at
5 any time in the future the perceived problem of
6 consensually monitoring a Muslim seeking advice
7 regarding a major U.S. government criminal investigation
8 is overcome.

9 Did I read that correctly?

10 A. Yes, sir.

11 Q. And were you aware that Dallas was -- I mean,
12 that Chicago was requesting Dallas to reconsider, if you
13 could come -- overcome this Muslim problem?

14 A. Yes.

15 Q. Okay. And was the Muslim problem ever
16 overcome?

17 A. I was going to respond to that because this
18 was a cynical statement, and my special agent in charge
19 told me to ignore that.

20 Q. Okay. So you never responded to this?

21 A. I never responded to this.

22 Q. Okay. But you never -- you never wrote back
23 and said, hey, we rethought this thing and -- and, yeah,
24 we'll go ahead and do a covert recording?

25 A. It was not up to me to rethink anything. It's

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1 mean?

2 A. Read and clear.

3 Q. Oh, read and clear. What does that mean?

4 A. That means you are not tasked with anything to
5 do. Just for information only.

6 Q. Okay.

(Exhibit 14 marked.)

MR. BABCOCK: 14.

THE REPORTER: 14.

MR. BABCOCK: Thanks.

11 Q. Okay. Exhibit 14 is an FBI document produced
12 to us by the United States Department of Justice dated
13 May 27th, 1999. And my question is, have you ever seen
14 this before?

15 A. Yes, sir.

16 Q. All right. Were you the author of this?

17 A. No, sir.

18 Q. And did you receive a copy of it?

19 A. Yes, sir.

20 Q. Would you agree with me that even though there
21 are a bunch of blanks here, that it doesn't show a copy
22 was sent to you?

23 A. A copy was given to me by my boss.

24 Q. Okay.

25 A. By the special agent in charge.

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1 my chain of command will have to decide.

2 Q. Did you disagree with your chain of command on
3 this issue?

4 A. No.

5 Q. You agreed with them?

6 A. I agreed with them.

7 Q. Okay. And in fact, if your chain of command
8 had -- had come out the way Chicago wanted, you wouldn't
9 have done it, would you?

10 A. I would have done it. And I told them that on
11 the phone in the conference call.

12 Q. You told them on that conference call that you
13 would do it if the chain of command said --

14 A. If the chain of command says okay, I will do
15 it.

16 Q. Okay. That -- that wasn't -- that wasn't
17 recorded in the written minutes of the -- of the
18 conversation, unless it's in the blanked out part.
19 Right?

20 A. No, it was not.

21 Q. Are you saying it's -- it's not in -- even in
22 the blanked out parts?

23 A. It's not even in the blanked out part.

24 Q. Okay. It says down here at the bottom,

25 Dallas. read and clear. What does -- what does that

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1 Q. Okay. Fair enough.

2 A. Yeah.

3 Q. Okay. Going down to about the middle of the
4 page, this is apparently documenting a conversation
5 between two special agents that occurred on May 26th,
6 1999 about you.

7 A. Yes, sir.

8 Q. Okay. And it's referencing down in the middle
9 paragraph the Chicago division case, and that's the case
10 number for what we've seen in the prior memos dealing
11 with this issue of covertly recording the suspect of the
12 Chicago investigation. Right?

13 A. I believe so, yes.

14 Q. Okay. And then it says in the next paragraph,
15 After this discussion, special agent blank asked special
16 agent blank if special agent blank had heard about what
17 Special Agent Abdel-Hafiz had done.

18 Do you see that?

19 A. Yes, sir.

20 Q. And how soon after May 27th did you see this
21 document?

22 A. I believe the next day.

23 Q. Okay. And it was the next day, May 28th, that
24 you filed your charge of discrimination. Correct?

25 A. No.

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1 Q. Or you went to the EEO officer?
2 A. Not the same day.
3 Q. Okay. To the best of SA blank's recollection,
4 there was little transition from the previous topic to
5 this question, and special agent blank replied in the
6 negative. Special agent blank then advised that,
7 recently, Special Agent Abdel-Hafiz had been contacted
8 by an individual who was a subject of a case number such
9 and such and who thought that he was going to be
10 subpoenaed to the grand jury.
11 The subject wanted a meeting with Hafiz,
12 Abdel-Hafiz. According to special agent blank, Special
13 Agent Abdel-Hafiz then contacted detective blank, the
14 Dallas, Texas, Police Department, North Texas Joint
15 Terrorism Task Force re Chicago's investigation.
16 Special Agent Abdel-Hafiz also requested to review
17 detective blank's file re the investigation.
18 Special agent blank continued stating that he
19 had requested that Special Agent Abdel-Hafiz wear a
20 recording device to the meeting with the subject, and
21 that Special Agent Abdel-Hafiz had refused.
22 Did I read that all correctly?
23 A. Yes, sir.
24 Q. All right. And did you ever learn who were
25 these two special agents who were talking to each other

1 A. I was never asked to wear a recording device
2 for the Washington field office. In the EEO
3 investigation, the agent that Mr. Wright mentioned his
4 name as a person told him that, denied that he ever told
5 Mr. Wright that I refused to wear a wire for them.
6 Q. And what was that agent's name?
7 A. I cannot reveal his name.
8 Q. But if -- if I were able to talk to that
9 agent, he would be able to substantiate your claim that
10 you -- you did not refuse to wear a wire to record
11 another -- covertly record another Muslim for the
12 Washington field office in a similar matter?
13 A. Yes, sir. And he stated that in a signed and
14 sworn statement.
15 Q. Okay. So not only would he be able to tell me
16 that orally, but he would be able to point me to a
17 document that says that?
18 A. Yes, sir.
19 Q. Okay. He goes on to say that, This person
20 continued stating that -- special agent blank continued
21 stating that recently blank, blank, blank, blank, blank,
22 also stated that Muslim agents should not be assigned to
23 international terrorism matters but to matters such as
24 bank robbery and white-collar crime, commenting further
25 on Special Agent Abdel-Hafiz's refusal to wear a

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1 in this fashion?
2 A. Yes.
3 Q. All right. And one of them was Wright, of
4 course?
5 A. Yes.
6 Q. Okay. And who was the other special agent?
7 A. Well, I -- I did put his name on the
8 witness -- on the witness list. His name is Jerry
9 Melton.
10 Q. Okay. Jerry apparently says -- responds and
11 says, Well, maybe he did it because he didn't want to
12 jeopardize his standing within the Arab community. And
13 Wright responds by saying that Abdel-Hafiz had
14 previously refused to wear a recording device for a
15 Washington field office in a similar matter.
16 Did you see that?
17 A. Yes.
18 Q. All right. Is that -- is that making
19 reference to the Barry Carnody situation, or is that a
20 third allegation of --
21 A. That's a third allegation.
22 Q. Okay. And -- and what are the circumstances
23 of this third allegation where you were accused of
24 refusing to wear a recording device for the Washington
25 field office?

1 recording device. Special agent blank stated that
2 Catholic agents would lose their guns and badges if they
3 refused to work abortion clinic matters.
4 Did I read that correctly?
5 A. Yes, sir.
6 Q. All right. And do you have any doubt that --
7 that this conversation took -- took place between the
8 two agents?
9 A. I don't have a doubt.
10 Q. Okay. And I guess you claimed that
11 Mr. Wright's comments were motivated solely by racism or
12 by ethnic hatred. Correct?
13 A. Yes, sir.
14 Q. All right. What is your evidence to suggest
15 that Mr. Wright -- Wright's comments were motivated
16 solely because you were Muslim, or of Egyptian birth?
17 A. I cannot give you the evidence. Things are
18 blacked out here, so --
19 Q. So you're saying there's evidence, but you
20 can't tell me what that is?
21 A. Well, Mr. Melton himself stated that this was
22 a very racist comment.
23 Q. And what -- what specific comment did -- did
24 Mr. -- whoever it is -- say it was racist?
25 A. If it's blacked out here, I cannot mention.

*This happened
to A Milwaukee
Agent in
CH-4 905*

*It was Washington
7 was 10/29/95*

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1 Q. Okay. And it is blacked out?
 2 A. Yeah, there are parts that are blacked out,
 3 yes, sir.
 4 Q. Okay. Other than the --the part you can't
 5 tell me about, what evidence do you have to suggest that
 6 Agent Bob Wright was motivated in making these
 7 complaints about you by racism?
 8 A. That's what's blacked out.
 9 Q. Okay. So that's all there is?
 10 A. Yeah, that's what's blacked out.
 11 Q. Okay. And so other than this blacked out
 12 portion -- and just so we know what it is for future
 13 reference, it's page 2, Bates number US DJ 55, and it's
 14 the second full paragraph that starts, SA blank
 15 continued stating that recently -- and then there's a
 16 blank on the rest of that line, the entire next line is
 17 blank, and then there's a small blank on the third line.
 18 Is that what you're referring to?
 19 A. Yes, sir.
 20 Q. Okay. So that statement, you say, is racist,
 21 and that's your only evidence of--
 22 A. No, this one and the second one that says,
 23 Muslim agents should not be assigned international
 24 terrorist matters.
 25 Q. Okay. So that's a second basis you say that

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1 I called me sand nigger.
 2 Q. Okay. And he didn't tell you the source of
 3 that information?
 4 A. No, he did not.
 5 Q. Did you try to find out the source of that
 6 information?
 7 A. No, I did not dig it out.
 8 Q. Did you ever confront Mr. Wright and say, hey,
 9 I hear you're calling me names?
 10 A. No, I was -- I was told this name -- that
 11 Mr. Wright made this name after I came back from Saudi
 12 Arabia.
 13 Q. Okay. And did you, upon hearing this, go to
 14 Mr. Wright and say, hey, I hear you're calling me names,
 15 and what's -- what's the deal with that?
 16 A. No. There was no bridges between Mr. Wright
 17 and I at that time.
 18 Q. There was no what?
 19 A. There was no bridges between me and him at
 20 that time.
 21 Q. Oh, no bridges. Okay.
 22 A. Yeah.
 23 Q. Okay. The -- the safety issue that you have
 24 been talking about, tell me how that -- how that works.
 25 If -- if word gets out through discovery or otherwise

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1 he's --that he's racist?
 2 A. Yes.
 3 Q. Okay. Other than the -- those two statements,
 4 do you have any evidence that Mr. Wright was motivated
 5 by racism?
 6 A. I was told by my former special agent in
 7 charge after I came back from Saudi Arabia that
 8 Mr. Wright called me a sand nigger.
 9 Q. Who told you that?
 10 A. Mr. Defenbaugh.
 11 Q. Okay.
 12 A. And, apparently, Mr. Defenbaugh did not want
 13 to -- to heat up the situation. He did not even tell me
 14 who he said it to, and he requested that this not be
 15 documented.
 16 Q. Okay. So --
 17 A. Defenbaugh.
 18 Q. Defenbaugh.
 19 A. Danny Defenbaugh.
 20 Q. Danny Defenbaugh, who was your supervisor --
 21 A. No. He was the special agent in charge of the
 22 Dallas division.
 23 Q. Okay. The SAC of the Dallas division told you
 24 that he heard Wright say this, or --
 25 A. No, he was told by someone that Mr. Wright

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1 that you have covertly recorded a Muslim, how does that
 2 put you or your family in jeopardy for your safety?
 3 A. Usually, you do not record someone while you
 4 are meeting that someone in your capacity as an FBI
 5 agent. All FBI agents, they meet with subjects, they
 6 meet with sources, they meet with contacts, they meet
 7 with witnesses, and they take notes during the meeting
 8 and they put it on a 302, or an EC, depending on the
 9 nature of the meeting.
 10 Q. But why was -- why was the -- the Muslim -- oh
 11 I'm sorry.
 12 A. Yeah. I'm sorry.
 13 Q. No, no. Go ahead. I'm sorry.
 14 A. When you meet with someone at an FBI capacity
 15 as an FBI agent and you record them, a lot of people in
 16 the community, they trusted the fact that they can talk
 17 to me after being afraid of law enforcement for years.
 18 If it is found out that someone trusted to talk to me
 19 and I was covertly recording them, I lost my stand
 20 within the community.
 21 And I will end with, that -- the only person
 22 in the FBI that was aware of the cases I was working on
 23 and the involvement that I was in within the community
 24 was my special agent in charge, and he made the call
 25 that this will not happen.

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1 Q. Okay.
2 A. He even went as far as telling me that it
3 seems like you do not trust me enough to have me do like
4 what every other FBI agent does, is to sit -- attend the
5 meeting, do an interview and document it on a 302 and go
6 to the court and raise your hand and swear to it --
7 Q. Uh-huh.
8 A. -- like I have done before. And just -- he
9 wanted to make sure that it's recorded.
10 Q. It seems to me that there are two different
11 interests here. One, you're talking about your
12 effectiveness as an FBI agent --
13 A. Yes.
14 Q. -- and that if -- if the people in the
15 community find out that you've been covertly recording
16 some Muslims --
17 A. Yes, sir.
18 Q. -- then -- then they're not going to talk to
19 you as freely --
20 A. Yes.
21 Q. -- in the future. Okay. That's not a safety
22 issue. That's a -- that's a law enforcement
23 effectiveness issue.
24 A. Yes, sir.
25 Q. Okay. So I understand that.

1 Q. Uh-huh.
2 A. They were willing to transfer me and my family
3 at that time. And I refused to quit the case. Because
4 my question was, do you have anyone who's ready to take
5 over? No, we don't. We're going to have to stop the
6 case. So at that time, I had no family -- no children,
7 I mean.
8 Q. Uh-huh. *was married + had*
9 A. And I was willing, for the sake of the *step child*
10 successful -- success of the case, to take any risk.
11 Any of us when we have children involved, the risk issue
12 go down. You cannot take many high risks anymore.
13 Based on that, I felt this would be a risky issue for
14 me, especially after being involved in several other
15 high profile cases after being an agent.
16 Q. Okay. And, of course, being an FBI agent
17 carries a certain amount of risk?
18 A. Of course.
19 Q. And you're licensed to carry a gun --
20 A. Yes, sir.
21 Q. -- obviously. And, hell, even your lawyers
22 are carrying guns now -- today. And I'm trying not to
23 irritate him too much, but -- and when you're dealing
24 with international terrorism, you're dealing with some
25 very dangerous people?

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1 A. Yes.
2 Q. And -- and was that why Defenbaugh said, We're
3 not going to let this happen, because of the
4 effectiveness issue?
5 A. Mainly because of the effectiveness issue.
6 Q. Okay. Now, tell me about the safety issue.
7 A. The safety issue.
8 Q. Yeah.
9 A. When I volunteered to testify in the Blind
10 Sheik's trial, no one else was willing to testify. I
11 volunteered to testify believing that I can help the
12 case with my knowledge of the Muslim religion, with my
13 knowledge of background of the Egyptian subjects there.
14 Q. Okay.
15 A. Upon my appearance in the first -- my first
16 court appearance, there was a meeting taking place in
17 one of the mosques in New York where they have decided
18 that they will kill me. That was related to the FBI
19 office in New York, and it was related to the AUSA's
20 office in New York.
21 Q. And that's when you were just a translator?
22 A. That's when I was just a translator.
23 Q. Okay.
24 A. They advised me of the threat. They -- they
25 told me that I -- I can just withdraw from the case.

1 A. Yes.
2 Q. And, of course, with organized crime as well,
3 but -- but terrorism is -- I mean, those are tough --
4 tough guys. Right?
5 A. Yes.
6 Q. All right. So there's a certain amount of
7 risk that goes with the job. Right?
8 A. Yes.
9 Q. And you thought -- and you're willing to
10 accept that risk, I that it?
11 A. Yes.
12 Q. But because you had children, you didn't want
13 to increase the risk to you or to them by covertly
14 recording a -- somebody in the Muslim community, because
15 they thought that that would be deemed an ultimate act
16 of betrayal. Fair enough?
17 A. Yes.
18 Q. Okay. ABC came along and -- and when did
19 you -- when did you first hear that ABC was doing a
20 story on you?
21 A. It was sometime the beginning of
22 December 2002.
23 Q. Okay. How did you hear?
24 A. They called the embassy and they wanted to do
25 an on camera interview with me.

