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1 CAUSE NO. 067 203396 03  
 2 GAMAL ABDEL-HAFIZ, ) IN THE DISTRICT COURT  
 Plaintiff, )  
 3 )  
 v. )  
 4 )  
 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 ORAL AND VIDEOTAPED DEPOSITION OF  
 12  
 13 GAMAL ABDEL-HAFIZ  
 14  
 15 NOVEMBER 21, 2005

16 \*\*\*\*\*

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 24 ALSO PRESENT: Christa A. Liczbinski - Jason Walker  
 25

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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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1 THE VIDEOGRAPHER: Good morning. This  
 2 marks the beginning of videotape number 1 in the  
 3 deposition of Gamal Abdel-Hafiz taken at 4420 Vickery  
 4 Boulevard in Fort Worth, Texas, on November 21st, 2005.  
 5 We are now going on the record. The time is now  
 6 10:11 a.m.  
 7 Will counsel please state their appearances  
 8 for the video record, and then the witness may be sworn  
 9 in.  
 10 MR. WINDSOR: Mike Windsor for the  
 11 plaintiff.  
 12 MR. BABCOCK: Charles Babcock, Bob  
 13 Latham, Christa Liczbinski for the media defendants.  
 14 MR. HUTTON: Todd Hutton here for John  
 15 Vincent and Robert Wright.  
 16 MR. GREGORY: Wilbur Gregory, chief  
 17 division counsel for the FBI here in Dallas. We have no  
 18 interest in this matter except for the event that any  
 19 sensitive or investigative issues come up, I'm here.  
 20 GAMAL ABDEL-HAFIZ,  
 21 having been first duly sworn, testified as follows:  
 22 EXAMINATION  
 23 BY MR. BABCOCK:  
 24 Q. Would you state your name, sir?  
 25 A. Gamal Abdel-Hafiz.

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1 Q. And how are you employed?  
 2 A. I'm a special agent for the FBI.  
 3 Q. How long have you worked for the FBI?  
 4 A. Since January 10th, 1994.  
 5 Q. Did you work for the FBI prior to January  
 6 10th, 1994 in any capacity, other -- even though it  
 7 wasn't consecutive?  
 8 A. No, sir.  
 9 Q. All right. Where were you born?  
 10 A. I was born in Cairo, Egypt.  
 11 Q. And what year?  
 12 A. 1958.  
 13 Q. And did you attend the University of Al-Azhar  
 14 in Cairo?  
 15 A. Yes, sir.  
 16 Q. And did you obtain a degree?  
 17 A. Yes, sir.  
 18 Q. What year?  
 19 A. It was 1980 -- 1982.  
 20 Q. And what did you do upon graduation from the  
 21 university?  
 22 A. I was working for my brother, who was working  
 23 at an import and export company. And I served in the  
 24 military service in Egypt for 15 months.  
 25 Q. Was that the Army?

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|--|--|
| <p style="text-align: right;">Page 9</p> <p>1 A. Yes, sir.</p> <p>2 Q. What was the name of the import/export company</p> <p>3 that your brother was affiliated with?</p> <p>4 A. Egyptian American Import and Export.</p> <p>5 Q. What position did your brother hold in that</p> <p>6 company?</p> <p>7 A. He was the general manager.</p> <p>8 Q. Was that a corporation, or was it a</p> <p>9 partnership? What type of business entity was it?</p> <p>10 A. It -- it was just the business, family-owned</p> <p>11 business. We don't have that corporation in --</p> <p>12 Q. What was the name of the family that owned</p> <p>13 that business?</p> <p>14 A. The owner was Abdul Fatah.</p> <p>15 Q. F-A-T-A-H?</p> <p>16 A. Fatah Sadik. S-A -- the last name S-A-D-I-K.</p> <p>17 Q. Okay. And what was this company in the</p> <p>18 business of importing and exporting? What was the</p> <p>19 product?</p> <p>20 A. It mainly was carpet.</p> <p>21 Q. And what capacity did you work for -- work in</p> <p>22 with this company?</p> <p>23 A. I was handling translations and meeting</p> <p>24 foreign delegates that come to visit the company for</p> <p>25 business, and like personal relations.</p> | <p style="text-align: right;">Page 11</p> <p>1 Q. And what was the purpose of your coming to the</p> <p>2 United States?</p> <p>3 A. I came first to do a business.</p> <p>4 Q. All right. What was the nature of that</p> <p>5 business?</p> <p>6 A. Well, I was going to work with a carpet</p> <p>7 company, just trying to facilitate carpet import. Then</p> <p>8 I decided to -- that was so competitive.</p> <p>9 Q. Okay. What was the name of the carpet</p> <p>10 company?</p> <p>11 A. The same carpet company --</p> <p>12 Q. Okay.</p> <p>13 A. -- that was in Egypt, yes.</p> <p>14 Q. The Egypt -- Egyptian American import/export</p> <p>15 company?</p> <p>16 A. Yes.</p> <p>17 Q. So your initial reason for coming to the</p> <p>18 United States was to do business with this company that</p> <p>19 you worked with in Egypt?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And how long did you stay with them before you</p> <p>22 realized it was too competitive?</p> <p>23 A. No, I -- I just made some phone calls and made</p> <p>24 some research for a couple months. Then I found it so</p> <p>25 competitive, and the freight was so expensive. They</p> |
| <p style="text-align: right;">Page 10</p> <p>1 Q. And how long did you work for this company?</p> <p>2 A. I worked for the company from approximately</p> <p>3 the summer of 1982 until the summer of 1984. Off and</p> <p>4 on, of course, because I was in the military at the same</p> <p>5 time.</p> <p>6 Q. When -- when did you -- when were you</p> <p>7 discharged from the military?</p> <p>8 A. It was April of 1984.</p> <p>9 Q. Was your discharge honorable?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What rank did you hold in the Egyptian Army?</p> <p>12 A. Just a private. It's -- it's a mandatory</p> <p>13 service.</p> <p>14 Q. And what -- where were you posted when you</p> <p>15 were a private in the Egyptian Army for the time period</p> <p>16 that you were?</p> <p>17 A. It was a unit on the -- on the western side of</p> <p>18 the Swiss Canal.</p> <p>19 Q. And what was the responsibilities of the unit?</p> <p>20 What did the unit do?</p> <p>21 A. Heavy artillery.</p> <p>22 Q. After you were discharged from the Egyptian</p> <p>23 Army and left the Egyptian American import/export</p> <p>24 company, what did you do next?</p> <p>25 A. I came to the United States.</p>      | <p style="text-align: right;">Page 12</p> <p>1 were getting cheaper freight from Europe.</p> <p>2 Q. Okay. Did you return to Egypt at that time,</p> <p>3 or did you --</p> <p>4 A. No.</p> <p>5 Q. -- stay in the United States?</p> <p>6 A. I stayed in the United States.</p> <p>7 Q. All right. What did you do next in the United</p> <p>8 States?</p> <p>9 A. I worked for retail companies. I worked for a</p> <p>10 company called Fina.</p> <p>11 Q. F-I-N-A?</p> <p>12 A. F-I-N-A.</p> <p>13 Q. Is that the energy company?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. And after that, I opened a business. It's Zip</p> <p>17 High Tech Printing. I was a silent partner in Zip High</p> <p>18 Tech Printing in Irving, Texas.</p> <p>19 Q. Okay.</p> <p>20 A. I was a partner with a gentleman and his wife.</p> <p>21 They were running the place. I just put some money</p> <p>22 there. I continued working for temp companies.</p> <p>23 Q. What was your job with Fina, the energy</p> <p>24 company?</p> <p>25 A. I start as an employee. I was a manager when</p>  |

Page 13

1 I left.  
2 Q. And what -- what were you managing?  
3 A. I was managing their convenience store that  
4 was located on 1 -- on 35 and Inwood.  
5 Q. Okay. In Dallas?  
6 A. In Dallas.  
7 Q. All right. And how long did you work for --  
8 for Fina, first as an employee, then manager of this  
9 convenience store?  
10 A. I was an employee for about six to eight  
11 weeks.  
12 Q. And then they made you manager?  
13 A. Then I -- then I became a manager.  
14 Q. Okay. And what -- what years are we talking  
15 about here?  
16 A. We're talking about 1984, I started; and I  
17 left them at the end of '85, because I was working at  
18 the printing shop.  
19 Q. Okay. What was the name of the Zip High Tech  
20 Printing shop?  
21 A. That's -- that's the name, Zip High Tech  
22 Printing.  
23 Q. Okay. And who were the -- who were the  
24 partners in that -- in that business?  
25 A. A gentleman, his name is Omar Rachid,

