

Appendix I: El Sayyid Nosair Documents

Documents found in El Sayyid Nosair's house after the murder of Rabbi Meier Kahane.

CHAPTER 2

LOCATION OF SELECTED UNITS ON 05 DEC 1988

Section 1.

Special Operations Forces (SOF)

1. SOCCENT

MACDILL AFB, FL

2. ARSOF

Unit Forward

الكان

Location

موقع الوحدة

Lat/Long

المهمة

Mission

B-120, B-1-21

Muscat, Oman

Vic 23N/58E

DFT MAROPS

A-122, B-1-21

"

"

"

A-216, A-2-21

"

"

"

A-125, B-1-21

Al Khari, Saudi Arabia

Vic 24N/48E

MTT HALO

A-126, B-1-21

Al Hufuf, Saudi Arabia

Vic 25N/50E

MTT REDEYE

A-235, C-2-21

Ischia Baldoia, Somalia

Vic 03N/48E

DFT MEDCAP

A-236, C-2-21

Rocca Litterio, Somalia

Vic 07N/47E

DFT MEDCAP

B-230, C-2-21

Al Mukhba, North Yemen

Vic 13N/43E

DFT LT INF TACTICS

A-231, C-2-21

"

"

"

A-232, C-2-21

Sanaa, North Yemen

Vic 15N/44E

"

A-313, A-3-21

Dongola, Sudan

Vic 19N/30E

MTT NCO LDRS

B-210, A-1-21

Cairo West

"

JTX/Isol.

A-211, A-1-21

"

"

"

A-212, A-1-21

"

"

"

3. NAVSOF

CDR, NAVSPECOPSCOM

Coronado, CA

NSWG-4

Little Creek NAB, VA

SEAL-7, SEAL-9, SPEC BOAT

Little Creek NAB, VA

SON 5, SBU 31, SBU 33

Little Creek NAB, VA

2-L

FOR TRAINING PURPOSES ONLY

لا تدرج هذه الوحدة / يمكنه الامتداد لادبي التدريب الاسمي على الامتداد الى اخصمه فعال

A. Location of Selected Special Forces units on December 5, 1988, from Fort Bragg, with Ali Mohamed's Arabic notations.

APPENDIX III

JCS WARNING ORDER

002725 0

FROM JCS WASHINGTON DC//CJCS//
TO USCINCSOC MACDILL AFB FL
USCINCSOC MACDILL AFB FL
USCINSTRANS SCOTT AFB IL
CINCSAC OFFUTT AFB NE
USCINCLANT NORFOLK VA
USCINCEUR VAIHAGEN GE
USCINCPAC HONOLULU HI
USCINCSO QUARRY HEIGHTS PN
WHITE HOUSE SITROOM WASH DC
SECSTATE WASHINGTON DC
NSA/CSS FT GEORGE G MEADE MD
DIA WASHINGTON DC

DISTR: CJCS/DJS/SJCS/J1/J3/J4/J5/C3S/SOD/DIA/SECDEF/USDP/
ASD:PA/ASD:SOLIC/J3:NMCC/NIDS/JDA:LO/DOCDIV
WRITER: LT COL W.M.SHRIVER,USAF
J-3 EXT 53404

INFO: CSA WASHINGTON DC
CNO WASHINGTON DC
CSAF WASHINGTON DC
CMC WASHINGTON DC
DMA WASHINGTON DC
DNA WASHINGTON DC
COMUSARCENT FT MCPHERSON GA
COMUSNAVCENT PEARL HARBOR HI
COMUSCENTAF SHAW AFB SC
CG IMEF CAMP PENDLETON CA
CG FMFLANT
CINCPACFLT PEARL HARBOR HI
CINCPACAF HICKAM AFB HI
- CG FMFPAC
CINCSURNAVEUR LONDON UK
JCSE MACDILL AFB FL
- JCRC HANOI
- AMEMBASSY HANOI
- AMEMBASSY HARTOUM
- AMEMBASSY MOGADISHO
- AMEMBASSY USCAT
- AMEMBASSY YADH
- AMEMBASSY BANAA

TOP SECRET FOR TRAINING OTHERWISE UNCLASSIFIED
JCS SENDS

TOP SECRET FOR TRAINING OTHERWISE UNCLAS

B. JSC Warning order from Joint Chiefs of Staff to all key U.S. commands, from Fort Bragg, with AM's Arabic notations.

Appendix II: FBI 302 Document

FBI 302 from JTTF Det. Lou Napoli November 13, 1990, on surveillance of the High Rock shooting range and Ex-Cop Raymond Murteza.

FD-302 (Rev. 3-10-82)

FEDERAL BUREAU OF INVESTIGATION

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Date of transcription Nov 13, 1990

On Nov 13, 1990, Det. Louis Napoli conducted the following interview of JOE NORTON, of
telephone

Norton advised that he was the Range Officer at the HIGH ROCK STATE PARK, located at Hunter's Mountain Road, Naugatuch, Conn. from April 1987 to Dec. 1989.

Norton advised that a Raymond Murtzea who was also a Range Officer at the HIGH ROCK RANGE, started to train a group of Mid-Easterners in the in the art of shooting and the handling of firearms on every Saturday and Sunday from 1988 to 1990. The group would average about 15 persons at any one time. These Mid-Easterners would come to the range and use RAYMOND MURTZEA permit in order to shoot. Norton also advised that MURTZEA would personally train these Mid-Easterners on an individual bases.

NORTON advised that when these Mid-Easterners came up on the weekends, that MURTZEA would supply them with shotguns and hand guns (9mm, 357cal and 45cal) which he would bring to the range in a dufflebag. NORTON advised that he saw some of the Mid-Easterners bring up AK47 which they would remove from the trunks of their vehicles. NORTON could not remember any plate numbers BUT he did remember that they were New York State Licence Plates.

NORTON advised that MURTZEA and the Mid-Easterners would shoot over one thousand (1000) rounds per day, and that they shot at silhouette targets instead of bulleye targets. Norton stated that MURTZEA would train them to shoot for the head and hearth areas.

Norton, after viewing photos of several Mid-Easterns, identify EL-SAYYID A. NOSAIR as one of the Mid-Easterners who came to the HIGH ROCK RANGE to shoot with MURTZEA.

Investigation on Nov 13, 1990 at New York N.Y. File # 265A-(NY195576)

by Det. Louis Napoli


Date dictated _____

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Appendix III: Khalifa Letter

Letter from Philip C. Wilcox Jr., the State Dept.'s senior adviser regarding terrorism, to an unnamed immigration judge, declaring that Mohammed Jamal Khalifa has "engaged in serious terrorist offenses" and that his release "would endanger U.S. national security."

