

Frederick D. Bryant

September 22, 2009

The Honorable Marianne O. Battani
United States District Judge
United States District Court for the
Eastern District of Michigan
231 West Lafayette Blvd
Detroit, MI 48226

Dear Judge Battani,

Ma'am, knowing that you have dedicated your life's work to justice and believe in our justice system, I am writing to ask your review of the United States v. Dawn Hanna Criminal Case No 07-20355. I only recently learned of this case. I have over 30 years of service with the US Army in various capacities – the majority of which as an Army Counterintelligence Agent. During a tour in Iraq, I was supported by a U.S. interpreter, Tobia Hanna, Ms. Hanna's father, who flew to see me and related the unfortunate story concerning his daughter.

After some research, as a U.S. citizen, I am concerned about a number of issues related to this case that have broader implications for our society and our nation:

After my meeting with Mr. Hanna and beginning to research this case, I was contacted by [REDACTED] an international businessman who was identified during this case. He confided that he is very perplexed that this prosecution could have taken place in the U.S. Mr. [REDACTED] advised that, in 2002, he was cooperating with the CIA and acting on CIA's behalf when he requested Ms. Hanna procure the used telecommunications equipment upon which this case is based. He advised that Ms. Hanna never knew the equipment was going to Iraq, per CIA direction; rather, he told her it was going to Turkey. Mr. [REDACTED] was aware that Ms. Hanna had many other unrelated prospective business leads/ventures from all over the world because she had sometimes asked Mr. [REDACTED] for advice, pricing information, etc. Mr. [REDACTED] did not know the details or parties surrounding most of Ms. Hanna's activities as an international broker. He is adamant that her other business ventures are unrelated to the used telecom equipment that he requested. Yet it appears the prosecution in this case meshed unrelated business queries and transactions into a larger conspiracy that simply did not exist.

Mr. [REDACTED] also advised that he was contacted by the investigating U.S. Customs Agent on several occasions. Mr. [REDACTED] told the Agent that his activities related to this transaction were in support of the U.S. Government and that he told Ms. Hanna the equipment was to go to Turkey. The Customs Agent told Mr. [REDACTED] that he had a security clearance, had "read the file, and was aware of Mr. [REDACTED]'s activities. As such, Mr. [REDACTED] always believed the U.S. Government would ensure Ms. Hanna was protected from any appearance of impropriety. Mr. [REDACTED] was not more specific about the telecom request with the Customs Agent because he had been given specific

instructions by his CIA contacts that he should not discuss this matter with anyone. Further, in that Mr. ██████ had family and business colleagues in harm's way, he did not want to endanger them by this information becoming public. It is simply devastating that the defense was not even allowed to explore this avenue during questioning of the U.S. Customs Agent. Further, if the Customs Agent's statements to Mr. ██████ were true, why was this information withheld from the defense and the discovery process? Once the investigators knew there was a possibility that Mr. ██████'s activities were associated with a U.S. Government operation, I believe there existed a moral and professional obligation to conduct national agency checks to verify this information. From a national perspective, the case may have a chilling affect on persons cooperating with our country around the world. When sensitive sources lack confidence that the US Government will protect them and their activities, it is likely fewer will put themselves and their interests at risk to support the agencies of the U.S. Government.

After my interest in this case became known through the Hanna family, I have been contacted by others who affirm Mr. ██████'s and Ms. Hanna's testimony. Ma'am, in spite of declining health, the devastating impact public knowledge of his affiliation with the CIA would have, and the continued possibility that harm could befall his family and business contacts, Mr. ██████ has offered to fly to the U.S. and testify in any forum to ensure Ms. Hanna is released from prison for her unwitting participation in his support to a CIA operation.

From the limited research I have done, it appears Mr. ██████ was well-known to the U.S. Government and participated in helping the U.S. Government overthrow Mr. Hussein and establish a new government in Iraq. He is alleged to have conferred with the former US Secretary of State, Ms Albright, and other high ranking U.S. Government officials. Given his cooperation with the U.S. Government, it is quite improbable that he would jeopardize his support of the larger efforts to overthrow the Hussein regime by illegally sending used telecommunications equipment to benefit the regime. Rather, his support of a CIA operation would be consistent with his efforts to support the U.S. and its overthrow of the former Iraqi government. His reluctance to detail his activities to the Customs Agent would be in compliance with CIA guidance and operational security (OPSEC) methodology.

