

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Vincent Forras, on behalf of  
himself and all other residents and  
property owners of the city of New York,  
County of , New York, similarly situated,

Plaintiff,

v.,

Feisal Abdul Rauf, and Cordoba House,

Defendants.

**AFFIRMATION IN OPPOSITION TO  
MOTION TO DISMISS**

Index No. 111970/2010

I, Raymond Negron, an attorney admitted to practice law in the State of New York, submit the following Affirmation in Opposition to Defendants' Motion to Dismiss:

**INTRODUCTION**

This is a simple intentional infliction of emotional distress, nuisance, and assault case brought by Plaintiff, Vincent Forras (hereafter, "Vincent" or "Plaintiff" as appropriate) on behalf of himself, First Responders and others similarly situated to him. During the 9/11 terrorist attacks on the Twin Towers in New York City, Vincent was a supervisor First Responder to the scene of the attacks. Vincent rescued several victims of all religions and races, including Muslims, who were injured during the attacks and in the process he was severely injured. Plaintiff was also forced to witness the death and destruction of his friends, family and countrymen and suffered severe on-going trauma and physical ailments. He was trapped under the rubble for several hours and was exposed to toxic, carcinogenic fumes and chemicals at Ground Zero. As a result he was physically and emotionally harmed, and now is on 23 medications to sustain his life.



Vincent will not live a full life as a result, and lives his current life in great pain. To date, like many other New-Yorkers and other First Responders who viewed and experienced the horrors of the heinous 9/11 attacks, Vincent's condition worsens with each passing day from the physical and emotional trauma caused by the 9/11 attacks and, as just one example of his continued worsening medical condition, shredded glass particles are still being pulled from his skin. Since 9/11 over 1200 First Responders like Vinnie have died, with some dying even over the Christmas holidays. Recognizing their sacrifice and worsening pain, Congress just appropriated over 4.2 billion U.S. dollars for dying First Responders like Plaintiff, to pay for their on-going medical and other care.

### **Facts**

In an interview with CNN's Soledad O'Brien on "Larry King Live" on September 8, 2010, Defendant Feisal threatened that if he prevented from building a mosque in the Ground Zero area would cause a national security problem for the United States and new terrorism at Ground Zero because "the headlines in the Muslim world will be that Islam is under attack... (there's) the danger of the radicals in the Muslim world to our national security, to the national security of our troops." A true and correct copy of the transcript of that interview is attached hereto as Exhibit "1". (Rauf also has published that this lawsuit is an attack on Islam and that Plaintiff and his counsel are enemies of Islam. His tactics, which themselves are a form of terrorism, are thus transparent. See Plaintiff's Cross Motion for Sanctions and Other Relief). In the same interview, Defendant Feisal further threatened that if he does not build the mosque on Ground Zero "it will strengthen the argument of the radicals to recruit, their ability to recruit, and their increasing



aggression and violence .... If we don't handle this crisis correctly it could become something which could really become very, very, very dangerous indeed.” Id. Defendant Feisal is a very clever and intelligent man, however compromised. He understood the import of his words and it thus became clear what his true motivations are; to foment a religious war between Muslims and non-Muslims. He did not have to build his mosque at Ground Zero....

In addition to making such threats, when asked about the source of the funds for the mosque Defendant Feisal has *repeatedly* refused – during this CNN interview and elsewhere – to respond or clarify the source of the funding for the Ground Zero Mosque and the questionable donations Defendants have received otherwise. Furthermore, during a CBS 60 Minutes interview that took place shortly after 9/11, Defendant Feisal had previously proudly declared that “United States' policies were an accessory to the crime that happened” on 9/11 by the terrorists. [See Exhibit 2 – Excerpts of 60 Minutes interview.] Lower Manhattan has been the target of at least four well publicized terrorist attacks: two attacks on the World Trade Centers, an attack on Time Square and an attack on the Lincoln Tunnel. President Obama and the Mayor of New York have both acknowledged the seriousness of the threat to the Ground Zero neighborhood and the high value of this location to terror groups when stated their intention to move the infamous Khalil Shaikh Mohammad (the mastermind of the 9/11 attacks) trial to a different local in order to reduce the cost of security and the threat to Lower Manhattan. [Complaint ¶ 16-19]. Now, obviously aware that Ground Zero represents a high security risk, and that it is considered “hallowed ground” and a place where terrorists would like to strike again if able, as they have numerous times before, Defendants have intentionally



brought a mosque at Ground Zero that, not coincidentally, has ties with the Islamic Center of North America, a well known terrorist organization operated by Hamas, and the Muslim Brotherhood, among other terror groups, to the Lower Manhattan area. [Complaint ¶ 10.] “The Islamic Center of North America (ISNA), the terrorist organization Hamas, and the equally extreme terrorist organization the Muslim Brotherhood, among others, have ties and affiliations with the Defendants Feisal and Cordoba House”. [Complaint ¶ 10] The ISNA has been tied to and investigated and named as an unindicted co-conspirator to terrorist acts by the now convicted Holy Land Foundation in a federal criminal case in Dallas, Texas, as well as for promotion of terrorist organizations such as Hamas, the Muslim Brotherhood’s ruthless Palestinian branch, which is pledged by charter to the destruction of American interests. [Complaint ¶11]. Prior to announcing the Ground Zero Mosque, Defendant Feisal revealed and was not shy about his support for groups linked to terror and anti-American propaganda. Defendant Feisal is the author of a book called “What’s Right with Islam Is What’s Right with America.” In Islamic countries this book was published under the title: “A Call to Prayer from the World Trade Center Rubble: Islamic Dawa in the Heart of America Post-9/11.” [Complaint ¶ 9.] In addition, as previously mentioned, the “Justice Department has named ISNA as unindicted co-conspirator in a terrorism-financing case before the U.S. District Court for the Northern District of Texas involving the channeling of tens of millions of dollars to Hamas through a bogus charity called the Holy Land Foundation for Relief and Development.” [Complaint ¶ 11]. At least one of Defendant Feisal’s donors was also a generous contributor to the now shut-down terrorist funding organization, “the Holy Land Foundation, ” a now convicted terrorist front group. [Complaint ¶ 13] It has



been reported that the same donor has contributed to Defendants. [Exhibit 3 – Fox News Report.] In an interview with 60-Minutes the Defendant Feisal stated that he believed the United States brought about the events of 9/11 on itself and, in effect deserved the terrorist actions against it because “United States’ policies were an accessory to the crime that happened.” [See Exhibit 2.]