Page 15

1 Q. Okay.  
2 A. Yeah.  
3 Q. And you say you worked there a few weeks and  
4 decided --  
5 A. No, a couple months maybe.  
6 Q. Couple months?  
7 A. Yeah.  
8 Q. Okay. And then what did you do workwise?  
9 A. Then I went and worked with the Southland  
10 Corporation.  
11 Q. Okay. And in what capacity?  
12 A. Manager trainee.  
13 Q. All right. And -- and what year -- what year  
14 did you go with Southland as manager trainee?  
15 A. It was the winter of 1996.  
16 Q. Okay. All right. And so you went through  
17 that program, and then what happened?  
18 A. Then I became a manager.  
19 Q. And, again, was it a manager of a convenience  
20 store?  
21 A. Yes, sir.  
22 Q. And where was this convenience store located?  
23 A. It was in Fort Worth.  
24 Q. All right. How long did you do that?  
25 A. I worked there -- I managed two different

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1 R-A-C-H-I-D, and his wife.  
2 Q. And you put some money in it, but did you --  
3 did you participate in the business in any other way,  
4 other than as an investor?  
5 A. No. I -- I did work in the business at the  
6 beginning for a few weeks but was not making enough  
7 money, so I went back to work on my own. But the  
8 management, the finances and everything was handled by  
9 Omar and his wife.  
10 Q. Okay.  
11 A. Because they had experience in that business,  
12 not me.  
13 Q. Are you still involved in that business?  
14 A. No. That was dissolved several years ago.  
15 Q. Okay. So starting in 1985 until the business  
16 was dissolved, what period of time was that? When was  
17 it dissolved, in other words?  
18 A. I believe it was dissolved in -- in 1990 or  
19 '89.  
20 Q. Okay. And you were a silent partner in that  
21 business for all that time --  
22 A. Yes.  
23 Q. -- from '85 to 1989, or 1990?  
24 A. Yes. I -- I put the money, and I did not see  
25 it again, and I did not know anything about it again.

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1 stores from 1996 until -- from the end of '96 until 1990  
2 when I --  
3 Q. I think you meant to say 1986.  
4 A. I'm sorry. '86.  
5 Q. Right.  
6 A. Yes, '86 until 1990.  
7 Q. Okay.  
8 A. And -- and I left the Southland Corporation.  
9 I went Saudi Arabia to work for an American company that  
10 was --  
11 (Clarification by the reporter.)  
12 A. I'm sorry. I -- I went Saudi Arabia to work  
13 for an American company that was managing sports  
14 facilities for the Saudi government.  
15 Q. Was that the Saudi American Academy of Sports  
16 Training?  
17 A. Yes, sir.  
18 Q. Okay. And how did you learn of that job?  
19 A. I have two friends who went to college with me  
20 in Egypt that were working there.  
21 Q. Who were -- what were the names of those two  
22 friends?  
23 A. One was Osama Shahim, S-H-A-H-I-M, and the  
24 second one was Mohammed Anwar, A-N-W-A-R.  
25 Q. Okay. And how did it come -- come about that

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| <p style="text-align: right;">Page 17</p> <p>1 Mr. Shahim and Mr. Anwar were able to talk to you or<br/>2 communicate with you about this business in -- back in<br/>3 Egypt?<br/>4 A. Actually, not in Egypt. I was in the United<br/>5 States.<br/>6 Q. You were here?<br/>7 A. Yes.<br/>8 Q. Okay. And --<br/>9 A. And the -- the -- Mr. Anwar came here to<br/>10 attend the conference, I believe, for about a month --<br/>11 Q. Okay.<br/>12 A. -- in Alabama. I -- I knew that he was in the<br/>13 country. I went and visited with him. And he said that<br/>14 they were looking for translators in his company. And<br/>15 he went and looked into it. And he send me a contract,<br/>16 and I accepted the offer, and I went for one year.<br/>17 Q. Okay. And this would have been what year, '90<br/>18 to '91?<br/>19 A. '90 to '91.<br/>20 Q. Okay. And did you do anything other than<br/>21 translating services for the Saudi American Academy of<br/>22 Sports Training?<br/>23 A. No. That was my job, plus other<br/>24 administrative work that they were assigning me to do.<br/>25 Q. What type of administrative work?</p>   | <p style="text-align: right;">Page 19</p> <p>1 training that --<br/>2 A. Yes.<br/>3 Q. -- the company was doing?<br/>4 A. Yes.<br/>5 Q. Okay. Fair enough. Why did you only stay a<br/>6 year?<br/>7 A. Well, I stayed a year because I asked for a<br/>8 pay increase to compensate for all the other things that<br/>9 they were asking me to do, and the pay increase finally<br/>10 was approved. Then when I was going on vacation, the<br/>11 manager -- or the general manager of the company refused<br/>12 to give me my pay, nor pay for my round-trip ticket to<br/>13 come to the United States.<br/>14 He said, You do that on your own, and we'll<br/>15 pay you when you come back.<br/>16 At the same time, I learned that they had some<br/>17 financial troubles, so I refused to travel without my<br/>18 compensations. There were several instance there in<br/>19 other companies that employees would travel and not get<br/>20 compensated and lose all their money.<br/>21 Q. Okay. So did you quit? Did you get fired?<br/>22 What happened?<br/>23 A. No. I quit.<br/>24 Q. Okay. You quit, and then you went back to the<br/>25 United States?</p>                              |
| <p style="text-align: right;">Page 18</p> <p>1 A. What type of administrative work? I was like<br/>2 the liaison between the company and the Saudis, since<br/>3 the -- the language barrier was great.<br/>4 Q. Okay.<br/>5 A. So I was always liaison between the two.<br/>6 Q. Okay. What did this company do? What sort of<br/>7 sports training did they do?<br/>8 A. They -- they managed the sports facilities,<br/>9 and they hire trainers, coaches, translators to run the<br/>10 facilities and train Saudi military individuals. At the<br/>11 same time, they implement all the training programs.<br/>12 Q. Okay. When you say that they trained Saudi<br/>13 military individuals --<br/>14 A. Just physical training.<br/>15 Q. Physical training.<br/>16 A. Physical training.<br/>17 Q. Okay.<br/>18 A. Not military.<br/>19 Q. Was there a -- was there any aspect of the<br/>20 business that -- that trained athletes for the Olympics<br/>21 or for competition at a -- at a level below that or --<br/>22 A. Well, I -- I -- they were training people, but<br/>23 I don't think any of them was planning on going to a<br/>24 competition.<br/>25 Q. Okay. So it was mostly military physical</p> | <p style="text-align: right;">Page 20</p> <p>1 A. I went back to the United States.<br/>2 Q. Okay. And when you came back from Egypt to<br/>3 the United States, where --<br/>4 A. From Saudi Arabia.<br/>5 Q. From Saudi Arabia. I'm sorry.<br/>6 A. Yeah.<br/>7 Q. From Saudi Arabia, where did you -- where did<br/>8 you come back to?<br/>9 A. I came back to -- I was looking for a job with<br/>10 my degree at that time, and I found that, most likely,<br/>11 the government would be the only place that will use my<br/>12 degree with translation. And I found also that this<br/>13 would require a lot of time, so I could not just sit and<br/>14 wait.<br/>15 So I went back to Southland Corporation, and I<br/>16 worked with them from the summer of '91 until I left to<br/>17 go for -- to work for the FBI. I left in December '93.<br/>18 Q. Okay. And did you go back to Southland in the<br/>19 same capacity as a manager --<br/>20 A. Yes, sir.<br/>21 Q. -- of a convenience store?<br/>22 A. Yes, sir.<br/>23 Q. And where -- what convenience store were you<br/>24 managing once you got back in the summer of '91?<br/>25 A. I started one on Hemphill. Then I went to</p> |