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1 Q. Okay.
 2 THE VIDEOGRAPHER: Videotape time
 3 remaining is five minutes.
 4 Q. Do you know who at the embassy they called?
 5 A. I believe they called the media office.
 6 Q. Do you know who in the media office?
 7 A. I'm -- I'm not sure.
 8 Q. Do you know who at ABC called?
 9 A. It was a producer. I ask -- her name escapes
 10 me now.
 11 Q. How about Yoruba Richen.
 12 A. Thank you.
 13 Q. Is that it?
 14 A. Yes, sir.
 15 Q. And what was the reaction from the -- from the
 16 embassy?
 17 A. The embassy did not really mind except that
 18 the fact that they were going to mention the embassy in
 19 the program, so they wanted the ambassador to be aware
 20 of the -- the whole situation.
 21 Q. All right. And actually the ambassador asked
 22 you to come talk to him. Right?
 23 A. Yes, sir.
 24 Q. And who was the ambassador at that time?
 25 A. It was Robert Jordan.

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1 Q. A former Baker & Botts lawyer --
 2 A. Yes, sir.
 3 Q. -- from Dallas?
 4 And what was your discussion with Mr. Jordan?
 5 A. He asked me what was the situation. I told
 6 him there's an agent with the FBI who is accusing me of
 7 refusal to wear recording and consensually monitoring a
 8 Muslim subject.
 9 He asked me, What's the FBI's position on
 10 that.
 11 I said, the FBI does not believe the
 12 allegation.
 13 He said, Are you going to issue a statement?
 14 I said, I'm contacting them to issue a
 15 statement, or to allow me to issue a statement. And I
 16 offered to show him the statement before I send it to
 17 FBI headquarter.
 18 Q. Did you ever do a statement? Did you ever
 19 draft a statement?
 20 A. I drafted a statement, and I e-mailed it to
 21 FBI headquarter. And they told me to go ahead and do
 22 it, to -- it looks good and go ahead and send it. Then
 23 they came back, and they said, No, don't send it.
 24 Disregard it. We will issue a statement.
 25 Q. Okay. Great.

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1 MR. BABCOCK: Why don't we take a break
 2 right here. Take a break to change, but also to water
 3 ourselves or dewater ourselves.
 4 THE VIDEOGRAPHER: This concludes tape
 5 number 2. We're going off the record. The time is now
 6 3:22.
 7 (Break from 3:22 to 3:31 p.m.)
 8 THE VIDEOGRAPHER: This marks the
 9 beginning of videotape number 3. We're going back on
 10 the record. The time is now 3:31.
 11 Q. (BY MR. BABCOCK) You were talking about the
 12 statement that you drafted in response to the
 13 accusations by Mr. Wright, and perhaps others, that you
 14 wanted to send to ABC. But you mailed it to the FBI,
 15 and after they initially said it's okay to send it, then
 16 they -- then they got back to you and said, No, don't
 17 send it, we're going to issue a statement?
 18 A. Yes.
 19 Q. Okay. And who was it that got back to you and
 20 said, you're not authorized to send your own statement?
 21 A. Mike Kortan.
 22 Q. And I think you -- and that's K-O-R-T-A-N.
 23 Correct?
 24 A. K-O-R-T-A-N.
 25 Q. Yes. And what -- what was his -- what was his

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1 role at the time again?
 2 A. He's the head of the media department at the
 3 FBI headquarter. He is section chief.
 4 MR. BABCOCK: Hey, Christa, I need the
 5 statement, both the one that's got the Post-It on it and
 6 the one that's clean. Do you know what I'm talking
 7 about, the FBI statement? Thank you.
 8 Mark that the next exhibit.
 9 THE REPORTER: 15.
 10 MR. BABCOCK: Huh? 15.
 11 (Exhibit 15 marked.)
 12 Q. Okay. Exhibit 15 has been placed before you.
 13 And that is an e-mail from the woman whose name I
 14 supplied to you a minute ago.
 15 A. Yes, sir.
 16 Q. Yoruba Richen. And was this your first notice
 17 about the proposed story, or had you heard about it
 18 earlier in the month?
 19 A. Actually, I heard about it, that they are
 20 trying to make a story.
 21 Q. Okay.
 22 A. And they requested an on-camera interview. I
 23 don't recall how long before.
 24 Q. Okay. But in any event, you did receive this
 25 e-mail from Ms. Richen sometime on December 18th of

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1 2002, even though I guess it had to be routed through a
2 bunch of different---
3 A. Yes, sir.
4 Q. -- servers and mailboxes?
5 And when you -- I take it you read it?
6 A. Yes, sir.
7 Q. Did you read it?
8 A. Yes, sir.
9 Q. And it says, Two FBI agents have told ABC News
10 that when you were stationed in the United States, you
11 refused to secretly record fellow Muslims who were under
12 investigation. We would like to have your response to
13 this allegation to include in our story.
14 And were you already working on your response
15 before you got this?
16 A. No.
17 Q. Okay. So you started working on it right
18 away, I take it?
19 A. No. I called headquarter, and they said --
20 and after I met with the ambassador, then I start to
21 write the response, and I mailed it to -- I e-mailed it
22 to headquarter. They came back and they said okay.
23 Then three minutes later, they said nope. And I believe
24 there were some case information there that they didn't
25 want to get out.

1 A. Yes, sir.
2 Q. -- in your own words?
3 But the FBI precluded you from doing that.
4 Correct?
5 A. Yes, sir.
6 MR. BABCOCK: Mark this as the next one,
7 please.
8 THE REPORTER: 16.
9 (Exhibit 16 marked.)
10 Q. Okay. Exhibit 16, this is a document that has
11 been produced to us by the United States Department of
12 Justice. And what -- what is this document, if you can
13 tell us?
14 A. This is an e-mail from me to Mike Kortan.
15 Q. When you talk about the one active FBI agent
16 in this e-mail, that's Mr. Wright. Correct?
17 A. Yes, sir.
18 Q. And the retired FBI agent, who is that?
19 A. Mr. Vincent.
20 Q. Okay. You say, I met with the ambassador and
21 the DCM. What's the DCM?
22 A. The deputy chief of mission --
23 Q. Okay.
24 A. -- which is the assistant ambassador.
25 Q. You say here, I was told by the FBI, end of

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1 Q. Okay. Were you willing to give an on-camera
2 interview to ABC prior to the broadcast?
3 A. No.
4 Q. Why were you not willing to give an on-camera
5 interview?
6 A. I did not want my picture to be broadcast.
7 Q. And why not?
8 A. Because I -- I'm a certified undercover agent,
9 and my face should not be known to everybody in the
10 world.
11 Q. Since this time, has your picture been shown
12 in any public media?
13 A. Yes.
14 Q. And we off got the Channel 11 broadcast, of
15 course.
16 A. Yes.
17 Q. And your picture was shown on that. Right?
18 A. Actually, my picture was shown on the
19 Dallas Morning News article in March of 2003.
20 Q. Okay. Was that the first time your picture
21 was displayed in a public media, so far as you know?
22 A. I believe, yes.
23 Q. So you weren't willing to do an on-camera
24 interview, but you were willing to send your own
25 statement --

1 May 2002, not to respond to media inquiries regarding
2 these allegations.
3 Following the press conference that -- that
4 Mr. Wright and the Judicial Watch people did in May
5 of 2002, is that when the FBI said you couldn't respond
6 to media inquiries?
7 A. Yes, sir. I was overseas, and I got a phone
8 call from Section Chief Mike Bismoka, who is retired
9 now. Mr. Bismoka told me that the special agent in
10 charge of the international operations who heads the
11 league heads told them to contact me and tell me that
12 Mr. Wright held a news conference and said some -- made
13 some allegations against me. He did not mention me by
14 name, but he made some allegations, and they thought
15 it's against me.
16 And they directed me not to talk to the media.
17 They said, The media will try to contact you for a
18 response. Do not talk to the media. Let us handle it.
19 Q. Okay. And did the media try to contact you --
20 contact you?
21 A. I -- I was not in Saudi Arabia at that time.
22 I was in Europe. There were -- there were few people
23 that tried to get ahold of me. And the legal attache
24 told the media office that we will not respond to
25 anybody, and they should go to headquarter. So we don't

Page 185 1 I know who exactly -- 2 Q. Okay. 3 A. -- tried to contact us. 4 Q. Fair enough. I also advised them that during 5 the last week of November 2002, the FBI advised me that 6 I have certain speech rights and I can respond. The -- 7 that November 2002 was prompted by the 8 Wall Street Journal article? 9 A. Yes, sir. 10 Q. Okay. I advised the ambassador, I'll draft a 11 statement; I will have him approve it. He did. 12 Did you actually show your statement to the 13 ambassador? 14 A. Yes. 15 Q. Okay. It says, The statement is attached to 16 this e-mail. 17 MR. GREGORY: What e-mail? 18 A. I think we -- we're reading -- 19 MR. GREGORY: We're reading -- 20 A. We're reading different one than the one you 21 are reading. 22 MR. GREGORY: Yeah. We've got -- 23 THE WITNESS: I think you have -- 24 MR. GREGORY: The one I've got numbered 25 as 16 is Gamal --	Page 187 1 I was advised then that during the last week 2 of November 2002, the FBI advised me that I have certain 3 speech rights and I can respond. That was in relation 4 to The Wall Street Journal article. Correct? 5 A. Yes, sir. 6 Q. But by the time you learned about the 7 Wall Street Journal article and had gone through all the 8 approvals, the article had already been published. 9 A. Yes, sir. 10 Q. Correct? 11 Okay. I advised the ambassador that I will 12 draft a statement and that I will have him approve it. 13 He did. 14 And he approved your statement? 15 A. Yes, sir. 16 Q. That's Robert Jordan? 17 A. Yes, sir. 18 Q. Okay. The statement is attached to this 19 e-mail. I'll tell you, unless I'm contradicted by my 20 colleagues, we never got that attachment. So if 21 anybody's got that, we'd like to see that. 22 A. Okay. 23 Q. Your statement, the one you drafted. 24 A. Yeah, I -- I attached it to that e-mail. 25 Q. Right.
Page 186 1 MR. BABCOCK: Sorry about that. 2 MR. GREGORY: -- Mike Kortan to -- Gamal 3 to Mike Kortan. 4 MR. BABCOCK: Make this 16. 5 THE REPORTER: Okay. 6 MR. BABCOCK: Wait a minute. Wait a 7 minute. This is -- this 16. Okay. 8 MR. GREGORY: US DLJ number 51? 9 MR. BABCOCK: 51, yeah. Let me -- make 10 the next number 53. Okay. This is 53, and make this 11 the next exhibit number. 12 (Exhibit 17 marked.) 13 Q. Okay. Now, we're on 17. 14 A. Yes, sir. 15 Q. Okay. We'll get back to 16 in a minute -- 16 A. 16. 17 Q. -- here in my hand. I'll leave that right 18 here for the moment. 19 A. Okay. 20 Q. Okay. We're on 17. You were called by the 21 head of public affairs. ABC wants to talk to me, trying 22 to contact me. Greet the ambassador, et cetera, 23 et cetera. You met with the ambassador. You were told 24 by FBI, end of May 2002, not to respond. We've been 25 over that.	Page 188 1 A. And it was gone after that. Once we said, do 2 not release it -- 3 Q. Okay. 4 A. -- it was disregarded. I didn't even have a 5 copy of it. 6 Q. You don't have a copy of it? 7 A. I don't have a copy of it. 8 Q. And -- 9 MR. GREGORY: I don't have a copy. I've 10 got what you've got. 11 MR. BABCOCK: Okay. 12 MR. GREGORY: No more. 13 Q. And then there's a blank. Somebody called me 14 again at approximately 3:30 p.m. my time and insisted on 15 having a statement from me, and she requested an 16 on-camera interview. 17 That would be the ABC person. Correct? 18 A. Yes, sir. 19 Q. All right. I advised her that I will have to 20 have the FBI's approval for that. I promised to fax her 21 my statement within the next couple of hours. Please 22 advise if the attached statement is approved by the 23 Bureau. Thank you for your assistance. And they said 24 yes, and then they said no? 25 A. Yes, sir.

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1 Q. Okay. What -- what did the statement say, as
2 best you recall it?
3 A. It said mainly that I have never refused to
4 record anyone based on their religious preference, that
5 all my subjects are Muslims, all my investigations are
6 against Muslims. And I mentioned a few of the cases
7 that I worked on and the success that I had in them.
8 And FBI headquarter came back after they said yes, they
9 told Mike Kortan, no, these cases are still pending and
10 we cannot talk about them.
11 Q. Okay. Let's look at 16 now, which I
12 belatedly --
13 A. Okay.
14 Q. This not dated or timed, as far as I can see.
15 Do you know -- it's from you to Michael Kortan regarding
16 a media request. Correct?
17 A. Yes, that was responding to Mike Kortan's --
18 after I told him that I -- I had been approached by the
19 Wall Street Journal.
20 Q. Okay.
21 A. And he said that you have certain speech
22 rights and you can respond. I was telling him my
23 response after six months of silence without FBI backing
24 would be obsolete.
25 Q. Got you. So this -- this would precede ABC,

1 Q. In -- in the statement?
2 A. Yes, sir.
3 Q. Okay. We'll get to that in a minute.
4 The Bureau should not abandon me -- and you
5 you've got it all in caps -- for the second time and
6 leave me out to dry.
7 When was the first time that the Bureau
8 abandoned you?
9 A. When I had the threat against my life.
10 Q. When what?
11 A. When I had threat against my life while I was
12 testifying in the Blind Sheik's trial. There was an
13 individual who was a paralegal for the Blind Sheik and
14 was working for the Postal Service. He had obtained
15 some addresses of some FBI people. When I was leaving
16 New York after I finished the testimony and we won the
17 case, I requested that the FBI will move my former
18 spouse back to Texas for safety reasons.
19 Q. Uh-huh.
20 A. Before I finished the testimony, they were
21 willing to transfer me every two weeks if I need to, if
22 it's for safety issue.
23 Q. Uh-huh.
24 A. After I finish the testimony, they said they
25 did not have the budget to --

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1 and this would be in relationship -- this Exhibit 16
2 would be in relationship to The Wall Street Journal
3 article?
4 A. Yes, sir.
5 Q. Okay. You say, What kind of comments and by
6 whom? What are you referring to there?
7 A. Well, he said, do you have -- he said -- well,
8 he said that you have certain speech rights and you can
9 make some comments, or some comments could be made. So
10 I said, What kind of comments and by whom? Who should
11 make the comments, me or you?
12 Q. Okay. And you say, The main question is, does
13 the Bureau believe that I refused to conduct the
14 consensual monitoring with the support of my Dallas
15 management or not?
16 A. Yes.
17 Q. Basic question. And if the answer is that the
18 refusal was supported by the Dallas management, the
19 Bureau should make this public. That's what you said
20 there?
21 A. Yes, sir.
22 Q. Did they ever make that public?
23 A. Yes.
24 Q. Okay. When?
25 A. To ABC in their document.