Furthermore, Defendant Feisal regards a Qatar-based Islamic scholar named “Qaradawi” as a guide and a mentor, and has referred to him in the past as “the most well-known legal authority in the whole Muslim world.” [Complaint ¶14.] Qaradawi regards the United States as the enemy of Islam and has called for activities harming American interests. He has urged that Muslims “fight the American military if we can, and if we cannot, we should fight the U.S. economically and politically.” [Id.] In 2004, Qaradawi issued a *fatwa* (an edict based on Islamic law) calling for Muslims to kill Americans in Iraq and Defendant Faisal has supported this man. [Id.] Defendants have opened the door to these terrorists and effectively housed them on Plaintiffs’ door steps with the intention to cause further pain and suffering by in effect threatening terrorist activities in New York City. There is also independent information that Defendants have received and will receive funds from additional terrorist organizations channeled through Dubai and the government of the Islamic Republic of Iran. This source will testify at deposition once discovery commences. Defendants’ purpose in erecting a mosque at Ground Zero with the support of groups with known ties to terrorist organizations, include among other things having a staging area for other terror attacks [Complaint ¶ 34], as well as fear-mongering by perpetuating the appearance of a threat of other terror attacks upon New York. [Id.] Plaintiff alleges that Defendants intend to inflict



psychological terror on Plaintiff and other New Yorkers who have had to live through several other terror attacks in the area Defendants seek to erect a mosque using funds from terrorist organizations. [Complaint ¶ 16-19].

Importantly, Defendants did not choose to move for summary judgment. Instead, they answered the complaint, joining the issues for further discovery. In conjunction with this answer, they disingenuously filed a motion to dismiss which amounts to little more than a public relations ad hominem attack and de facto Fatwah on Plaintiff and his counsel. While tactically based, the motion is without factual or legal merit and is frivolous, vexatious and a violation of criminal and civil law and rules of professional ethics. [See Plaintiff's Cross Motion for Sanctions and Other Relief, being contemporaneously filed herewith.]

Defendants' Motion should also be denied because their misleading attempt to take cover, and protect their dangerous actions under the phony umbrella of the First Amendment to the Constitution, which clearly does not apply to their alleged tortious acts.

## **PLAINTIFFS' THEORIES OF RECOVERY**

### **NUISANCE CAUSE OF ACTION**

The term nuisance is incapable of an exact and exhaustive definition which will fit all cases, because the controlling facts are seldom alike, and because of the wide range of subject matter embraced under the term. [Puritan Holding Co., Inc. v. Holloschitz, 372 N.Y.S.2d 500 (1975)]. Whether any particular act, activity, event or business constitutes a nuisance cannot be determined by any fixed general rules, but depends upon the facts of



each case. [Town of Preble v. Song Mountain, Inc., 308 N.Y.S.2d 1001 (1970).] Accordingly, each case of nuisance must stand on its own and depends on the particular facts and allegations of that specific case; there is no exact rule or formula by which the existence of a nuisance may be determined, but each case must stand on its own facts. [State v. Waterloo Stock Car Raceway, Inc., 409 N.Y.S.2d 40 (1978).] This case is clearly one that applies to the tort of nuisance; what could be more extreme than building a mosque on the hallowed ground of Ground Zero (parts of the plane that hit the World Trade Center landed on the site of the Ground Zero Mosque and body parts have been found there) and at the same time threatening that if it is not built there will be hell to pay in the radical Muslim world. If this, given the extreme circumstances following 9/11, does not constitute a nuisance to the community and to Plaintiff, then nothing does. And, then as set forth in Plaintiff's contemporaneously filed cross motion for sanctions and other relief, the Ground Zero Defendants broadcast to the Islamic world the falsity that Vincent and his counsel are blind religious haters and enemies of Islam. This provocative act, as set forth in the cross motion, was obviously intended to coerce and harm Plaintiff and his counsel, and scare putative class members from joining the suit. For a professed clergy to broadcast to the Muslim world that Vincent and his counsel hate and are enemies of Islam, is the equivalent of a de facto Fatwah and itself unmasks Imam Rauf's and the other Defendants' nefarious and evil motives to use the GZ Mosque as a means to terrorize Plaintiff, other First Responders and the citizens of New York City, already so emotionally and physically scarred from 9/11. This particular Ground Zero Mosque is clearly a security threat to the neighborhood and New York City and Defendants obviously intend it to be so. To prevent violence, as over 80 percent of the nation opposes



the Ground Zero Mosque, and even 58 percent of all Muslims, being built at Ground Zero, this case has extreme merit. To allow a mosque to be built at Ground Zero will, notwithstanding the security risk, greatly increase the cost of security in the neighborhood and increases taxes to the residents of New York City. [Complaint ¶ 18]. Already, the site of the Ground Zero Mosque is usually “guarded” by four NYPD police cars, ironically protecting Imam Rauf from New Yorkers. Thus, even if the Ground Zero Mosque were not terrorist based, the likelihood that it will spawn violence in the neighborhood is even recognized by the Mayor of New York and the NYPD.

### **1. Public Nuisance**

A nuisance is a common or public nuisance, as distinguished from a mere private nuisance, when the particular offensive act is conducted in such a manner that it causes substantial annoyance and discomfort indiscriminately to many and diverse persons, who are continually, or may, from time to time be in the vicinity. [*People v. HST Meth, Inc.*, 43 352 N.Y.S.2d 487 (1974); *State v. Waterloo Stock Car Raceway, Inc.*, 409 N.Y.S.2d 40 (1978).] Additionally, a nuisance is also public where it is committed in such place and in such manner that the aggregation of private injuries becomes so great and expensive as to constitute a public annoyance and inconvenience, and a wrong against the community. [*People v. Rubinfeld*, 254 N.Y. 245 (1930)]. In the case at hand, Defendants’ actions have touched and offended so many and in ways so indiscriminate and general, that the multiplied annoyance may reasonably be classified as a wrong to the community at large. This fact will further be buttressed by the class of Plaintiffs that will step forward during the process of this litigation.



Unlike Defendants' contend, a public nuisance is and can be actionable by an individual or class of Plaintiffs. The law does not require that there be directness of damage, or that there be any particular quantum, before there is a right to a private remedy, such as an injunction. As in the case at hand, it is sufficient if the facts show that Plaintiffs suffered some special damage not common to other persons. [Graceland Corp. v. Consolidated Laundries Corp. 180 N.Y.S.2d 644 (1958), judgment aff'd without opinion, 190 N.Y.S.2d 708 (1959).] Plaintiff has alleged special damages as a result of the trauma and severe emotional distress caused by Defendants to Plaintiff Forras. As a result of Defendants' actions, Plaintiff has already fainted and lost consciousness as a result of fright and shock, and fell and suffered the numerous other heightened physical and emotional injuries, and worsening of symptoms. [Complaint ¶ 41, 44, 48.]