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|--|---|
| <p style="text-align: right;">Page 21</p> <p>1 another one on Hemphill.<br/> 2 Q. Okay.<br/> 3 A. And I left that one to go to the FBI.<br/> 4 Q. All right. Were you -- were you married at<br/> 5 any time up -- in this time period prior to '93?<br/> 6 A. Yes, sir.<br/> 7 Q. When did you get married?<br/> 8 A. I was married in October 1985.<br/> 9 Q. And what was the name of your wife that you<br/> 10 married in October of '85?<br/> 11 A. Bertie, B-E-R-T-I-E, Abdel-Hafiz. Her -- her<br/> 12 name before the marriage was Bertie, Bertie Jackson.<br/> 13 Q. And you are divorced from her, I take it?<br/> 14 A. I got divorced in 1996.<br/> 15 Q. And do you know whether she still goes by<br/> 16 Bertie Abdel-Hafiz, or does she go by Bertie Jackson<br/> 17 now?<br/> 18 A. I don't know.<br/> 19 Q. Okay. Do you know where she's -- where she<br/> 20 lives?<br/> 21 A. The last time I knew where she lived was more<br/> 22 than a couple years ago, and she was in North Richland<br/> 23 Hills.<br/> 24 Q. North Richland Hills. Okay.<br/> 25 A. Yes, sir.</p>                      | <p style="text-align: right;">Page 23</p> <p>1 A. It was accepted -- actually, it was accepted,<br/> 2 and they told me, You passed the test. First, you take<br/> 3 the test. They said, You passed the test, but we have a<br/> 4 freeze on hiring. Then I was called a couple of weeks<br/> 5 later, and they said, We can get you an exception from<br/> 6 the freeze, and we can hire you if you accept to<br/> 7 relocate.<br/> 8 At that time they told me the relocations<br/> 9 would be to New York or Chicago or Cleveland, Ohio,<br/> 10 places of that nature. I accepted, and I start to fill<br/> 11 out the application.<br/> 12 Q. All right.<br/> 13 A. Then I got hired in New York. And I relocated<br/> 14 at my own expense.<br/> 15 Q. Why did you have to relocate at your own<br/> 16 expense?<br/> 17 A. Because if they hire you, before you take the<br/> 18 job, it's your responsibility to be there to accept the<br/> 19 job. If they transfer you after you receive the job,<br/> 20 they pay for your relocation.<br/> 21 Q. And what month did you start work for the FBI<br/> 22 as a language specialist in New York?<br/> 23 A. January 1994.<br/> 24 Q. Were you unemployed from the time you left<br/> 25 Southland until you joined the FBI in New York in</p> |
| <p style="text-align: right;">Page 22</p> <p>1 Q. Okay. Great. What was your immigration<br/> 2 status during the time when you first came over to the<br/> 3 United States up until you went to the FBI in December<br/> 4 '93? Did you become a citizen --<br/> 5 A. Yes, sir.<br/> 6 Q. -- in that time period?<br/> 7 A. Yes, sir.<br/> 8 Q. Okay. When did you become a citizen?<br/> 9 A. I became a citizen in March 1990.<br/> 10 Q. And what -- what route did you take to<br/> 11 citizenship? Did you have a green -- a work permit<br/> 12 or --<br/> 13 A. I -- I had the green card.<br/> 14 Q. Uh-huh. Were you eligible for citizenship<br/> 15 because of your marriage to Bertie Jackson?<br/> 16 A. Yes, sir.<br/> 17 Q. What position did you apply for with the FBI<br/> 18 in 1993?<br/> 19 A. It was a language specialist.<br/> 20 Q. And did you apply in the Dallas/Fort Worth<br/> 21 region or in some other part of the country?<br/> 22 A. Dallas office.<br/> 23 Q. And was your employment application accepted?<br/> 24 A. Yes, sir.<br/> 25 Q. Okay. And when was it accepted?</p> | <p style="text-align: right;">Page 24</p> <p>1 January 1994?<br/> 2 A. Actually, I left the FBI before Christmas<br/> 3 in -- in December '93.<br/> 4 Q. You left --<br/> 5 A. I left -- I left Southland Corporation.<br/> 6 Sorry. I left Southland Corporation in December '93<br/> 7 before Christmas, and I had some vacation time I used<br/> 8 until I traveled to New York to take my job.<br/> 9 Q. Okay.<br/> 10 A. So I was actually using my annual leave during<br/> 11 that time.<br/> 12 Q. All right, sir. As a language specialist<br/> 13 in -- in the New York office for the FBI --<br/> 14 A. Yes, sir.<br/> 15 Q. -- can you tell me generally what you did?<br/> 16 A. Audio translations, video translations,<br/> 17 written documents translation.<br/> 18 Q. How long did you serve in that capacity as a<br/> 19 language specialist in the New York office?<br/> 20 A. Until October 14th of 1995.<br/> 21 Q. And what occurred at that time?<br/> 22 A. During that time?<br/> 23 Q. No, no. What happened on October 14th, 1995?<br/> 24 A. October 15, 1995, I went to the FBI academy to<br/> 25 be a new agent trainee.</p>   |

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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

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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?

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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

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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.

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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  
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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

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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.

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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?

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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 --

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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

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.

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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.

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. 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.  
 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. 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.

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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?

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 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?

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?

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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

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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.

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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

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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 A. One.  
 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

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1 I 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

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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

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

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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.

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 unauthorization of 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?

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 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 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 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?

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

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

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

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

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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.

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 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.

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



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?

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

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

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 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 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 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

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

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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.

|   |  |
|---|--|
| <p style="text-align: right;">Page 121</p> <p>1 Q. Okay. Now, a part that they haven't -- they<br/> 2 haven't blacked out is that this -- this person who is a<br/> 3 long-time friend of yours, you do acknowledge that the<br/> 4 person you're talking about is a long time friend.<br/> 5 Right?<br/> 6 A. Is a long-time friend, yes.<br/> 7 Q. All right. And he told you he has an uneasy<br/> 8 situation about the -- uneasy feeling about the<br/> 9 situation, and should he resign?<br/> 10 And then it says here, Special Agent<br/> 11 Abdel-Hafiz advised the person that he, Abdel-Hafiz, is<br/> 12 not aware of any investigation regarding those<br/> 13 individuals, nor the companies he mentioned. Is that --<br/> 14 did I read it accurately?<br/> 15 A. Yes, you read it accurately.<br/> 16 Q. And is that true that you told this long time<br/> 17 friend of yours that you don't-- you don't know of any<br/> 18 investigation?<br/> 19 A. He was asking me if they are under<br/> 20 investigation.<br/> 21 Q. And you told him you don't know?<br/> 22 A. And he asked me other things in that blacked<br/> 23 out part, and that's the answer to it.<br/> 24 Q. All right. But -- but you did say that --<br/> 25 that you are not aware of any investigation regarding</p> | <p style="text-align: right;">Page 123</p> <p>1 long as he desires and there should not be any reason to<br/> 2 be alarmed.<br/> 3 Now, if you're under investigation, isn't that<br/> 4 reason to be alarmed? I mean, if the FBI is<br/> 5 investigating me, I'm pretty alarmed about it. But<br/> 6 there wasn't any reason to be alarmed, you said to him.<br/> 7 Right?<br/> 8 A. Yes.<br/> 9 Q. Wasn't that a violation of policy, you know,<br/> 10 giving him --<br/> 11 A. No.<br/> 12 Q. -- a sense of false security there?<br/> 13 A. No.<br/> 14 Q. You found out shortly after this that, of<br/> 15 course, his company was under investigation. Right?<br/> 16 A. Yes.<br/> 17 Q. Okay. And you advised this long-time friend<br/> 18 of yours, to, quote, continue carrying out his duties as<br/> 19 usual. Correct?<br/> 20 A. Yes.<br/> 21 Q. Okay. And why were you giving advice to your<br/> 22 long-time friend about continuing to remain in his<br/> 23 employment, no reason to be alarmed, and just keep going<br/> 24 about your duties as usual? Why were you doing that?<br/> 25 MR. GREGORY: I'm going to object to</p> |
| <p style="text-align: right;">Page 122</p> <p>1 those individuals, nor the companies that -- that this<br/> 2 person mentioned. Right?<br/> 3 A. Yes.<br/> 4 Q. All right. I thought it was the policy of the<br/> 5 FBI never to deny or confirm that there was an<br/> 6 investigation going on.<br/> 7 A. Yes.<br/> 8 Q. That's the policy?<br/> 9 A. That's the policy. I did not tell him there<br/> 10 is or there is not. I said I'm not aware of any. I'm<br/> 11 in Texas.<br/> 12 Q. Excuse me?<br/> 13 A. I'm in Texas.<br/> 14 MR. GREGORY: Just answer the question --<br/> 15 Q. Okay. You're in Texas, he's in Chicago, and<br/> 16 you're saying, hey, I don't know of anything going on.<br/> 17 Right?<br/> 18 A. Yes.<br/> 19 Q. Okay. And you don't think that's a violation<br/> 20 of policy?<br/> 21 A. No, it's not.<br/> 22 Q. Even saying that much?<br/> 23 A. No, it's not.<br/> 24 Q. Then it says, Special Agent Abdel-Hafiz<br/> 25 advised this person to remain with his employment as</p>   | <p style="text-align: right;">Page 124</p> <p>1 that. That's going into investigative sources and<br/> 2 methods and --<br/> 3 THE WITNESS: Operational.<br/> 4 MR. GREGORY: -- operational matters.<br/> 5 MR. BABCOCK: Okay.<br/> 6 Q. Okay. Was this the -- was this long-time<br/> 7 friend the person that Mr. Wright asked you to record<br/> 8 without his knowledge?<br/> 9 MR. GREGORY: Once again, I'm going to<br/> 10 have to -- I'm going to have to object if it's an<br/> 11 investigative matter dealing with informant issues.<br/> 12 Q. Okay. Have you ever heard the name Solomon<br/> 13 Bihieri, B-I-H-I-E-R-I?<br/> 14 A. Yes.<br/> 15 Q. All right. Was Mr. Bihieri ever the subject<br/> 16 of a FBI terrorism investigation?<br/> 17 A. I cannot answer that.<br/> 18 Q. Did Mr. Wright ever ask you to secretly record<br/> 19 Mr. Solomon Bihieri?<br/> 20 A. I cannot answer that.<br/> 21 Q. Do you know whether Mr. Bihieri had any<br/> 22 affiliation with BMI -- BMI, the house of money?<br/> 23 A. Yes.<br/> 24 Q. All right. And what was Mr. Bihieri's<br/> 25 relationship to BMI?</p>                          |