DEC-23-1994 11:27 FROM [REDACTED] SWITCHBOARD 2 TO [REDACTED] 537574 P. 02

 United States Department of State
Washington, D.C. 20520
December 23, 1994


Dear Immigration Judge:

The Department of State is the Administration's "lead agency" regarding international terrorism. I serve as the Secretary of State's senior adviser regarding terrorism as well as U.S. foreign policy practices and initiatives intended to counter this threat to American interests and citizens. I will hold the personal rank of Ambassador, upon Senate confirmation. Prior to this current assignment, I served as the senior career official in the Bureau of Intelligence and Research. The Bureau is responsible for analysis, on behalf of the Secretary, of intelligence products collected by the U.S. Government. In preparation for this letter, moreover, I have been in close contact with the Department of State's Bureau of Near Eastern Affairs, which coordinates U.S. foreign policy in the Middle East, including with the Hashemite Kingdom of Jordan.

In my letters to you of December 16 and 20, I provided you substantial information regarding the terrorist connections of Mohammad Jamal Khalifah. In the last two days there has been a significant additional development in this matter. On December 21 the State Security Court in Jordan found Mohammad Jamal Khalifah guilty of the charges for which he was indicted and imposed a capital sentence.

Based on my experience as a specialist in Middle Eastern affairs and service as U.S. Consul General in Jerusalem and Deputy Assistant Secretary of State in the Bureau of Near Eastern and South Asian Affairs, it is my view that a conviction by the competent Jordanian authorities provides strong evidence that Mohammad Jamal Khalifah has, in fact, engaged in serious terrorist offenses. I further believe that Mr. Khalifah's release in the United States under these circumstances would endanger U.S. national security, and would significantly damage U.S. foreign policy interests, particularly with respect to the Hashemite Kingdom of Jordan.

Sincerely,


Philip C. Wilcox, Jr.
Coordinator for Counterterrorism

Executive Office for Immigration Review
Immigration and Naturalization Service,
Federal Building,
San Francisco, CA.

Appendix IV: Wall Memo

The infamous "wall memo: Deputy Attorney General Jamie Gorelick's memo regarding "Separation of Certain Foreign Counterintelligence and Criminal Investigations." Though ignored by units like the FBI's Squad I-49, after 9/11 the memo gave FBI and DOJ officials an excuse for their failures to stop al Qaeda.



~~SECRET~~

Office of the Deputy Attorney General
Washington, D.C. 20530

MEMORANDUM

TO: Mary Jo White
United States Attorney
Southern District of New York

Louis Freeh
Director
Federal Bureau of Investigation

Richard Scruggs
Counsel of Intelligence Policy and Review
Office of Intelligence Policy and Review

Jo Ann Harris
Assistant Attorney General
Criminal Division

FROM: Jamie S. Gorelick *JS*
Deputy Attorney General

RE: Instructions on Separation of Certain Foreign
Counterintelligence and Criminal Investigations

The United States Attorney's Office for the Southern District of New York and the FBI have been conducting criminal investigations of certain terrorist acts, including the bombing of the World Trade Center, and potential obstruction of the indicted case of United States v. Rahman, et al. During the course of those investigations significant counterintelligence information has been developed related to the activities and plans of agents of foreign powers operating in this country and overseas, including previously unknown connections between separate terrorist groups. Although information and evidence relevant to possible future criminal prosecutions is still being

~~SECRET~~

Classified by: Deputy Counsel for Intelligence Operations,
Office of Intelligence Policy and Review, Department of
Justice
Declassify on: OADR

Declassified by James A. Baker
Counsel for Intelligence Policy
OIPR/USDOJ
Date: April 10, 2004

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~~SECRET~~

- 2 -

sought, it has become overwhelmingly apparent that there is a compelling need to further develop and expand that foreign counterintelligence information. Consequently, the FBI has initiated a separate full field counterintelligence investigation.

Although the counterintelligence investigation may result in the incidental collection of information relevant to possible future criminal prosecutions, the primary purpose of the counterintelligence investigation will be to collect foreign counterintelligence information. Because the counterintelligence investigation will involve the use of surveillance techniques authorized under the Foreign Intelligence Surveillance Act (FISA) against targets that, in some instances, had been subject to surveillance under Title III, and because it will involve some of the same sources and targets as the criminal investigation, we believe that it is prudent to establish a set of instructions that will clearly separate the counterintelligence investigation from the more limited, but continued, criminal investigations. These procedures, which go beyond what is legally required, will prevent any risk of creating an unwarranted appearance that FISA is being used to avoid procedural safeguards which would apply in a criminal investigation.

- (1) The focus of the Foreign Counterintelligence (FCI) investigation will be on preventing future terrorist acts and obtaining foreign counterintelligence information about the individuals and groups engaging in, or preparing to engage in, terrorist activities in the United States and abroad.
- (2) The criminal investigations will focus on the indicted cases of United States v. Yousef, et al. and United States v. Rahman, et al., and the potential obstruction of the Rahman case. The criminal investigations will also focus on the conspiracy to bomb United States airlines recently uncovered in the Philippines and the bombing of a Philippine airliner.
- (3) No "pro-active" investigative efforts or technical coverages are presently contemplated in any of the ongoing criminal investigations, which primarily focus on past criminal conduct, with the exception of the obstruction investigation. If in the future, the criminal investigations develop information requiring "pro-active" efforts or technical coverages, the United States Attorneys Office (USAO) and the criminal agents will consult with the Office of Intelligence Policy and Review (OIPR), and the FCI agents before undertaking such efforts, absent exigent circumstances, in order to determine the impact, if any, on the FCI investigation.

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Appendix V: DeVecchio Documents

Documents regarding the case against SSA R. Lindley DeVecchio.



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

VC:GAS:EMC
F.#9305994
Devecchi.1t

*United States Attorney's Office
225 Cadman Plaza East
Brooklyn, New York 11201*

8
May 8, 1995

Hand
~~BY TELEFAX ONLY~~

Gerald L. Shargel, Esq.
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New York, New York 10036

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9th Floor
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Bettina Schein, Esq.
41 Madison Avenue,
34th Floor
New York, New York 10010

Steve Zissou, Esq.
42-40 Bell Boulevard
Suite 302
Bayside, New York 11361

Re: United States v. Victor M. Orena, et al.
Criminal Docket No. 93-1366 (ERK)

Dear Ms. Schein and Messrs. Shargel, LaRossa, Futerfas, Zissou,
Neville and Moore:

In accordance with the ruling of Judge Korman, in lieu of disclosing an affidavit that had been presented to Judge Korman *ex parte*, please be advised that the following constitutes our knowledge of the items that Special Agent R. Lindley DeVecchio may have disclosed to Gregory Scarpa, Sr. and the approximate time of the disclosure:

a. the planned 1987 arrest by DEA of Gregory Scarpa, Jr., and his crew, and that law enforcement believed that Cosmo Catanzano was a "weak link," who might cooperate with authorities if arrested;

A. Letter from EDNY ASUA Ellen Corcella to defense attorneys on May 8, 1995, listing eight possible disclosures by SSA Lin DeVecchio to Gregory Scarpa Sr. The information, including details on mob associates who may have been cooperating with law enforcement officers, was potentially fatal to Scarpa's enemies.

