

Transcription of the Post Sentencing Press Conference

NOTES: February 4, 2010 — This is a transcription of the post-sentencing press conference. Please note, the reporters are unidentified, and that though the transcript says “reporter”, there were many different voices and quite a few reporters, none of whom is seen on the DVD. Though this tape is undated, it is clear from listening that the Press Conference was held the day Yassin Aref and Mohammed Hossain were sentenced, thus, this press conference took place on March 8, 2007 (see last page). Numbers in bracket throughout note the time on the recording — Lynne Jackson

GLENN SUDDABY: Is everyone good? OK. You want me to keep talking then? Is it working? Its not going to stand up.

UNIDENTIFIED: Somebody needs to build a media-friendly podium with a bunch of outlets on it so you can run your wires

GLENN SUDDABY: Bigger space.

GLENN SUDDABY [1:39]: Are you good now? Everybodies good?
Welcome in from the cold. Welcome to the United States Attorney’s office.

I don’t want anyone to think that we were afraid to go outside in the cold. But, uh being I am a north country boy and I like the cold weather but uh we just thought this might be a better opportunity to ask some questions in a more uh quite and controlled environment.

So, welcome to the US Attorney’s office.

I think I am going to start this press conference uh I have a number of thank yous to make. But before I do that, I am going to ask you a question: What would you expect of someone living in this country, if they were approached and asked would you like to be part of a financial transaction that would launder money to send a surface to air missile to New York City for an attack. What would you expect of your neighbors? What would you expect of anyone that would be living in this country?

I hope that your answer would be that we would expect that that individual would contact the appropriate law enforcement agencies. And what happened in this particular case? What was the response to that opportunity from these defendants?

If you think it's the right thing to do, and God is with you, please don't get caught. That was their response.

Now, the other part of this case is the fact that a sting was done. There has been a lot made in the print media that somehow we are seeking out people to pick on them. Ladies and Gentlemen, with the information that the FBI had about this individual, the information coming from terrorist camps in Iraq, the information in his own words from his diaries, about bringing the war to the west, to have explosions in Israel and the United States, to send that message — what would you have had them do?

I would suggest to you that I as US attorney would have had to start an investigation into the FBI for dereliction of duty if they did nothing.

They did the appropriate thing that they should do, what we would all expect some one to do with that information is to check it out. And an opportunity

was provided to these individuals, an opportunity, a test, there is no question it was a test, and these individuals failed that test, dramatically. They sought to assist, to aid, to carry out a terrorist event in this country. And I would like to thank the thoughtful and consideration of the jury – they have been much maligned by the print media, especially in this area, with regard to this case. A completely unfounded attack upon our jury system, upon our justice system, the best in the world. Those ladies and gentlemen of that jury sat there, day after day, and heard every aspect of that case. I don't know how many people in this room can say that. And they gave it long and thoughtful consideration. And they did their duty. And I want to thank them for doing their civic duty and standing up and doing the right thing.

I also would like to thank Judge McAvoy for his careful deliberations in the way that this trial was conducted. People have asked me before we got into this room that I have any qualms with these sentences. Absolutely not. Judge McAvoy is an outstanding jurist, a fair and decent man, and there is no quarrel with the sentences that he handed out from this office.

I also would like to thank many of who you see represented here, the members of the Joint Terrorism Task Force, um, countless agents, investigators and officers that worked uh numerous, numerous hours, too many to recount on on a very difficult, long and difficult case who have received little more than criticism, um from many in this community. Uh they are outstanding law enforcement agents, outstanding individuals, and they have good reason to be proud of their work.

I want to thank particularly, um, FBI special agent Tim Coll, for his outstanding work in his part in this case, my prosecutors and assistant United

States Attorney, Bill Pericek, did an outstanding job, Beth Coombe, outstanding job, I'd like to thank Greg West for his leadership, he's the director of uh anti-terrorism program here in the United States Attorney, and uh, supervising behind the scenes and does so much to make sure that you know that we are doing the right things; looking at the right cases. Uh, again I will thank the uh SAC the FBI thank you for the commitment and all of you in the room and for you commitment and the fine work that you did in this case.

I am going to um let the SAC, the FBI have some comments and then we will take questions.