I am concerned with the appearance that the U.S. Government may have effectively, although perhaps inadvertently, entrapped Ms. Hanna with the telecommunications equipment purchase in that the US Government (CIA officials), solicited the equipment through Mr. ██████ and withheld from Ms. Hanna the ultimate destination and purpose of the equipment. Had the equipment been destined for Turkey, as told Ms. Hanna, there was nothing illegal about the transaction. Had the equipment been part of a CIA operation, its shipment would have been approved by an executive branch operational proposal thereby making the transaction "legal" regardless of Ms. Hanna's understanding of the ultimate destination. Further, had Ms. Hanna known the equipment was to be shipped to Iraq, she could have requested approval to ship the equipment through existing approval processes.

It appears the prosecution suppressed critical information from being introduced during the trial in an August 2008 filing stating that Mr. ██████'s testimony was "hearsay." The filing precludes the defense from asking the Customs Agent about the CIA asset's testimony that Ms. Hanna was told the equipment was to be shipped to Turkey. This testimony would have produced critical evidence that Ms. Hanna was not involved in any

illegal activity. Further, the jury would have learned that Mr. ██████ was supporting our government through the CIA. The CIA vets its sources and contacts and only works with those with whom it has a measure of trust and confidence. The CIA's vetting of Mr. ██████, had it been discovered by the defense, would add to the defense's assessment of his reliability and the trustworthiness of his statements.

Mr. ██████'s testimony is further supported by one of the businessmen involved in providing the telecommunications equipment. He has attested that Ms. Hanna told him (as did the CIA asset) that the equipment was for a "new network in Turkey." The supplier further was informed privately by the CIA asset, without Ms. Hanna's knowledge "that the project was being sponsored by the U.S. Government . . . but that he wanted it to remain confidential."

I am concerned with the interpretation of The Classified Information Procedures Act (CIPA) to preclude the defense from critical case information that would have substantiated Ms. Hanna's testimony that she believed the transaction was legal and for shipment to Turkey. I am confident that Congress never intended for this act to be used to hide critical information from the defense. In fact, I recently visited a former CIA attorney who worked CIPA-like actions. He advised that in court proceedings, he always worked with the defense and court to ensure a defense attorney was cleared by the government and was sufficiently knowledgeable of relevant information to ensure the defendant could mount a vigorous defense.

The prosecution's May 2009 filing regarding a request for a new trial erroneously suggests that the newly discovered information would not likely produce an acquittal. I could not imagine a jury conviction if the jury understood that Ms. Hanna was unwittingly working with an asset of the U.S. Government actively supporting the overthrow of the Hussein regime.

While an appeal request is pending, I understand it may take many months to be heard. Ma'am, in view of the aforementioned information and in the interest of justice, I respectfully request Ms. Hanna be released from prison pending an expeditious review of all facts by an appellate authority. It appears to me that multiple agencies of the executive branch failed to appropriately coordinate their activities and Ms. Hanna is a victim of this failure. The court should further enjoin the CIA, the U.S. State Department, U.S. Immigrations and Customs and any other federal agencies to provide the court/defense with relevant information concerning this telecommunications transaction. I am providing a copy of this letter to Attorney General Holder so that his staff might render any assistance in resolving this matter.

In light of the aforementioned, Ms. Hanna's sentence for a simple customs violation seems grossly excessive. The determination with which U.S. Government agencies pursued this alleged customs violation, suppressed information from the defense, and then sought such a lengthy prison term could lead some to question whether Ms. Hanna's Arab ethnicity in the post 9/11 environment pushed this case to be treated differently than other alleged customs violations. I think this case warrants a congressional review to determine whether current laws and policies are sufficient to ensure adequate protections of U.S. Citizens and access to sufficient information to mount a viable defense. To that end, I am providing a copy of this memorandum to Senator Levin, the Senate and House Judiciary Committees and the Department of

Justice Inspector General. The Hanna family and business have been devastated by this case not to mention the emotional and physical costs that can never be recovered. Further, due to a lack of executive agency coordination, this case could lead to further exposure of sensitive U.S. Government activities.

Your assistance in this matter would be greatly appreciated.

Sincerely,

Frederick D. Bryant

CF:
Attorney General Holder
Senator Levin
Senate Judiciary Committee
House Judiciary Committee
DOJ IG