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b. on or about February 27, 1992, that Carmine Imbriale was cooperating with law enforcement;

c. during the Colombo Family war, information on at least one member of the Orena faction who had a hit team that was looking for members of the Persico faction;

d. following the arrest of Joseph Ambrosino, that there were arrest warrants outstanding for Lawrence Mazza and James DelMasto (two of Scarpa's closest associates), but that if they stayed away from their normal "hangouts" they could avoid being arrested;

e. in or around January 1992, that it was believed that Orena was staying at his girlfriend's house, the location of which (as then known by some in law enforcement)^{1/} was also conveyed;

f. in or around January 1992, the address of the house in which Salvatore Miciotta was residing; and

g. in early 1992, subscriber information for telephone numbers of two of Scarpa's loanshark customers;

h. in the mid to late 1980s, that Scarpa's social club was subject to court-ordered electronic surveillance and that he would soon be arrested on charges involving dealing with fraudulent credit cards.

Very truly yours,

ZACHARY W. CARTER
UNITED STATES ATTORNEY

By: Ellen M. Corcella
Ellen M. Corcella
Assistant U.S. Attorney

cc: Clerk of Court (ERK)

^{1/} In January 1992, certain FBI agents had incorrect information on the location of the house of Orena's girlfriend.

(S 31/31)

FEDERAL BUREAU OF INVESTIGATION

Precedence: IMMEDIATE

Date: 04/10/1996

To: DIRECTOR, FBI

Attn: ASSISTANT DIRECTOR, INSPECTION
DIVISION

From: ADIC, NEW YORK

Contact: JAMES J. ROTH

Approved By: J. ROTH JAMES J

Drafted By: ROTH JAMES J:jjr

File Number(s): 263- (Pending)

Title: SUPERVISORY SPECIAL AGENT R. LINDLEY DEL VECCHIO
OPR MATTER

NY requests that whatever investigation is to be conducted as a result of this letter be conducted expeditiously, with the results provided to DOJ, and that DOJ be strenuously pressed to provide a prosecutive opinion regarding this matter so that it may be resolved. NY believes, based on the investigative results to date and assuming this latest information does not — change the result, that there is insufficient evidence to take prosecutive action against SSA DelVecchio. The failure of the DOJ to provide a prosecutive opinion or for the FBI to administratively resolve this matter continues to have a serious negative impact on the government's prosecutions of various LCN figures in the EDNY and casts a cloud over the NYO.

B. Memo from FBI NYO ADIC James Kallstrom (per his top lawyer, James J. Roth) to FBI director Louis Freeh on April 10, 1996, urging that the Feds “resolve” the DeVecchio OPR. Coming eleven months after Corcella’s letter specifying leaks believed to have come from DeVecchio to Scarpa Sr., Kallstrom’s conclusion that “there is insufficient evidence to take prosecutive action against SSA DelVecchio” (sic) suggests that he wants to end the OPR in order to remove the “cloud over the NYO” caused by the DeVecchio scandal.

Appendix VI: Yousef-Scarpa Intelligence

The Ramzi Yousef-Gregory Scarpa Jr. intelligence.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/7/96

At the request of GREGORY SCARPA, JR., Date of Birth: August 3, 1951, he was interviewed at the Office of the United States Attorney, Eastern District of New York, Brooklyn, New York. Present at this interview was SCARPA's Attorney, Lawrence Silverman, Assistant United States Attorneys (AUSA) DEITRICH SNELL and PATRICK FITZGERALD, Southern District of New York and EVELYN CORCELLA, and VALERIE CAPRONI, Chief of the Criminal Division, Eastern District of New York, and Special Agents PAMELA M. McDAID and HOWARD LEADBETTER II (FBI); and RICHARD CORAGGIO (INS).

A. FBI 302 from March 7, 1996, recording a session between Scarpa Jr. and his lawyer, Larry Silverman, with a host of key Feds. Present at this meeting was Patrick Fitzgerald, head of Organized Crime and Terrorism in the SDNY along with Valerie Caproni, head of the Criminal Division in the EDNY; Dietrich Snell, the AUSA who was about to co-prosecute Yousef in the Bojinka case; Ellen Corcella, the AUSA running many of the Colombo war prosecutions in the EDNY; and Howard Leadbetter II, one of the original three FBI agents whose allegations about DeVecchio and Greg Scarpa Sr. led to the opening of the FBI OPR. Both Fitzgerald and Caproni had multiple meetings with Scarpa Jr.

How To Smuggle Explosives Into an Airplane Sun 5/14

1. When Talking About Smuggling Explosives into an Airplane, It is meant By That Explosive Substances Which are going To Be placed into an airplane Later, To Be Used For Blowing up The airplanes. Therefore The quantity OF Explosive Substances Which we'll Be Talking about, is The quantity Needed To Blow up an airplane, Which is equivalent To 300gm OF TNT For 747-400 Airplanes, AT 30,000 Feet altitude. For Substances Which are more powerful Than TNT, The quantity needed Would Be Less Than 300gm depending ON Its power Compared To TNT.

2. All metallic Substances, or Substances which Contains metals, Cannot Be used or Smuggled into The airplane Because They are easily detected By X-Ray machines and Metal Detectors, Therefore, All AZIDES and Mercury Compounds Explosive Substances Should Not Be used.

3. All Explosive Substances OF A Density higher Than 2 Kg/L Should Not Be used due To The possibility OF Detecting Them by X-Ray Machines.