1 Q. No money to do that?
2 A. -- to allocate that for that transfer. So
3 I -- I did do the transfer on my own, paying for it out
4 of my own pocket.
5 Q. Okay.
6 A. So I felt like I was abandoned then.
7 Q. Fair enough. Now, back to this Exhibit 16,
8 you say -- or let me remind you, In June 2002, I
9 received a telephone call from SC --
10 A. Section chief.
11 Q. -- section chief who advised me that SAC
12 Beverly requested that -- that the calls --
13 A. That he calls.
14 Q. -- he calls me and directed me not to make any
15 comments to the media in response to special agent
16 allegation against me. I assume that's Wright. Now, if
17 I make any comments on my own without the Bureau's
18 support after the seventh time that blank's -- I assume
19 Wright's -- allegations were published by the media, my
20 comments become obsolete.
21 By this time, by November of 2002, there were
22 at least seven prior occasions where Wright's
23 allegations had been made by the media, right, had been
24 published by the media?
25 A. I believe that's what I -- I was told by some

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1 people, that they saw it seven times.
 2 Q. Okay.
 3 A. So I don't know if he went to the media seven
 4 times or it was published seven times.
 5 Q. Okay. You say, When I -- when I received the
 6 call from section chief, I was not given any right to
 7 respond to Special Agent, I assume, Wright's
 8 allegations. Also, if I respond with counteraccusations
 9 against special agent blank, is this the way the Bureau
 10 wants its employees to handle Bureau business, question
 11 mark, exclamation, exclamation.
 12 That's what you said?
 13 A. Yes.
 14 Q. And did you get any response to this e-mail
 15 from Mr. Kortan?
 16 A. He called me, I believe, and he said, Well, I
 17 understand your frustration, and this is an obsolete
 18 issue now because the article already came out in the --
 19 in the Wall Street Journal today.
 20 Q. Okay.
 21 A. So I just let it go at that.
 22 Q. Okay. So just don't worry about it. Okay.
 23 (Exhibit 18 marked.)
 24 MR. BABCOCK: Christa could I have old 8
 25 and old 10? Okay. What is this?

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1 against you until the third paragraph. Do you agree
 2 with that or did I miss something?
 3 A. Yeah, I agree with that.
 4 Q. Okay. It says here, Based upon his knowledge
 5 of the subject's background in the case, Special Agent
 6 Abdel-Hafiz interposed an objection to any consensual
 7 monitoring of the meeting proposed to take place in a
 8 Chicago mosque. Is that accurate?
 9 A. No, there was -- as far as I'm concerned, a
 10 mosque was never mentioned to me.
 11 Q. Right.
 12 A. But, again, I was not privy to all the
 13 conversations between the heads of the offices and the
 14 discussions --
 15 Q. Sure.
 16 A. -- they had.
 17 Q. It would be absolutely false to say that
 18 Special Agent Abdel-Hafiz interposed an objection to any
 19 consensual monitoring of the meeting proposed to take
 20 place in a Chicago mosque. You never interposed an
 21 objection of that sort?
 22 A. I never interposed objection to that.
 23 Q. Okay.
 24 A. But at that time, it was illegal to -- to do
 25 that in a mosque, before 9/11.

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1 THE REPORTER: 18.
 2 MR. BABCOCK: 18.
 3 Q. All right. Exhibit 18, this is the statement
 4 that the FBI prepared and sent to ABC. Correct?
 5 A. Yes, sir.
 6 Q. All right. In the second sentence, it talks
 7 about you meeting all FBI performance standards and has
 8 successfully completed a routine and requisite
 9 reinvestigation and polygraph in compliance with FBI
 10 security standards. In fact, at the time of this -- of
 11 this release to ABC, you had failed your polygraph in
 12 connection with your ex-wife's allegations. Right?
 13 A. No.
 14 Q. No?
 15 A. No.
 16 Q. Did that come later?
 17 A. Yes.
 18 Q. Okay. So this was referring to one of the
 19 other two -- the other five polygraphs?
 20 A. Yes.
 21 Q. All right. They don't get to the -- unless
 22 I'm missing something, they don't get to the allegations
 23 against -- by Mr. Wright and Vincent, Carmody against
 24 you -- I guess it's just Wright and Vincent --
 25 Vincent -- no, Carmody, too -- anyway, the allegations

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1 Q. The final decision was made by management of
 2 the Dallas division, and Chicago agreed to abide by this
 3 decision. Is that true that Chicago agreed to abide by
 4 the decision?
 5 A. As far as I knew, yes. Not the agents in
 6 Chicago, maybe the head of the Chicago office.
 7 Q. Well, not the U.S. attorney either. He was
 8 irritated about it, wasn't he?
 9 A. Yeah, it's possible. But we work for the FBI,
 10 not for the ASA's.
 11 Q. It says here toward the end, SAC Defenbaugh
 12 advised that had the consensual monitoring been
 13 requested for any location other than a mosque, Special
 14 Agent Abdel-Hafiz indicated that he would have no
 15 objection, because, as an FBI agent, that would be his
 16 job.
 17 There was never any discussion about a
 18 location being other than a mosque, was there, in any
 19 conversation you had?
 20 A. No, not in the conversations I had.
 21 Q. Okay.
 22 A. No.
 23 Q. Do you have any idea where the FBI got this
 24 mosque stuff?
 25 A. No, I don't.

11/11
 Lie.
 US Attorney
 was asked
 him to do
 it in a
 Hotel Room
 +
 he refused

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1 Q. And, in fact, in addition, the Attorney
2 General guidelines -- is what -- your point before --
3 regarding consensual monitoring expressly forbids such
4 activity in a mosque or similar place of worship.
5 A. Yes.
6 Q. Which -- which you said before --
7 A. Yes, sir.
8 Q. -- it's illegal to do it in a mosque.
9 A. Yeah.
10 Q. But -- but so far as you know, there was no
11 thought of doing this meeting in a mosque, was there?
12 A. No.
13 Q. Okay. And, in fact, you pointed this out to
14 the FBI; you pointed out that they were all wrong about
15 the mosque, as far as you knew, before they sent this to
16 ABC. Right?
17 A. No, after.
18 Q. After?
19 A. After.
20 Q. Let me see here. Make this the next.
21 (Exhibit 19 marked.)
22 Q. Okay. Here's Exhibit 19. And it starts out
23 with an e-mail from Susan Curtis to you. Correct?
24 That's down -- you've got to read these things upside
25 down. Right?

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1 Q. All right. So you respond, it looks like
2 pretty promptly. I read the statement. And that was
3 Exhibit 18 that you read. Correct?
4 A. Yes, sir.
5 Q. All right. The place of the meeting with the
6 subject to be recorded was never mentioned during the
7 exchange between me and Special Agent Robert Wright.
8 Correct?
9 A. Yes, sir.
10 Q. Okay. I do not recall that a mosque as a
11 meeting place was ever mentioned, unless this was orally
12 mentioned to either Defenbaugh or Garrity.
13 So you're telling Ms. Curtis that their thing
14 about a mosque was completely off base. Right?
15 A. As far as --
16 Q. As far as you knew.
17 A. -- my knowledge, yes.
18 Q. Yeah. And, of course, it was -- you're the
19 one that they're -- they're saying is interposing an
20 objection about a mosque.
21 A. Yes.
22 Q. That's in their statement?
23 A. Yes, sir.
24 Q. And that's inaccurate. Right?
25 A. Yes, sir.

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1 A. Yeah, from the bottom.
2 Q. You've got to start at the bottom.
3 A. Yes, sir.
4 Q. Yeah, okay. So Susan Curtis, on the 18th at
5 6:17, says, Please find attached a reworked document
6 which the press office and EAD, blah blah blah, has
7 approved.
8 A. That's 6:17 Washington time.
9 Q. Right. Which is much later where you are.
10 Right?
11 A. It's at eight hours.
12 Q. Okay. The press office will fax it to Brian
13 Ross for you. Also, no interview with Ross. Hopefully,
14 he won't trick you, but stay vigilant to that.
15 A. Yes, sir.
16 Q. Okay. And then you see her later at 2:27
17 a.m., which is now about 10 o'clock in the morning of
18 the 19th. Which says, Oops, now see the attached.
19 Forgot.
20 A. Yeah.
21 Q. And it was Exhibit 18, what we've just gone
22 through, that was attached.
23 A. Yes, sir.
24 Q. Correct?
25 A. Yes, sir.

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1 Q. Okay. You say, also, I do not have a copy of
2 the FBI statement that was released as per SAC Beverly.
3 What statement are you talking about there?
4 A. Well, he -- he told me that I would have a
5 statement -- they would give me a copy of the
6 statement --
7 Q. Once it was final?
8 A. -- once -- once it was final, so I can see --
9 okay. See attached. Forgot. I believe that at that
10 time I couldn't download that attachment or something.
11 That's why --
12 Q. Well, you obviously read Exhibit 18 because
13 you knew about the mosque.
14 A. Yeah. Yeah, I read it. Yeah.
15 Q. Okay. So your -- what you believe is --
16 A. Had a copy of the -- yes.
17 Q. -- that they had already sent it to ABC and
18 Brian Ross --
19 A. Yeah.
20 Q. -- before you told them that the information
21 about the mosque was inaccurate. Is that right?
22 A. Yes, sir.
23 Q. Okay. Do you know if, after receiving your
24 warning that the business about the mosque was -- was
25 not ever mentioned, that they corrected the statement to

Page 201 1 ABC? 2 A. Not that I'm aware of. 3 Q. Do you know where Susan Curtis was residing at 4 this time in 2002. December 2002? 5 A. Residing? 6 Q. I mean, was she in Washington, D.C. or -- 7 A. Yeah, she was -- she was my unit chief in 8 Washington -- Washington, D.C., yes. 9 Q. Okay. And if you sent it at 3:10, then if 10 it's eight hours, you're -- you're about 7:00 in the 11 morning in Washington. Right? 12 A. 3:10 -- 3:10 p.m. Yes, about 7:00 in the 13 morning, yes. 14 Q. All right. So the broadcast, we know, was 15 that -- was that night. And so from 7:00 in the morning 16 until that night, Ms. Curtis was in possession of the 17 accurate information, which the mosque thing wasn't -- 18 wasn't ever a part of what you knew about anyway? 19 A. Well, I cannot say that she was in possession 20 of accurate information. She was in possession of what 21 I told her. 22 Q. Yeah. Right. 23 A. And she's between Mr. Garrity and 24 Mr. Defenbaugh and what I'm telling her. 25 Q. Okay.	Page 203 1 he just stop by? 2 A. No, an official visit. 3 Q. Okay. And what -- what was his purpose of 4 making an official visit to talk with you? 5 A. Not with me. 6 Q. Not with you, with somebody else? 7 A. Just to visit the office. 8 Q. Okay. And did he have a conversation with you 9 about the Wall Street Journal article? 10 A. I mentioned to him the request, and he 11 convinced me to contact Mike Kortan and see if they can 12 respond. Then, of course, by that time went back and 13 forth. 14 Q. Got you. Okay. He talks about this 15 conversation, a conference call with Mike Kortan and Ron 16 Beverly. Did he purport to be on that conference call? 17 In other words, did he ever tell you that he was on that 18 conference call? I mean, he says he sat in with Charles 19 Prouty on a telephone call between Beverly and Kortan? 20 A. Yes, he was. 21 Q. Okay. You're basing that based on this 22 e-mail. Correct? 23 A. Based on this e-mail, he was there, yeah. 24 Q. All right. But your only discussion that you 25 ever had with him was -- was after the Wall Street
Page 202 1 A. But I told her that before. 2 Q. Okay. What exhibit is that? 3 A. 19. 4 (Exhibit 20 marked.) 5 Q. Okay. Here is Exhibit 20, which appears to be 6 a Christmas Eve e-mail from Charles Goodwin to yourself 7 and your reply. Is that a fair characterization of 8 this? 9 A. Yes, sir. 10 Q. Okay. Mr. Goodwin encourages you to sue Bob 11 Wright, individually. Do you see that? 12 A. Yes. 13 Q. He doesn't encourage you to sue ABC, just Bob 14 Wright. Correct? 15 A. Yes. 16 Q. Okay. Did you ever have any oral conversation 17 with Charles Goodwin about the ABC piece? 18 A. No, I never spoke to Charles Goodwin. 19* Q. Okay. Did you know Mr. Goodwin personally? 20 A. He came to visit the office once before during 21 the journal -- the Wall -- the Wall Street Journal 22 article. 23 Q. And by the office, what office do you mean? 24 A. In Saudi Arabia. Riyadh, Saudi Arabia. 25 Q. Okay. And was this an official visit, or did	Page 204 1 Journal article and the before the ABC Prime Time live 2 piece? 3 A. Not before -- yes, it was before, but not 4 about the ABC. 5 Q. Right. I understand. 6 A. Yes, yes. 7 Q. I understand. Okay. You say, I thank you for 8 your valuable advice. I will take it to an attorney and 9 see what he or she will say. 10 So really this lawsuit was prompted by -- by 11 Mr. Goodwin's suggestion that you sue Bob Wright. 12 Correct? 13 A. No. 14 Q. You had that independent of Mr. Goodwin's -- 15 A. Yes. 16 Q. -- thoughts? 17 A. Yes, sir. 18 Q. You say, Do you think there's a possibility 19 the FBI publishes their statement to ABC through the 20 OPCA. What is the OPCA? 21 A. That's the -- 22 MR. GREGORY: Office of Public 23 Congressional Affairs. 24 Q. Okay. And why did you want the FBI to publish 25 their statement through the Office of something

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1 Congressional Affairs. Public.
 2 MR. GREGORY: Media.
 3 MR. BABCOCK: Yeah.
 4 A. So the media can get ahold of it.
 5 Q. Okay. Did they ever do that?
 6 A. I believe they published something. No, they
 7 did not publish it that I'm aware of. I think they were
 8 sending the same statement to anyone who called and --
 9 and inquired about them.
 10 Q. Did they ever fix the business about the
 11 mosque?
 12 A. Not that I'm aware of.
 13 Q. You remember from the ABC piece, of course,
 14 that the United States attorney, Mr. Flessner, said that
 15 there was no -- you know, that -- that was, I think he
 16 said, an outright lie -- lie. There was never any
 17 discussion about this.
 18 A. I remember him denying that there was a
 19 mosque, yes.
 20 Q. Right. And you don't have any evidence to
 21 suggest that there was. Correct?
 22 A. I -- I am not aware of the fact that there
 23 was.
 24 Q. Okay. You say, If -- if they send a statement
 25 out, it will also calm down the outraged Muslim

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1 Q. Was the Muslim community, as far as you could
 2 discern it from the report by Mr. Elmougy, sympathetic
 3 to you?
 4 A. No.
 5 Q. They were hostile to you?
 6 A. Yes.
 7 Q. And what was the source of that hostility?
 8 A. Well, they were hostile towards me because
 9 they found out that I was recording people.
 10 Q. But the whole essence of this report was that
 11 you weren't recording people. Right?
 12 A. But they said, maybe he did not record us.
 13 The FBI said that he was, and he didn't mind. There's
 14 allegations that I wasn't.
 15 Q. Well, ABC never reported that the -- that the
 16 FBI said you were recording Muslims.
 17 A. No, ABC never reported that.
 18 Q. Right.
 19 A. But the statement of the FBI supported me.
 20 Q. I know. But the FBI never said in that
 21 statement that we just looked at that you were recording
 22 Muslims.
 23 A. No. They -- they said that the objection was
 24 because of the mosque.
 25 Q. Right. So how does that -- how does that make

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1 community, especially in Dallas, who have started to
 2 warn people from dealing with the FBI because the Bureau
 3 couldn't be trusted.
 4 What was your source of information that the
 5 Muslim community was outraged, especially in Dallas?
 6 A. A friend of mine who resided here told me that
 7 the Muslim community were outraged and they were in a
 8 shamble after what happened.
 9 Q. Okay. Who was that friend?
 10 A. Mohammed Elmougy.
 11 Q. And where does he reside now?
 12 A. He's in -- he resides in Coppell, Texas.
 13 Q. Okay. Was there any other source of
 14 information other than Mohammed Elmougy's telling you
 15 that the Muslim community was outraged?
 16 A. No. The fact that I -- I found out that the
 17 community sold articles and sold the ABC piece.
 18 Q. The Muslim community was sympathetic to you,
 19 as you say here, See what they're doing to one of our
 20 own.
 21 A. No. No. One of their own.
 22 Q. One of the Muslim community's own?
 23 A. No. One of the FBI's own.
 24 Q. Ah. Just because he is a Muslim. Okay.
 25 A. Yes.