JOHN PIKUS [7:16]: I echo Glenn's statements regarding the help, uh, the help of our sister agencies on the JTTF. I I do want to read them, it might not get into the print and the media but I do want to read who they are, uh, besides us its, we have the New York State Police, US Immigration and Customs enforcement, United States Department of State, the Albany Police Department, Schenectady Police Department, Troy Police Department, the New York State Office of Inspector General, and the Social Security Administration Office of the Inspector General, Federal Air Marshals and the Internal Revenue Service. These individuals that are part of the JTTF worked tirelessly during this case. Its not just the FBI. And its kinda, its always amazing to me that somebody from say, the Schenecatady Police Department Troy Police Department would put somebody on the RJTTF because they have local crimes, they have a lot of their own problems. But, they understand the greater good. They understand that forming an alliance and working together as a task force on these types of issues is for the good of all of our citizens. That's number one.

The second thing I wanna mention is this. The FBI, along with our JTTF brothers and sisters have received some criticism regarding this investigation. I can guarantee you, I can assure you, that we get tons of information that comes into us on a daily basis regarding possible threats and I assure you we vet them out, we look at every bit of information before we proceed. And we do not proceed unless we believe in the JTTF and our brother and sister agencies believe that it is a rightful thing to do to proceed on a case, as in this case it was. I just want to assure you that that we understand our responsibilities. It's a heavy responsibilities that we have to protect the American people and we understand that at the end of the day, we go home, whether we decide not to go forward on a case, that it is in our hands that we don't go forward. If we do not go forward, you don't understand how much gnashing of teeth that we do, we bandy about talking about particular bits of information that come to us on what we do to proceed. What do you do when you have information that comes from a phone number or a name from a camp over in Iraq? What do you do with that? Do you just put it in your desk drawer and go home? Or do you think about it and try to figure out what to do. Do you go interview the people? Do you go and use surveillance? What do you do any type of investigative technique you do? Whatever it is, is vetted, its brought all the way up the chain of command and we don't we proceed forward understanding that we have a heavy responsibility to either to vet it on out and move on or pursue it with all aggressiveness. And that is the second thing I wanted to mention. So, that's all I have.

GLENN SUDDABY: Questions

REPORTER: I understand the argument about targeting Aref, but this sting went through Mohammed Hossain and a lot of people don't understand, including me, don't understand what a pizza shop owner with 20 years in this country other than the fact that he was Muslim what other criteria were there to target him?

WILLIAM PERICEK [10:25]: Quite simply, with the assets that were available to the FBI at the time, they could not get to Aref directly. It would have been awkward, it would have been unseemly, it would have aroused suspicion. However, the informant did have a prior, I'll call it, minimal relationship with Hossain and it was a way to get in. There was no thought, by the way, at the beginning that we are going to bring Hossain in some big money-laundering scam and put him in jail; the only thought was meet Hossain, get to know him, and somehow be introduced to Aref. It was a we'll send him in and see what happens and what developed from that was something quite different and much more sinister than what had been anticipated because of Hossain's own expressed views because of the things that he said and about what he believed had happened on 9/11 and who was responsible and his views of the world. So it really mushroomed, it was really an investigation that didn't have an ultimate goal of trying to arrest and and prosecute Hossain, it was an investigation to get to Aref and it just turned out the way it did.

REPORTER: Do you think Mr. Hossain would have been a terrorist, if uh, would have or been convicted of any terrorist charges if this had not taken up and set up?

WILLIAM PERICEK [11:32]: I think that uh again he was uh a senior member of the Mosque and if a real terrorist had come to Albany then he was just as likely to do what he did with Malik as he would have done with a real terrorist. So the percentage, would he have done that if somebody showed up? I think yes. Uh, how likely would it be that somebody would show up, I can't answer that.

REPORTER: What about Mr. Aref? Do you think, uh he was a terrorist or not?

WILLIAM PERICEK [11:59]: Well again you say was he a terrorist? Well, I think he had that ideology, I think he expressed the ideology that he supported Islamic causes, fundamentalist Islamic causes, he supported groups that would engage in terrorism. Did he actually himself engage in terrorist acts? Well we didn't have the evidence of that, but he had the ideology and I believe similarly to Mr. Hossain. If the opportunity were to have presented itself as a real terrorist instead of Malik, then certainly I think he would have availed himself of that opportunity to help too.