The Following Explosive Substances Have a Density Less Than

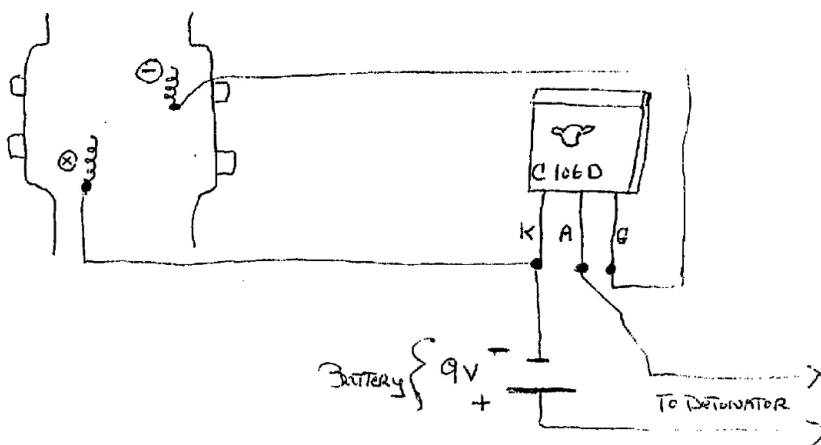
- 2 gm Can Easily Be Smuggled. 1. Tetrazene (Guanyl Nitrosoguanidyl Tetrazene)
2. Acetone Peroxide
3. RDX
4. HMTD (Hexamethylene Triperoxide Diamine)
5. DDNP (Diazodinitrophenol)
6. HMX (Cyclotetramethylene Tetranitramine)

All Liquid Explosives Can Be used

1. When an Explosive Substance is Smuggled into AN Airplane, Then It Can Be Assembled easily inside The airplane
2. A Detonator Can Be HTO in a Heel of a Shoe
3. The Wiring and 9V Battery Can Be Hidden Inside a Shaving machine or a Toy.

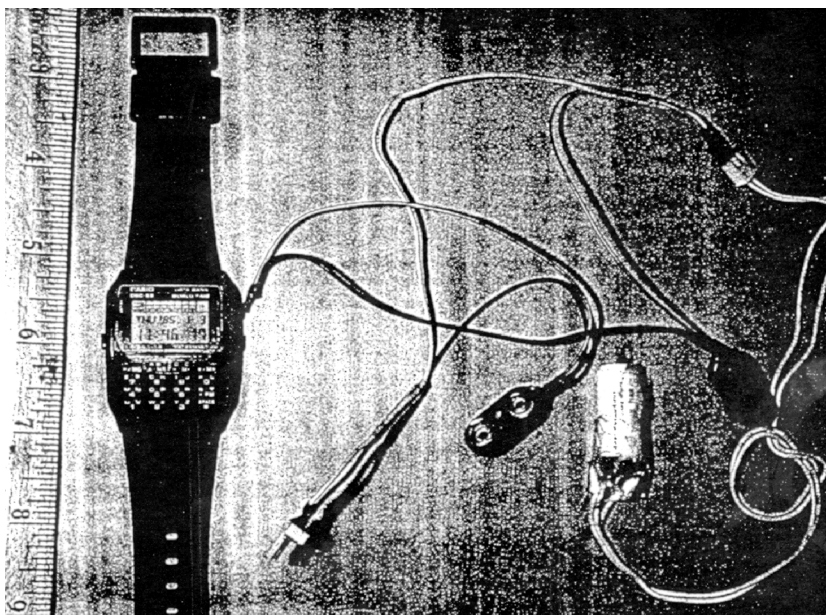
The above Explosive Substances which are in Powder Form Can also Be Smuggled IN AN Airplane easily By Hiding Them IN The Holes IN The Heel OF a Shoe, OR By putting Them IN Medicine Capsules.

B. May 19, 1996, "kite" from Ramzi Yousef to Greg Scarpa Jr. entitled "How to Smuggle Explosives Into An Airplane." The note suggests several alternatives to nitroglycerine as a high explosive, including RDX and "acetone peroxide," later suspected by British authorities of being one of the key ingredients in the August 2006 transatlantic airliner bombing plot.



C. Schematic of Yousef's Casio-nitro bomb trigger, passed to Scarpa Jr. in a kite, May 1996. No high school-educated wiseguy could ever have fabricated such evidence; nor did Yousef have any motive for revealing this design to the Feds, since it would have ensured a guilty verdict at his trial.

At the trial, months after Scarpa Jr. retrieved this schematic, with its specific mention of a C106D semi-conductor, AUSAs Dietrich Snell and Mike Garcia referred to the use of that device, soldered inside a Casio DBC-61 watch, as Yousef's unique "signature"—a position that clearly undercut the Feds (including Patrick Fitzgerald) who later tried to dismiss the Yousef-Scarpa Jr. intelligence as a "hoax" and a "scam."



D. Photo of the actual Casio-nitro bomb trigger seized from Yousef's "bomb factory," Room 603 at the Dona Josefa apartments in Manila. Its design was a precursor to the schematic in Yousef's kite.

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265A-NY-252802

Continuation of FD-302 of GREGORY SCARPA, JR., On 3/5/96, Page 557

SCARPA advised that YOUSEF began slipping papers to him, 1/2 sheet of paper rolled up with writing on them. According to SCARPA, YOUSEF writes in sentences. SCARPA advised that when YOUSEF slips him these papers he writes on the paper that he wants them back. SCARPA advised he has only kept the notes for a matter of minutes, approximately 10 minutes, just long enough to write some things down. SCARPA advised he may get one note a day or one every couple of days. According to SCARPA, the number of notes varies according to the circumstances at the mcc. SCARPA advised YOUSEF does not give his notes back to him, but expects SCARPA to return YOUSEF's notes quickly. SCARPA believes YOUSEF throws the notes in the toilet.

SCARPA advised these notes, referred to as "kites" are passed from inmate to inmate, in newspapers, or through holes in the walls of the cells.

SCARPA advised that there is a guard permanently assigned to both ISMAIL and YOUSEF and sometimes they check the newspaper before its given to ISMAIL or YOUSEF and sometimes they do not.

According to SCARPA, YOUSEF told him, "if you're interested, I'll teach you things nobody knows."

YOUSEF told SCARPA I'll teach you how to blow up airplanes, and how to make bombs and then you can get the information to your people (meaning SCARPA's people on the outside). YOUSEF told SCARPA I can show you how to get a bomb on an airplane through a metal detector. YOUSEF told SCARPA he would teach him how to make timing devices.

According to SCARPA, YOUSEF wants to hurt the United States Government and wants to teach SCARPA how. SCARPA advised YOUSEF has not asked for any specific help. SCARPA advised that YOUSEF wants to blow things up, but he does not say why.

YOUSEF told SCARPA that during the trial they had a plan to blow up a plane to show that they are serious and then make their demands, or kidnap and hurt a judge or an attorney so a mistrial will be declared. SCARPA advised that blowing up an airplane during the trial seems easy to YOUSEF. YOUSEF never mentioned a specific airline as a target.