In Farmer v. D'Agostino Supermarkets, Inc., 544 N.Y.S.2d 943 (1989), the court held that where the erection of a building, on a lot adjoining plaintiff's, which extends out into the highway, affects the value of plaintiff's property so that it is worth about \$15,000 less than it would be if the encroachment upon the highway did not exist, it cannot be said that the plaintiff does not sustain special damages because plaintiff's property is, as a matter of fact, worth more than it was before the building was erected, the increase in the value not being in any way due to the extension of the defendant's property into the street, but for other causes. Plaintiffs have clearly alleged and will prove at trial that Defendants' actions and their ties terrorist interests and groups and building a mosque at the location of the 9/11 attacks (contrary to the false statements of the Defendants, the mosque is at Ground Zero) has reduced and will further reduce Plaintiffs' properties values, and increase the costs of security. The same has been alleged about the rental



values of property near Defendants' alleged mosque. The complaint has alleged that "Defendants' actions and use of their property intentionally and unreasonably interfered with Plaintiffs' normal and protected use of their property and property rights and personal and business use of the areas in and around Ground Zero and the City of New York" [Complaint ¶ 29]. In addition, the complaint has alleged, among other relevant facts, that Defendants' actions are inherently dangerous in that they knowingly and intentionally increased the threat of terrorist attacks in a highly targeted area by bringing to the neighborhood elements linked with known terror organizations and that Defendants' actions are intended to mete out on-going psychological terror and emotional distress. [Complaint ¶ 31.]

In Buskirk v. O.J. Gude Co., 100 N.Y.S. 777 (1906), the court found that the reduction of rental value and the increased difficulty in renting adjoining property constitutes special and peculiar damage to the owners of such property, from the unlawful use of a street in a city's financial district for an outdoor securities market, so as to entitle such owners to injunctive relief against such public nuisance. As other members of the class come forward, further light will be shed on the special nature of each Plaintiff's damages. More importantly, the complaint has alleged that Plaintiff Forras' and the other members of the class's residence, business location, property, property value and rights to ingress and egress to his property and the area of Ground Zero, are directly and negatively affected as a result of Defendants' actions. [Complaint ¶ 23-24.] As a result of his foundation, [www.gearupfoundation.org](http://www.gearupfoundation.org), and his other humanitarian endeavors, Forras, a born New Yorker, frequents and does regular business in the area of Ground Zero and in fact maintains an office there. [Complaint ¶ 6, 18, 20.]



Moreover, the injury or injuries Plaintiffs have suffered are peculiar and not of the same kind suffered by all who are located in the vicinity of the mosque Defendants are building. Plaintiff Vincent Forras' psychological trauma and emotional injuries are not common to the entire community of New Yorkers or people of Manhattan or even all those other firefighters and First Responders or private citizens who responded to the 9/11 terror attacks or those who risked their lives to save other American lives. Additionally, personal injuries sustained from a public nuisance have been held sufficient for such a cause of action as Plaintiffs' in this case. [Andersen v. University of Rochester, 458 N.Y.S.2d 404 (1982); see also Stock v. Ronan, 313 N.Y.S.2d 508 (1970).] Furthermore, allegations of pecuniary injury may be sufficient to satisfy the peculiar injury test, so long as the injuries involved are not common to the entire community exercising the same public right, which in this case they are not as that issue can only be determined once the size and nature of the class of Plaintiffs is determined [532 Madison Ave. Gourmet Foods, Inc. v. Finlandia Center, Inc., 727 N.Y.S.2d 49, (2001); Leo v. General Elec. Co., 538 N.Y.S.2d 844 (1989)]. Plaintiff Forras' personal injuries are properly pled with great specificity in the complaint. [Complaint ¶ 41, 48.]

Additionally, even the operation of a lawful business may be deemed to constitute a public nuisance, if something is done in the operation of that activity which is unlawful, or its operation is negligent or improper in some degree or respect as to work an unreasonable obstruction or injury to the Plaintiffs. [State v. Wright Hepburn Webster Gallery, Limited, 314 N.Y.S.2d 661 (1970), order aff'd without opinion, 323 N.Y.S.2d 389 (1971); People on Complaint of Lawrence v. Abbro Metallics, Inc., 125 N.Y.S.2d 69 (1953).] Such are the activities of Defendants complained of in this case. Even assuming



that all of the activities of the Defendants in the mosque are legal (which they are *not* because the mosque is allegedly used for staging grounds for terrorist activities), at the very least the building and operation of a mosque at the location of the 9/11 attacks is negligent and improper and causes harm to Plaintiffs, warranting Plaintiffs' protection by the law. As a resident and business in the neighborhood, Defendants do owe a duty of care to others who frequent Ground Zero, particularly given the tragic history of this hallowed ground, which has been prone to terrorism and the site of repeated and numerous terrorist acts.

## **2. Private Nuisance**

A private nuisance has been defined as one which violates private rights and produces damages to but one or a few persons. Plaintiff has also alleged a proper cause of action for private nuisance. The elements of a private nuisance include an interference, which is intentional in origin or unreasonable in character, with another's property right to use and enjoy that property. This is set forth in the complaint [Complaint ¶ 23-25 28-29, 34]. In a few short sentences, Defendants summarily dismiss the allegations of the complaint which allege connections and ties between Defendants and terrorist organizations, which will be further disclosed through the process of discovery and trial.

Defendants state that:

“other than the wholly unsupported assumption in the Complaint that *all* Muslims support terrorism, there is no connection between these defendants and that heinous activity; there is no connection between this proposed mosque and that activity; there is no allegation that anything Defendants have done or propose to do interferes in any manner with anyone's use of land, reasonably or not.” [Moving papers, p. 12]



Defendants seek in vain to dismiss and ignore the allegations of the complaint as they are actually pled, by falsely pretending that Defendants are suing *all Muslims* and the religion of Islam as a whole. While not only is that absurd, the complaint is clearly against the named Defendants only and alleges particular facts against Defendants which ties them to terrorist activities. As further alleged in detail in the complaint, at least one of “Defendant Feisal’s donors was also a generous contributor to the now shut-down terrorist funding organization, “the Holy Land Foundation.” [Complaint ¶ 13]. [See also ¶ 23], the Defendants herein have accepted large donations from known terrorist organizations and terrorist supporters and laundered money through Dubai the source of which has been traced to the Iranian government. Defendant Feisal’s ties to terrorist groups are also established and self admitted. In an interview with 60-Minutes the Imam stated that he believed the United States brought about the events of 9/11 on itself and, in effect deserved the terrorist actions which it got. [See Exhibit 2.] In this same interview that aired on “60-Minutes” on September 30, 2001, the Defendant Feisal said that American foreign policy is an accessory to terrorism. Defendant Feisal statements include:

Bradley: Are you in any way suggesting that we in the United States deserved what happened?