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1 the Muslim community mad at you that you're recording
 2 them? It doesn't say you're recording them. It says
 3 you wouldn't do it because of the mosque.
 4 A. It said because of the mosque.
 5 Q. Right. And you think --
 6 A. But --
 7 Q. -- that that outraged the Muslim community
 8 against you?
 9 A. Because, yeah, people were just wondering if I
 10 was recording them every time they were talking to me.
 11 Q. Did anybody ever say that to you other than
 12 Mohammed Elmougy?
 13 A. Mohammed Elmougy told me that the community
 14 are outraged. They feel like the FBI turned their back
 15 on me as a Muslim agent, and the community are not
 16 having enough confidence in me --
 17 Q. Okay.
 18 A. -- to talk to me anymore.
 19 Q. Yeah. My question is: Anybody other than
 20 Mohammed ever say that to you?
 21 A. Not that I can recall now.
 22 Q. You have not suffered any economic damages as
 23 a result of the ABC report, have you, sir?
 24 A. Yes, I have.
 25 Q. Okay. Would you tell me what those economic

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1 damages are?

2 A. Well, I -- I don't recall all economic damages

3 at this time. I recall that I was -- the FBI was

4 pressured to make a decision on my case because of the

5 harassment that they received from ABC for me to be

6 terminated.

7 Q. You think that the -- that the FBI made a

8 decision to terminate you on your ex-wife's insurance

9 fraud allegations because of something that ABC said?

10 A. Because of the pressure from the media.

11 Q. Well, you say the media.

12 A. Yes.

13 Q. I'm only interested in ABC right now.

14 A. And I'm -- and I'm saying ABC and Fox.

15 Q. Okay. ABC and Fox pressured the FBI to

16 terminate you over your ex-wife's insurance fraud

17 allegations. Is that --

18 A. No. No, no.

19 Q. Okay.

20 A. They -- they pressured the FBI to terminate

21 me, period.

22 Q. They didn't care why?

23 A. They didn't care why.

24 Q. Okay. And who exerted that pressure? I want

25 the name of the ABC person first.

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1 A. Well, I don't know the name of the ABC person.

2 Mike Kortan can provide that.

3 Q. Excuse me?

4 A. Mike Kortan would be able to provide the name

5 of the person who was calling him every two weeks

6 asking, how come he's not fired yet?

7 Q. And, of course, he would be happy to provide

8 any documents that --

9 A. Of course.

10 Q. -- supported that?

11 A. If -- if he has documents and he can provide

12 it, I'm sure he would be more than happy to.

13 Q. Okay. Is there anybody else that you think is

14 able to provide evidence that ABC pressured the FBI to

15 terminate you for any reason? Didn't care? I mean,

16 just any reason to get rid of you.

17 A. Not -- not that I can recall now.

18 Q. Okay. And how about Fox? Would it be the

19 same with Fox, that Michael Kortan would -- would be the

20 person who would have information, or do you know?

21 A. I don't know. I was on -- on administrative

22 leave at that time when Fox aired their three episodes.

23 Q. Do you even suspect that anyone at Fox was

24 pressuring the FBI to terminate -- to terminate you for

25 any reason?

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1 A. I don't recall now.

2 Q. Okay. Can you point to any instance that

3 you're aware of where the FBI has made personnel

4 decisions based on what the media wants?

5 A. Not that I can recall now.

6 Q. You say that you suffered economic damages,

7 but, in fact, you got reinstated retroactive to the --

8 the date of termination --

9 A. Yes, sir.

10 Q. -- with full pay --

11 A. Yes, sir.

12 Q. -- and benefits. Right?

13 A. Yes, sir.

14 Q. All right. So you're not out any -- you're

15 not out any money. Right? You got your full pay and

16 benefits. Right?

17 A. Well, the money that I spent and the expenses

18 I incurred during the whole ordeal of being transferred

19 here prematurely.

20 Q. Okay. You say the money you expended in

21 the -- in the -- getting late -- the expenses that you

22 incurred as a result of your transfer here?

23 A. Yes, sir.

24 Q. And what expenses were those?

25 A. I don't know all of them, but I'll give you

Page 212

1 some examples.

2 Q. Okay.

3 A. An example, that I -- I had to purchase a

4 house without assistance of the FBI.

5 Q. Okay.

6 A. I had to pay for the upgrade for me and my

7 family to return from Saudi Arabia.

8 Q. Plane fare, you mean?

9 A. Plane fare.

10 Q. Upgrade to first class?

11 A. No, to -- to business class.

12 Q. Okay.

13 A. Because of the length of the trip, at my own

14 expense.

15 Q. Okay. So the FBI paid for you to fly coach --

16 A. Yes.

17 Q. -- back, but you had to pay for the upgrade?

18 A. And usually if the flight is over 14 hours,

19 they approve the upgrade to business, especially when

20 you have children with you.

21 Q. Okay. But the FBI wouldn't do it?

22 A. They wouldn't do it.

23 Q. All right. And what sort of assistance does

24 the FBI give you in purchasing a house when you come

25 back from overseas?

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1 A. If -- if you were permanently transferred,
2 they -- they pay for the closing fee and --
3 Q. Yeah, but you weren't permanently transferred.
4 You were --
5 A. I wasn't permanently transferred.
6 Q. So I'm talking about in your situation.
7 A. In my situation, I had to do everything on my
8 own. Even the FBI refused to pay for my temporary
9 quarters for a whole year -- for a whole year, until I
10 went back to the job, and I asked them to pay it.
11 Q. And then they paid it?
12 A. And then they paid it.
13 Q. Okay.
14 A. The damages for -- for paying for my own
15 medical expenses for me and my children and my wife, and
16 some of these medical expenses were not reimbursed by
17 the FBI, nor by the insurance company, because of the
18 status.
19 Q. Okay. Are there any other expenses that
20 you -- that you're claiming in this lawsuit was caused
21 by ABC?
22 A. I claim that every damage that happened to me
23 was caused by ABC.
24 Q. Okay. Every damage that happened to you was
25 caused by ABC?

1 certified private investigator --
2 Q. Uh-huh.
3 A. -- I had to form my own corporation, I had to
4 hire an attorney to do that. I paid for it. I had to
5 pay for the fee to take the exam, which I was scheduled
6 to take two weeks after I got the letter --
7 Q. Okay.
8 A. -- that I'm being reinstated. All that was
9 not reimbursable.
10 Q. Okay. So when we're -- we're talking about
11 all the -- well, are there any other items that you can
12 think of?
13 A. Not that I can recall now.
14 Q. Okay. When we're talking about all these
15 items, can you give me a ballpark? Are we talking about
16 \$10,000, \$10,000,000, something in between?
17 A. I'm -- I cannot put a number on it now.
18 Q. Okay. How do you plan on putting a number on
19 it if you -- if you do plan to?
20 A. I have to consult with my attorney privately.
21 Q. Okay. And we've just covered economic damage.
22 You're not -- you're not claiming any physical damage.
23 Right? I mean, you -- I know you had a car accident
24 that you had some neck and back and shoulder -- I read
25 your deposition in that case.

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1 A. ABC.
2 Q. Okay.
3 A. And Fox.
4 Q. And Fox?
5 A. Yes, sir. Started by ABC. Ended by Fox.
6 Q. Okay. Do they get to split the damages 50/50
7 or -- or what's the -- how do you -- how do you
8 apportion that?
9 A. I don't know.
10 Q. You don't want a recovery twice?
11 A. No.
12 Q. Okay. Now, when you say every damage that was
13 caused you, I understand that. Most plaintiffs feel
14 that way. But my job is to find out what they are.
15 A. What they are.
16 Q. And so far you've told me the FBI didn't pay
17 for an upgrade from coach to business class for you and
18 your family; that you had temporary quarters that you
19 had to pay for; although, the FBI later reimbursed you,
20 you were still out that money for a while; and then you
21 had to carry your own medical for a period of time, and
22 that wasn't reimbursed -- some of it wasn't reimbursed?
23 A. Yes.
24 Q. Okay.
25 A. And -- and also when I was trying to become a

1 A. Yeah. That was before --
2 Q. Long time ago.
3 A. -- I went to Saudi Arabia.
4 Q. Right. Long time ago.
5 You're not claiming any physical damage,
6 you're not -- you didn't break your arm because you were
7 watching TV or anything?
8 A. No.
9 Q. Okay. Is there any other kind of damage that
10 you're -- you're claiming in this case, other than the
11 economic damage that you're going to try to get a handle
12 on? Any -- anything else? I think you pled for
13 punitive damages. Your lawyer is rocking in his chair
14 because he doesn't want to forget that. But -- but
15 other than -- other than that, is there any other kind
16 of damage you can tell me about today?
17 A. Other than --
18 Q. Other than what we've talked about and the
19 punitive damages I understand?
20 A. The destruction of my reputation and my
21 career.
22 Q. Okay. Well, you're -- let's talk about your
23 career. You're doing the same thing today at the FBI
24 that you were doing before. Right? You're in the
25 terrorism unit --

HA HA

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1 A. Yes. I was supposed to be higher, not lower.
 2 Q. Well, you're a -- what, a GP 13 now?
 3 A. GS 13.
 4 Q. GS 13. Sorry. And that's what you were
 5 before. Right?
 6 A. Before I went Saudi Arabia.
 7 Q. And you think you would have been a higher pay
 8 grade, but for ABC?
 9 A. Yes.
 10 Q. Okay. Who -- who in -- in the FBI would be
 11 able to provide evidence on that issue?
 12 A. Well, I think you can contact the FBI and they
 13 would find out who will provide evidence.
 14 Q. Can you say that again?
 15 A. You can contact the FBI and they will tell you
 16 who will provide evidence.
 17 Q. But you would know, I would hope -- I mean, if
 18 I was in a job and I didn't get promoted, I would say,
 19 ah, it's Joe blow, who's my supervisor, or it's Mary
 20 Smith, who's the executive vice president --
 21 A. It's not the fact that I was not getting
 22 promoted. The fact that I -- my career was interrupted
 23 with the media intervention unfairly -- unfairly.
 24 Q. Uh-huh.
 25 A. Distortion of information, distortion of

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1 have the right to do that. That interruption to my
 2 career took away that right and that privilege to be
 3 able to look to see what jobs are posted so I can
 4 compete on them.
 5 Q. Right. Have you -- have you fussed at your
 6 ex-wife about this at all?
 7 A. No, I never contacted her.
 8 Q. Okay. By the way, she didn't just run to the
 9 FBI and say, by the way, about this -- this phony
 10 insurance claim.
 11 A. Uh-huh.
 12 Q. The FBI contacted her as part of a regular
 13 reevaluation of you. Right?
 14 A. Regular five years investigation, yes.
 15 Q. Right. Yeah, so she had -- she had remained
 16 quiet all those years about this burglary thing until
 17 the FBI contacted her. Right?
 18 A. Yes.
 19 Q. Okay. Have you -- are you eligible to compete
 20 for a higher paying job now?
 21 A. I have to get back into the management
 22 program.
 23 Q. And do you have plans to do that?
 24 A. Mentally, I -- I don't. I'm not able to do
 25 that.

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1 knowledge, distortion of facts were presented all over
 2 the ABC and the Fox pieces.
 3 Q. Uh-huh. The -- this interruption of your
 4 career, did that -- you know, you say you're a GS 13.
 5 You're still working in international terrorism as a --
 6 as a special agent.
 7 A. Yes.
 8 Q. Do you think you would have had a higher pay
 9 grade but for this interruption; is that what you're
 10 saying --
 11 A. Yes.
 12 Q. -- or something else?
 13 A. Yes.
 14 Q. Okay. So a higher pay grade, and you --
 15 A. I was a GS 14 when I left Saudi Arabia.
 16 Q. Have you complained to the FBI about -- about
 17 your pay grade?
 18 A. No. That's -- that's the normal course of
 19 business. If you leave overseas post, you will go back
 20 to your pay grade.
 21 Q. Right. And you knew you were going to be --
 22 A. Yes.
 23 Q. -- leaving, so --
 24 A. But if you know that you were leaving, you
 25 have the right to compete on a higher paying job. You

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1 Q. And why are you mentally not able to get back
 2 into the management program?
 3 A. The embarrassment, the frustration that I've
 4 been through was beyond the imagination for the human
 5 being.
 6 Q. So you're not getting back into the management
 7 because of the embarrassment and frustration that you've
 8 been through?
 9 A. Mentally, the frustration, the embarrassment,
 10 the humiliation, they are not providing me the
 11 capability to do that.
 12 Q. Okay. Are you under any medical care at this
 13 time?
 14 A. Yes.
 15 Q. Okay. And what sort of medical care are you
 16 under?
 17 A. I take depression medication.
 18 Q. Okay. What -- tell me the type --
 19 A. Lexapro. Lexapro.
 20 Q. Okay. And are you under psychiatric --
 21 A. No.
 22 Q. -- care?
 23 A. No.
 24 Q. Lexapro is a prescription drug. Who
 25 prescribes it for you?

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1 A. Dr. -- my doctor.
 2 Q. What's his name?
 3 A. His name is Dr. Phipps, Lowell Phipps.
 4 Q. Is he in Fort Worth?
 5 A. He's in Flower Mound.
 6 Q. Flower Mound?
 7 A. Yes, sir.
 8 Q. What is his specialty?
 9 A. He's a family practitioner.
 10 Q. Are you seeing any other doctors for your
 11 mental condition?
 12 A. No.
 13 Q. Since the ABC broadcast, have you seen any --
 14 have you seen any doctor for mental condition?
 15 A. No.
 16 Q. Are you taking any other medications for
 17 depression, stress, anxiety, any -- any nerves,
 18 nervousness, anything of that nature?
 19 A. I'm taking Celebrex.
 20 Q. Okay.
 21 A. And I have performed carpal tunnel surgery,
 22 and I'm scheduled for a second one in a week.
 23 Q. Okay. Are you claiming that your carpal
 24 tunnel surgery and the reason for it is related to the
 25 ABC broadcast?

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1 that battle.
 2 Q. Uh-huh. Okay. Any other -- any other
 3 damage -- well, strike that. It's a bad question.
 4 Is there anybody who associated with you
 5 before the ABC broadcast that doesn't associate with you
 6 now?
 7 A. Plenty.
 8 Q. Okay. Can you give me all the names that you
 9 know. And -- and to save -- save time, because, you
 10 know, some people have commitments here, I don't want to
 11 know people that don't associate with you because, you
 12 know, your kids got in a fight at school. I mean, I
 13 want people that don't associate with you because of
 14 what you think ABC did.
 15 A. Well, let me start with this.
 16 Q. Uh-huh.
 17 A. When ABC aired their program --
 18 Q. Right.
 19 A. -- and everyone in the embassy was talking
 20 about it, then the FBI put me on administrative leave
 21 without giving anyone a reason, to protect my privacy,
 22 everyone start to think that the ABC article was true to
 23 the point that the rumors were, Gamal is being recalled
 24 because maybe he is not loyal to the U.S. government.
 25 Q. Uh-huh.