According to SCARPA, YOUSEF believes that SCARPA is in touch with people on the outside. YOUSEF told SCARPA if things get going we may be able to hook up, if you're serious my people and your people can meet. SCARPA believes YOUSEF needs help

E. FBI 302 of March 5, 1996, recording the threat communicated by Ramzi Yousef to Greg Scarpa Jr. The 302, which notes how Yousef "began slipping papers" to Scarpa Jr., is the first of many recording Yousef's "plan to blow up a plane . . . so that a mistrial will be declared" in the Bojinka case. TWA 800 blew up on the night before Murad's confession to Col. Mendoza—among the most damning evidence against Yousef—was to be entered at trial. The morning after the crash, July 18, 1996, Yousef moved for a mistrial.

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May 9

How are you Buddy?

I Hope your CASE Went Well For you To Day.

Listen Bo AS I Told you My Lawyer is Pretty Good.

AS SOON AS He Received The INFO From my people, He
Brought it right up.

212-587-1328 Phone- AS I already gave you

212 587 8372 FAX

You're To Say; Ronnie Calling - I'd Like To make a phone
Call.

You Send your FAX To;

George Smith

% ROMA CORP.

175 ~~St~~ Ave Suite 2252

N.Y. N.Y. 10010

F. The kite from Scarpa Jr. to Yousef on May 9, 1996, announcing the creation of "Roma Corp.," the front company devised by the FBI for intercepting Yousef's outside calls to his "people" in New York and aboard. This intelligence initiative, which continued throughout the summer of 1996—well past the crash of TWA 800—further proves that the FBI believed in the legitimacy of Greg Jr.'s intelligence from Yousef.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
----- x
UNITED STATES OF AMERICA : AFFIRMATION
 :
-v.- :
 :
RAMZI AHMED YOUSEF, : 93 Cr. 180 (KTD)
EYAD ISMOIL, :
 :
Defendants. :
----- x

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:
SOUTHERN DISTRICT OF NEW YORK)

PATRICK J. FITZGERALD, pursuant to Title 28, United States Code, Section 1746, hereby affirms under penalty of perjury:

1. I am an Assistant United States Attorney ("AUSA") in the office of Mary Jo White, United States Attorney for the Southern District of New York ("SDNY"). I have personal knowledge of the information set forth below, and I submit this affirmation in opposition to: (i) the motion by the defendants Ramzi Yousef and Eyad Ismoil to compel the Government to disclose materials arising from the purported cooperation of Gregory Scarpa, Jr. (the "Scarpa material"); and (ii) recuse the Court from consideration of the motion to compel and any subsequent motion for a new trial based on the Scarpa material. As is set forth more fully below, it is respectfully submitted that the motion be denied for, among other reasons, there is no legal requirement providing for discovery of the Scarpa material, and, under the circumstances, it would be entirely inappropriate to

G. June 25, 1999, sealed affirmation of Patrick Fitzgerald. After admitting that an investigation of the Yousef-Scarpa Jr. intel "appeared to corroborate Scarpa's information," Fitzgerald cites reputed mob wiseguy John Napoli for his assertion that the treasure trove of intel gathered by Scarpa Jr. over eleven months was a "scam in collusion with Yousef and others." Yet Napoli maintains that he never told the Feds the Yousef-Scarpa Jr. intel was fraudulent, and that "at no point did [Greg Scarpa Jr.] have a deal with Yousef to give false information." Napoli insists that the Yousef-Scarpa Jr. intel "wasn't a hoax" and that Scarpa Jr. was "legitimately trying to help" the Feds.

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disclose it.

Background

2. I became familiar with Scarpa in or about March 1996. I understood Scarpa to be a member of the Colombo Organized Crime Family who was detained in the MCC while awaiting trial on racketeering charges, including murder conspiracy, in the Eastern District of New York. Scarpa's father had also been a member of the Colombo Family and had died of natural causes. I met with Scarpa on a number of occasions during 1996 and also spoke regularly with Special Agents of the FBI who debriefed Scarpa on other occasions during 1996. In addition, I received some additional information concerning Scarpa from periodic conversations with his counsel, Larry Silverman, Esq.

3. During the debriefings of Scarpa, Scarpa alleged that Ramzi Yousef and others were planning terrorist activity from within the Metropolitan Correctional Center - New York ("MCC"). Scarpa alleged, among other things, that: (a) Yousef was planning to assassinate an Assistant United States Attorney in the Southern District of New York ("SDNY") as well as certain witnesses, including an FBI supervisor; (b) Yousef's associates were planning to conduct a terrorist attack at the 1996 summer Olympics in Atlanta; and (c) Yousef was planning to blow up airplanes and/or kidnap ambassadors or other high officials of the United States Government to disrupt his imminent trials. In addition, Scarpa claimed in mid-1996 that Ismoil and Yousef had discussed the advisability of kidnaping and possibly hurting a

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federal judge in an effort to obtain a mistrial. Scarpa also claimed, however, that this notion was rejected by the defendants because of a perception that security for judges was too tight. While Scarpa's apparent criminal history made the Government skeptical of his information at first, the Government could not fail to follow up on the information provided, given the past criminal behavior of the incarcerated terrorists and the grave consequences if any of the allegedly contemplated conduct was carried out. The follow-up investigation appeared to corroborate Scarpa's information. In particular, Scarpa provided "kites" (notes exchanged between inmates in the MCC) which bore Yousef's handwriting and whose contents were consistent with Scarpa's account of terrorist machinations. By way of example, one such note bore the name of an Assistant United States Attorney; another note sought access to a friend of Scarpa on the outside who could connect Yousef by telephone from the MCC to outside contacts -- a method Yousef had earlier used to contact an incarcerated associate while Yousef was plotting the bombing of the World Trade Center. Moreover, some details provided by Scarpa of Yousef's impending plans were consistent with information we had earlier received from a confidential source whose information was not in the public domain.

The Agreement with Scarpa

4. Because the United States Attorney's Office for the Eastern District of New York ("EDNY") had a pending prosecution against Scarpa on very serious charges, it was explicitly agreed

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between and among the SDNY, the EDNY, and Scarpa (through his attorney Silverman) that, as a result of the first meeting, a firewall would be established whereby Scarpa would be debriefed by prosecutors from the SDNY (who were not participants in the impending trials of either Scarpa or Yousef), who would maintain contact with Valerie Caproni, then Chief of the Criminal Division of the EDNY.

The Purported Cooperation

5. As a result of the information provided by Scarpa, the Government spent considerable resources to attempt to investigate the allegations and to take measures to thwart any potential terrorist attacks. These efforts, which included, but were not limited to, providing an undercover telephone for Yousef to "patch through" calls to his associates, are described in additional detail in an accompanying ex parte affidavit.