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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.



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

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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.

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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

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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 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 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 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 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 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?

|   |   |
|---|---|
| <p style="text-align: right;">Page 141</p> <p>1 A. Because I was preparing for the response, as I<br/> 2 was ordered by my Special Agent in Charge, Danny<br/> 3 Defenbaugh. He told me to prepare a response for<br/> 4 Chicago, so I was making notes as I was talking to<br/> 5 him --<br/> 6 Q. I see. Okay.<br/> 7 A. -- to clarify all the issues.<br/> 8 Q. So these notes were made contemporaneous with<br/> 9 April 16th, 1999?<br/> 10 A. Just about, yes.<br/> 11 Q. Okay. Within a day or so?<br/> 12 A. Yes.<br/> 13 Q. All right. Was this Assistant U.S. Attorney<br/> 14 Mark Flessner on the -- on this call? He's spoken<br/> 15 publicly about it, but I just want to know whether you<br/> 16 deny that he was on the call.<br/> 17 A. I am not sure who the names were on the call.<br/> 18 Q. Did anybody identify himself as assistant<br/> 19 U.S. attorney or AUSA Flessner?<br/> 20 A. Yes. Yes.<br/> 21 Q. All right. So somebody by the name of<br/> 22 Flessner identified himself on the call?<br/> 23 A. Yes.<br/> 24 Q. All right. And it says, AUSA blank explained<br/> 25 the significance of the contacts made by blank and the</p>  | <p style="text-align: right;">Page 143</p> <p>1 with blank or anybody else, but that he did not want to<br/> 2 wear a body recorder -- recorder or consent to any other<br/> 3 type of consensual recording.<br/> 4 Is that what you related?<br/> 5 A. No, not exactly.<br/> 6 Q. So that's -- so that's in error. Is that<br/> 7 correct?<br/> 8 A. That's in error.<br/> 9 Q. Okay. What -- what did you relate to them<br/> 10 in -- in that regard?<br/> 11 A. What was said, that I'm willing to meet with<br/> 12 this person or anybody else, but a recording would<br/> 13 become a safety issue for me and my family.<br/> 14 Q. Well, I think that -- it goes on to say that<br/> 15 later.<br/> 16 A. Yes, but -- but there are certain things that<br/> 17 were plugged in into this particular communication that<br/> 18 did not take place.<br/> 19 Q. Well, did you say, in words or substance, that<br/> 20 you did not want to wear a body recorder or consent to<br/> 21 any other type of consensual recording with this<br/> 22 suspect?<br/> 23 A. No.<br/> 24 Q. You never said that?<br/> 25 A. I never said that. I said, I don't want to be</p>  |
| <p style="text-align: right;">Page 142</p> <p>1 potential significance of the contact with blank as<br/> 2 yielding, one, possible evidence of mens rea, or<br/> 3 knowledge of wrongdoing; and, two, lines of inquiry that<br/> 4 would possibly constitute an obstruction of justice<br/> 5 violation.<br/> 6 Did the assistant U.S. attorney explain this<br/> 7 on the conference call that you participated in?<br/> 8 A. I don't recall that.<br/> 9 Q. Okay. Are you saying it didn't happen or you<br/> 10 just don't remember?<br/> 11 A. I don't remember.<br/> 12 Q. Okay. It could have happened; you just don't<br/> 13 remember?<br/> 14 A. It could have happened, yes.<br/> 15 Q. All right. It says, Special Agent Abdel-Hafiz<br/> 16 was asked by the Chicago AUSA's whether he would be<br/> 17 willing to meet with blank and record the conversation<br/> 18 by wearing a body recorder. Special Agent Abdel-Hafiz<br/> 19 was told that the recording would protect him and, in<br/> 20 addition, provide the best possible evidence for the<br/> 21 case.<br/> 22 Did that happen?<br/> 23 A. Yes.<br/> 24 Q. Okay. It goes on to say, Special Agent<br/> 25 Abdel-Hafiz related that he would be willing to meet</p> | <p style="text-align: right;">Page 144</p> <p>1 doing consensual monitoring with this person that would<br/> 2 become discoverable and would become a safety issue for<br/> 3 me and my family.<br/> 4 Q. All right.<br/> 5 A. My SA's here commented that we'll do the<br/> 6 meeting and we'll do a recording that's overt recording,<br/> 7 that the person will know. Chicago refused in writing<br/> 8 to do so.<br/> 9 Q. All right. The first part of the sentence is<br/> 10 accurate, because you related that you would be willing<br/> 11 to meet with the target or anybody else.<br/> 12 A. Yes.<br/> 13 Q. You told him that?<br/> 14 A. Yes, sir.<br/> 15 Q. But to make it 100 percent accurate, you would<br/> 16 have to amend the second part of the sentence to say,<br/> 17 but for safety reasons, he did not want to wear a body<br/> 18 recorder or consent to any other type of consensual<br/> 19 recording. Correct?<br/> 20 A. Yes, sir.<br/> 21 Q. Okay. And then it would be accurate?<br/> 22 A. Yes, sir.<br/> 23 Q. All right. It goes on to say, When the AU --<br/> 24 A -- when the AUSA's asked for an explanation, Special<br/> 25 Agent Abdel-Hafiz stated that the recording would be</p> |

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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 --

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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.

*Good*  
*Only*

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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,

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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 find. 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 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

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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.

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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

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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 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 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 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.

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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

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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

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

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.  
7 (Exhibit 14 marked.)  
8 MR. BABCOCK: 14.  
9 THE REPORTER: 14.  
10 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.

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

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 Carmody 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  
early 90s*

*From Washington  
Field Office*

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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 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 ANARIAL I HAD*  
9 A. And I was willing, for the sake of the *Step 175*  
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

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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 --

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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.

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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.

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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,

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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.

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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.

Ver. 111  
 US Attorney  
 Was Asked  
 him to do  
 it is 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 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. 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 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

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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.

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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

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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

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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

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.