REPORTER: But when you started investigating and you found his name in the camps were you thinking then that he was an actual terrorist and did your investigation bare that out or not?

WILLIAM PERICEK [12:32]: Uh, our investigation was concerned with what he was gonna do here and in order to preempt any, anything else, we decided to to take the steps that we did take. So, I I don't know what woulda happened if we would have done some other course. As the SAC said if we had just put the information in the desk what woulda happened I don't know.

REPORTER: Under Federal Sentencing Guidelines, both men could have received 30 years to life, are you disappointed that they didn't?

WILLIAM PERICEK [12:59]: No. The, uh, again, the guidelines and the judge went through and I kinda turgidly uh, all the aspects of it and it was in our sentencing memoranda and also he had the discretion because each uh statute had a maximum of term of 15 years to run them concurrently or consecutively and he explained why he ran them concurrently and we are satisfied with that explanation.

REPORTER: Was there any recommendation for sentencing in your report?

WILLIAM PERICEK [13:21]: We recommended that he follow the guidelines and the particular section that he talks about consecutive or concurrent says they should be consecutive unless there is a reason not to. And the judge found a reason not to.

REPORTER: So did you actually recommend consecutive?

WILLIAM PERICEK: Yes, yes

REPORTER: Then that would have put them up to 30?

WILLIAM PERICEK: Yes, that was 30 years

REPORTER: 30 each

WILLIAM PERICEK: Right

REPORTER: That was the recommendation

REPORTER: 30 to life, wasn't it?

WILLIAM PERICEK: The range was from 30 to life, that is correct. We recommended that they sentence these sentences within the guideline range

REPORTER: To 30 based on consecutive as opposed to concurrent.

WILLIAM PERICEK: That is correct

REPORTER: Did you recommend 30 to life or just 30. I am just curious.

WILLIAM PERICEK: We only recommended that he sentence within the guidelines range which was 30 to life so that was his choice within that range.

REPORTER: Hossain's attorney, Kevin Luibrand, said, his crux of his appeal is going to be that the government went farther on a sting in this case than it had ever had previously. Do you agree that the government did go farther on this sting and if so are you concerned about that?

WILLIAM PERICEK [14:16]: Uh, uh, I don't know what he basis that on. Uh, uh, there is no fact in this case that strikes me as being farther than other cases. It's a common sting, its used in drug cases, its used in, uh, internet child pornography cases, its used in public corruption cases. You present a criminal opportunity to somebody and you see what happens.

REPORTER: And you are certainly well aware since there were like three languages going back and forth, translations and disputes over translations and Malik um reporting things back to the agent which um at least the defense argues the translation did not subsequently support. Um are you

confident that if everything had been said in English that uh the results would have still been the same?

WILLIAM PERICEK [15:07]: Uh, I am, because ultimately there were no disputes. The very tiny minor disputes that there were at trial over translations involved a word here or there. The, uh, the claim that Malik reported things back to the agent that were not true are not borne out by the transcripts, you can look at the transcripts yourself they are all available, uh, they were put in evidence and you can see what happened and its simply the case that uh what Kevin was saying is he reported back the incriminating stuff but not the things that's not incriminating. Well, what do you expect, it's a criminal investigation do you expect them to[15:45] report back the trip to Disneyland. I don't I don't think so. I think you expect them to report back the incriminating information which he did and it was all consistent with what the 302s show.

REPORTER: Can you explain how unusual it is that Mr. Aref was convicted of 10 counts and Mr. Hossain was convicted of 27, that they both get the same sentence? Is there, is there anything unusual about that or is it the nature of the charges themselves?

WILLIAM PERICEK [16:03]: No, there is nothing unusual in that. Again, if you look at Federal sentencing your guideline range is based on the count of conviction whether its one count or fifty counts, your still going to get one guideline range, so, its not unusual at all that they would be subject to the same sentence. The fact that Mr. Aref was convicted of at least two counts meant that he was subject to the same 360 months, because you could run them consecutively. That's the only difference, in number of counts.