6. In addition to the information provided about terrorist plots, Scarpa also provided information concerning the fact that Yousef tampered with some trial exhibits by, among other things, causing himself to bleed and then placing his blood on certain exhibits seized at or about the time of his arrest overseas in order to create the impression that he had been tortured during post-arrest questioning in Pakistan. While this information appeared to be accurate, the SDNY did not call Scarpa as a witness at Yousef's trial or otherwise put such evidence before the jury.

7. The Government passed along the threat information

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to appropriate security officials. The resulting precautions diverted resources that would otherwise have been directed elsewhere and caused great expense to the Government and private industry. By late summer 1996, the Government made an investigative decision that it no longer wished to pursue the investigation of Yousef using the "patch through" telephone, for reasons briefly explained in the ex parte affidavit. In fact, during the course of the investigation no terrorist attacks were prevented and no one was arrested. Since then, special restrictions have been placed on the defendants and some of their associates, pursuant to 28 C.F.R. § 501.3, to ensure as much as possible that they do not plot any violence from within Bureau of Prisons facilities.

Subsequent Revelations

8. I have since learned information which convinced me that Scarpa's effort at "cooperation" was a scam in collusion with Yousef and others. The Government learned of the fraudulent nature of Scarpa's purported cooperation from two different sources. First, in the latter part of 1996, Scarpa had told the Government that an inmate, John Napoli, had even better access to Yousef and his colleagues than Scarpa himself. Indeed, Scarpa urged the Government to contact John Napoli. Meanwhile, John Napoli also sought to make contact with the Government. I was advised by the EDNY that Napoli had a very checkered history of cooperating with law enforcement and that the EDNY did not wish

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to enter into a cooperation agreement with Napoli. After some delay, Napoli was finally debriefed and admitted the following: (i) that Scarpa had approached him with the idea that if Napoli provided information to the Government about Yousef -- which Napoli understood to be false -- then Napoli might earn a Section 5K1.1 letter; (ii) Scarpa would tell Napoli what to tell the Government; and (iii) in turn, Scarpa wanted Napoli to testify falsely at Scarpa's upcoming trial to indicate that Scarpa's father, as opposed to Scarpa, had carried out the murders Scarpa was charged with. Napoli understood that Yousef was witting of the scam being perpetrated by Scarpa on the Government. Napoli initially intended to go along with the scam by Yousef and Scarpa but then decided not to pursue the idea and advised the Government of the scam.

9. Thereafter, the Government learned additional information from a confidential source further indicating that Scarpa's purported cooperation was a scam. To protect the confidentiality of the source, the additional information is set forth in the accompanying ~~ex parte~~ affidavit.

10. The Government would respectfully request that if the instant affidavit is to be filed publicly, that it be filed in slightly redacted form. In particular, to avoid public confirmation of the fact that the Government has used an

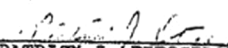
I understand generally that the EDNY was concerned that Napoli had a history of cooperating with the Government to reduce his sentencing exposure -- and a history of committing further crimes while cooperating.

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undercover "patch through" telephone as an investigative technique, it is respectfully requested that the second sentence in paragraph 5, the third sentence in paragraph 7, as well as this sentence, be redacted.

I affirm under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
June 25, 1999



PATRICK J. FITZGERALD
Assistant United States Attorney
United States Attorney's Office
Southern District of New York

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ADX WARDEN

PAGE 02/02

**U.S. Department of Justice****Federal Bureau of Prisons***United States Penitentiary
Administrative Maximum**Office of the Warden**P.O. Box 8500
Florence, CO 81226-8500*

July 6, 2004

Peter Anthony Lance
c/o Regan Books
Harper Collins
18th Floor
10 East 53rd St.
New York, NY 10022

Dear Mr. Lance:

This is in response to your correspondence dated July 1, 2004, received by fax on July 2, 2004, in which you request permission to conduct an interview with inmate Gregory Scarpa.

The Bureau of Prisons makes every effort to accommodate media personnel as long as the request does not negatively affect the security and operation of our institutions. It is my determination, based on my sound correctional judgement, that to grant your request at this time could pose a risk to the internal security of this institution and to the safety of staff, inmates and members of the public. Therefore, your request has been denied and you will not be permitted to conduct an interview with inmate Scarpa at this time.

Please feel free to contact my Executive Assistant and Public Information Officer, Wendy Montgomery, at 719/784-9464, if you have any further questions regarding this letter.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Hood".

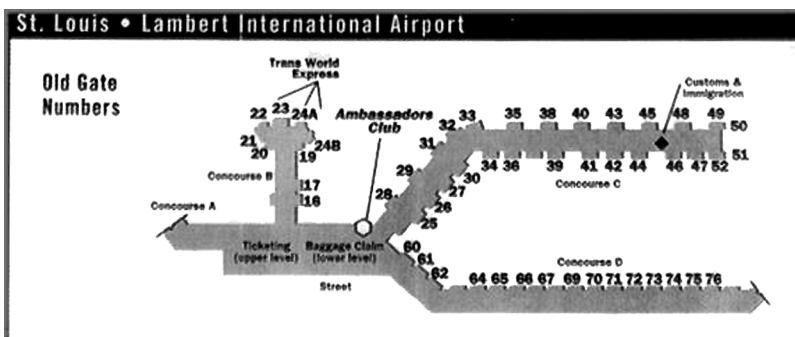
Robert A. Hood
Warden

by fax (212)734-0056

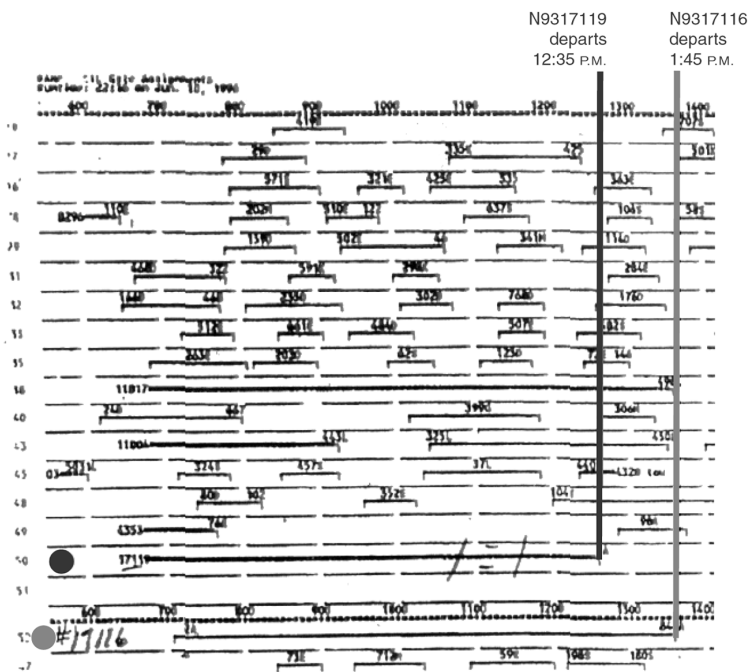
H. Response from the warden of the ADX Florence (Supermax) to the author's July 2004 request for an interview with Greg Scarpa Jr. Prison officials failed to respond to a second interview request from the author submitted as late as September 20, 2006.