Feisal: I wouldn't say that the United States deserved what happened, but United States policies were an accessory to the crime that happened.

Bradley: You say that we're an accessory? How?

Feisal: Because we have been accessory to a lot of innocent lives dying in the world. In fact, in the most direct sense, Osama bin Laden is made in the USA. [Id. ]



Additionally, Defendant Feisal showed his appreciation for the funds he has been revealed to receive from the Iranian regime by writing an open-letter to the Obama administration urging the President to accept the legitimacy of the Iranian government and pointed to the validity of the Iranian government based on Islamic *Sharia* laws. [See Exhibit 4]. Citations to research and opinion polls showing percentages of American Muslims supporting or not supporting terrorism has no place here and does not absolve these Defendants. If polls were at issue, a poll showing that over 58 percent of all Muslims are opposed to the Ground Zero Mosque would be proffered by Plaintiff. Ironically however, even Defendants' poll shows that a significant minority of Muslims do support terrorism, a regrettable but uncontroverted fact that does not apply to other major religious groups. Even Imam Rauf has threatened, in the CNN interview, that if does not get to build his Ground Zero Mosque there will be Muslims who will likely carry out new terror attacks.

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

Where severe mental pain or anguish is inflicted through a deliberate and malicious campaign of harassment or intimidation, a remedy is available in the form of an action for the intentional infliction of emotional distress.[164 Mulberry Street Corp. v. Columbia University, 771 N.Y.S.2d 16, (2004).] Establishing the tort of intentional infliction of emotional distress requires alleging extreme and outrageous conduct, an intent to cause, or a disregard of a substantial probability of causing severe emotional distress, a connection between the conduct and injury; and severe emotional distress.



Defendants misleadingly ignore the alleged facts and hope this court will take the bait. Put simply, Plaintiffs have alleged that among other things, the alleged mosque defendants purport to build is *not* a “house of worship” but rather a staging ground for harmful terrorist activities, and as a token of victory by the 9/11 terrorists meant to incite further fear and provide other opportunities by terrorists to stage other attacks against American interests in a location which has been repeatedly targeted by terror groups. [Complaint ¶ 16, 19, 23]

Plaintiffs have alleged that Defendants designated the use of their property for an Islamic Center to intentionally cause emotional trauma and damage to First Responders and other members of the Plaintiff class. [Complaint ¶ 63] In addition, Plaintiffs have alleged that Defendants intend to use their building as staging area for other terror attacks, or appear to create a perceived threat of other terror attacks and to inflict psychological terror on Plaintiffs, who have had to live through several other terror attacks in the area and have themselves been seriously injured and have been forced to witness the death and destruction of their friends, family and countrymen and have as a result suffered severe on-going trauma and physical ailments which Defendants’ actions have exacerbated. [Id.]

Defendants seek to dismiss Plaintiffs’ allegations by ignoring the facts and summarily stating that “It is clear that proposing to build a community center in Lower Manhattan does not amount to extreme and outrageous conduct ... It is clear that the construction of a house of worship could never meet such a standard” [Moving papers, p. 16-17]. Nothing could be further from the truth however. Freedom from mental disturbance is a protected interest. [Battalla v. State, 176 N.E.2d 729 (1961); Ferrara v.



Galluchio, 176 N.Y.S.2d 996, (1958)] There may be recovery for the intentional infliction of emotional distress *without* proof of the breach of any duty other than the duty to refrain from inflicting it. [James v. Saltsman, 472 N.Y.S.2d 129 (1984); Halio v. Lurie, 222 N.Y.S.2d 759 (1961)].

Unlike other intentional torts, intentional infliction of emotional distress does not prescribe specific conduct, but imposes liability based on after-the-fact judgments about the actor's behavior. New York law allows recovery for mental disturbance in the absence of a physical impact if the mental injury is marked by definite physical symptoms that are capable of clear medical proof. [Steinhauser v. Hertz Corp., 421 F.2d 1169 (1970); Battalla v. State, 219 N.Y.S.2d 34, (1961); Ferrara v. Galluchio, 176 N.Y.S.2d 996, (1958) holding that damages for psychological and emotional injury are recoverable even absent physical injury or contact.]

The same individuals and entities who funded, supported and caused Plaintiffs' injuries are now in collusion with Defendants, building another staging area in the same location of the 9/11 attacks; at the location where these terrorists murdered thousands of innocent Americans. Defendants' actions and insistence on inflicting emotional, psychological and physical distress to Plaintiffs is outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. Plaintiff's have suffered emotional distress as a result of Defendant's actions and are entitled to recovery.

### **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**



In New York there is a right of action for the negligent infliction of physical or mental injury, even though such injury was caused by fright negligently induced without any physical contact. [See Battalla v. State, 219 N.Y.S.2d 34 (1961).] Defendants use the “Zone of Danger” doctrine to attempt to manipulate the court into misreading the complaint. What Defendants ignore, however, is that the zone of danger is not just the four corners of the alleged mosque they are trying to build, rather the entire Lower Manhattan area and the areas affected by the 9/11 attacks is the Zone within which Plaintiffs could be harmed by terrorist interests who have paid for the mosque to use it as a staging ground for causing imminent harm to Plaintiffs and other residents of the area such terrorists already attacked. The area Defendants’ intend to set their terror-linked roots in is already highly susceptible to terrorist activities and well within the zone of danger. [Complaint ¶16, 18, 63]. Defendants seek to bring their terror linked mosque to Plaintiffs’ doorsteps in order to intimidate Plaintiff and the people of New York at large. Plaintiff, who frequents, does business in the Ground Zero area, has an offices there, frequents the neighborhood and is an active part of the community in that area has fainted and lost consciousness as a result of fright and shock of the idea of a mosque and an Imam who have ties to terror groups bringing an organization funded by terrorist funds and radical ideology to Plaintiff’s neighborhood. [Complaint ¶ 41.]

Even where the Defendants might not have intended harassment (which they clearly did,) it is sufficient that the Defendants intended to elicit a response from Plaintiffs and the people of New York by creating fear and trauma among them, and in doing so recklessly disregarded the consequences of their conduct. [Complaint ¶ 16-18, 23, 34].



That is more than sufficient for a negligent infliction emotional distress cause of action. [164 Mulberry Street Corp. v. Columbia University, 771 N.Y.S.2d 16, (2004).]