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

|  |   |
|--|---|
| <p style="text-align: right;">Page 209</p> <p>1 damages are?</p> <p>2 A. Well, I -- I don't recall all economic damages</p> <p>3 at this time. I recall that I was -- the FBI was</p> <p>4 pressured to make a decision on my case because of the</p> <p>5 harassment that they received from ABC for me to be</p> <p>6 terminated.</p> <p>7 Q. You think that the -- that the FBI made a</p> <p>8 decision to terminate you on your ex-wife's insurance</p> <p>9 fraud allegations because of something that ABC said?</p> <p>10 A. Because of the pressure from the media.</p> <p>11 Q. Well, you say the media.</p> <p>12 A. Yes.</p> <p>13 Q. I'm only interested in ABC right now.</p> <p>14 A. And I'm -- and I'm saying ABC and Fox.</p> <p>15 Q. Okay. ABC and Fox pressured the FBI to</p> <p>16 terminate you over your ex-wife's insurance fraud</p> <p>17 allegations. Is that --</p> <p>18 A. No. No, no.</p> <p>19 Q. Okay.</p> <p>20 A. They -- they pressured the FBI to terminate</p> <p>21 me, period.</p> <p>22 Q. They didn't care why?</p> <p>23 A. They didn't care why.</p> <p>24 Q. Okay. And who exerted that pressure? I want</p> <p>25 the name of the ABC person first.</p>  | <p style="text-align: right;">Page 211</p> <p>1 A. I don't recall now.</p> <p>2 Q. Okay. Can you point to any instance that</p> <p>3 you're aware of where the FBI has made personnel</p> <p>4 decisions based on what the media wants?</p> <p>5 A. Not that I can recall now.</p> <p>6 Q. You say that you suffered economic damages,</p> <p>7 but, in fact, you got reinstated retroactive to the --</p> <p>8 the date of termination --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- with full pay --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- and benefits. Right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. All right. So you're not out any -- you're</p> <p>15 not out any money. Right? You got your full pay and</p> <p>16 benefits. Right?</p> <p>17 A. Well, the money that I spent and the expenses</p> <p>18 I incurred during the whole ordeal of being transferred</p> <p>19 here prematurely.</p> <p>20 Q. Okay. You say the money you expended in</p> <p>21 the -- in the -- getting late -- the expenses that you</p> <p>22 incurred as a result of your transfer here?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And what expenses were those?</p> <p>25 A. I don't know all of them, but I'll give you</p> |
| <p style="text-align: right;">Page 210</p> <p>1 A. Well, I don't know the name of the ABC person.</p> <p>2 Mike Kortan can provide that.</p> <p>3 Q. Excuse me?</p> <p>4 A. Mike Kortan would be able to provide the name</p> <p>5 of the person who was calling him every two weeks</p> <p>6 asking, how come he's not fired yet?</p> <p>7 Q. And, of course, he would be happy to provide</p> <p>8 any documents that --</p> <p>9 A. Of course.</p> <p>10 Q. -- supported that?</p> <p>11 A. If -- if he has documents and he can provide</p> <p>12 it, I'm sure he would be more than happy to.</p> <p>13 Q. Okay. Is there anybody else that you think is</p> <p>14 able to provide evidence that ABC pressured the FBI to</p> <p>15 terminate you for any reason? Didn't care? I mean,</p> <p>16 just any reason to get rid of you.</p> <p>17 A. Not -- not that I can recall now.</p> <p>18 Q. Okay. And how about Fox? Would it be the</p> <p>19 same with Fox, that Michael Kortan would -- would be the</p> <p>20 person who would have information, or do you know?</p> <p>21 A. I don't know. I was on -- on administrative</p> <p>22 leave at that time when Fox aired their three episodes.</p> <p>23 Q. Do you even suspect that anyone at Fox was</p> <p>24 pressuring the FBI to terminate -- to terminate you for</p> <p>25 any reason?</p> | <p style="text-align: right;">Page 212</p> <p>1 some examples.</p> <p>2 Q. Okay.</p> <p>3 A. An example, that I -- I had to purchase a</p> <p>4 house without assistance of the FBI.</p> <p>5 Q. Okay.</p> <p>6 A. I had to pay for the upgrade for me and my</p> <p>7 family to return from Saudi Arabia.</p> <p>8 Q. Plane fare, you mean?</p> <p>9 A. Plane fare.</p> <p>10 Q. Upgrade to first class?</p> <p>11 A. No, to -- to business class.</p> <p>12 Q. Okay.</p> <p>13 A. Because of the length of the trip, at my own</p> <p>14 expense.</p> <p>15 Q. Okay. So the FBI paid for you to fly coach --</p> <p>16 A. Yes.</p> <p>17 Q. -- back, but you had to pay for the upgrade?</p> <p>18 A. And usually if the flight is over 14 hours,</p> <p>19 they approve the upgrade to business, especially when</p> <p>20 you have children with you.</p> <p>21 Q. Okay. But the FBI wouldn't do it?</p> <p>22 A. They wouldn't do it.</p> <p>23 Q. All right. And what sort of assistance does</p> <p>24 the FBI give you in purchasing a house when you come</p> <p>25 back from overseas?</p>  |

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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 --

|  |   |
|--|---|
| <p style="text-align: right;">Page 217</p> <p>1 A. Yes. I was supposed to be higher, not lower.<br/> 2 Q. Well, you're a -- what, a GP 13 now?<br/> 3 A. GS 13.<br/> 4 Q. GS 13. Sorry. And that's what you were<br/> 5 before. Right?<br/> 6 A. Before I went Saudi Arabia.<br/> 7 Q. And you think you would have been a higher pay<br/> 8 grade, but for ABC?<br/> 9 A. Yes.<br/> 10 Q. Okay. Who -- who in -- in the FBI would be<br/> 11 able to provide evidence on that issue?<br/> 12 A. Well, I think you can contact the FBI and they<br/> 13 would find out who will provide evidence.<br/> 14 Q. Can you say that again?<br/> 15 A. You can contact the FBI and they will tell you<br/> 16 who will provide evidence.<br/> 17 Q. But you would know, I would hope -- I mean, if<br/> 18 I was in a job and I didn't get promoted, I would say,<br/> 19 ah, it's Joe blow, who's my supervisor, or it's Mary<br/> 20 Smith, who's the executive vice president --<br/> 21 A. It's not the fact that I was not getting<br/> 22 promoted. The fact that I -- my career was interrupted<br/> 23 with the media intervention unfairly -- unfairly.<br/> 24 Q. Uh-huh.<br/> 25 A. Distortion of information, distortion of</p> | <p style="text-align: right;">Page 219</p> <p>1 have the right to do that. That interruption to my<br/> 2 career took away that right and that privilege to be<br/> 3 able to look to see what jobs are posted so I can<br/> 4 compete on them.<br/> 5 Q. Right. Have you -- have you fussed at your<br/> 6 ex-wife about this at all?<br/> 7 A. No. I never contacted her.<br/> 8 Q. Okay. By the way, she didn't just run to the<br/> 9 FBI and say, by the way, about this -- this phony<br/> 10 insurance claim.<br/> 11 A. Uh-huh.<br/> 12 Q. The FBI contacted her as part of a regular<br/> 13 reevaluation of you. Right?<br/> 14 A. Regular five years investigation, yes.<br/> 15 Q. Right. Yeah, so she had --she had remained<br/> 16 quiet all those years about this burglary thing until<br/> 17 the FBI contacted her. Right?<br/> 18 A. Yes.<br/> 19 Q. Okay. Have you -- are you eligible to compete<br/> 20 for a higher paying job now?<br/> 21 A. I have to get back into the management<br/> 22 program.<br/> 23 Q. And do you have plans to do that?<br/> 24 A. Mentally, I -- I don't. I'm not able to do<br/> 25 that.</p> |
| <p style="text-align: right;">Page 218</p> <p>1 knowledge, distortion of facts were presented all over<br/> 2 the ABC and the Fox pieces.<br/> 3 Q. Uh-huh. The -- this interruption of your<br/> 4 career, did that -- you know, you say you're a GS 13.<br/> 5 You're still working in international terrorism as a --<br/> 6 as a special agent.<br/> 7 A. Yes.<br/> 8 Q. Do you think you would have had a higher pay<br/> 9 grade but for this interruption; is that what you're<br/> 10 saying --<br/> 11 A. Yes.<br/> 12 Q. -- or something else?<br/> 13 A. Yes.<br/> 14 Q. Okay. So a higher pay grade, and you --<br/> 15 A. I was a GS 14 when I left Saudi Arabia.<br/> 16 Q. Have you complained to the FBI about -- about<br/> 17 your pay grade?<br/> 18 A. No. That's -- that's the normal course of<br/> 19 business. If you leave overseas post, you will go back<br/> 20 to your pay grade.<br/> 21 Q. Right. And you knew you were going to be --<br/> 22 A. Yes.<br/> 23 Q. -- leaving, so --<br/> 24 A. But if you know that you were leaving, you<br/> 25 have the right to compete on a higher paying job. You</p>   | <p style="text-align: right;">Page 220</p> <p>1 Q. And why are you mentally not able to get back<br/> 2 into the management program?<br/> 3 A. The embarrassment, the frustration that I've<br/> 4 been through was beyond the imagination for the human<br/> 5 being.<br/> 6 Q. So you're not getting back into the management<br/> 7 because of the embarrassment and frustration that you've<br/> 8 been through?<br/> 9 A. Mentally, the frustration, the embarrassment,<br/> 10 the humiliation, they are not providing me the<br/> 11 capability to do that.<br/> 12 Q. Okay. Are you under any medical care at this<br/> 13 time?<br/> 14 A. Yes.<br/> 15 Q. Okay. And what sort of medical care are you<br/> 16 under?<br/> 17 A. I take depression medication.<br/> 18 Q. Okay. What -- tell me the type --<br/> 19 A. Lexapro. Lexapro.<br/> 20 Q. Okay. And are you under psychiatric --<br/> 21 A. No.<br/> 22 Q. -- care?<br/> 23 A. No.<br/> 24 Q. Lexapro is a prescription drug. Who<br/> 25 prescribes it for you?</p>   |