Appendix VII: Flight 800 Documents

Documents regarding the 747 that became TWA 800.



A. Illustration of the C concourse at St. Louis Lambert International Airport as it was in June 1996. The 747 that became TWA Flight 800 (N-93 17119) was parked at Gate 50, while an almost identical 747 (N-93 17116) was parked at Gate 52 around the corner.



B. The TWA gate assignment from June 10, 1996, showing that N-93 17119, the aircraft that exploded as TWA 800 on July 17, 1996, left Gate 50 at 12:35 P.M. on June 10, and took off fully catered and crewed bound for Honolulu only 35 minutes after K-9 Officer Herman Burnett finished his test. Yet the 747 around the corner at Gate 52 (N-93-17116) didn't leave until 1:45 P.M. more than 90 minutes later. Officer Burnett later recalled that his "notes and memory at the time . . . told [him] that it had to be the other plane" [93-17116] on which he'd performed the K-9 test.

FPO

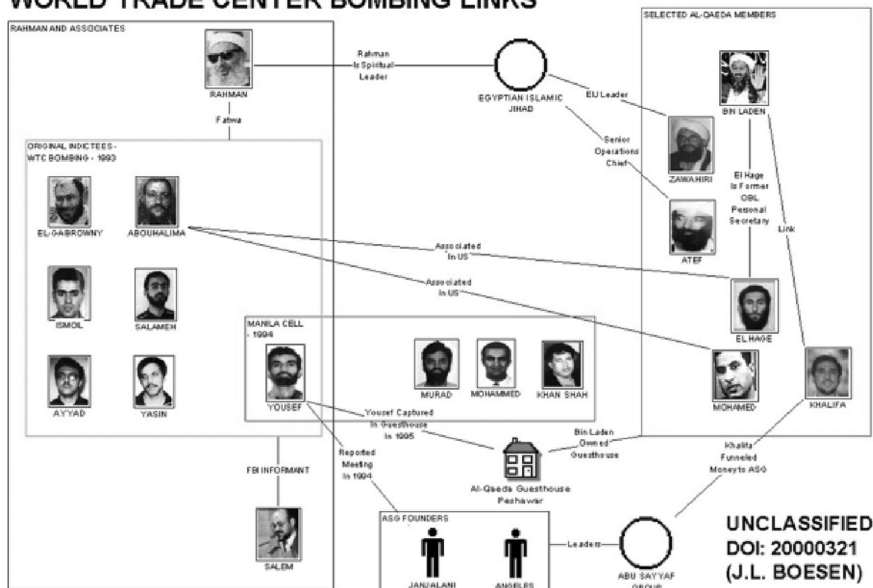
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A. The DIAC link chart of August 10, 1999, showing connections between Ali Mohamed in Africa (center right) and the Rahman/Yousef New York cell.

[illegible]

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WORLD TRADE CENTER BOMBING LINKS

B. Published here for the first time, a second link chart, this one declassified by Jacob L. Boesen on March 21, 2000, just weeks before the Able Danger intel on al Qaeda was ordered destroyed by the Pentagon. The chart, which shows Ali Mohamed, a former U.S. Army Sergeant who penetrated the JFK SWC at Fort Bragg, as a member of al Qaeda's inner circle, would have proven enormously embarrassing to the U.S. Army Special Operations Command (SOCOM) that commenced the Able Danger operation.

Appendix IX: Presidential Brief about Rahman

The infamous Presidential Daily Brief of August 6, 2001, which the Bush White House tried to keep from the 9/11 Commission, discussed a plot to hijack a plane to free the blind Sheikh and a “senior EIJ member” living in California. Given to the president just weeks before the 9/11 attacks, the PDB, entitled “Bin Laden Determined to Strike in U.S.,” underscores not only the importance of Sheikh Rahman to al Qaeda; vindicating the Able Danger intelligence, but it references Ali Mohamed as both a senior Egyptian Islamic Jihad member and one of the al Qaeda members found guilty in the embassy bombing, noting that al Qaeda members have maintained a support structure in the United States. The memo also vindicates Greg Scarpa Jr., who learned from Yousef of at least four al Qaeda operatives in NYC in 1996.

Bin Ladin Determined To Strike in US



Clandestine, foreign government, and media reports indicate Bin Ladin since 1997 has wanted to conduct terrorist attacks in the US. Bin Ladin implied in US television interviews in 1997 and 1998 that his followers would follow the example of World Trade Center bomber Ramzi Yousef and "bring the fighting to America."

After US missile strikes on his base in Afghanistan in 1998, Bin Ladin told followers he wanted to retaliate in Washington, according to a [REDACTED] service.

An Egyptian Islamic Jihad (EIJ) operative told an [REDACTED] service at the same time that Bin Ladin was planning to exploit the operative's access to the US to mount a terrorist strike.

The millennium plotting in Canada in 1999 may have been part of Bin Ladin's first serious attempt to implement a terrorist strike in the US. Convicted plotter Ahmed Ressam has told the FBI that he conceived the idea to attack Los Angeles International Airport himself, but that Bin Ladin lieutenant Abu Zubaydah encouraged him and helped facilitate the operation. Ressam also said that in 1998 Abu Zubaydah was planning his own US attack.

Ressam says Bin Ladin was aware of the Los Angeles operation.

Although Bin Ladin has not succeeded, his attacks against the US Embassies in Kenya and Tanzania in 1998 demonstrate that he prepares operations years in advance and is not deterred by setbacks. Bin Ladin associates surveilled our Embassies in Nairobi and Dar es Salaam as early as 1993, and some members of the Nairobi cell planning the bombings were arrested and deported in 1997.

Al-Qa'ida members—including some who are US citizens—have resided in or traveled to the US for years, and the group apparently maintains a support structure that could aid attacks. Two al-Qa'ida members found guilty in the conspiracy to bomb our Embassies in East Africa were US citizens, and a senior EIJ member lived in California in the mid-1990s.

A clandestine source said in 1998 that a Bin Ladin cell in New York was recruiting Muslim-American youth for attacks.

We have not been able to corroborate some of the more sensational threat reporting, such as that from a [REDACTED] service in 1998 saying that Bin Ladin wanted to hijack a US aircraft to gain the release of "Blind Shaykh" 'Umar 'Abd al-Rahman and other US-held extremists.