### **ASSAULT AND CLASS ACTION**

Defendants do not state any legal basis as to why the assault cause of action should be dismissed. They further dismiss the class action allegations by simply stating that “it is highly improbable that [Plaintiff’s] claims would satisfy the requirement of CPLR 901(a)(2)”. In a motion to dismiss, the court must take the allegations of the complaint as true and rule on that basis and not on the basis of “probability” as Defendants request. Furthermore, unlike what Defendants allege, Vincent has not brought this lawsuit on “taxpayer standing” as Defendants claim and this is another ploy to distract the court for the real issues.

### **LACK OF SUBJECT MATTER JURISDICTION**

It is well settled that a law that is neutral and of general applicability need not be justified by a compelling governmental interest even if the law has the incidental effect of affecting a particular religious practice. [Church of Lukumi Babalu Aye v. City of Hialeah, 508 U.S. 520, 531.]

In addition, in an effort to mislead the court Defendants cite to case law that is inapplicable. Among many other inapplicable cases, Defendants list: Wisconsin v. Yoder 406 U.S. 205, 92 S.Ct. 1526, 32 L.Ed.2d 15; Serbian Eastern Orthodox Diocese for the United States of America and Canada v. Mililivojevich, 426 U.S. 696, 96 S.Ct. 2372, 49 L.Ed.2d 151; Paul v. Watchtower Bible & Tract Soc. of New York, 819 F.2d 875 (9th



Cir. 1987); Kenneth R. v. Roman Catholic Diocese of Brooklyn, 654 N.Y.S.2d 791; Madsen v. Erwin, 395 Mass. 481 N.E.2d 1160. Defendants argue in vain that Plaintiffs are attacking Islam and inhibiting the free exercise of Defendants religion. Nothing could be further from the truth. Plaintiffs are not inhibiting Defendants' exercise of religion at all. In this case, Plaintiffs are not attacking Defendants' religious beliefs by any means. Under New York law, as in all other states, a tortfeasor enjoys no immunity from liability merely because of its character as a religious entity or mosque. [Kenneth R. v. Roman Catholic Diocese of Brooklyn, 654 N.Y.S.2d 791 (1997).] The First Amendment does not grant religious organizations immunity from tort liability, and thus religious entities must be held accountable for their actions, even if that conduct is carried out as part of church's religious practices. [Id.] It is also a tenant of the law in New York that a religious organization is not immune from liability for torts against even a stranger, or even against a beneficiary of its benevolence or an invitee. [N.Y. Jur. 2d, Charities.] Therefore, Defendants' arguments that Plaintiffs, who are not even Muslims (actually some members of the putative class are Muslim) and thus cannot be harmed by the actions of the mosque have no basis and is absurd. Furthermore, a religious organization can be held liable for the torts of its agents or employees. In other words, the rule of respondent superior applies to such an entity [Alessi v. Boy Scouts of America Greater Niagara Frontier Council, Inc., 668 N.Y.S.2d 838 (1998).]

Even if Defendants themselves admitted that terrorist activities and inflicting harm and distress to others is a tenant of their unique sect and religion and as such they are seeking First Amendment protections for the free exercise of such a "religion," tort



liability for intentional infliction of emotional distress and other torts is not protected by the First Amendment. [Jones v. Trane 591 NYS2d 927 (1992).]

Defendants intentionally try to ignore the facts and allegations of Plaintiff's complaint – which they importantly have already answered. Instead, Defendants make up their own questions, posed in a way completely unrelated to complaint's causes of action and injuries of Plaintiffs. It is a well established principal that in ruling on a motion to dismiss the court may only look to four corners of the complaint and take the facts as alleged therein, as true and correct. Defendants completely ignore the allegations of the complaint and improperly seek to take cover under the United States' Constitution, the very essence of which the terrorist organizations they work with/support do not respect. More importantly however, Defendants' reliance on these tenants is utterly misplaced. Defendants cite Thomas v. Review Board of Indiana Employment Security Division, 450 U.S. 707, 101S.Ct. 1425, 67 L.Ed.2d 624 (1981) stating that:

Indeed, Thomas clearly speaks directly to the case before this court where it states: However, the resolution of that question is not to turn upon a judicial perception of the particular belief or practice in question; *religious beliefs need not be acceptable, logical, consistent, or comprehensible to other's; in order to merit First Amendment protection.* (Emphasis supplied).

That the plaintiff in this suit finds Islam unacceptable to him personally is simply irrelevant to the protection to which Islam is entitled under the First Amendment as explained by Thomas.

This case is not about First Amendment or constitutional protections at all. First, Defendants' reliance on Thomas is misleading and misplaced. Despite Defendants' attempts to create a deception, it is not the religion of Islam or Defendants' religious



beliefs that Plaintiffs take issue with in the Complaint. Even a cursory review of the complaint would reveal that. Simply put, a mosque at Ground Zero that is financed by terrorist related interests, and which has effectively threatened the citizens of New York that if it is not built they can expect more 9/11s, is not protected activity under the First Amendment. Religion cannot be used as a shield to insulate radical Muslims from acts which threaten the security of the neighborhood at Ground Zero, an historic place and magnet for terrorism.

In addition, even if freedom of religion was an issue in this case, which it clearly is not, as the court should only look to the four corners of the complaint and its factual allegations which Defendants have already answered, the Constitution of the United States does not provide absolute protection and immune religious organizations from activities harmful to others. It is simply not the law that every time someone labels their activity as the exercise of their religion, they may ignore the harm they cause to others and continue with their activities under the guise of religion. While the First Amendment to the United States Constitution may prohibit the regulation of religious beliefs, conduct by a religious entity, on the other hand, remains subject to regulation for the protection of society. [Kenneth R. v. Roman Catholic Diocese of Brooklyn, 654 N.Y.S.2d 791 cert. denied 522 U.S. 967, 118 S.Ct. 413, 139 L.Ed.2d 316, *lv. dismissed* 690 N.E.2d 492.] The Constitution does not grant religious organizations absolute immunity from tort liability either. Therefore, religious entities must be held accountable for their actions, even if that conduct is carried out as part of the church's religious practices. [Id.] Plaintiffs are simply seeking to prevent further physical, emotional and financial harm to themselves and those similarly situated to them who have suffered, and



will continue to suffer such harm if an organization with ties to terrorism is allowed to build a staging ground for further attacks on Plaintiffs while continuing to cause emotional and physiological harm to Plaintiffs who have once already suffered harm as a result of the 9/11 attacks which were carried out by Defendants' supporters, funders and allies.

