

Muslim Solidarity Committee & Project SALAM

# Rally and March

In Support of

# Justice for Muslims Targeted by Preemptive Prosecution

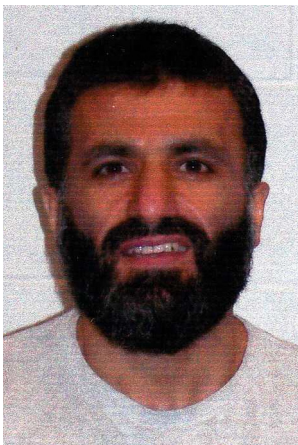
## Monday, April 5, 2010

Meet at the Washington Avenue Armory at 6 PM

March to Albany City Hall, Eagle Street, Albany

Join us for a rally, march to City Hall, and action to support justice for targeted Muslims.

Here in Albany, many people believe that two Muslim men, Yassin Aref and Mohammed Hossain, were preemptively prosecuted by the use of a long and costly FBI “sting” operation that resulted in their convictions and long prison sentences. Both men are still in prison — hundreds of miles from their wives and children.



On April 5, Albany City Councilman Dominick Calsolaro will introduce a resolution to the Albany City Common Council requesting that the U.S. Department of Justice implement the recommendation of its own Inspector General: to review ALL of the convictions of Muslims who have been preemptively prosecuted to determine whether these prosecutions met in all ways the high standards of truth, openness, fairness, and justice that are embodied in the Constitution and Bill of Rights.



The Muslim Solidarity Committee and Project SALAM (Support And Legal Advocacy for Muslims) invite you to join us for this rally and march to show your support for wrongfully prosecuted Muslims. After the march, anyone

can address the Albany Common Council, and speak in favor of the resolution, for a maximum of five minutes at the Common Council meeting at 7 P.M.

### Schedule of Events

6 P.M. Rally at Washington Ave. Armory • 6:15 March to Albany City Hall

6:45 Arrive at City Hall • 7 P.M. People may speak in favor of resolution at Common Council meeting

For more information, contact Lynne Jackson at 434-6659 or [lynnejackson@mac.com](mailto:lynnejackson@mac.com)

**RESOLUTION URGING THE U.S. DEPARTMENT OF JUSTICE TO REVIEW THE  
CONVICTIONS OF MUSLIMS WHO WERE “PREEMPTIVELY PROSECUTED” TO ENSURE THEIR FAIR  
TREATMENT UNDER THE U.S. CONSTITUTION AND BILL OF RIGHTS**

**Council Members Calsolaro, Bailey, Fahey, Konev, Sano, and Smith introduced the following resolution:**

**WHEREAS**, the Declaration of Independence of the United States and the United States Constitution and the Bill of Rights are the cornerstone of our democracy, and

**WHEREAS**, since 9/11 Muslims in the United States have been targeted by the U.S. government for increased scrutiny, surveillance, and prosecution, and

**WHEREAS**, the United States government created a warrantless electronic surveillance program which obtained secret classified information on Americans, apparently in violation of various laws including the Foreign Intelligence Surveillance Act, and the First and Fourth Amendments to the U.S. Constitution, and

**WHEREAS**, the Department of Justice and the FBI created a program called “presumptive prosecution” in which Muslims who are not involved in criminal activity are targeted and prosecuted based on “secret evidence,” often derived from warrantless electronic surveillance, and from agents provocateur sent into mosques by the US government to entrap Muslims, and

**WHEREAS**, there is a substantial probability that the activities and programs of the U.S. government which target a religious minority in such a manner violate their civil rights as Americans, and

**WHEREAS**, in 2003 the Albany Common Council voted unanimously to object to the Patriot Act because of the dangers that this act posed to the civil rights and liberties of all Americans, and

**WHEREAS**, in 2009 the Albany Common Council voted to support immigrant rights in the City of Albany so that immigrant families would not live in constant fear of repression, jail, or deportation, and

**WHEREAS**, because of excessive secrecy by the U.S. government about its warrantless eavesdropping and preemptive prosecution programs, substantial doubt remains as to whether hundreds of Muslims entrapped by the FBI and Justice Department in the preemptive prosecution program, were guilty of crimes, and whether the defendants received their civil rights guaranteed under the U.S. Constitution, including the right to receive exculpatory information, and a fair trial, and

**WHEREAS**, after Senator Ted Stevens was convicted of Bribery, the Justice Department did an independent assessment of how his case was prosecuted, determined that exculpatory information had been withheld by prosecutors, and dismissed the case, and

**WHEREAS**, the Inspector General of the Department of Justice, in a July 10, 2009 report on US surveillance programs recommended, “that Department of Justice carefully consider whether it must re-examine past [terrorism] cases to see whether potentially discoverable but undisclosed Rule 16 or Brady material was collected under the President’s Surveillance Program, and take appropriate steps to ensure that it has complied with its discovery obligations in such cases” (report p. 19).

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany requests that the U.S. Department of Justice implement the recommendation of its own Inspector General, and establish an independent panel within the Department of Justice, similar to what was done in the Stevens case, and to what was

recommended by the Inspector General, to review all of the convictions of Muslims who were “preemptively prosecuted” to determine if these defendants were properly given exculpatory information and other rights of discovery to which defendants in criminal prosecutions are entitled, and whether these prosecutions in all ways met the high standards of truth, openness, fairness, and justice that are embodied in the US Constitution and the Bill of Rights.

**BE IT FURTHER RESOLVED**, that the Common Council of the City of Albany requests that the Clerk of this Council forward copies of this resolution to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

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TO: John Marsolais, City Clerk  
FROM: Dominick Calsolaro, Council Member  
RE: Request for Common Council Legislation  
Supporting Memorandum  
DATE: March 17, 2010

**RESOLUTION NUMBER**

**TITLE: RESOLUTION URGING THE U.S. DEPARTMENT OF JUSTICE TO REVIEW THE CONVICTIONS OF MUSLIMS WHO WERE “PREEMPTIVELY PROSECUTED” TO ENSURE THEIR FAIR TREATMENT UNDER THE U.S. CONSTITUTION AND BILL OF RIGHTS**

**GENERAL PURPOSE OF LEGISLATION:** This resolution officially expresses the opinion of the Common Council.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW:** Since the terrorist attack on 9/11/2001, Muslims in the United States have been targeted by the U.S. government for increased scrutiny, surveillance, and prosecution. Following 9/11, the United States government created a warrantless electronic surveillance program which obtained secret classified information on Americans, apparently in violation of various laws including the Foreign Intelligence Surveillance Act, and the First and Fourth Amendments to the U.S. Constitution. Albany residents have not been immune from these possible violations of civil rights and of law. A few years ago, in the City of Albany, the FBI and Justice Department targeted and “preemptively prosecuted” two local Muslims, Yassin Aref and Mohammad Hossain, based in part on secret evidence, warrantless electronic surveillance, and an agent provocateur sent to the Masjid As-Salam mosque on Central Avenue in Albany. Furthermore, the Inspector General of the United States Department of Justice, in a July 10, 2009 report on U.S. surveillance programs recommended, “that Department of Justice carefully consider whether it must re-examine past [terrorism] cases to see whether potentially discoverable but undisclosed Rule 16 or Brady material was collected under the President’s Surveillance Program, and take appropriate steps to ensure that it has complied with its discovery obligations in such cases.”

**FISCAL IMPACT:** None.