

## **Sami was a pawn in response game**

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The five-year anniversary of Sept. 11 causes me to pause and examine how our response to the attacks has been so misdirected, both nationally and locally. The federal prosecution of University of Idaho student, Sami Omar Al-Hussayen, alleging the crime of terrorism is a prime example. Here is a chronology of how our misguided national response played out locally in a politically motivated prosecution:

- Feb. 26, 2003: Sami is arrested at 4 a.m. at his student housing residence at the University of Idaho in Moscow. About 100 FBI and immigration agents show up unannounced in the early morning hours at the homes of Muslim students to interrogate and search their property. Agents demand that the students submit to immediate interrogation or face immediate detention. The media was alerted to the raid before it happened. United States Attorney Tom Moss, Gov. Dirk Kempthorne, Moscow Mayor Marshall Comstock, University of Idaho President Robert Hoover, and numerous other officials hold a press conference announcing the raid and pat themselves on the back for cleverly fighting terrorism. They tell us more charges against others will be forthcoming. No one else was ever charged, but the threat keeps the Muslim students fearful. Hoover states that he feels “betrayed” by Sami.
- March 11-12, 2003: Before trial, Sami is not held in jail on the terrorism allegations. After a two-day detention hearing, notwithstanding the government’s assertion that Sami was directly responsible for the Sept. 11 attacks, U.S. Federal Magistrate Mikel Williams orders him released to house arrest. The government gets its way in keeping Sami behind bars, however, by using an immigration hold. Knowing the psychological devastation it will visit upon Sami as he sits in solitary confinement awaiting trial, the government institutes a deportation action against his wife, Maha, and two young children, the mechanics of which still cause her attorney, college of law professor, Monica Schurtman, to shake her head in disbelief.
- March 20, 2003: The United States invades Iraq.
- April 16, 2003: Hoover announces his resignation as his Ponzi-like financial scheme for his dream of building University Place in Boise crashes down, costing the University of Idaho between \$5 and \$39 million, depending on whose account is accurate.
- April 13, 2004: Sami’s trial begins. Sami’s very able lawyers are so confident of his exoneration that only one defense witness is called. The government, by contrast, calls about 35 witnesses, including several expensive “experts.”
- June 10, 2004: The jury returns its verdict: not guilty on all allegations of terrorism. Sami escapes on no technicality. The jury votes not guilty because the government’s allegations of terrorism are not supported by evidence. In a post-trial public television interview, newspaper

reporters who covered the entire trial in Boise state that they fully expected Sami's exoneration on the terrorism charges.

In my opinion, Sami and others like him were convenient pawns used to help justify the invasion of Iraq. I conclude that Sami's prosecution did not stem fundamentally from overzealous local FBI agents or an ignorant Idaho U.S. attorney. The ultimate decision to prosecute Sami came from Washington, D.C. The Bush administration sought additional support for the forthcoming invasion, beyond the bogus claim of weapons of mass destruction. They thought that more support could be whipped up if a terrorist could be captured here in the heartland of America, with a highly visible Idaho arrest and publicity campaign on the eve of our invasion of Iraq. The dog and pony show strategy worked brilliantly.

What pains me is how our response to Sept. 11 has been so misdirected. If we really want to spread democracy throughout the world, we should invite students from other countries to Idaho to learn, read John Locke and Thomas Paine, and break bread with us. We can show foreign visitors by example how we truly believe in opportunity, freedom, and fairness. The students will most often return thereafter to their native lands and help institute change to emulate our values and institutions.

Sadly, our government has rejected the opportunity to teach through example and opted for a different strategy based on fear, lies and trumped up charges. We have all been denigrated in the process.

*Moscow attorney Tim Gresback helped procure legal representation for Saudi Arabian students when the FBI raided the University of Idaho campus on Feb. 26, 2003. For his efforts, the ACLU presented him with its Liberty Award.*