### **CONCLUSION**

This is a case brought by a dying American hero who has suffered and continues to at the hands of the 9/11 terrorists and to whom Defendants have inflicted mental, physical and emotional trauma by their intentional actions in erecting a center with clear ties to known terrorist organizations who have funded and paid Defendants to open the door for them into Lower Manhattan. Defendants and their supporters have further intimidated and threatened Plaintiff, other potential class members and Plaintiff's attorney Larry Klayman by attempting to incite violence against them by calling them "Bigots" "Nazis" and enemies of Islam and falsely publishing that this is a case against Islam rather than a case against a few supporters of terrorism who have intentionally acted to harm Plaintiff. Defendants' Motion personally and viciously attacks Plaintiff and Plaintiff's counsel, Larry Klayman, Esq. It makes false allegations against them, by calling them racially charged names and epithets, and by attempts to obstruct justice by motivating Muslim extremists to act against and harm Plaintiff and Mr. Klayman. To accomplish their goal, Defendant provided a copy of their Motion to Dismiss to the New York Post which published Defendants' comments against Plaintiff worldwide on its website. [See



Plaintiff's Cross Motion for Sanctions and Other Relief, contemporaneously filed herewith.] As a result Defendant's comments were publicized around the world and read by extremist individuals who are likely to target Plaintiff and his counsel. Defendant provided their Motion to Dismiss and their derogative comments to the media *prior to even serving the same on Plaintiff or his counsel. Id.* Without basis, Defendants dismiss the facts and realities of Plaintiffs' injuries that they have caused by their irresponsible and thoughtless actions and characterize Plaintiffs' complaint as the work of a "publicity hound" and an act of "bigotry". Unlike what Defendants champion, Plaintiffs are not suing Defendants because they are Muslims. Plaintiffs' are suing Defendants, among other things, because Defendants are sympathetic toward and are alleged to have ties to terrorist organizations, receive funds from various terror groups, and are erecting a mosque as a staging ground to further terrorist activities at the location of what is unequivocally the greatest act of war and terrorism committed on US soil to date. In any event, the proposed Ground Zero mosque poses a security threat to the neighborhood even in the unlikely event it has no terrorist ties, and unreasonably raises the cost to the taxpayers of New York just to keep it "secure" from counterterrorism by those opposed to the mosque. The court should see beyond Defendants' meritless arguments and deny

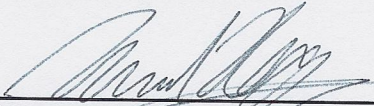


Defendant's Motion, and grant Plaintiff's Cross Motions for Sanctions and other Relief and deny Defendants' request for sanctions, which is itself frivolous.

Dated: Mount Sinai, NY  
January 5, 2011

Respectfully submitted,

By:



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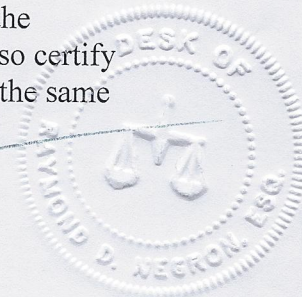


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#### **CERTIFICATE OF SERVICE**

I hereby certify that on January 5, 2011, I served the attached document entitled "CROSS-MOTION" on Adam Leitman Bailey, Esq., via United States Mail at the following address: 120 Broadway 17th Floor New York, New York 10271. I also certify that the foregoing document was also served on Adam Leitman Bailey, Esq. on the same day, via email at the following email address: [alb@alblawfirm.com](mailto:alb@alblawfirm.com).





# Exhibit 1




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### CNN LARRY KING LIVE

Interview With Imam Feisal Abdul Rauf

Aired September 8, 2010 - 21:00 ET

THIS IS A RUSH TRANSCRIPT. THIS COPY MAY NOT BE IN ITS FINAL FORM AND MAY BE UPDATED.

LARRY KING, HOST: Tonight, exclusive, the debate that's torn the city and maybe even the country apart. The imam who wants to build an Islamic community center near Ground Zero is here. His first U.S. interview on why he wants a mosque just blocks from the site of the 9/11 terror attack, what he thinks of the raging controversy, and why he's remained silent so long until now. Imam Feisal Abdul Rauf, next on LARRY KING LIVE.

Good evening. Feisal Abdul Rauf is the founder and chairman of Cordoba Initiative. He has been imam of the Farah mosque in lower Manhattan for 27 years. He plans to build an Islamic community center called Cordoba House a few blocks from Ground Zero. And these plans, as you know, have generated a national debate over tolerance, and sensitivity, and religion, and sparked emotional protests against the project.

The imam joins us from New York. And he is with CNN's Soledad O'Brien. He agreed to sit down for an interview, in part, because Soledad is working on a documentary about what it's like to be Muslim in America. Here's Soledad O'Brien with the imam.

SOLEDAD O'BRIEN, CNN ANCHOR: All right, Larry, thank you very much. And imam, thank you very much for talking with us.

IMAM FEISAL ABDUL RAUF: Thank you, Soledad.

O'BRIEN: You're just back from the Middle East. You've been gone for about two months. And you've been pretty quiet about the controversy that has been raging about the proposed structure right near Ground Zero. The debate, while you've been gone, has gotten louder. And it's gotten angrier. Why are you talking now?

RAUF: Well, I didn't think it was appropriate for me to speak about this while I was overseas on the trip. I felt I wanted to come home and speak to this issue from my home country, from my homeland, from my home base.

O'BRIEN: You've had questions while you've been in the Middle East about the controversy that's swirling in Lower Manhattan. What kind of things are people there asking you about what's happening here?

RAUF: Well, they're very concerned about many things. They're concerned about the status of Muslims in America. And in the Gulf, where I was, which is a very important part for our own national security. Bahrain is the home of the 5th fleet. We have a very important naval base there. Qatar is the place of an important air base that we have there. And the concerns of people there are both about what this means, not only within the United States, but also what this means for them—

O'BRIEN: What the debate means, you mean?

RAUF: Yes, indeed. Because the United States, we are the only global superpower today. What happens here has enormous impact over the rest of the world. People all over the Muslim world admire America, love America, take America as an example in many, many respects. And the status of Muslims in America and how American Muslims speak to these issues and how America engages with its Muslim community has global ramifications.

O'BRIEN: And the big debate really is over how Muslims have engaged with the American community. You're living that right now.

So let's walk back to the very beginning. When did you settle upon this location, which is just about two blocks north of Ground Zero, for your new Islamic cultural center? Why that particular spot?

RAUF: Well, first, I must remind everybody that I have been imam of a mosque just 10 blocks from that spot, 12 blocks from Ground Zero. I've been serving that community and that neighborhood for the last quarter of a century.

When 9/11 happened, we couldn't reach our mosque in the Tribeca area. You know, and finally we came back. There was flower, letters. We're part of this community. I've served this community. And this is a community that I have worked for so long. And is important for us as Muslims, as Muslims who are in Lower Manhattan, to want to give back to the city and the country that's given us so much.

O'BRIEN: So why that particular spot?

