

## Liberty City Seven Trial Travesty

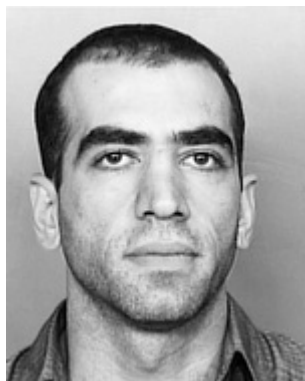
The case against Miami “terrorists” is mired in greed and falsehoods.

By [Bob Norman](#)

Published: November 22, 2007



**Al-Saidi**



**Assad**

One extorted \$7,000 from a friend who raped his girlfriend and then, after accepting the money, beat her up and went to jail.

The other failed an FBI polygraph test while working on an undercover investigation, which one former FBI agent says should have disqualified him from ever working for the government again. Oh, and he was also once charged with roughing up a woman.

And these are supposed to be the good guys.

All of America has heard about the bizarre Liberty City Seven terrorism trial now winding down at the federal courthouse in Miami. It began with the arrest of seven members of an obscure religious sect in June last year. At a nationally televised news conference, then-U.S. Attorney Alberto Gonzalez told the country that the dirt-poor black defendants were prepared to "wage a full ground war on the United States."

It made for a sensational sound bite — and a temporary diversion for the administration, a moment of seeming victory in the war on terror, a fleeting quiet place in the growing public clamor about illegal wiretaps and the growing disaster in Iraq. But FBI brass was a bit more realistic. They cautioned that the ineffectual group was "more aspirational than operational." Today that even seems a bit overstated. Forget about America; this was a ragtag group that couldn't wage a ground war on a jar of peppercorns.

The question at the heart of the farce: Was the group's leader, Narseal "Brother Naz" Batiste, really bent on destroying the Sears Tower in Chicago, or was he simply trying to beat a couple of government informants posing as al Qaeda operatives out of \$50,000?

The jury will try to answer that question (and if it chooses guilty, the defendants could be sentenced to 70 years in prison each). But what of those two informants? Who were these guys who posed as al Qaeda jihadi, who acted as America's frontmen in a terror investigation that is now known around the world? What motivated them?

The answer to that question is painfully obvious, and it's the same thing that Batiste says was motivating him: cold cash.

Precious little has been revealed publicly about the informants. Even the jury has been deprived of crucial information about the two informants, thanks in large part to questionable decisions by U.S. District Judge Joan Lenard, who has squelched attempts by the defense to expose the informants' ignominious histories to the jury.

That has led to almost tangible frustration for the defense, including veteran Fort Lauderdale private investigator Rory McMahon, who was hired by Seven attorney Albert Levin to dig up information about the government operatives.

"If I was one of the lawyers, I'd be in jail for contempt right now," says McMahon, a former federal probation officer. "I would be ranting and raving. It's like the judge is saying, 'They're terrorists, so let's throw out the rulebook.'"

A look at what the jury doesn't know — much of which McMahon uncovered — paints a dubious picture of the government's frontmen, beginning with Abbas al-Saidi, a 22-year-

old Yemeni operative at the heart of the case. By his own account in court, al-Saidi, who moved to Brooklyn with his family when he was nine years old, began snitching on drug dealers to the New York Police Department when he was just 16.

Although he told the jury he became an informant to do "good," all narcs have ties to the drug world. Otherwise they couldn't be narcs. And al-Saidi has been charged at least twice with marijuana possession and admitted on the stand he smoked pot while participating in the Liberty City Seven investigation.

But al-Saidi didn't just inform on drug dealers he didn't like; he also got involved in terrorism investigations. While he was still a teenager, the NYPD put him up in an apartment and paid him \$40 a day for the work.

In 2003 he moved to Bridgeport, Connecticut, with his family, where he met a red-haired teen named Stephanie, who would become his long-term girlfriend. They moved into an apartment together in Harlem, where a close friend and business partner of al-Saidi's raped her (which is why her last name has been omitted here). In a move that showed how eager al-Saidi could be to make money by subverting the justice system, he extorted the rapist. In exchange for \$7,000 from the friend, he had Stephanie drop the rape charge.

In late 2004, they used the money to move to Miami Beach, where he promptly beat her up. The argument that led to the battery charge began when Stephanie happened upon al-Saidi's wedding photo. Unknown to her, he had married another woman during one of his frequent trips to Yemen (he now has a daughter). He was jailed November 14 on the battery charge and, unable to make bail, was still sitting in jail five weeks later. Desperate, he called his old benefactor, the NYPD, which put him in touch with the FBI. Special Agent John Velazquez, who would work the Liberty City case, visited him in jail and helped secure his release.