REPORTER: How certain is it that Mr. Aref will be deported, and if so where would he go. He came here as a refugee, from Syria. Back to Iraq?

WILLIAM PERICEK: I might defer to somebody on that one, its very hard for me to say at this point that in fifteen years I don't know what the situation is gonna be like.

REPORTER: In any event, it will be after his sentence

WILLIAM PERICEK: Yes, after his sentence, Yes.

REPORTER: It is automatic, is that correct? Deportation?

WILLIAM PERICEK: You know, they, uh, nothing in life is 100%, but, based on what I know, I believe he will be deported.

REPORTER: Will his family be deported?

WILLIAM PERICEK: No. That's independent. Their status in the US is independent and they're free to choose what they want to do at this point.

REPORTER: Is he being deported because he is not a citizen? Like Hossain is a citizen?

WILLIAM PERICEK: Well, right, you can only deport somebody who is not a citizen. So, Hossain is a US citizen, not subject to deportation.

REPORTER: What do you hope would be the effect of this case in terms of uh outside Aref and Hossain?

GLENN SUDDABY [17:27]: Well, obviously, you know, after 9/11, the world changed dramatically and law enforcement has a new responsibility

which I think we all expect and that's to prevent the next one. And that's what this case is about. And that's what this case you know really exemplifies the FBI, the Joint Terrorism Task Force, doing their job appropriately. When they have information, about a particular individual that indicates to them that they may be a threat you need to do something to find out and they did their job. They found out. These individuals made a choice. And, and that choice was to you know to try and assist in their mind a terrorist event in the New York City. [18:12]

REPORTER: How do you think this will prevent the next one?

GLENN SUDDABY [18:19]: Well, well, I hope that that people will pay attention, that, you know, the word gets out there that you know there is vigilant law enforcement looking and that, you know, these types of individuals either won't come here looking to cause this, you know, cause us harm, or that people within the country who have some idea of who may be involved in this sort of thing will assist law enforcement.

REPORTER: You reference some of the print reporting and columnists and others in the community, I mean we've got a number of people who have already objected to this outcome. Um and, and part of their objection is that their argument is that you take the vast resources of the US government and you throw them at at a pizza shop owner and an imam of a mosque with no previous significant, in one case, no criminal history, the other DMV and and you get a conviction and now they are going away for 15 years whereas if these resources were devoted to targeting higher threat targets, maybe we'd be safer. Your response to that, sir.

GLENN SUDDABY [19:23]: Hey, you can after I'm done. We'd be safer, how, sir? If if these individuals, if these individuals, had come into contact with the appropriate, you know, terrorists or people with the bent to do that in this country, today, we'da had a missile attack in New York City. There is no question about that. They assisted in that and they participated in that. Now, what would you have us do? Sit on our hands?

REPORTER: No sir. The argument they are making is that you need to find those, those people actually have means to get to get the weapons, not only weapons and would carry out this as opposed to a pizza shop owner and an imam who don't have those weapons and even if they are sympathetic, you know, are not actively plotting to bring down our government and tear down buildings.

GREG WEST [20:16]: That question presupposes that the only people who will help with a terrorist attack are the people who are going to participate in it directly. It fails to recognize that the terrorist organizations send people to countries in advance to lay the ground work. They they have a vast, vast network of people that they trust who can carry out whatever part of the operation necessary at whatever time they are asked to do that. Our job is to figure out who all of these people are in the United States and prevent that from happening.

REPORTER: Do you claim that Aref was one of those people or not?

WILLIAM PERICEK [20:47]: I would say that there is a concern that he is one of those people based on all the evidence that was uncovered in Iraq and all the additional evidence that was uncovered subsequently and that the sting preempted anything that might have happened later on.

GREG WEST: I think all you need to do is ask the question, what did he do when he found out that a man had supposedly acquired a surface to air missile and had delivered it to people in New York City, who were part of a terrorist organization. That he recognized as part of a terrorist organization, and that they planned to use that in an attack. If a guy wants to help with that, don't you think that maybe he would help when someone else from Al Qaeda came along? Somebody he might have known or met before?

REPORTER: But that's your argument with Hossain. You are saying that he was somebody who was sitting around in Albany and that if a real terrorist [21:36] had come he would have helped. But the question about Aref is are you saying that he himself was someone sent over for this purpose?