RAUF: Well, what happened was Sharif Gamal, the owner of Soho Properties, a member of my congregation, has noticed how our — the need for prayer space has expanded. He felt a commitment to do something for his community. And he found this particular building. And he negotiated it, acquired it, and offered it for us to use and to establish a center that would be the space for a vision that I've had for over a decade, or 15, almost 20 years, which is to establish a space which embodies the fundamental beliefs that we have as Jews, Christians, and Muslims, which is to love our god and to love our neighbor, to build a space where we'll have a culture of worship. And at the same time, get to know each other and to forge personal bonds because that's how society, how community, is built, and how we can



create something that will snowball to push back against the radical discourse that has just hijacked the discourse in our country and in much of the world.

O'BRIEN: What's been created has snowballed a little bit. There's a lot of anger and hostility at that site. And there are many people who have said, why not just go somewhere else? RAUF: I understand the sensitivity of the people. I really do. And I'm very, very concerned about it. We've reached out and are still reaching out to 9/11 families.

O'BRIEN: Did you reach out to them before?

RAUF: Yes.

O'BRIEN: To all the families?

RAUF: Not to all the families, but to as many as we could reach, especially those who are very concerned about this issue.

O'BRIEN: Before you started the proposal?

RAUF: No, not before we started, but once this thing happened. I need to remind the audience that this story first broke last December in "The New York Times." It was a front page article in "The New York Times." And no one objected. This controversy only began in May. And it began as a result of some politicians, who decided to use this for certain political purposes. And this is when it began to snowball, Soledad.

O'BRIEN: So you think it's been politicized?

RAUF: Absolutely. This is very dangerous and tragic for two reasons.

Reason number one is that it goes against the fundamental American principle of separation of church and state. This concept of separation of religion and politics or church and state has a wisdom behind it. And the purpose behind it is not to politicize religion. Because when you politicize religion, it is dangerous.

O'BRIEN: But ultimately, when you look at the polls, something like 71 percent of Americans think that even though there's a right to build there, a center that will include a mosque and other things, which we'll talk about in a minute, the wisdom of it may not be there.

RAUF: Well, here's the--

O'BRIEN: Is that political?

RAUF: Well, here--

O'BRIEN: Or is that just people saying it's sensitivity wise, it's the wrong thing to do?

RAUF: I am extremely concerned about sensitivity. But I also have a responsibility. If we move from that location, the story will be that the radicals have taken over the discourse. The headlines in the Muslim world will be that Islam is under attack. And I'm less concerned about the radicals in America than I'm concerned about the radicals in the Muslim world.

O'BRIEN: But isn't that also saying you're less concerned about the voices of opposition here?

RAUF: And if we do -- no, no, no, no. I'm sorry, I don't mean it that way. I meant it, the danger from the radicals in the Muslim world to our national security, to the national security of our troops.

I have a niece who works in the Army and served in Iraq. The concern for American citizens who live and work and travel overseas will increasingly be compromised if the radicals are strengthened. And if we do move, it will strengthen the argument of the radicals to recruit, their ability to recruit, and their increasing aggression and violence against our country.

O'BRIEN: There are Ground Zero families that I've spoken to who are on all sides of the debate. I mean, they're not of one voice, as you well know. They've said, but what about me? I can't find my son's body. And they want to build a mosque on a spot where he might be.

RAUF: Well, first of all, this is not the -- this is not that spot. This is not Ground Zero proper. This is--

O'BRIEN: It's two blocks.

RAUF: Yes. No one's body is in that location. I'm very sensitive to those feelings. As an imam, as any religious person does, we have to minister to the pain and hurt of our congregations and our ministry and our communities. And it is part of our intention.

This is why we're reaching out more to 9/11 families. We would like to have a memorial in this center for 9/11 families. Congregations and our ministry and our communities. And it is part of our intention. This is why we're reaching out to 9/11 families. We would like to have a memorial in this center for 9/11 families. We have not finalized all our plans yet. We are willing to sit down and engage and do something that will help us heal. You cannot heal a trauma by walking away from it. We have to sit down. We have to talk about it. We have to dialogue about it and find a way to move through it and beyond it.

O'BRIEN: We're going to take a short break. When we come back, we'll talk about some of those plans and talk about if there is any room for changing your mind. Or is it the plan's going to move forward? Back in just a moment.

(COMMERCIAL BREAK)

O'BRIEN: Welcome back, everybody. We're talking to Imam Feisal. And we'll continue our conversation. Did you think this was going to be controversy? Are you surprised?

RAUF: Yes.

O'BRIEN: Really?

RAUF: Yes. As I said, the story first came out in -- last December in "The New York Times." no one objected.

O'BRIEN: Is it an indication that the bridges you've been building maybe aren't such strong bridges, and I know you talked about being a bridge builder a lot if you weren't aware of the controversy that would follow?

RAUF: Well, as I mentioned, the story first broke out in last December. It was front page news in "The New York Times." No one objected



to our establishing such a center. Rabbi Schneider (ph) was quoted. Rabbi Joy Levitt of the Jewish Community Center, with whom we had spoken and who welcomed the idea, and has given us enormous cooperation and support in telling us what works, what doesn't work, how to do this.

Because the idea, Soledad is to establish something like a Muslim "Y." you have the YMCA was created 130 years ago to improve relationships between what was then called the American Protestant religions, by having young men and young women -- of course, it was separate at the time, YMCA, YWCA, come and, you know, bond by doing sports together and other programs together. It's become a worldwide phenomenon.

The 92nd street "Y" was the first attempt by the Jewish community to create also a center where you would create this kind of bonding. We are now, today, where the Jewish community and the Catholic community was maybe 70 years ago, a century ago. And this is our time and our turn to do that.

A Christian friend of mine once said, you know, I have no reason to go to a synagogue. But by going to the 92nd street "Y" and by doing its programs, I've learned far more about Jewish culture. Gotten to make many Jewish friends. And it has opened my eyes to many things.

O'BRIEN: There have been--

RAUF: So we need to do something like this because the need today is to build those types of relationships, to forge those bonds that would help us create an atmosphere of peace.

O'BRIEN: But doesn't the controversy that has happened now work against that? Isn't that exactly the opposite of what you're striving for?

RAUF: In some ways, yes. But in some ways, it also is a silver lining here.

O'BRIEN: How is it a silver lining?

RAUF: It give us an opportunity to speak about this subject in a manner that is sober, in a manner that is coherent, to look at what we are all about as Americans, to look about what it means to be Muslim in America, to look at how we are going to put back this genie of clash between the West and Muslim world back into the bottle.

O'BRIEN: There are plenty of Muslims, as I've been doing research, who have said this debate does not help us. This debate makes things more dangerous for us. This debate hurts us, what's happening at Ground Zero.