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1 A. I cannot claim that. I'm just telling you
 2 what --
 3 Q. Right. Yeah, you answered my question.
 4 A. Yes, sir.
 5 Q. I'm just asking.
 6 A. I -- I don't know the -- the reason behind it.
 7 All I know, that the tension, the mental tension that I
 8 lived through for more than a year caused me a lot of
 9 agony mentally and physically.
 10 Q. What is the -- you say for more than a year.
 11 How much more than a year?
 12 A. Ever since the ABC piece was broadcast, and it
 13 just went all the way through the roof.
 14 Q. So we could start it on December 19th of 2002
 15 as --
 16 A. It was actually started before that.
 17 Q. Okay. How much before that?
 18 A. It was ever since Mr. Wright start to talk to
 19 the media about me.
 20 Q. Okay. We know that that is at least --
 21 A. At least May 30th.
 22 Q. -- May 30th of 2002. Okay. So that's the
 23 beginning of it. And do you know an ending period?
 24 A. It never ended. It never ended. But I -- I
 25 got some relief when I got my job back. At least I won

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1 A. I left Saudi Arabia looking like a fugitive.
 2 The only person who said goodbye to me was my boss.
 3 Q. Who was that?
 4 A. Wilfred Rattigan.
 5 Q. You and Mr. Rattigan took a trip to Mecca
 6 together, didn't you?
 7 A. Yes, sir.
 8 Q. Yeah, you would dress in the traditional Saudi
 9 dress when you went to the office. Correct?
 10 A. No.
 11 Q. You wouldn't wear a business suit like you're
 12 wearing now; you would wear --
 13 A. No. No, you wear a business suit when you go
 14 there.
 15 Q. How about when you and Mr. Rattigan went to
 16 Mecca?
 17 A. No one wears a suit in Mecca.
 18 Q. You wore the traditional Saudi dress?
 19 A. There's no traditional Saudi dress. It's just
 20 a --
 21 Q. You wear -- you wore the dress that was --
 22 A. Appropriate for being in Mecca.
 23 Q. Which was indigenous to the area, what --
 24 A. Yes.
 25 Q. -- other people were wearing?

Page 225 1 And when you went to Mecca, what -- what 2 specifically did you wear? 3 A. I wore a white outfit. 4 Q. Okay. Rattigan was the only guy that said 5 goodbye. Is that what you said? 6 A. Yes, sir. 7 Q. Okay. And when you left, would you walk by 8 people and they would just not say anything or -- 9 A. People from the embassy were my neighbors. 10 Q. Uh-huh. 11 A. On the -- on the diplomatic quarters. 12 Q. Uh-huh. 13 A. And they were just not saying hi. They were 14 not talking to me. 15 Q. Okay. And does ABC -- 16 A. The security officer of the embassy put a memo 17 out telling the guards that I'm not allowed access to 18 the embassy without an escort. 19 Q. Well, that was true, wasn't it? 20 A. That was true -- 21 Q. I mean, once you got recalled, you can't go 22 waltzing around the embassy. Right? 23 A. Yes, you can, because the embassy -- you have 24 places that have clearance required to go and places 25 without clearance required to go to. You have third	Page 227 1 military people. 2 Q. Uh-huh. Okay. 3 A. I can provide with you a list of people. 4 Q. Fair enough. And -- and addresses, too, if 5 you could. That would be great. 6 A. Okay. 7 Q. And I only want -- and I only want a list of 8 people that -- that you believe quit associating with 9 you because of the ABC report. 10 A. Okay. 11 Q. And if there's some other reason -- 12 A. Sure. Only ABC, or ABC and Fox? 13 Q. Yeah, both of them. 14 A. Okay. 15 Q. That's fine. Either one. 16 (Exhibit 21 marked.) 17 MR. BABCOCK: Mark this as the next one. 18 You've probably seen this before. What's this number? 19 THE REPORTER: 21. 20 MR. BABCOCK: 21. 21 Q. I've handed you the answers -- sworn answers 22 to interrogatories that ABC sent to you. And the first 23 question interrogatory -- and you know what 24 interrogatories are, of course? 25 A. Yes, sir.
Page 226 1 country nationals without any clearances whatsoever that 2 are all over the embassy. 3 Q. Okay. What's the name of this security 4 officer? 5 A. His name is Greg Hayes. 6 Q. And do you have a copy of this memo that he 7 put out saying that you're not allowed access to the 8 embassy? 9 A. I believe I do have a copy of one of them. 10 Q. There are more than one? 11 A. Yeah. He made the first one. He said that my 12 wife and I are not allowed any access with a vehicle in 13 the embassy. Then two days later, he put another one to 14 amend the first one, saying I'm only allowed access -- 15 an escorted access with a cleared U.S. person. 16 Q. Okay. All right. So we've got Greg Hayes as 17 one identified individual. Who else wouldn't associate 18 with you? Just, you know, the names of people after the 19 ABC -- by the way, did the ABC broadcast -- was that 20 televised in Saudi Arabia? 21 A. Yes. It was seen -- it was seen in Saudi 22 Arabia. 23 Q. And how was it seen? 24 A. I saw it on -- on TV Friday around 2 o'clock. 25 They bring some of the programming on the cable for the	Page 228 1 Q. Okay. And they're -- interrogatories are a 2 part of a lawsuit -- 3 A. Yes, sir. 4 Q. -- part of the lawsuit process. 5 And the first one following off -- off of your 6 complaint talks about comments that you think were false 7 in the ABCnews.com article, and then the second question 8 is the article from the -- actually, one is from the 9 broadcast; two is from the article. And those are the 10 two AB -- you're complaining of both ABC publications. 11 Right? 12 A. Yes, sir. 13 Q. All right. And the -- and the broadcast, as 14 we know, was December 19th of 2002, and the ABCnews.com 15 article was the same date. Correct? 16 A. Yes, sir. 17 Q. All right. And are these statements listed 18 here in responses to interrogatory number 1 and number 2 19 the statements that you are claiming were false and 20 defamatory of and concerning you? 21 A. Yes. 22 Q. Okay. And the only reason I ask that, I know 23 you've already answered this -- 24 A. Yes. 25 Q. -- but sometimes over the -- over time people

Page 229 1 delete some, add others. And this is what you're 2 complaining about as you sit here today. Correct? 3 A. Yes, sir. 4 Q. All right. 5 MR. BABCOCK: Make this the next one. 6 22? 7 (Exhibit 22 marked.) 8 Q. I'm handing you Exhibit 22. And this is a -- 9 I will tell you is a transcript of portions of the 10 December 19th, 2002 Prime Time live broadcast. And if 11 you will turn to the -- 1, 2, 3, 4 -- fifth page, that's 12 where the -- the story about Mr. Wright's allegations 13 begin, I think. 14 Would you agree with me that that's where 15 this -- this segment, I guess is what they call it -- 16 A. I believe so, yes. 17 Q. Okay. 18 A. Uh-huh. 19 Q. And they have an intro that Gibson -- that 20 Charles Gibson does, and then they get into this 21 interview with Wright, and then Wright talks about some 22 general FBI situations. And it's not until we get a 23 couple of pages over -- it's a page that's -- up at the 24 top, it says page 14, but I don't know how to identify 25 it any better than that.	Page 231 1 Q. Do you have any -- any theory on why he would 2 say something about you that wasn't true? 3 A. No. 4 Q. Do you know anything about Mr. Flessner's 5 background? 6 A. No. 7 Q. In addition to Wright, Vincent and Flessner on 8 this conference call when they say you made this 9 comment, who else was on that conference call besides 10 yourself, Flessner, Wright, Vincent? 11 A. My supervisor. 12 Q. And who is that? 13 A. Ron Patton. 14 Q. Okay. And was there -- was he on the whole 15 time or was he in and out? 16 A. Yes, the whole time. 17 Q. The whole time. 18 Okay. And was there anybody else that 19 identified themselves to you on the Chicago end, any 20 other U.S. attorneys? 21 A. I believe there were one or two identified 22 themselves. I don't recall their names. 23 Q. Okay. Fair enough. Okay. After 24 Mr. Flessner, the former federal prosecutor, says he was 25 dumbfounded, then they go off on to -- to other issues
Page 230 1 It's -- it's where Brian Ross says, Perhaps 2 most astounding of the many mistakes, according to 3 Flessner in affidavits filed by Agent Wright, is how 4 another FBI agent, who is Muslim, seriously damaged the 5 investigation, telling Wright and Vincent he would 6 refuse to secretly record one of Kadi's suspected 7 associates, who was also Muslim. 8 That's where -- that's where we get to your 9 part of the broadcast. Right? 10 A. Yes, sir. 11 Q. Okay. 12 A. Well, actually, there is a part before that at 13 the very beginning. 14 Q. At the intro? 15 A. Yes. 16 Q. Right. Where Gibson is introducing the piece? 17 A. Yes. 18 Q. Right. Okay. And that goes on for a period 19 of time, until the bottom of that -- to the bottom of 20 that page, and ends with Flessner, the former federal 21 prosecutor, saying, What he said was, it was against his 22 religion to record another Muslim. I was dumbfounded by 23 that response. 24 Have you ever met Mr. Flessner? 25 A. No.	Page 232 1 and leave the issue of you. Correct? 2 A. Yes, sir. 3 Q. Okay. 4 (Exhibit 23 marked.) 5 Q. Here is Exhibit 23, and this is the 6 ABCnews.com article bearing the same date of December 7 19th, 2002 that you complained about. Correct? 8 A. Yes. 9 Q. And here there is some headlines, Called off 10 the trail. FBI agents probing terror links say they 11 were told, Let sleeping dogs lie. And then there's some 12 sub headlines, You will not open criminal 13 investigations. And then toward the bottom of the 14 page -- and this is Bates number GAH 3 -- Muslim agent 15 refused to record fellow Muslim, agent says. 16 And that was the -- that was, again, the part 17 that dealt with you. Correct? 18 A. Yes. 19 Q. All right. And it's clear in both the 20 broadcast and in the ABCnews.com that ABC is reporting 21 the accusations or allegations. if you will, that 22 Mr. Wright, Mr. Vincent, Mr. Flessner are making against 23 you. Correct? 24 A. Yes, sir. 25 Q. Put that back down there. Let's go back to

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1 the interrogatories. I want to ask you a couple more
2 questions about that.
3 If you'll look at interrogatory number 6, you
4 have identified a number of both print and television
5 reports that dealt with your -- your situation with the
6 FBI. Correct?
7 A. Yes, sir.
8 Q. All right. And including a book entitled
9 Infiltration by Paul Sperry. Do you see where you
10 mention that?
11 A. Yes, sir.
12 Q. And the book Infiltration by Paul Sperry has
13 an entire chapter dedicated to your situation. Correct?
14 A. Yes, sir.
15 Q. And Mr. Sperry repeats the accusations that
16 Mr. -- Mr. Wright, Mr. Vincent and Mr. Carmody and
17 Mr. Flessner made against you. Correct?
18 A. Yes, sir.
19 Q. And did Mr. Sperry ever call you for comment
20 about that?
21 A. Yes.
22 Q. All right. And when did he -- when did
23 Mr. Sperry call you for comment?
24 A. I believe it was sometime in -- in the summer
25 or fall of 2004.

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1 Q. Did you make comment to him?
2 A. He said that he's thinking about writing a
3 book and he just wanted to clarify some allegations, and
4 he's not sure if this will get into his book or not.
5 And I made some comments to him, yes.
6 Q. Did your comments make it into the book?
7 A. And then some.
8 Q. And that means that he quoted you and -- and
9 they added some additional?
10 A. Added and -- and took some.
11 Q. Okay. Did you think --
12 MR. BABCOCK: Can you get that for me,
13 Christa?
14 Q. Did you think that Mr. Sperry -- Mr. Sperry's
15 chapter about you was a fair description of -- of what
16 went on?
17 A. No, it was not.
18 (Exhibit 24 marked.)
19 Q. Okay. This is Exhibit 24. And it is only
20 the -- the part of the book that -- that I think
21 mentions you. It bears a copyright of 2005. And the
22 chapter on you, chapter 18, The case of the reluctant
23 agent, when Muslims investigate fellow Muslims. And
24 there's a quote. It says, A Muslim does not record
25 another Muslim, end quote, FBI Special Agent Gamal

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1 Abdel-Hafiz, which would be you. Right?
2 A. Yes.
3 Q. What about this -- and maybe this is too broad
4 a question, but what about this chapter do you think is
5 unfair to you, if it is?
6 A. It is unfair.
7 Q. Okay.
8 A. It is unfair. He's -- he's quoting me here as
9 if I made the quotation, saying yes.
10 Q. Okay.
11 A. He misrepresented a lot of facts. He took
12 bits and pieces. I just don't like all of it.
13 Q. Okay. Do you think that this book
14 Infiltration, How Muslim Spies and Subversives Have
15 Penetrated Washington, by Paul Sperry, do you think that
16 affects your reputation at all?
17 A. Of course.
18 Q. And how does it affect it?
19 A. Well, he's putting me among the spies and the
20 infiltrators. He's painting me as one of them.
21 Q. Okay. You say that he quoted you and then
22 some. I must confess I maybe read this late at night,
23 but where -- where did he -- I know he quotes you at the
24 beginning, but --
25 A. Well, I read it almost a year ago --

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1 Q. Okay.
2 A. -- so I don't recall much of it.
3 Q. Okay. Down at the -- in the last page, in
4 190, he says -- he's quoting or paraphrasing you, saying
5 that both Vincent and Wright are simply biased against
6 Muslims and Arabs. Quote, they were motivated by racism
7 and bigotry, Abdel-Hafiz says. Abdel-Hafiz says he
8 wanted Wright, whom he calls vindictive, to go through
9 Muslim sensitivity trainings and write him an apology.
10 Wright did neither, so he sued. He says he will have no
11 mercy on him or Vincent.
12 We've talked about why you believe that
13 Wright -- what evidence you have to suggest that he's a
14 racist. What about Vincent? What evidence do you have
15 that Vincent is a racist and a bigot, as you say here?
16 A. If he supported Mr. Wright's allegations
17 unfairly, he took the same boat.
18 Q. Okay.
19 A. And Mr. Vincent went on an interview with CBS
20 saying that Gamal was true to his religion. A Muslim's
21 first loyalty is to his religion, second loyalty to his
22 religion, third loyalty to his religion, then everything
23 else comes after that.
24 Q. Who said this, Vincent?
25 A. Yes, sir.

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1 Q. Okay. And you think that that's racist and --
2 and bigoted?
3 A. Yes, sir.
4 Q. Okay. Anything other than that one comment
5 and the fact that if he supports Wright, he must be a
6 racist and a bigot?
7 A. No. If he supports -- not that he supports
8 Wright. If he supports false allegations and base it on
9 religious facts, that's racism.
10 Q. Okay.
11 A. I -- I cannot tell you that's all what's in
12 here, because I -- I don't even recall much of what's in
13 here.
14 Q. Okay. Let's go back to the interrogatories --
15 A. Uh-huh.
16 Q. -- and -- and interrogatory 8. And you're
17 putting down people that have relevant knowledge on a
18 variety of things. But Rattigan we've already talked
19 about.
20 A. Yes, sir.
21 Q. And Rattigan -- I'm going to ask you a
22 similar -- a bunch of similar questions about all these
23 guys. Is it safe for me to say that Rattigan doesn't
24 have any personal knowledge about the allegations by
25 Wright, Vincent and Carmody about your refusal to -- to

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1 A. Mr. Lester is aware of a lot of people who
2 came to him and said, How can we trust him after what we
3 heard about him?
4 Q. Okay. And Lester told you this?
5 A. Yes.
6 Q. Okay. Again, tell me if I'm right about this.
7 A. Yes, sir.
8 Q. Lester would not know -- have personal
9 knowledge about any of the underlying facts of the
10 allegations by Wright and -- and Vincent and Carmody.
11 Right?
12 A. Yes, sir.
13 Q. That's correct?
14 A. He doesn't have any knowledge of that.
15 Q. All right. Same questions for Supervisory
16 Special Agent Steve Cocco.
17 A. Yes, sir.
18 Q. What is -- what's his claim to fame here?
19 A. He's -- he has been approached by people to
20 ask him if what was said about me in the media is true
21 and if I could be trusted.
22 Q. Okay.
23 A. Yes.
24 Q. Any personal knowledge about the Wright,
25 Carmody, Vincent allegations?