JOHN PIKUS [21:45]: Maybe I might be again the initial information that we had. If you read that what do you suppose we didn't know. So, to some extent from our experience that information there can lead us to believe that he was maybe sent over or he had knowledge of people who were sent over or he had some knowledge of people overseas who were doing destructive or nefarious needs against US interests. We and JTTF have to vet that out and what the only way we can do that is to open up an investigation to conduct investigative work and that means surveillance and other ways, ways of vetting this out and then coming up with some investigative strategy on how to answer your question.

REPORTER: But, what is, what is the answer now? At the end of this investigation, what is the answer now?

[22:34] **JOHN PIKUS:** The answer is, and I will leave it to Clem, the answer is and that information there that we found through the course of the investigation that he had ties to organizations that we have a interest in over seas. And that's why we continue to pursue it. We if we felt that this information ended up being bogus, we woulda walked away. But we saw somebody there that we had to look at tomorrow, the next week, the next year, till you and I are in the grave. And that's really where the gnashing of the teeth come from. We could watch certain individuals in this country forever. For absolutely forever. We can do investigative techniques forever and they would just be there and that information would just be there and we still wouldn't come to that conclusion. Now, the sting operation, we all agree, and the FBI and the JTTF is a very sophisticated I would say unusual type of operation that the FBI does. You hear about ABSCAM, you hear about a few other operations, but the FBI generally doesn't do sting operations on a daily basis. Its an extraordinary technique. But it's the technique that we had decided with the United States' attorney's office to say, this is how we can vet this information. This is how we can finally come to the conclusion that this guy is either that or just an imam in a mosque. And if he had, had that moment when he could have been just the imam in the mosque. But, he didn't. He didn't take that moment. And from that point on, he answered his own question.

GLENN SUDDABY [24:11]: He answered your question. And, and getting back to your question in the back there I you know you certainly shouldn't pre suppose because the FBI law enforcement are doing this type of operation that they aren't actively involved in pursuing other individuals who may be in the eyes of uh citizens or law enforcement specialists or

otherwise higher on the radar screen so to speak as far as being a threat. But, certainly, they'd had to determine what the threat was here and they did that.

REPORTER: There are some very vocal groups in the community that have been very distrusting of the FBI. Is that a widespread phenomenon that you have to deal with in this case now?

JOHN PIKUS [24:54]: Heres uh, heres my pitch: Here comes my point. We're mandated. The FBI and the JTTF and all the members here are mandated to reach out to the community. We we live in a community. I gotta wife and a couple a kids. I'm in the community. And, and so uh you know when I see somebody walking down the street, I say hello to them and they say you're and FBI guy and sometimes they back away, sometimes they wanna talk, uh, we're mandated. I joke with my people that we do weddings and bar mitzvahs. We'll go out and sometimes theres, theres a confusion as to this case and how the FBI operates. Too much TV. OK, "Bones" and the rest of them, forget about it, that's not how we operate. We, we are in the community, we come out and we will tell you how we operate. We'll tell you point blank. In terms of some information that we might vet and we might just push away and other information that we gotta pursue. But, we will give you at least some idea of how we operate. You are absolutely right, this as a case like this as can set back and raise fears within certain elements in the community. Its my job and the job of the FBI and JTTF to reach across the Rubicom and go on out and many doors are slammed in our face and say guess what we are here to protect you. We're here for your rights. And if there is information that's bogus, we'll find out about it. And we'll dump it. But if there is information that we have there that we've gotta pursue, we gotta pursue it. For the basis for your wives and your kids and

your families, we have to pursue it. And we have, we have a heavy mandate. Certain things we cannot tell you. We cannot tell you that we are out and about doing surveillance. We cannot tell you when we are dumpster diving. We cannot tell you when we do these things. But, we are out there. We have to vet some of this information out. We gotta, you gotta trust us, and that's the problem, theres that trust. Many members of the community trust us and the JTTF and the FBI and other members because of something like this and again, I I and a righteous case, a righteous investigation, a righteous prosecution but people have a differing view of it. Uh espoused by either members of the media and that's fine, this is America, that's what we protect, but we do have to go on out and say this is who we are. I am John Picus, this is the FBI. I am not some nameless person. We will come on out and we will tell you how we operate. And that's the only thing we can do. We can start from this day on and work with the community in trying to lower this suspicion and lower the fear.