Appendix X: Unindicted Coconspirators in the Day of Terror Trial

A 1994 List of 172 Unindicted Coconspirators in the Day of Terror Trial, Including Osama Bin Laden, Mohammed Jamal Khalifa, Ali Mohamed, the Murteza Brothers, Waleed al-Noor, Co-Owner of Sphinx Trading and the Long-Deceased Abdullah Azzam and Mustafa Shalabi.

| | | |
|-----------------------------|----------------------------|-------------------------------|
| 1 Ahmed Muhammad Aasran | 35 Mohammed Azzam | 68 Fathy M. Hassan |
| 2 Mohammed Yousef Abbas | 36 Ahab Ashraf Abdul Azziz | 69 Sabri Hassan (John Kinard) |
| 3 Jamal Abdelgani | 37 Hasab el Rasoul | 70 Ibrahim Higazi |
| 4 Mohammed Hassan Abdou | Mohamed Babiker | 71 Nasser Homosany |
| 5 Emad Abdou | 38 Abdul Basir (Tito) | 72 Khalid LNU |
| 6 Amad Elden Abdou | 39 Ahmed Bilal | 73 Alaa Ibrahim |
| 7 Abdalhele A. Abwalannen | 40 Adnan Constantine | 74 Khalid Ibrahim |
| 8 Dawud Adib | 41 Fawaz Damra | 75 Mamdouh Ibrahim |
| 9 Hosni Ahmed | 42 Ahmed Al Dalta Daota | 76 Muhammad Shawqi |
| 10 Mohssen Ahmed | 43 Halim Abul Efni | Islambouli |
| 11 Nasser Al Din Alamani | 44 Moustafa Elaebrak | 77 Abdel Rahman Ja'afar |
| 12 Majdi Alghamrawi | 45 Mahmud Elder | 78 Al Sayyid Sami Jamal |
| 13 Hekmat Alhadashek | 46 Nimmer Elder | 79 Mahir Al Jamal |
| 14 Abd Al Hafez Mustafa Ali | 47 Ahmed Mansour El-Eslah | 80 Kamal Al Jayh |
| 15 Atif Ahmed Ali | 48 Ali El-Gabrowny | 81 Ali Abdul Kareem |
| 16 Hamdi Ali | 49 Mohammed El-Gabrowny | 82 Ahmed Kazalek |
| 17 Samy Ali | 50 Ahmed Elganainy | 83 Abdel Khalek |
| 18 Sharif Ali | 52 Ali Al Faqueer | 84 Walid Khalid |
| 19 Mike Alkam | 53 Shawki Abd Al Fariz | 85 Yah Yah Ibn Khalid |
| 21 Hassan Karim Allah | 54 Umar Faruqq | 86 Mohammed Khalifa |
| 22 Abu Abdullah | 55 Abu Al Walid Gizah | 87 Ashraq Kahlil |
| 23 Othman Abdullah | 56 Abdel Hafez | 88 Samir Khalil |
| 24 Abu Abdulla Alnagar | 57 Sahied Hahmad | 89 Abd Al Khalik |
| 25 Raef Alwishe | 58 Mohamed Ahmed Al Haj | 90 Atif Mahmood Khan |
| 26 Saleem Amin | 59 Isam Abdul Hakim | 91 Ahmed Khatteria |
| 27 Hiam Arazy | 60 Saad Hanafi | 92 Tareq Khatteria |
| 28 Mustafa Assad (Boriqua) | 61 Esteshamel Haque | 93 Lawrence L. Khidr |
| 29 Moneeb Ashraf | 62 Quazi Haque | 94 Y'aqub Kursam |
| 30 Mohammed Atiyah | 63 Hameed LNU | 95 Osama Bin Ladin |
| 31 Sami Atiya | 64 Hesham El Hamamey | 96 Khalil Lahoud |
| 32 Amin Awad | 65 Hammid Hammid | 97 Yousef Maani |
| 33 Mona Awad | 66 Jack Hamrick | 98 Mokhtar Mahmoud |
| 34 Abdellah Azzam | 67 Mohammed Al Hanooti | 99 Adel Mahroud |

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|----------------------------|----------------------------|-----------------------------|
| 100 Hamam Sayeed Mahseen | 123 Daniel Murteza | 145 Muhammad Samir |
| 101 Ahmed Abd Al Majeed | 124 Raymond Murteza | 146 Ahmed Samy |
| 102 Abd Al Manaâm | 125 Hamdi Musa | (Samy Mohammed Ali) |
| 103 Abd Al Halimi Mansour | 126 Omar Mohammed Musa | 147 Ahmed Abdel Sattar |
| 104 Said Mansour | 127 Majed Mustafa | 148 Sabir Shakir |
| 105 Hassan El Mansouri | 128 Adel El Nasser | 149 Mustafa Shalabi |
| 106 Safullah McNeil | 129 Mustafa Dauod Mustafa | 150 Mustafa Al Shareef |
| 107 Ahmed Megali | Nassar | 158 Sirraj Wahhaj |
| 108 Mohamed Mehdi | 130 Waleed A. Noor | 159 Sudanese Mission to the |
| 109 Ali A. Mohamed | 131 Kamal Muhamad Omar | United Nations |
| 110 Arioua Mostafa | 132 Bilal Phillips | 160 Abdul Wali |
| 111 Adel Said Mohammed | 133 Fatahi Qoura | 161 Madha Warda |
| 112 Ashraf Mohammed | 134 Nabig Ragab | 162 Seraj LNU |
| 113 Mouaki Benani Mohammed | 135 Mikial Abdur Rahim | 163 Shawkat M. Wehidy |
| 114 Mohmoud Mohmoud | (Richard Smith) | 164 Khalid Younis |
| 115 Hassan Mousa | 136 Nabir Abu Abd Al Rakhi | 165 Nasser Younis |
| 116 Mohammed Mousa | 137 Frank Ramos | 166 Ahmed Yousef |
| 117 Sami Mousa | 138 Abu Obaida Rouas | 167 Mahmud Yousef |
| 118 Ahmed H. Moustafa | 139 Yehyeh Sabor | 168 Yousef Bin Yousef |
| 119 Assan Muhammad | 140 Hussein Saffan | 169 Zakariah |
| 120 Hanif Muhammad | 141 Mustafa Saif | 170 Badre Zhony |
| (Abu Hanif) | 142 Saifuldin | 171 Ahmed Zidan |
| 121 Moustafa Muhammad | 143 Tharwat Saleh | 172 Ibrahim Foxmanef |
| 122 Ahmed Muncer | 144 Tariq Mustafa Salem | (Abe Foxman) |