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1 record Muslims?
2 A. Yes, he doesn't have basic knowledge about it.
3 Q. Okay. What Rattigan knows about, you've
4 already talked about, is the reaction of the people at
5 the embassy in Saudi Arabia to ABC?
6 A. Yes.
7 Q. Okay. Does he know --
8 A. And to Fox.
9 Q. And to Fox?
10 A. And to Fox, yes, sir.
11 Q. Okay. Does -- do you believe that Rattigan
12 has knowledge on any other subjects, other than how the
13 embassy reacted to your --
14 A. Embassy and people in the other field offices
15 who went TDY to Saudi Arabia --
16 Q. Okay.
17 A. -- and spoke about me during the program when
18 it was aired, after the program was aired, after I was
19 recalled from Saudi Arabia, and even after I got my job
20 back --
21 Q. All right.
22 A. -- people are still talking about it.
23 Q. Okay. What about Supervisory Special Agent
24 Steven Lester? I haven't heard his name before, but
25 what do you believe his --

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1 A. No, sir.
2 Q. Okay. Special Supervisory Agent Gina Davis.
3 I want to depose her for sure.
4 MR. WINDSOR: I was going to say, I
5 didn't know she was working for the FBI.
6 MR. BABCOCK: I thought she was
7 president.
8 MR. WINDSOR: She got a promotion.
9 Q. Does -- what's Ms. Davis --
10 A. Knowledge about the same thing, people who
11 approached her and asked her --
12 Q. Okay.
13 A. -- if I could be trusted.
14 Q. Any personal knowledge about the Wright,
15 Vincent, Carmody allegations?
16 A. No, sir.
17 Q. Okay. Connelley Brown, same questions?
18 A. Same -- same issue. The conversation at his
19 previous office in Houston were about the trust and the
20 loyalty of Special Agent Abdel-Hafiz.
21 Q. Thank you.
22 A. No problem.
23 Q. And no -- no personal knowledge about the
24 allegations?
25 A. Allegations by Mr. Wright and Mr. Vincent.

Page 241 1 Q. Okay. Retired Dallas police detective 2 Charles -- Charley Storey. What does -- what does he 3 know? 4 A. He knows the whole story from A to Z? 5 Q. Okay. And by the whole story, you include the 6 allegations of Vincent and -- 7 A. And the allegations of Mr. Vincent and 8 Mr. Wright. 9 Q. Okay. And -- and how was Mr. Storey involved 10 in the various investigations, FBI investigations? 11 A. He was a key element in the international 12 terrorism branch in the Dallas FBI office. 13 Q. Okay. Matthew Tueller -- Tueller, 14 T-U-E-L-L-E-R. 15 A. Yes, sir. He is the deputy chief of mission 16 in Qatar, I believe, not Kuwait. 17 Q. Oh, he's in Qatar? 18 A. I'm not sure if he's in Qatar or Kuwait now. 19 Either/or. It's Q. 20 Q. Yeah. 21 A. He's the one who was -- he was in a very high 22 position in the embassy in Riyadh, Saudi Arabia, and he 23 was getting a lot of the feedback and comments from 24 people around the embassy about the trust and confidence 25 and loyalty.	Page 243 1 effect on his fellow workers with the U.S. government 2 after the ABC news was aired. 3 Q. Okay. Does he know anything about the 4 underlying -- 5 A. No, sir. 6 Q. Okay. Mohammed -- 7 A. Elmougy. 8 Q. -- Elmougy -- 9 A. Yes. 10 Q. -- who you've talked about before. 11 A. Yes. 12 Q. And does Mohammed know anything about the 13 underlying allegations? 14 A. No, sir. 15 Q. Danny -- Danny Defenbaugh, I think you've 16 talked about -- 17 A. Yes. 18 Q. -- and he would know something about it? 19 A. He knows -- he knows everything from A to Z. 20 Q. So he knows everything. 21 A. Yes, sir. 22 Q. Omniscient. 23 Donna Chabott? 24 A. Donna Chabott. 25 Q. Chabott. And what's her --
Page 242 1 Q. Fair enough. Any personal knowledge about -- 2 that you're aware of about the underlying allegations by 3 Wright and Vincent and Carmody? 4 A. No, sir. 5 Q. Joseph Hayes? 6 A. He's the RSO, the regional security officer, 7 the one who put the memo out to bar me and my wife from 8 entering the embassy without escort. 9 Q. Okay. You think he's back in DC now? 10 A. He's in DC now. 11 Q. William -- well, does Hayes know anything 12 about the -- you as far as you know, the underlying 13 allegations? 14 A. No, sir. 15 Q. Okay. How about Blain? 16 A. He was in the embassy. He was the head of the 17 financial department. And he was getting some of the 18 questions asked about loyalty. 19 Q. Okay. Does he know anything, as far as you 20 know, about the underlying allegations? 21 A. No, sir. 22 Q. Okay. Lloyd Frickelton. 23 A. He was in -- in Saudi Arabia. He's a former 24 U.S. military. I believe he is retired. He's either a 25 lieutenant colonel or colonel. And he have seen the	Page 244 1 A. She would -- she would be able to testify to 2 the -- to the reaction of agents in both the Homeland 3 Security and the FBI about the ABC and Fox -- 4 Q. Okay. 5 A. -- broadcasting, yeah. 6 Q. Any -- any knowledge, that you're aware of, 7 about the underlying allegation? 8 A. She has some knowledge, because she was on the 9 task force. I'm not sure if she has the full knowledge. 10 Q. Okay. Duward Melton? 11 A. Yes. Duward Jerry Melton. He's the agent who 12 was -- who was on the phone, the telephone conversation 13 with Mr. Wright, and Mr. Wright made some comments -- 14 Q. Got you. 15 A. -- about me to him. 16 Q. Okay. Roderick Beverly. I know that's a PR, 17 public information -- 18 A. No, sir. 19 Q. No? 20 A. Roderick Beverly was the special agent in 21 charge at the time of the international operation -- 22 Q. Uh-huh. 23 A. -- the Office of International Operations. 24 Q. Right. 25 A. And now he's the SAC of Houston. And he was

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1 there during that conversation with Brian Ross, the
2 telephone conference.
3 Q. Okay.
4 A. He knows what he told Brian Ross. He told
5 what he answered Brian Ross. He knows what Brian Ross
6 asked.
7 Q. Okay.
8 MR. WINDSOR: Y'all keep going. I've got
9 to hand a note out the door real quick.
10 MR. BABCOCK: Okay.
11 Q. Jim Prouty?
12 A. He has the same knowledge as Rod Beverly, who
13 was the head of that team that was having the
14 conversation with Brian Ross.
15 Q. Mike Kortan?
16 A. Yes, sir. He was at the same meeting at that
17 conference call with Brian Ross.
18 Q. Okay. Charles Goodwin?
19 A. He was at the same meeting with Brian Ross.
20 Q. Very good. Are there any other names -- I
21 know this was done some time ago. Are there any other
22 names of witnesses that you're aware of or you've become
23 aware of that would have what you believe to be
24 knowledge relevant to this case?
25 MR. GREGORY: Jay's saying, I hope not.

1 A. Yes, sir.
2 Q. Okay. Was there any discovery done during the
3 lawsuit that you're -- that you can recall?
4 A. Not that I recall.
5 Q. Okay. And sometime after the lawsuit was
6 filed is when you -- is when you -- when you settled it.
7 Is that right?
8 A. Yes.
9 Q. Okay. Was the name of the insurance company
10 the American National Property and Casualty Company?
11 A. Yes, sir.
12 Q. Okay. Was your lawyer Jeff Fudge?
13 A. No.
14 Q. Okay.
15 A. I think that was the --
16 Q. That was the other guy's lawyer?
17 A. -- the other guy's lawyer, yeah, the insurance
18 company's lawyer.
19 Q. Okay. Do you recall answering discovery in
20 the case?
21 A. I may have answered some.
22 Q. Okay.
23 A. I don't recall it.
24 Q. I don't need to mark this, but let me just see
25 if this refreshes your recollection. No, that's the

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1 I hope not.
2 A. Not that I can recall now.
3 Q. Okay. Fair enough. I want to turn just
4 briefly back to this -- this burglary. And you filed a
5 claim, the documents I've seen, for roughly \$20,000 for
6 things that were stolen from -- from your house?
7 A. If I recall correctly, yes.
8 Q. Okay. And how did the insurance company treat
9 this claim?
10 A. They objected first, then they settled.
11 Q. Okay. And what was the amount of the
12 settlement?
13 A. 25,000.
14 Q. And in order to achieve that settlement, you
15 had to file a lawsuit. Correct?
16 A. Yes, a lawsuit was filed, yes.
17 Q. Okay. And as the lawsuit proceeded, you had
18 to do things like you had to do in this case, answer
19 interrogatories and that type of thing?
20 A. No. There was only a deposition given to the
21 insurance company --
22 Q. Okay.
23 A. -- before we filed the lawsuit, and that was
24 the only thing that was done.
25 Q. You say that it was a pre-lawsuit deposition?

1 wrong one. Give me a minute. Both you and your wife
2 were the --
3 A. Ex-wife.
4 Q. Both you and your wife at the time --
5 A. Yes.
6 Q. -- now ex-wife, were -- were plaintiffs in the
7 case. Correct?
8 A. Yes.
9 Q. Your lawyer was Edmund N. Anderson. Is that
10 right?
11 A. Yes, sir.
12 Q. Okay. Here's what I want to show you. Let me
13 just hand you some documents from that case. Does that
14 refresh your recollection that the insurance company
15 served interrogatories, request for production, and
16 other related discovery on you and your wife, through
17 your counsel, of course.
18 My co-counsel correctly reminds me that it's
19 absolutely stupid not to mark something. It just --
20 because then we're going to have a record, and they're
21 going to say, what was he talking about? We don't have
22 an extra copy. Sorry guys, but --
23 MR. BABCOCK: Can you make that an
24 exhibit?
25 (Exhibit 25 marked.)

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1 Q. Okay. This is Exhibit 25. And -- and I don't
2 want to ask you a lot of questions about it. It's just
3 that this was some discovery that you received in -- in
4 that insurance lawsuit. and -- and you and your wife
5 responded to it. And that was that?
6 A. Yes.
7 Q. All right. And after you got the \$25,000
8 settlement, did the insurance company ever come back to
9 you and -- and seek a refund after your wife made these
10 allegations?
11 A. No.
12 Q. Ex-wife made these allegations?
13 A. No.
14 Q. Okay. And can you explain how she -- how she
15 came to have all these items that were reported stolen?
16 A. I have no knowledge.
17 Q. No idea?
18 A. I have no knowledge.
19 Q. And why did you leave that lawsuit off your
20 application for the FBI? That was one of the things
21 they were mad at you about.
22 A. Well, the -- and I explained that. When they
23 say, have you ever been a party in a -- in a court
24 litigation, we never been to court. I never been to
25 court. We never went to court. It was settled out of

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1 MR. HUTTON: Can you hear me now?
2 EXAMINATION
3 BY MR. HUTTON:
4 Q. Good afternoon.
5 A. Good afternoon, sir.
6 Q. My name is Todd Hutton. You may recall that I
7 represent John Vincent and Robert Wright in this case.
8 A. Yes, sir.
9 Q. And I'm here today to ask you a few questions
10 subject to our special appearance?
11 A. Yes, sir.
12 Q. We're not waiving that challenge. We're
13 challenging jurisdiction in this matter, as you may
14 recall.
15 A. Yes, sir.
16 Q. In that regard, I would like to ask you a few
17 questions about residency type issues.
18 A. Yes, sir.
19 Q. We started off, in fact, just finished up
20 talking about discovery and court proceedings and that
21 kind of thing --
22 A. Yes, sir.
23 Q. -- so that will be a good segue to kind of
24 where I want to go.
25 A. Sure.

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1 court. And I didn't even know that there was a court
2 date set for that or there was a court lawsuit.
3 Q. So when they -- when they were asking you
4 about a party to a legal proceeding, you thought that
5 meant that you had to actually go to trial. Right?
6 A. Not a legal proceeding. I think the question
7 was, have you ever been a plaintiff or a defendant -- a
8 defendant in a court proceedings?
9 Q. Uh-huh. And you thought that didn't count?
10 A. Because I -- I didn't go to court.
11 Q. I see. Okay. Very good.
12 MR. BABCOCK: Do you want -- do you want
13 me to pass for ten minutes?
14 MR. HUTTON: Yeah, sure.
15 MR. BABCOCK: And -- and I'm -- I'm
16 pretty close, although I think I have some clean-up
17 questions. But while I'm getting organized, would it be
18 acceptable to let him ask his ten minutes of questions?
19 MR. WINDSOR: Sure.
20 THE WITNESS: Am I done with this?
21 MR. BABCOCK: Just leave it right there
22 on the -- on the stack.
23 MR. HUTTON: Is that good? Can you hear
24 me?
25 MR. WINDSOR: Can you hear me now?

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1 Q. You may recall providing responses to
2 interrogatories that were served on you by Mr. Vincent
3 and Mr. Wright. Your responses were dated June 22nd of
4 this year.
5 A. Yes, sir.
6 Q. And they dealt with things like where you
7 lived at certain times, that kind of thing.
8 A. Yes, sir.
9 Q. And as part of your responses to that, to
10 those interrogatories, you also produced some
11 documents --
12 A. Yes, sir.
13 Q. -- under the same date, June 22nd, '05.
14 A. Yes, sir.
15 Q. Let me give you -- we can mark this as an
16 exhibit, too. I've got copies here.
17 (Exhibit 26 marked.)
18 MR. HUTTON: If we could mark this in the
19 next order. And if you guys want a copy --
20 MR. BABCOCK: Thank you.
21 Q. And this is a document that you produced to
22 Mr. Vincent and Wright as part of your document
23 production, June 22nd '05.
24 A. Yes, sir.
25 Q. And it's a document from the U.S. Department

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1 of Justice dated December 13th, 2000, related to a
2 foreign assignment. And as you can see there, you've
3 signed it at the bottom, I believe. Is that your
4 signature?
5 A. Yes, sir.
6 Q. And this references your agreement in
7 connection with your transfer from the Dallas office
8 over to Riyadh. Is that correct?
9 A. Yes, sir.
10 Q. And that original agreement was for a minimum
11 of a two-year term. Is that --
12 A. Yes, sir.
13 Q. -- correct?
14 If you look midway down, about the bottom
15 third of the page --
16 A. Yes, sir.
17 Q. -- the paragraph says, Prior to my overseas
18 assignment, my last official duty station was Dallas --
19 there's a blank -- and you wrote in Dallas, Texas.
20 Correct?
21 A. Yes, sir.
22 Q. And then you go on -- go on to say, I
23 consider -- and then you fill in the blank -- Dallas,
24 Texas as my actual residence in the United States.
25 A. Yes, sir.

1 A. No.
2 Q. -- claim?
3 A. No.
4 Q. Okay.
5 A. Actually, the FBI has my actual address and
6 residence on record.
7 Q. All right. But in any event, the most you
8 claimed there was Dallas, Texas as your residency, not
9 Fort Worth, Texas. Right?
10 A. No, Dallas, Texas as the residency, based on
11 the office of the Dallas division.
12 Q. Okay.
13 A. Any of us would say Dallas, Texas, based on
14 the office, whether you live in Flower Mound, or you
15 live in Grapevine or you live in Irving.
16 Q. So your residency in this sense then just
17 means where you work?
18 A. Where you work.
19 Q. Had nothing to do with where you live?
20 A. It has nothing to do with where I live.
21 Q. Okay. Back to your interrogatory responses
22 dated June 22nd, '05, and you -- you kind of refer to
23 this document that we've been looking at here.
24 A. Yes, sir.
25 Q. You state -- you state that. And this is in

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1 Q. And then the form goes on to ask you to please
2 furnish sufficient information to justify the place of
3 actual residence claimed. Place comments under remarks
4 and, if necessary, on a supplemental sheet. I don't see
5 any remarks on the sheet. Were there --
6 A. No, they -- I believe -- and Jay can correct
7 me if I'm wrong -- this is a form that they give anyone
8 who is being relocated, whether it's a final relocation
9 or a temporary relocation.
10 Q. Okay.
11 A. And -- and Dallas, Texas -- when I say Dallas,
12 Texas, that means that's the office that I'm assigned
13 to.
14 Q. Okay. And my question was, did the form ask
15 you to furnish sufficient information to justify the
16 place of actual residence claimed?
17 A. Yes.
18 Q. You claimed Dallas, Texas, yet there are no
19 remarks justifying that claim. I'm asking where --
20 A. They did not ask me. They just told me to
21 write Dallas, Texas -- Dallas, Texas and sign it.
22 Q. Okay.
23 A. I was not asked to provide anything else.
24 Q. Okay. So there were no -- there were no --
25 did you have any reasons to justify that --

1 response to interrogatory number 1A --
2 A. Uh-huh.
3 Q. -- page 4 of your response. You state that,
4 Upon accepting my term assignment in Riyadh, it was
5 necessary for me to sign an agreement committing to
6 serve in Saudi Arabia for two years and agreeing to
7 return to my original office in Dallas upon completion
8 of the term assignment in Saudi Arabia.
9 A. Yes, sir.
10 Q. And I assume that refers to this document that
11 we've been looking at, Exhibit -- what number did this
12 end up?
13 A. 26.
14 Q. 26.
15 A. Yes, sir.
16 Q. Can you please show me on this, on Exhibit 26
17 where -- where you have agreed to return to Dallas?
18 A. Actually, it's not up to me to return to
19 Dallas. If I finish my assignment, they will return me
20 back to my office of origin.
21 Q. Once you finish your assignment, they will
22 return you?
23 A. Yes. Yes. You have no choice at that matter.
24 Q. In this instance, did you not finish your
25 two-year term?