REPORTER: Will Aref be deported?

WILLIAM PERICEK: That's an immigration matter and he will have a hearing before an immigration judge and his offence at conviction is not a mandatory deportation, uh, we will make a recommendation against deportation and the immigration judge will decide that.

REPORTER: In this case, where Malik was guilty of crimes of helping people, taking bribes to helping people to secure government identification, which in itself happened after September 11, could be considered security risk, um would you think that using him to get these other two gentlemen sends a mixed message about where government's priorities are?

WILLIAM PERICEK [27:54]: I, I, I don't think it sends a mixed message at all. Malik was caught in a sting. He got a fake driver's license for somebody and ah, by the way, his guidelines on that are zero to six months so um ah, it, it you know the argument that he was facing twenty years was again, this was this was sentencing guidelines case. But, its not a mixed message because Malik, when confronted, decided he wanted to cooperate, told us about his other criminal involvement, agent Coll went out and arrested a bunch of other people based on what Malik said about his criminal involvement and he basically turned himself around. He decided that, only because he was caught, no doubt about that, but he decided to walk the straight and narrow. And I think that sends a strong message to the community.

GLENN SUDDABY [28:36]: One more question

REPORTER: How do you think this makes uh makes us safer?

GLENN SUDDABY [28:48]: I think it makes us safer with regards to these particular individuals and theres no question about that. And, and certainly again the ends of law enforcement to get, to communicate with the community, as uh, John Picus from the FBI indicated and the SAC indicated. You know, we live in these communities and everybody, all aspects of the community want to have their civil rights protected, wanna be safe. And that's what we are here to do. And certainly I think that this sort of a case will send a message that you know, law enforcement is out there, they're doing their job and we hope that everyone will cooperate and uh, and help protect, you know, the citizens of this country.

REPORTER: When you were criticizing the print media some of it locally, who did you have in mind?

GLENN SUDDABY [29:38]: Great question. I I don't have anyone in particular in mind. I And certainly, um, everyone and the SAC referred to this, you know, that's what we are about is protecting your right to express your opinions and to say what you believe in and think. And that's fine. You will never get any argument with this office, with me or anybody standing up here with regard to that. Everybody's entitled to their opinion. What is a little disconcerting sometimes is that you are not entitled to your own facts. Trying to be factual about your reporting and if you draw a different conclusion, that's what America is about. Fine. Um, and I think that uh some of the reporting has been very, uh, unfactual in this particular case, unfortunately, in the way it was reported.

REPORTER: You, you answered the question what you would you expect

GLENN SUDDABY [30:34] [The DVD appears to skip here]: Just that they continue those sort of investigative techniques and operations

REPORTER: How long do the FBI usually do surveillance?

GLENN SUDDABY: You tell me: how long would you suggest that we spend the people's money to continue that sort of an investigation? Months? Years? You tell me. We had information that they verified. They did some of the things that you talked about. And certain information was gathered as a result of that investigation. And at some point in time, you have to make a decision, and the decision was made present an opportunity and see what

they choose. See what they decide to do. And these two individuals decided to take a criminal route that threatens all of us in this country.

REPORTER: Talk about cost

GLENN SUDDABY [31:31] [The DVD appears to skip here]: Citizenship test. Is that the one you wanna to have as far as whether we are going to let you into this country and you are going to remain as a citizen. Is your gonna be a good citizen? If you allow or participate in a money laundering scheme to send a missile to New York City? I have issues with your test, sir

REPORTER: Aref said in court today that he didn't take the missile claim seriously because the guy was saying it in open house in front of strangers and he kicked him out of the house.

GLENN SUDDABY [32:02]: He took it seriously enough to take the money. He took it seriously enough to say that well we'd better not be in New York at the time this thing goes down. He took it seriously enough to say you'd better be careful and don't get caught. I mean, you know, people can spin things all sorts of ways they want to try and spin 'em. The facts are the facts, sir. Thank you for your time. Thank you uh, for being here.

— End —