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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 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 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 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?

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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

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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.

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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

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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

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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.

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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.

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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

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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

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 --

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.

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

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|---|--|
| <p style="text-align: right;">Page 245</p> <p>1 there during that conversation with Brian Ross, the<br/>2 telephone conference.<br/>3 Q. Okay.<br/>4 A. He knows what he told Brian Ross. He told<br/>5 what he answered Brian Ross. He knows what Brian Ross<br/>6 asked.<br/>7 Q. Okay.<br/>8 MR. WINDSOR: Y'all keep going. I've got<br/>9 to hand a note out the door real quick.<br/>10 MR. BABCOCK: Okay.<br/>11 Q. Jim Prouty?<br/>12 A. He has the same knowledge as Rod Beverly, who<br/>13 was the head of that team that was having the<br/>14 conversation with Brian Ross.<br/>15 Q. Mike Kortan?<br/>16 A. Yes, sir. He was at the same meeting at that<br/>17 conference call with Brian Ross.<br/>18 Q. Okay. Charles Goodwin?<br/>19 A. He was at the same meeting with Brian Ross.<br/>20 Q. Very good. Are there any other names -- I<br/>21 know this was done some time ago. Are there any other<br/>22 names of witnesses that you're aware of or you've become<br/>23 aware of that would have what you believe to be<br/>24 knowledge relevant to this case?<br/>25 MR. GREGORY: Jay's saying, I hope not.</p>                    | <p style="text-align: right;">Page 247</p> <p>1 A. Yes, sir.<br/>2 Q. Okay. Was there any discovery done during the<br/>3 lawsuit that you're -- that you can recall?<br/>4 A. Not that I recall.<br/>5 Q. Okay. And sometime after the lawsuit was<br/>6 filed is when you -- is when you -- when you settled it.<br/>7 Is that right?<br/>8 A. Yes.<br/>9 Q. Okay. Was the name of the insurance company<br/>10 the American National Property and Casualty Company?<br/>11 A. Yes, sir.<br/>12 Q. Okay. Was your lawyer Jeff Fudge?<br/>13 A. No.<br/>14 Q. Okay.<br/>15 A. I think that was the --<br/>16 Q. That was the other guy's lawyer?<br/>17 A. -- the other guy's lawyer, yeah, the insurance<br/>18 company's lawyer.<br/>19 Q. Okay. Do you recall answering discovery in<br/>20 the case?<br/>21 A. I may have answered some.<br/>22 Q. Okay.<br/>23 A. I don't recall it.<br/>24 Q. I don't need to mark this, but let me just see<br/>25 if this refreshes your recollection. No, that's the</p>   |
| <p style="text-align: right;">Page 246</p> <p>1 I hope not.<br/>2 A. Not that I can recall now.<br/>3 Q. Okay. Fair enough. I want to turn just<br/>4 briefly back to this -- this burglary. And you filed a<br/>5 claim, the documents I've seen, for roughly \$20,000 for<br/>6 things that were stolen from -- from your house?<br/>7 A. If I recall correctly, yes.<br/>8 Q. Okay. And how did the insurance company treat<br/>9 this claim?<br/>10 A. They objected first, then they settled.<br/>11 Q. Okay. And what was the amount of the<br/>12 settlement?<br/>13 A. 25,000.<br/>14 Q. And in order to achieve that settlement, you<br/>15 had to file a lawsuit. Correct?<br/>16 A. Yes, a lawsuit was filed, yes.<br/>17 Q. Okay. And as the lawsuit proceeded, you had<br/>18 to do things like you had to do in this case, answer<br/>19 interrogatories and that type of thing?<br/>20 A. No. There was only a deposition given to the<br/>21 insurance company --<br/>22 Q. Okay.<br/>23 A. -- before we filed the lawsuit, and that was<br/>24 the only thing that was done.<br/>25 Q. You say that it was a pre-lawsuit deposition?</p> | <p style="text-align: right;">Page 248</p> <p>1 wrong one. Give me a minute. Both you and your wife<br/>2 were the --<br/>3 A. Ex-wife.<br/>4 Q. Both you and your wife at the time --<br/>5 A. Yes.<br/>6 Q. -- now ex-wife, were -- were plaintiffs in the<br/>7 case. Correct?<br/>8 A. Yes.<br/>9 Q. Your lawyer was Edmund N. Anderson. Is that<br/>10 right?<br/>11 A. Yes, sir.<br/>12 Q. Okay. Here's what I want to show you. Let me<br/>13 just hand you some documents from that case. Does that<br/>14 refresh your recollection that the insurance company<br/>15 served interrogatories, request for production, and<br/>16 other related discovery on you and your wife, through<br/>17 your counsel, of course.<br/>18 My co-counsel correctly reminds me that it's<br/>19 absolutely stupid not to mark something. It just --<br/>20 because then we're going to have a record, and they're<br/>21 going to say, what was he talking about? We don't have<br/>22 an extra copy. Sorry guys, but --<br/>23 MR. BABCOCK: Can you make that an<br/>24 exhibit?<br/>25 (Exhibit 25 marked.)</p> |