Page 257 1 A. I did finish my term. 2 Q. And what happened at the end of that? 3 A. I came back to Dallas. 4 Q. Your term was not extended? 5 A. No, it was not. 6 Q. Okay. So then your answer to interrogatory 1B 7 then must be in error. Page 4 of your June 22nd, '05 8 responses, answer 1B, you state that your assignment was 9 extended in Riyadh until August 31st '03. 10 A. Yes, sir. It was extended. Then based on 11 the -- on the finding of OPR -- based on the finding of 12 OPR, I was recalled back. 13 Q. Okay. So it was extended? 14 A. But my -- my -- but my two years were over. 15 It was extended beyond the two years. 16 Q. Exactly. 17 A. Yes, sir. 18 Q. So this is your initial -- Exhibit 26 is your 19 initial two-year agreement. 20 A. Yes, sir. 21 Q. Nothing on here -- nowhere on here do you 22 agree to come back to Dallas. Right? 23 A. I have no choice but coming back to Dallas. 24 If I do not compete -- there are other documents within 25 FBI possession that tells you the conditions of any	Page 259 1 Q. That's when you came back? 2 A. When I came back. 3 Q. You actually -- that's -- and you talked 4 earlier about your damages and the business class 5 fare -- 6 A. Yes. 7 Q. That's the day you flew back? 8 A. That's -- the date I left Saudi Arabia was the 9 13th. I arrived here on the 14th. 10 Q. And when was that inquiry, that administrative 11 inquiry initiated before -- I mean, I assume there was 12 some window of time before you got on the plane to come 13 back to Dallas. 14 A. No. It -- it was -- I was told that I -- I'm 15 to return back to the United States. It was on the 26th 16 of February, 2002. 17 Q. That's when you were told? 18 A. Yes. 19 Q. Okay. So -- and, again, do you know when that 20 process was originated, the process that led to you 21 being told -- 22 A. I'm not sure of the date. 23 Q. You're not sure when that started? 24 A. I'm not sure of the date. 25 Q. Okay. When would your original two-year term
Page 258 1 posting when you apply for it. This is a temporary 2 position. It tells you that you will be sent back to 3 your -- to your main office, the original office unless 4 you compete on a different job in a different office or 5 a different headquarter posting. 6 Q. Okay. So it's conceivable that somebody could 7 be transferred all around the world with the FBI and 8 never end up back at the place they started. Right? 9 There's no -- 10 A. If they choose. 11 Q. Right. 12 A. If they choose to. 13 Q. And so when your -- when your assignment was 14 extended, that must have been before you were -- the 15 OPM -- 16 A. The OPR. 17 Q. OPR. 18 A. Yes, sir. 19 Q. Before the OPR. So there was some extended 20 time there? 21 A. Before the final outcome of OPR. 22 Q. So when -- when were you called back to 23 Dallas? 24 A. In March. I came back to Dallas on March 13th 25 of -- March 14th of 2003.	Page 260 1 have officially ended? 2 A. It would have ended February 13th, 2003. 3 Q. So on February 13th, 2003, your original term 4 was up? 5 A. Was up. 6 Q. But you were still there? 7 A. I was still there. 8 Q. And, in fact, it wasn't until February 26th, 9 '03 that you were told you were coming back to Dallas 10 because of the administrative inquiry related to the 11 insurance claim? 12 A. Yes, sir. 13 Q. So how is it that you stayed over from -- from 14 the 13th to the 26th? 15 A. I requested an extension. The FBI headquarter 16 approved the extension until August 31st. 17 Q. Okay. So now we're back to where we were. 18 A. Yeah. 19 Q. You had mentioned here that you -- so these 20 can be -- there's -- these can be extended? There's 21 no -- 22 A. Yes. 23 Q. Your -- your assignment can be extended? 24 A. I -- if I request -- it can be extended, but I 25 have to request the extension, and headquarter has to

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1 approve the extension.
 2 Q. Okay. And so you did request the extension?
 3 A. Yes, sir.
 4 Q. And why did you do that?
 5 A. It was too early to -- to relocate my family
 6 back and uproot every two years.
 7 Q. Okay. So, in fact, when you signed the -- the
 8 original two-year agreement, your -- your hopes were
 9 that -- I mean, in your mind, that was a promotion,
 10 wasn't -- was it not?
 11 A. It was leading to a promotion.
 12 Q. Okay. And --
 13 A. A temporary promotion that could lead to -- to
 14 a permanent promotion.
 15 Q. Right. And so at the expiration of that term
 16 when your -- the fact that you -- that you requested
 17 more time there indicates that things were going well
 18 there for you?
 19 A. Well, it indicates that I -- I didn't want to
 20 come back, and I didn't have time to shop for a new
 21 position in the United States, because it takes you six
 22 months to a year to find a job -- to look for a job,
 23 apply for a job, get career report on the job, and you
 24 are -- either you are named for the job or not.
 25 Q. Okay. So you did -- so at that time you

1 Q. Okay. And I'm going to get to that. You
 2 mentioned that, in part of -- in fact, it was in
 3 response to ABC's original interrogatories that I think
 4 have been marked as an exhibit, the -- the addresses of
 5 various residences --
 6 A. Yes, sir.
 7 Q. -- you've held over the last ten years or so.
 8 A. Yes, sir.
 9 Q. And as part of that, I did some follow-up
 10 questions on behalf of Mr. Wright and Vincent --
 11 A. Yes, sir.
 12 Q. -- in these same interrogatories that we're
 13 referring to now.
 14 A. Yes, sir.
 15 Q. And part of your response was that you -- you
 16 resided at 6916 Woodale Drive --
 17 A. Yes, sir.
 18 Q. -- Watauga, Texas from 7/1997 to 2/2003?
 19 A. Yes, sir.
 20 Q. Okay.
 21 A. To 2003?
 22 Q. I believe so, yes. Is that --
 23 A. No. 2001.
 24 Q. To 2/2001?
 25 A. Yes, sir.

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1 requested the extension because you did not want to come
 2 back to -- to Dallas?
 3 A. I wanted to give myself a chance to get
 4 promoted, either in Dallas or other than Dallas.
 5 Q. So it was to your -- the benefit of your
 6 career long-term goals that you had set for yourself
 7 with the FBI to just stay in Riyadh?
 8 A. To get promoted.
 9 Q. To stay in Riyadh as long as possible in order
 10 to bolster your chances for a promotion?
 11 A. No, not to stay there as long as possible. I
 12 was hoping to leave Riyadh. But from September 11, 2001
 13 until October 2002, the office was swamped with work.
 14 We were covering seven countries and were only three
 15 employees there. So I did not have any time to compete
 16 on any other job.
 17 Q. Meaning with -- you mean outside of the FBI?
 18 A. No, no, no. To compete on a -- on a promotion
 19 within the FBI.
 20 Q. Regardless of where that might be? And that
 21 it could have been --
 22 A. It could have been anywhere.
 23 Q. -- anywhere in the world?
 24 A. Could have been anywhere. But my -- my
 25 household goods were still in Fort Worth, Texas.

1 Q. Let's -- let me go back to the -- do you
 2 recall what exhibit your interrogatories were?
 3 MR. WINDSOR: 25 or 26.
 4 A. Is this the one? No, the one before that.
 5 Q. Here. I've got them here. I don't know what
 6 number it is, though.
 7 A. 21.
 8 Q. Okay. Page 9 of Exhibit 21, it's
 9 interrogatory number 9. It asks for you to state each
 10 place where you have physically resided for the past ten
 11 years. Do you see that? The bottom of page 8.
 12 A. Yes, sir.
 13 Q. And then your answer is on page 9 there. In
 14 about the fifth entry down, you state 6916 Woodale
 15 Drive, Watauga, Texas from 7/1997 to 2/2003.
 16 A. However, from 2000 -- 2/2001 to 3/2003, I was
 17 stationed in Riyadh, Saudi Arabia. The Watauga address
 18 was still the address that was -- that was placed on my
 19 voter registration and on my driver's license.
 20 Q. Okay.
 21 A. Not that I physically was in the address.
 22 Q. Okay. Right. You weren't physically at the
 23 Woodale --
 24 A. I was not physically at the Woodale address
 25 between 2000 -- 2/2001 and 3/2003.

Page 265 1 Q. Okay. And did you own that home -- 2 A. Yes, sir. 3 Q. -- or did you rent that home? 4 A. No, I owned the home. 5 Q. You owned the home? 6 A. Yes, sir. 7 Q. So -- so that was the home you lived in and 8 owned at the time you went to Riyadh? 9 A. Yes, sir. 10 Q. And at what point in time -- when was that 11 home sold, if ever? 12 A. March or April of 2001. 13 Q. March or April of 2001? 14 A. Yes, sir. 15 Q. So when was -- when did you -- was it listed? 16 When did you -- did you list it with a real estate 17 broker? 18 A. Yes, sir. 19 Q. And that was done through a friend of yours, I 20 believe? 21 A. No. I listed the house, but the final sale 22 was done through a friend. 23 Q. Through a power of attorney, I believe you 24 said. 25 A. Yes, sir. Yes, sir.	Page 267 1 that -- is your preference to be a GS 14? 2 A. Well, my preference is to be a special agent 3 in charge. 4 Q. Okay. All right. And is that a GS 14 or -- 5 A. No. That's a GS 500, I believe. Something 6 like that. 7 Q. It's on up there, huh? 8 A. Yeah. Well, I mean, my preference is to grow 9 with the Bureau. 10 Q. Okay. Wherever that may take you? 11 A. Wherever that may take me. 12 Q. So you didn't have any particular ties to -- 13 to Dallas; your ties were to your career and the -- and 14 your future success with the Bureau. Right? 15 A. My biggest tie is to -- to Tarrant County. 16 It's very important and very valuable to me. My first 17 two children were born in Tarrant County. I wanted them 18 to be born in Tarrant County. 19 Q. Did you also have a child born in Egypt? 20 A. No, in Saudi Arabia. 21 Q. In Saudi Arabia, I mean. 22 A. While I was -- yes, while I was stationed 23 there. 24 Q. So those ties could apply equally there, 25 right, for your third child?
Page 266 1 Q. So was the house listed when you first left 2 to -- to go to Saudi Arabia? 3 A. Before I left Saudi Arabia, sir. 4 Q. And it took it a few months to sell? 5 A. Yeah, a couple months. I did list the house, 6 I believe, in January. 7 Q. So you never returned to that home once you 8 left -- 9 A. No, I never returned. 10 Q. -- the Woodale address? 11 A. No, sir, I never did. 12 Q. And, in fact, it was not until the 13 administrative inquiry arose related to the insurance 14 problems that you encountered -- 15 A. Yes, sir. 16 Q. -- that you -- that you left Riyadh and came 17 back to Texas? 18 A. Yes, sir. 19 Q. And you mentioned earlier that while in -- 20 while in Riyadh, you were a GS 14? 21 A. Yes, sir. 22 Q. But that since you've come back to Texas, 23 you're now a GS 13? 24 A. Yes, sir. 25 Q. So that -- that, again, would indicate to me	Page 268 1 A. They what? 2 Q. Your -- those -- the ties that you're 3 describing could apply equally toward your third child 4 who was born in Saudi Arabia? 5 A. No, no, no, no, no. Nothing will replace 6 Texas. 7 Q. Oh, okay. 8 A. Nothing will -- 9 MR. BABCOCK: I will stipulate to that. 10 A. Yeah, nothing will replace Texas. 11 MR. BABCOCK: Come on, Jay. 12 MR. HUTTON: Okay. I think that's just 13 about -- 14 MR. GREGORY: Hey, I'm a Texan. 15 MR. HUTTON: There's not many of us left. 16 Just one second. 17 Q. Your response to interrogatory number 1C, 18 again on your June 22nd, '05 response, you state that, 19 While on assignment in Riyadh, Saudi Arabia, my 20 residence located at 6916 Woodale Drive, Watauga, Texas 21 was sold. 22 A. 1C, you said? Which interrogatory? The one 23 in my hand or the one that you -- 24 Q. No, the one -- 25 A. Oh, I'm sorry.

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1 Q. Yes. The one --
 2 A. I'm sorry. Go ahead. Okay.
 3 (Reporter clarification.)
 4 Q. Yes, the -- your responses to the
 5 interrogatory -- you don't have a copy of it.
 6 A. No.
 7 Q. I'm just reading from your response.
 8 A. That's fine.
 9 Q. And you state that during your time in
 10 Riyadh --
 11 A. Yes, sir.
 12 Q. -- in response to interrogatory 1C, that your
 13 home on Woodale Drive is sold.
 14 A. Yes, sir.
 15 Q. You state that, It was not feasible for me to
 16 continue paying mortgage payments on a house I did not
 17 live in, nor was it practical to become an out-of-town
 18 landlord on a house which would have been difficult to
 19 rent and monitor from another country.
 20 A. That's true.
 21 Q. So when you say that it was not feasible for
 22 you to continue doing that, how long did you do that?
 23 A. Well, I -- I did that until sometime either
 24 March or April when the house was -- was sold.
 25 Q. Okay.

