

Miami: Collapse of Liberty City 7 case exposes fraud of “war on terror”

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The US government’s case against seven impoverished Miami residents for allegedly plotting to blow up Chicago’s Sears Tower and other buildings was dealt a major setback on Thursday. A jury acquitted one of the defendants on all charges and could not reach a decision on the other six.

Judge Joan Lenard of the US District Court for the Southern District of Florida declared a mistrial. US prosecutors said they would move to retry Narseal Batiste, the alleged leader of the group, along with five co-defendants.

The individual acquitted, Lyglenson Lemorin, had moved from Miami several months before the arrests took place. There is no breakdown in the jury positions on the other cases, but the foreman said the jury was “evenly split.” The jury was deadlocked on all seven cases for over a week.

The seven men—who all live in Liberty City, one of the poorest sections of Miami—were accused of trying to link up with Al Qaeda to blow up the Sears Tower and several federal buildings in the Miami area. Five of the individuals are US citizens, while two are Haitians. Those who were not acquitted face up to 70 years in prison if eventually convicted.

The arrest of the seven men in June 2006 was announced with much fanfare. US government officials declared that it was a major victory in the fight against “homegrown terrorism,” with media headlines declaring that the disrupted plot was “even bigger than September 11.” Then US Attorney General Alberto Gonzales warned that the men were prepared to “wage a full ground war against the United States,” while the government declared that the indictment was “yet another important victory in the war on terrorism.”

However, from the very beginning it was clear that the government charges were highly sensationalized for political purposes. The alleged plot was more the product of the imagination and prodding of two FBI informants, and there was never a threat of a terrorist attack. FBI Deputy Director John Pistole acknowledged at a press conference announcing the arrests that the alleged plot was “more aspirational than operational”—that is, there were never any real plans to do

anything.

The manufactured character of the accusations has since come more fully to light. It soon became clear that the main source of all the plots and the principal source of resources for the group came in the form of an FBI informant posing as an “Al Qaeda representative.”

One of the central components of the government’s case was a video, recorded in a warehouse set up by the FBI to which the group was led by the informant, documenting an “oath” to Al Qaeda. The defendants were charged with, among other things, “conspiracy to provide material support to Al Qaeda.” However, the only supposed contact that they had with “Al Qaeda” was through an FBI informant—they had never been in contact with a real member of the organization.

The men never acquired weapons or formulated actual plans to carry out what the government claims they planned to do. It was a government informant who provided the initial suggestion that they join up with Al Qaeda, and it was the same informant who provided the men with a camera and car to photograph some buildings in Miami.

In the trial, the defense for Batiste argued that the men only began cooperating with the informant posing as an “Al Qaeda representative” because they were desperate for money. Batiste’s attorney, Ana Jhones, said that at one point Batiste pawned a camera he was given by the informant for \$56 in order to feed his family.

Jhones said that the FBI entrapped her client in a “fabricated crime.” In her opening statement, Jhones said, “This case is about an orchestrated event, a ploy. These two informants knew how to work the system. They wrote the script.”

In particular, the defense argued that Batiste was going along with one of the informants in the hopes that he would deliver on \$50,000 he had promised them, but which never arrived. Batiste said that several of the “plans,” including the plot to destroy the Sears Tower, had been developed without the knowledge of the other men. The sole intention, Batiste said, was to get money out of the informant.

“Nobody knew about [the Sears Tower plot]. Like I said, this was imagination,” Batiste testified, according to the *Miami Herald*. “I would have been deeply embarrassed if any of the brothers knew I was engaging in that kind of conversation.”

One relevant aspect of the case that did not come up in the trial was the identity and history of the government informants, both of whom have a shady past. The two informants—Abbas al-Saidi and Elie Assad—earned over \$130,000 for their services to the FBI, and were therefore eager to provide evidence in order to justify their employment.

Early in the trial, Judge Lenard ruled that key information about these two men could not be presented to the jury. Al-Saidi had previously been involved in an attempt to extort money from a friend who had raped Al-Saidi’s girlfriend. He was later convicted of battery for beating the same girlfriend.

An article by Bob Norman in the *Miami New Times* notes, “[Judge] 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 [Assad] ... was barred from the jury altogether.” Assad was the main informant who set up the alleged plots.

“Agents flew Assad ... to Miami from Mexico to pose as an Al Qaeda operative,” Norman notes. “The fed 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” because he had previously failed a polygraph test. “Although the credibility of a confidential informant might seem relevant, Lenard barred any mention of the polygraph during the trial,” Norman wrote.

The identity and character of the government informants simply serves to underscore the fraudulent character of the government case as a whole.

The case of the Liberty City 7 is only one in a series of “terrorism” cases brought by the government, based on extremely flimsy evidence, often produced by paid informants.

In April 2006, a jury convicted Hamid Hayat of providing material support for terrorism based on testimony of an informant who was paid \$250,000. Hayat and his father were allegedly part of an Al Qaeda cell, and Hayat is alleged to have attended an Al Qaeda training camp, though there is no evidence that he did so. In September, Hayat was sentenced to 24 years in prison.

Also in 2006, the government won the conviction of a New York City man, Shahawar Marin Siraj, for a supposed conspiracy to bomb a New York subway station. The plot

was concocted by an informant who was paid \$100,000. As in the case of the Liberty City 7, there were no material steps taken toward realizing the alleged plot.

Other more prominent cases have also revealed serious government misconduct. Zacarias Moussaoui, who pleaded guilty to playing a role in the September 11 attacks, was sentenced to life in prison in 2006. The government later revealed that it had withheld videotapes that it had said did not exist. The CIA’s destruction of the separate videotapes of the interrogation and torture of two key prisoners also calls into question the entire case against Moussaoui.

One of the prisoners that the CIA interrogated and tortured was Abu Zubaydah, who fingered Jose Padilla as a member of Al Qaeda. The destruction of the videotapes of Zubaydah’s interrogation casts further doubt on the trial of Padilla, who was convicted in August and awaits sentencing. Padilla was held in solitary confinement and tortured for years before he was brought to trial, and the entire case against him was based on extremely weak evidence.

What the Liberty City 7 case principally reveals is the utter fraudulence of the so-called “war on terrorism,” which from the beginning has been used for two essential purposes: as a rationale for US militarism abroad and to justify attacks on democratic rights in the United States. It has formed the principal basis—accepted by both political parties and the media establishment—for an unpopular policy demanded by the American ruling elite.

In order to justify this policy, including the systematic erosion of basic democratic guarantees—the Patriot Act, the expansion of government spying powers, the designation of prisoners as “enemy combatants” who can be held indefinitely without charge, the use of torture—the government has required a constant stream of supposed threats. When such threats did not exist, it was necessary, as in the case of the Liberty City 7, to manufacture them.



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