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| <p style="text-align: right;">Page 249</p> <p>1 Q. Okay. This is Exhibit 25. And -- and I don't<br/>2 want to ask you a lot of questions about it. It's just<br/>3 that this was some discovery that you received in -- in<br/>4 that insurance lawsuit, and -- and you and your wife<br/>5 responded to it. And that was that?<br/>6 A. Yes.<br/>7 Q. All right. And after you got the \$25,000<br/>8 settlement, did the insurance company ever come back to<br/>9 you and -- and seek a refund after your wife made these<br/>10 allegations?<br/>11 A. No.<br/>12 Q. Ex-wife made these allegations?<br/>13 A. No.<br/>14 Q. Okay. And can you explain how she -- how she<br/>15 came to have all these items that were reported stolen?<br/>16 A. I have no knowledge.<br/>17 Q. No idea?<br/>18 A. I have no knowledge.<br/>19 Q. And why did you leave that lawsuit off your<br/>20 application for the FBI? That was one of the things<br/>21 they were mad at you about.<br/>22 A. Well, the -- and I explained that. When they<br/>23 say, have you ever been a party in a -- in a court<br/>24 litigation, we never been to court. I never been to<br/>25 court. We never went to court. It was settled out of</p>               | <p style="text-align: right;">Page 251</p> <p>1 MR. HUTTON: Can you hear me now?<br/>2 EXAMINATION<br/>3 BY MR. HUTTON:<br/>4 Q. Good afternoon.<br/>5 A. Good afternoon, sir.<br/>6 Q. My name is Todd Hutton. You may recall that I<br/>7 represent John Vincent and Robert Wright in this case.<br/>8 A. Yes, sir.<br/>9 Q. And I'm here today to ask you a few questions<br/>10 subject to our special appearance?<br/>11 A. Yes, sir.<br/>12 Q. We're not waiving that challenge. We're<br/>13 challenging jurisdiction in this matter, as you may<br/>14 recall.<br/>15 A. Yes, sir.<br/>16 Q. In that regard, I would like to ask you a few<br/>17 questions about residency type issues.<br/>18 A. Yes, sir.<br/>19 Q. We started off, in fact, just finished up<br/>20 talking about discovery and court proceedings and that<br/>21 kind of thing --<br/>22 A. Yes, sir.<br/>23 Q. -- so that will be a good segue to kind of<br/>24 where I want to go.<br/>25 A. Sure.</p>   |
| <p style="text-align: right;">Page 250</p> <p>1 court. And I didn't even know that there was a court<br/>2 date set for that or there was a court lawsuit.<br/>3 Q. So when they -- when they were asking you<br/>4 about a party to a legal proceeding, you thought that<br/>5 meant that you had to actually go to trial. Right?<br/>6 A. Not a legal proceeding. I think the question<br/>7 was, have you ever been a plaintiff or a defendant -- a<br/>8 defendant in a court proceedings?<br/>9 Q. Uh-huh. And you thought that didn't count?<br/>10 A. Because I -- I didn't go to court.<br/>11 Q. I see. Okay. Very good.<br/>12 MR. BABCOCK: Do you want -- do you want<br/>13 me to pass for ten minutes?<br/>14 MR. HUTTON: Yeah, sure.<br/>15 MR. BABCOCK: And -- and I'm -- I'm<br/>16 pretty close, although I think I have some clean-up<br/>17 questions. But while I'm getting organized, would it be<br/>18 acceptable to let him ask his ten minutes of questions?<br/>19 MR. WINDSOR: Sure.<br/>20 THE WITNESS: Am I done with this?<br/>21 MR. BABCOCK: Just leave it right there<br/>22 on the -- on the stack.<br/>23 MR. HUTTON: Is that good? Can you hear<br/>24 me?<br/>25 MR. WINDSOR: Can you hear me now?</p> | <p style="text-align: right;">Page 252</p> <p>1 Q. You may recall providing responses to<br/>2 interrogatories that were served on you by Mr. Vincent<br/>3 and Mr. Wright. Your responses were dated June 22nd of<br/>4 this year.<br/>5 A. Yes, sir.<br/>6 Q. And they dealt with things like where you<br/>7 lived at certain times, that kind of thing.<br/>8 A. Yes, sir.<br/>9 Q. And as part of your responses to that, to<br/>10 those interrogatories, you also produced some<br/>11 documents --<br/>12 A. Yes, sir.<br/>13 Q. -- under the same date, June 22nd, '05.<br/>14 A. Yes, sir.<br/>15 Q. Let me give you -- we can mark this as an<br/>16 exhibit, too. I've got copies here.<br/>17 (Exhibit 26 marked.)<br/>18 MR. HUTTON: If we could mark this in the<br/>19 next order. And if you guys want a copy --<br/>20 MR. BABCOCK: Thank you.<br/>21 Q. And this is a document that you produced to<br/>22 Mr. Vincent and Wright as part of your document<br/>23 production, June 22nd '05.<br/>24 A. Yes, sir.<br/>25 Q. And it's a document from the U.S. Department</p> |



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| <p style="text-align: right;">Page 253</p> <p>1 of Justice dated December 13th, 2000, related to a<br/> 2 foreign assignment. And as you can see there, you've<br/> 3 signed it at the bottom, I believe. Is that your<br/> 4 signature?<br/> 5 A. Yes, sir.<br/> 6 Q. And this references your agreement in<br/> 7 connection with your transfer from the Dallas office<br/> 8 over to Riyadh. Is that correct?<br/> 9 A. Yes, sir.<br/> 10 Q. And that original agreement was for a minimum<br/> 11 of a two-year term. Is that --<br/> 12 A. Yes, sir.<br/> 13 Q. -- correct?<br/> 14 If you look midway down, about the bottom<br/> 15 third of the page --<br/> 16 A. Yes, sir.<br/> 17 Q. -- the paragraph says, Prior to my overseas<br/> 18 assignment, my last official duty station was Dallas --<br/> 19 there's a blank -- and you wrote in Dallas, Texas.<br/> 20 Correct?<br/> 21 A. Yes, sir.<br/> 22 Q. And then you go on -- go on to say, I<br/> 23 consider -- and then you fill in the blank -- Dallas,<br/> 24 Texas as my actual residence in the United States.<br/> 25 A. Yes, sir.</p>   | <p style="text-align: right;">Page 255</p> <p>1 A. No.<br/> 2 Q. -- claim?<br/> 3 A. No.<br/> 4 Q. Okay.<br/> 5 A. Actually, the FBI has my actual address and<br/> 6 residence on record.<br/> 7 Q. All right. But in any event, the most you<br/> 8 claimed there was Dallas, Texas as your residency, not<br/> 9 Fort Worth, Texas. Right?<br/> 10 A. No, Dallas, Texas as the residency, based on<br/> 11 the office of the Dallas division.<br/> 12 Q. Okay.<br/> 13 A. Any of us would say Dallas, Texas, based on<br/> 14 the office, whether you live in Flower Mound, or you<br/> 15 live in Grapevine or you live in Irving.<br/> 16 Q. So your residency in this sense then just<br/> 17 means where you work?<br/> 18 A. Where you work.<br/> 19 Q. Had nothing to do with where you live?<br/> 20 A. It has nothing to do with where I live.<br/> 21 Q. Okay. Back to your interrogatory responses<br/> 22 dated June 22nd, '05, and you -- you kind of refer to<br/> 23 this document that we've been looking at here.<br/> 24 A. Yes, sir.<br/> 25 Q. You state -- you state that. And this is in</p>  |
| <p style="text-align: right;">Page 254</p> <p>1 Q. And then the form goes on to ask you to please<br/> 2 furnish sufficient information to justify the place of<br/> 3 actual residence claimed. Place comments under remarks<br/> 4 and, if necessary, on a supplemental sheet. I don't see<br/> 5 any remarks on the sheet. Were there --<br/> 6 A. No, they -- I believe -- and Jay can correct<br/> 7 me if I'm wrong -- this is a form that they give anyone<br/> 8 who is being relocated, whether it's a final relocation<br/> 9 or a temporary relocation.<br/> 10 Q. Okay.<br/> 11 A. And -- and Dallas, Texas -- when I say Dallas,<br/> 12 Texas, that means that's the office that I'm assigned<br/> 13 to.<br/> 14 Q. Okay. And my question was, did the form ask<br/> 15 you to furnish sufficient information to justify the<br/> 16 place of actual residence claimed?<br/> 17 A. Yes.<br/> 18 Q. You claimed Dallas, Texas, yet there are no<br/> 19 remarks justifying that claim. I'm asking where --<br/> 20 A. They did not ask me. They just told me to<br/> 21 write Dallas, Texas -- Dallas, Texas and sign it.<br/> 22 Q. Okay.<br/> 23 A. I was not asked to provide anything else.<br/> 24 Q. Okay. So there were no -- there were no --<br/> 25 did you have any reasons to justify that --</p> | <p style="text-align: right;">Page 256</p> <p>1 response to interrogatory number 1A --<br/> 2 A. Uh-huh.<br/> 3 Q. -- page 4 of your response. You state that,<br/> 4 Upon accepting my term assignment in Riyadh, it was<br/> 5 necessary for me to sign an agreement committing to<br/> 6 serve in Saudi Arabia for two years and agreeing to<br/> 7 return to my original office in Dallas upon completion<br/> 8 of the term assignment in Saudi Arabia.<br/> 9 A. Yes, sir.<br/> 10 Q. And I assume that refers to this document that<br/> 11 we've been looking at, Exhibit -- what number did this<br/> 12 end up?<br/> 13 A. 26.<br/> 14 Q. 26.<br/> 15 A. Yes, sir.<br/> 16 Q. Can you please show me on this, on Exhibit 26<br/> 17 where -- where you have agreed to return to Dallas?<br/> 18 A. Actually, it's not up to me to return to<br/> 19 Dallas. If I finish my assignment, they will return me<br/> 20 back to my office of origin.<br/> 21 Q. Once you finish your assignment, they will<br/> 22 return you?<br/> 23 A. Yes. Yes. You have no choice at that matter.<br/> 24 Q. In this instance, did you not finish your<br/> 25 two-year term?</p> |

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

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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.