Armed with a federal contact, al-Saidi first told the FBI about Brother Naz and his compatriots in September 2005. He met the group at a convenience store where he worked. Al-Saidi told the bureau that Batiste believed he was in al Qaeda and that he thought they might be terrorists. The FBI hired al-Saidi, gave him a recording device, and ultimately paid him about \$40,000 for his "work."

Before the trial, al-Saidi flew from Yemen on the FBI's dime to testify. Once here, the FBI had to arrest him and bond him out of jail on a bench warrant for a traffic charge. The government paid his tickets.

"They helped me out," al-Saidi testified last month in his new government-purchased suit.

During the testimony, attorney Levin got some of al-Saidi's unsavory past on the record. The lawyer got in some questions about the \$7,000 extortion in the rape case, prompting al-Saidi to admit it.

"I didn't receive not one dollar," al-Saidi testified on the stand. "[Stephanie] got that money, and two weeks later, I was here in Miami locked up because of her and she's gone with everything I had, including that money."

Not only did al-Saidi contradict himself about whose money it was, but also he mentioned his battery arrest, which Lenard had barred the defense from bringing up. The following exchange ensued:

*Levin:* You were locked up because of her?

*Al-Saidi:* Yes, sir.

*Levin:* So you take no responsibility with regard to your arrest in connection with her?

*Al-Saidi:* I did take responsibility. And I did serve time. And I think, yes, I was wrong for standing there to argue with her....

*Levin:* So [Stephanie] received \$7,000 ... so she would not show up to court, having been raped ... in the apartment that you, sir, shared with her. Isn't that true, sir?

*Prosecutor:* Judge, I would object to the relevance of all of this.

*Judge Lenard:* Sustained.

So it went. Lenard has seemed intent throughout the trial to keep the jury in the dark about the nature of the government informants. And it got worse. The most damning revelation about the second informant, a Lebanese immigrant named Elie Assad, was barred from the jury altogether.

Agents flew Assad, who sometimes uses the last name Montana for the character he idolizes from *Scarface*, to Miami from Mexico to pose as an al Qaeda operative. The feds ultimately paid the career informant \$80,000 for his efforts, but former FBI agent James Wedick, who was hired as an expert witness by the defense, says Assad never should have been authorized to work on the case at all.

Why? Because Assad, who like al-Saidi has a domestic battery charge on his record, had failed a polygraph test administered by his FBI handlers while he was working on a previous case in Chicago. That seemingly crucial fact came out during a federal hearing on the case in July, when FBI agents admitted during the hearing that Assad had failed the lie detector test.

Although the credibility of a confidential informant might seem relevant, Lenard barred any mention of the polygraph during the trial.

"What I found to be startling was the fact that the bureau had used an informant who had been found to be deceptive in a prior operation," says Wedick, who worked for the FBI in

California for 35 years. "I'm just shocked, because it appears to me they violated attorney general's guidelines. The single most important factor when evaluating an informant's suitability is truthfulness."

Wedick says that once an informant is known to have lied, it "knocks him out of the park." And he suspects that the information was withheld when Assad was approved by FBI headquarters in Washington.

"If you fail a bureau polygraph as an agent, you lose security clearance; you're done," he says. "And they use Assad knowing him to be dishonest? You can't do it ... I'm shocked that this issue hasn't developed into a full-blown donnybrook. We've got to live up to some standards, and if you use a guy that is a known liar, you've got rocks in your head."

And Wedick should know about FBI standards. He spent several years as head of the corruption unit in the Sacramento field office. When he retired, then-U.S. Attorney General John Ashcroft wrote a letter commending his career and noting that other agents should "emulate" his work.

But Judge Lenard didn't see any value in his expertise; she granted the prosecution's motion to bar Wedick from testifying. And she refused to allow any testimony about Assad's failed polygraph test.

Lenard, however, did allow the prosecution to call a neocon professor named Raymond Tanter to the stand. The former Reagan administration official and longtime right-wing think-tanker testified that the Liberty City defendants were dangerous terrorists who, in part because of their extreme poverty, had reached the "jihadization" stage.

Although Tanter never interviewed any of the defendants, he should know something about terrorists. After all, he has been busy promoting a terrorist organization called the MEK (Mujahedin-e Khalq) that is opposed to the Iranian government. As a founding member of the Iran Policy Committee, he has urged the Bush administration to remove the MEK from the terrorist list and back it for "regime change" in Iran.

For McMahon, Tanter personifies the political nature of the entire case. The case, he says, is a sham by the Bush administration and the FBI to fool the American public into believing they are "winning" the amorphous war on terror.

"The real sham here is being perpetrated by the government," he says.

That's his opinion. You have to wonder if Lenard has allowed jury members to hear enough of the truth about the two men who made the case to make a reasoned one of their own.