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1 the videotape.
 2 MR. BABCOCK: See if we can do it.
 3 FURTHER EXAMINATION
 4 BY MR. BABCOCK:
 5 Q. What languages do you speak?
 6 A. I speak Arabic, English, very, very limited
 7 Spanish.
 8 Q. Your immigration -- immigration status -- when
 9 you came to this country, what was your -- what was your
 10 immigration status?
 11 A. I was here on a business visa.
 12 Q. Business visa?
 13 A. Yes, sir.
 14 Q. Okay. And tell me the evolution of your
 15 immigration status from your initial business visa to --
 16 A. And I requested an extension for the business
 17 visa.
 18 Q. Right.
 19 A. Then I married a U.S. citizen.
 20 Q. Okay.
 21 A. Then I became a green card holder.
 22 Q. Right.
 23 A. Then I became a U.S. citizen.
 24 Q. You say you requested an extension of the
 25 business visa. Did you obtain it? Was it --

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1 A. So I have decided that before I left --
 2 Q. Okay.
 3 A. -- when I -- when I listed the house --
 4 Q. Uh-huh.
 5 A. -- that it will not be feasible to pay the
 6 mortgage while I'm overseas, and also I didn't want to
 7 be an out-of-town landlord.
 8 Q. So the house -- once you left to go to Saudi
 9 Arabia, was the house vacant?
 10 A. Yes.
 11 Q. Was it furnished?
 12 A. All my furniture was put in -- in a storage
 13 here in Fort Worth.
 14 Q. Okay. And that was at the expense of the
 15 Bureau. Right?
 16 A. The Bureau, yes, sir.
 17 Q. So once you left, the house was cleaned out,
 18 nobody lived there, no furniture; it was on the market,
 19 empty, for sale?
 20 A. Yes, sir.
 21 MR. HUTTON: All right. I think that's
 22 all I have.
 23 MR. BABCOCK: Okay. Just a -- just a few
 24 more, and we'll try to get out of here by 5:30.
 25 THE VIDEOGRAPHER: Eight minutes left on

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1 A. No, you -- you request the extension, and they
 2 have a record of it with immigration, I believe.
 3 Q. You have what?
 4 A. They have a record in immigration for it.
 5 Q. Okay. But the extension was not granted. Is
 6 that correct?
 7 A. They did not send me anything to say it was
 8 granted.
 9 Q. Fair enough.
 10 A. Yes.
 11 Q. Do you believe this insurance claim that you
 12 and your ex-wife filed with the American National
 13 Property and Casualty Company -- I know you've testified
 14 you thought it was legitimate at the time you filed it
 15 and the time you filed your lawsuit. Do you believe
 16 today that the claim was legitimate?
 17 A. With the information I have today, I don't
 18 believe it was legitimate.
 19 Q. Okay. Did you receive any of the proceeds of
 20 that \$25,000 settlement?
 21 A. Yes.
 22 Q. How much of the 25,000?
 23 A. I believe, after expenses and everything, it
 24 was about 13,000.
 25 Q. Okay. Have you returned that 13,000 to the

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1 Q. So they're saying that you had trouble taking
2 polygraphs, basically?
3 A. Yes.
4 Q. Okay. And so they -- they excused the fact
5 that you failed this one?
6 A. Yes.
7 Q. All right.
8 (Exhibits 31 - 32 marked.)
9 MR. BABCOCK: What's the next number?
10 THE REPORTER: 31.
11 MR. BABCOCK: 31.
12 You done? All right. Change her real quick.
13 THE VIDEOGRAPHER: This concludes tape
14 number 3. We're going off the record. The time is now
15 5:30.
16 (Break from 5:30 p.m. to 5:32 p.m.)
17 THE VIDEOGRAPHER: This marks the
18 beginning of tape number 4. We're going back on the
19 record. The time is now 5:32.
20 Q. (BY MR. BABCOCK) Exhibit 31 is a reprint of
21 an article that was published by the Tampa -- Tampa
22 Tribune, written by Michael Fechter dated March 4, 2003.
23 Have you ever seen this article before today, sir?
24 A. No, sir.
25 Q. All right. There is a statement in the --

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1 being suspended and ordered back to the United States
2 was tied to the allegations that Carmody and, in this
3 case, Flessner were making. Correct?
4 A. Yes, sir.
5 Q. All right. And there was a number of articles
6 that were published around the time of your suspension
7 and order back to the United States that made the same
8 connection in light of the fact that the FBI wasn't
9 commenting about why you were being recalled.
10 A. Yes, sir.
11 Q. All right. But we know, do we not, that the
12 reason that you were being recalled had nothing to do
13 with the Carmody, Flessner or Wright allegations, but,
14 rather, this -- this matter that your -- that your
15 ex-wife had had, allegations she had made against you.
16 Right?
17 A. Yes.
18 Q. All right. And Exhibit 32 is an article in
19 Newsweek about a bittersweet victory for one of the
20 FBI's few Muslim agents, dated February 25th, 2004. And
21 the article attributes certain things to you.
22 It says, Contacted by Newsweek, Abdel-Hafiz,
23 from his home in Dallas, said he was thrilled to get his
24 job back, to have this injustice lifted. But the
25 victory was bittersweet. As a result of the

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1 one, two, three, four -- fifth paragraph that says, He,
2 referring to Carmody, asked Abdel-Hafiz to follow up the
3 encounter with a secretly recorded telephone call,
4 Carmody said Monday. Abdel-Hafiz refused. He would
5 talk to Al-Arian, he said, but he wouldn't record the
6 conversation without Al-Arian's knowledge.
7 That's outrageous, Carmody said. That defeats
8 the whole purpose.
9 Federal agents in Chicago claim Abdel-Hafiz
10 did the same thing in a separate case two years later.
11 Carmody and his Chicago counterparts complained to FBI
12 headquarters. Despite that, Abdel-Hafiz became the
13 FBI's legal attache at the U.S. Embassy in Riyadh, Saudi
14 Arabia.
15 Carmody said that the suspension was, quote,
16 long overdue. I don't think he should have gone to
17 Riyadh in the first place.
18 And then they quote Flessner as saying, I was
19 shocked to hear that an FBI agent wouldn't participate
20 in an undercover investigation for religious reasons.
21 Flessner said, That's just not an option.
22 Did I read those excerpts from this article
23 correctly?
24 A. Yes, sir.
25 Q. All right. This was an instance of where your

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1 considerable publicity his case has generated,
2 Abdel-Hafiz said he doubted that he could ever be as
3 effective an agent as he was in the past. Quote, I'm a
4 certified undercover agent who is worthless now, said
5 Abdel-Hafiz, noting that it was unlikely he would be
6 able to attempt to penetrate Muslim terrorist
7 organizations in the future.
8 Did you make those comments to Newsweek?
9 A. Yes.
10 Q. Okay. And I take it that you've read
11 Exhibit 32 prior to today?
12 A. I -- I believe I read it, yes, at that time.
13 Q. Okay. Anything in it that's inaccurate?
14 A. I will have to read all of it to answer that
15 question.
16 Q. Yeah. Don't -- I don't --
17 A. Yeah --
18 Q. I think it's pretty standard from what we've
19 gone over.
20 A. Yeah.
21 Q. So you don't need to do that right now.
22 A. Okay.
23 MR. BABCOCK: Subject to any documents
24 being produced by our stingy government lawyer who is
25 sitting here armed, we'll -- we'll pass the witness.

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1 insurance company?
 2 A. No.
 3 Q. Do you have plans to do so?
 4 A. Not at this time.
 5 Q. Okay. Let's mark a couple of exhibits here
 6 real quick.
 7 (Exhibit 27 marked.)
 8 MR. BABCOCK: Get ready.
 9 MR. GREGORY: I'm ready.
 10 MR. BABCOCK: Here, what's the next one?
 11 THE REPORTER: 27, 28.
 12 (Exhibit 28 marked.)
 13 Q. You have in front of you Exhibits 27 and 28,
 14 which are both letters from Louis J. Freeh, Director of
 15 the Federal Bureau of Investigation.
 16 A. Yes, sir.
 17 Q. There have been a number of similar letters
 18 produced to us by the Department of Justice. These two
 19 happen to have been produced by you. And I don't
 20 propose to go through them all unless -- unless
 21 something unexpected happens. But let's -- let's start
 22 with 27. This is a letter dated June 5th, 1995 to you
 23 praising you. Would you agree with that?
 24 A. Yes, sir.
 25 Q. And your intention is to use this document and

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1 A. Every audio and video piece of evidence that
 2 was introduced into evidence.
 3 Q. Okay. Did you do anything with the -- with
 4 respect to the terror stop investigation other than --
 5 other than the translation that you've already testified
 6 about?
 7 A. No.
 8 Q. Okay.
 9 A. I gave some advice to the AUSA's on how to
 10 counteract some of the allegations of the attorneys. I
 11 give them some religious advice on how to counteract
 12 some of the allegations of the defendants.
 13 Q. Okay.
 14 MR. BABCOCK: This is 29.
 15 (Exhibit 29 marked.)
 16 THE VIDEOGRAPHER: Two minutes remaining.
 17 Q. Exhibit 29 is a letter dated February 14th,
 18 2003, to yourself from the United States Department of
 19 Justice Federal Bureau of Investigation. Is that
 20 correct?
 21 A. Yes, sir.
 22 Q. And it was written by Brian Fortin, acting
 23 deputy assistant director, Office of Professional
 24 Responsibility --
 25 A. Yes.

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1 other similar documents to persuade the trier of fact in
 2 our case that you were doing very well at the FBI
 3 until -- until these accusations came about. Correct?
 4 A. Yes, sir.
 5 Q. Okay. And the first paragraph says that, You
 6 performed laudable efforts in connection with a highly
 7 sensitive intelligence matter. Correct?
 8 A. Yes, sir.
 9 Q. What was that highly sensitive intelligence
 10 matter?
 11 A. I cannot tell you what it was.
 12 Q. Can you tell me anything about any of these
 13 operations which the FBI sent you these laudatory
 14 letters?
 15 A. Not this one, no.
 16 Q. Not this one?
 17 A. Not this one.
 18 Q. Okay. Let's look at Exhibit 28. Here's
 19 another one from Director Freeh. Word of your praise
 20 worthy efforts in connection with terror stop
 21 investigation. Can you tell me about -- about that?
 22 A. Yes, that was the case of the Blind Sheik.
 23 Q. Okay. And you've testified that -- that you
 24 translated certain information in documents in that --
 25 in that case. Correct?

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1 Q. -- and concluded that you should be terminated
 2 as a result of your filing this false insurance claim --
 3 A. Yes.
 4 Q. -- about the alleged burglary. Correct?
 5 A. Yes, sir.
 6 Q. All right. And you received this letter, did
 7 you not?
 8 A. Yes, I did.
 9 Q. All right. This is going to be Exhibit 30.
 10 (Exhibit 30 marked.)
 11 Q. And Exhibit 30, you received a letter from
 12 Mr. McCraw saying that -- that you were being
 13 reinstated, concluding that the uncorroborated
 14 statements of your ex-wife and the failed polygraph
 15 examination, considering your past history with that
 16 test, were not enough to substantiate her allegations
 17 against you. Do you see that in the letter?
 18 A. Yes, sir.
 19 Q. Did you receive this letter?
 20 A. Yes, I have.
 21 Q. All right. What were -- what was the past
 22 history with the polygraph exam that they're referring
 23 to here?
 24 A. The two polygraphs that I told you that they
 25 were inconclusive and they had to repeat them.

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1 And thank you, Mr. Abdel-Hafiz.
 2 THE WITNESS: Thank you.
 3 MR. WINDSOR: I'll reserve my questions.
 4 THE VIDEOGRAPHER: This concludes today's
 5 deposition, concludes tape number 4. We're going off
 6 the record. The time is now 5:36.
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1 I, GAMAL ABDEL-HAFIZ, have read the foregoing
 deposition and hereby affix my signature that same is
 2 true and correct, except as noted above.
 3
 4
 5 _____
 6 GAMAL ABDEL-HAFIZ
 7 THE STATE OF _____)
 8 COUNTY OF _____)
 9 Before me, _____, on
 9 this day personally appeared GAMAL ABDEL-HAFIZ, known to
 me (or proved to me under oath or through
 10 _____) (description of identity
 card or other document)) to be the person whose name is
 11 subscribed to the foregoing instrument and acknowledged
 to me that they executed the same for the purposes and
 12 consideration therein expressed.
 Given under my hand and seal of office this
 13 _____ day of _____,
 14 _____
 15
 16 NOTARY PUBLIC IN AND FOR
 THE STATE OF _____
 17 COMMISSION EXPIRES: _____
 18
 19
 20
 21
 22
 23
 24
 25

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1 CHANGES AND SIGNATURE
 2 PAGE LINE CHANGE REASON
 3 _____
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1 CAUSE NO. 067 203396 03
 2 GAMAL ABDEL-HAFIZ,) IN THE DISTRICT COURT
 Plaintiff,)
 3)
 4 v.)
 5)
 ABC, INC., ABC NEWS,) TARRANT COUNTY, TEXAS
 5 INC., ABC NEWS HOLDING)
 COMPANY, INC., DISNEY)
 6 ENTERPRISES, INC.,)
 WFAA-TV, L.P., WFAA OF)
 7 TEXAS, INC., BELO CORP.,)
 CHARLES GIBSON, BRIAN)
 8 ROSS, ROBERT WRIGHT and)
 JOHN VINCENT,)
 9 Defendants.) 67TH JUDICIAL DISTRICT
 10
 11
 12 REPORTER'S CERTIFICATION
 13 DEPOSITION OF GAMAL ABDEL-HAFIZ
 14 NOVEMBER 21, 2005
 15
 16 I, Julie C. Brandt, Certified Shorthand Reporter in
 17 and for the State of Texas, hereby certify to the
 18 following:
 19 That the witness, GAMAL ABDEL-HAFIZ, was duly sworn
 20 by the officer and that the transcript of the oral
 21 deposition is a true record of the testimony given by
 22 the witness;
 23 That the deposition transcript was submitted on
 24 _____ to the witness or to the attorney
 25 for the witness for examination, signature and return to

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1 LegalLink by _____;
 2 That the amount of time used by each party at the
 3 deposition is as follows:
 4 Mike Windsor.....00 HOURS:00 MINUTE(S)
 5 Charles L. Babcock.....05 HOURS:25 MINUTE(S)
 6 Wilbur M. Gregory, Jr.....00 HOURS:00 MINUTE(S)
 7 Todd W. Hutton.....00 HOURS:21 MINUTE(S)
 8 That pursuant to information given to the
 9 deposition officer at the time said testimony was taken,
 10 the following includes counsel for all parties of
 11 record:
 12 FOR THE PLAINTIFF:
 Mike Windsor
 13 LOE, WARREN, ROSENFELD, KAITCER, HIBBS & WINDSOR
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 14 P.O. Box 100609
 Fort Worth, Texas 76185-0609
 15 817.377.0060
 817.377.1120 (fax)
 16 mwindsor@loewarren.com
 17
 FOR THE DEFENDANTS ABC, INC., ABC NEWS, INC., ABC NEWS
 18 HOLDING COMPANY, INC., CHARLES GIBSON, BRIAN ROSS,
 WFAA-TV, L.P., WFAA OF TEXAS, INC. and BELO CORP.:
 19 Charles L. Babcock
 Robert P. Latham
 20 JACKSON WALKER, L.L.P.
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 21 Suite 6000
 Dallas, Texas 75202
 22 214.953.6000
 214.953.5822 (fax)
 23 cbabcock@jw.com
 24
 FOR THE FBI:
 25 Wilbur M. Gregory, Jr.

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP
 2 The original deposition was/was not returned to the
 3 deposition officer on _____;
 4 If returned, the attached Changes and Signature
 5 page contains any changes and the reasons therefor;
 6 If returned, the original deposition was delivered
 7 to _____, Custodial Attorney;
 8 That \$ _____ is the deposition officer's
 9 charges to the Defendant ABC, Inc., ABC News, Inc., ABC
 10 News Holding Company, Inc., Charles Gibson, Brian Ross,
 11 WFAA-TV, L.P., WFAA of Texas, Inc. and Belo Corp. for
 12 preparing the original deposition transcript and any
 13 copies of exhibits;
 14 That the deposition was delivered in accordance
 15 with Rule 203.3, and that a copy of this certificate was
 16 served on all parties shown herein on and filed with the
 17 Clerk.
 18 Certified to by me this _____ day of
 19 _____, 2005.
 20
 21 _____
 Julie C. Brandt, RMR, CRR, CSR
 22 Texas CSR No. 4018
 Expiration Date: 12/31/06
 23 LegalLink Dallas - Reg. No. 191
 4144 North Central Expressway
 24 Suite 450
 Dallas, Texas 75204
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 6 Todd W. Hutton
 JUDICIAL WATCH
 7 5735 Pineland Drive
 Suite 275
 8 Dallas, Texas 75231
 214.739.7188
 9 214.39.8873 (fax)
 10 I further certify that I am neither counsel for,
 11 related to, nor employed by any of the parties or
 12 attorneys in the action in which this proceeding was
 13 taken, and further that I am not financially or
 14 otherwise interested in the outcome of the action.
 15 Further certification requirements pursuant to Rule
 16 203 of TRCP will be certified to after they have
 17 occurred.
 18 Certified to by me _____, 2005.
 19
 20
 21 _____
 Julie C. Brandt, RMR, CRR, CSR
 22 Texas CSR No. 4018
 Expiration Date: 12/31/06
 23 LegalLink Dallas - Reg. No. 191
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