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

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| <p style="text-align: right;">Page 269</p> <p>1 Q. Yes. The one --</p> <p>2 A. I'm sorry. Go ahead. Okay.</p> <p>3 (Reporter clarification.)</p> <p>4 Q. Yes, the -- your responses to the</p> <p>5 interrogatory -- you don't have a copy of it.</p> <p>6 A. No.</p> <p>7 Q. I'm just reading from your response.</p> <p>8 A. That's fine.</p> <p>9 Q. And you state that during your time in</p> <p>10 Riyadh --</p> <p>11 A. Yes, sir.</p> <p>12 Q. -- in response to interrogatory 1C, that your</p> <p>13 home on Woodale Drive is sold.</p> <p>14 A. Yes, sir.</p> <p>15 Q. You state that, It was not feasible for me to</p> <p>16 continue paying mortgage payments on a house I did not</p> <p>17 live in, nor was it practical to become an out-of-town</p> <p>18 landlord on a house which would have been difficult to</p> <p>19 rent and monitor from another country.</p> <p>20 A. That's true.</p> <p>21 Q. So when you say that it was not feasible for</p> <p>22 you to continue doing that, how long did you do that?</p> <p>23 A. Well, I -- I did that until sometime either</p> <p>24 March or April when the house was -- was sold.</p> <p>25 Q. Okay.</p> | <p style="text-align: right;">Page 271</p> <p>1 the videotape.</p> <p>2 MR. BABCOCK: See if we can do it.</p> <p>3 FURTHER EXAMINATION</p> <p>4 BY MR. BABCOCK:</p> <p>5 Q. What languages do you speak?</p> <p>6 A. I speak Arabic, English, very, very limited</p> <p>7 Spanish.</p> <p>8 Q. Your immigration -- immigration status -- when</p> <p>9 you came to this country, what was your -- what was your</p> <p>10 immigration status?</p> <p>11 A. I was here on a business visa.</p> <p>12 Q. Business visa?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. And tell me the evolution of your</p> <p>15 immigration status from your initial business visa to --</p> <p>16 A. And I requested an extension for the business</p> <p>17 visa.</p> <p>18 Q. Right.</p> <p>19 A. Then I married a U.S. citizen.</p> <p>20 Q. Okay.</p> <p>21 A. Then I became a green card holder.</p> <p>22 Q. Right.</p> <p>23 A. Then I became a U.S. citizen.</p> <p>24 Q. You say you requested an extension of the</p> <p>25 business visa. Did you obtain it? Was it --</p>  |
| <p style="text-align: right;">Page 270</p> <p>1 A. So I have decided that before I left --</p> <p>2 Q. Okay.</p> <p>3 A. -- when I -- when I listed the house --</p> <p>4 Q. Uh-huh.</p> <p>5 A. -- that it will not be feasible to pay the</p> <p>6 mortgage while I'm overseas, and also I didn't want to</p> <p>7 be an out-of-town landlord.</p> <p>8 Q. So the house -- once you left to go to Saudi</p> <p>9 Arabia, was the house vacant?</p> <p>10 A. Yes.</p> <p>11 Q. Was it furnished?</p> <p>12 A. All my furniture was put in -- in a storage</p> <p>13 here in Fort Worth.</p> <p>14 Q. Okay. And that was at the expense of the</p> <p>15 Bureau. Right?</p> <p>16 A. The Bureau, yes, sir.</p> <p>17 Q. So once you left, the house was cleaned out,</p> <p>18 nobody lived there, no furniture; it was on the market,</p> <p>19 empty, for sale?</p> <p>20 A. Yes, sir.</p> <p>21 MR. HUTTON: All right. I think that's</p> <p>22 all I have.</p> <p>23 MR. BABCOCK: Okay. Just a -- just a few</p> <p>24 more, and we'll try to get out of here by 5:30.</p> <p>25 THE VIDEOGRAPHER: Eight minutes left on</p>   | <p style="text-align: right;">Page 272</p> <p>1 A. No, you -- you request the extension, and they</p> <p>2 have a record of it with immigration, I believe.</p> <p>3 Q. You have what?</p> <p>4 A. They have a record in immigration for it.</p> <p>5 Q. Okay. But the extension was not granted. Is</p> <p>6 that correct?</p> <p>7 A. They did not send me anything to say it was</p> <p>8 granted.</p> <p>9 Q. Fair enough.</p> <p>10 A. Yes.</p> <p>11 Q. Do you believe this insurance claim that you</p> <p>12 and your ex-wife filed with the American National</p> <p>13 Property and Casualty Company -- I know you've testified</p> <p>14 you thought it was legitimate at the time you filed it</p> <p>15 and the time you filed your lawsuit. Do you believe</p> <p>16 today that the claim was legitimate?</p> <p>17 A. With the information I have today, I don't</p> <p>18 believe it was legitimate.</p> <p>19 Q. Okay. Did you receive any of the proceeds of</p> <p>20 that \$25,000 settlement?</p> <p>21 A. Yes.</p> <p>22 Q. How much of the 25,000?</p> <p>23 A. I believe, after expenses and everything, it</p> <p>24 was about 13,000.</p> <p>25 Q. Okay. Have you returned that 13,000 to the</p> |

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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.

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 --

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

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

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 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  
 2 deposition and hereby affix my signature that same is  
 3 true and correct, except as noted above.  
 4  
 5 \_\_\_\_\_  
 6 GAMAL ABDEL-HAFIZ  
 7 THE STATE OF \_\_\_\_\_ )  
 8 COUNTY OF \_\_\_\_\_ )  
 9 Before me, \_\_\_\_\_, on  
 10 this day personally appeared GAMAL ABDEL-HAFIZ, known to  
 11 me (or proved to me under oath or through  
 12 \_\_\_\_\_) (description of identity  
 13 card or other document)) to be the person whose name is  
 14 subscribed to the foregoing instrument and acknowledged  
 15 to me that they executed the same for the purposes and  
 16 consideration therein expressed.  
 17 Given under my hand and seal of office this  
 18 \_\_\_\_\_ day of \_\_\_\_\_,  
 19 \_\_\_\_\_  
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16 NOTARY PUBLIC IN AND FOR  
 17 THE STATE OF \_\_\_\_\_  
 18 COMMISSION EXPIRES: \_\_\_\_\_  
 19  
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1 CHANGES AND SIGNATURE  
 2 PAGE LINE CHANGE REASON  
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1 CAUSE NO. 067 203396 03  
 2 GAMAL ABDEL-HAFIZ, ) IN THE DISTRICT COURT  
 3 Plaintiff, )  
 4 v. )  
 5 )  
 6 ABC, INC., ABC NEWS, ) TARRANT COUNTY, TEXAS  
 7 INC., ABC NEWS HOLDING )  
 8 COMPANY, INC., DISNEY )  
 9 ENTERPRISES, INC., )  
 10 WFAA-TV, L.P., WFAA OF )  
 11 TEXAS, INC., BELO CORP., )  
 12 CHARLES GIBSON, BRIAN )  
 13 ROSS, ROBERT WRIGHT and )  
 14 JOHN VINCENT, )  
 15 Defendants. ) 67TH JUDICIAL DISTRICT

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:

13 Mike Windsor  
14 LOE, WARREN, ROSENFELD, KAITCER, HIBBS & WINDSOR  
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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  
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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

22 Julie C. Brandt, RMR, CRR, CSR  
Texas CSR No. 4018  
Expiration Date: 12/31/06  
23 LegalLink Dallas - Reg. No. 191  
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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  
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