RAUF: There is no doubt that this has become such a situation. And I'm deeply sensitive to that and very concerned about that. And, you know, had I known this would happen, we certainly would never have done this.

O'BRIEN: You would never have picked that spot?

RAUF: We would not have done something that would create more divisiveness.

O'BRIEN: Then why is it hard to back up and say, and now that we've done it, let's undo it, let's just say we won't. Let's pick another spot that's been offered?

RAUF: As I just mentioned, our national security now hinges on how we negotiate this, how we speak about it, and what we do. It is important for us now to raise the bar on our conversation--

O'BRIEN: What's the risk? When you say "national security," what's the risk?

RAUF: As I mentioned, because if we move, that means the radicals have shaped the discourse. The radicals will shape the discourse on both sides. And those of us who are moderates on both sides -- you see Soledad, the battle front is not between Muslims and non-Muslims. The real battle front is between moderates on all sides of all the faith traditions and the radicals on all sides. The radicals actually feed off each other. And in some kind of existential way, need each other. And the more that the radicals are able to control the discourse on one side, it strengthens the radicals on the other side and vice versa. We have to turn this around.

O'BRIEN: Let me play a question from an I-reporter. Her name is Cathy Cortson (ph). And she's in Fullerton, California. Let's listen.

(BEGIN VIDEO CLIP)

CATHY CORTSON: Why couldn't you find another -- another place? I just feel like there's an ulterior motive. And I know that's probably wrong, but that's how I feel. And I think a lot of Americans feel that way, too. That you want to upset us for some reason. Is that true?

(END VIDEO CLIP)

RAUF: No, it's not true. It is not our intention to create more conflict. This is our intention to say we, as Muslims, we as American Muslims, want to contribute to the rebuilding of Lower Manhattan. We want to enhance relationships with our American non-Muslim fellow countrymen. We want to forge better relationships. And we want to be part of the solution. Not only want to be, we are ready. We are willing. And we are able to be part of the solution. If the problem is perceived to lie in the Muslim community, which definitely a certain amount of that is, if the problem is perceived as a matter of religion, then we -- then the solution also lies in our being engaged in this process. We are not going to achieve peace between the West and the Muslim world without the engagement of Muslims and Western Muslims in particular.

O'BRIEN: It sounds like you're saying we're going to force a peaceful option. So I'll leave it there for a moment. We've got to take a short break. When we come back, we'll talk about that on the other side.

(COMMERCIAL BREAK)

O'BRIEN: You can see the police officer there. That is the location of this proposed Islamic center. I was there yesterday. People carrying placards are walking by. We're back with Imam Feisal. Nice to have you. Feisal, excuse me. Nice to have you.

Wouldn't it further the goal of peacemaking, and you've talked a lot about it, to move it? Why is that an option that's of the table now?

RAUF: Nothing is off the table, Soledad.

O'BRIEN: It's not off the table?

RAUF: But we are consulting. We're talking to various people about how to do this so that we negotiate the best and the safest option. As I mentioned--



O'BRIEN: What are those conversations like? What's on the table?

RAUF: The biggest issue is the national security issue.

O'BRIEN: How do you pull out without looking like you've lost?

RAUF: Without making it look like -- without making it look, both in this country and in the Muslim world. You must remember, Soledad, and Americans must remember, that what we do is watched all over the world, all over the world. And we are very engaged with the Muslim world, very engaged. And our security is really number one. Our national security, our personal security, is extremely important. And this issue has become, now, a national security issue. And therefore, in our conversations, in our decision making process, we have to weigh many, many factors, and that has been dominant among them.

O'BRIEN: Is there a middle ground that has you pull out of the center and do something else? That's what it sounds like you're saying. Is it possible?

RAUF: We are discussing many things right now. But, you know, we haven't found, yet an option that would work in a safe way.

O'BRIEN: What are what you're considering it?

RAUF: As I said, we consider everything in life. But we have to be very cautious here because the voices of the radicals have ratcheted up. And we must make sure that the moderates take over the conversation.

O'BRIEN: In your op-ed in "The New York Times," a lot of what you talked about were interfaith worship centers.

RAUF: Yes.

O'BRIEN: It's a change from what was on the website originally. Is this a change in the face of the controversy? Is this the negotiation?

RAUF: When I found the Cordoba initiative after 9/11 in response to a perennial question was, how can we fix this relationship between the United States and the Muslim world. I found the Cordoba initiative as a multi faith and multinational initiative. Because it became very clear and very apparent that if we were going to do this, we have to have Muslims and non-Muslims in this country and internationally cooperating together, in addressing the fundamental causes that have caused this and are continuously fuelling this.

O'BRIEN: But the controversial itself--

RAUF: So the Cordoba house --

O'BRIEN: --though, right, isn't that causing to some degree an instability and a risk, a risk of safety? I mean, there's an address now that has become the flash point for a lot of anger. Isn't that a risk to Muslims and Americans?

RAUF: There is a certain anger here, no doubt. But if you don't do this right, anger will explode in the Muslim world. If this is not handled correctly, this crisis could become much bigger than the Danish cartoon crisis, which resulted in attacks on Danish embassies in various parts of the Muslim world. And we have a much larger footprint in the Muslim world. If we don't handle this crisis correctly, it could become something which could really become very, very, very dangerous indeed.

O'BRIEN: Do you ask yourself how did you miss that? I mean, it's been your life's mission, and you and I have spoken in the past years, to build bridges and reach out. And yet, given what you know now, would you have built?

RAUF: As I mentioned it, this story is not new. People knew about it.

O'BRIEN: Right, but given what you know now, would you have said, listen, let's not do it there? Because it sounds like you're saying in retrospect wouldn't have done it.

RAUF: Well, yes.

O'BRIEN: You would not have done it?

RAUF: If I knew this would happen, this would cause this kind of pain, I wouldn't have done it. My life has been devoted to peacemaking.

O'BRIEN: There are so many people who say, so if you're saying it was a mistake, then why can't you get out of it and not do it?

RAUF: Because we have to now make sure that whatever we do actually results in greater peace, not in greater conflict.

O'BRIEN: Many of the things that you've said over the last couple of years have been parsed, as you well know. I'm sure you've read yourself over and over again in over the years. When we come back in the next break, we're going to talk about some of the things you've said. A "60 Minutes" interview with Ed Bradley. We'll talk a little bit about Hamas and your position on Hamas as well right after the short break.

RAUF: By all means.

(COMMERCIAL BREAK)

O'BRIEN: We're back talking to Imam Feisal. Thank you for being with us. There are two mosques already in that region of Ground Zero. Yours, as you pointed out, is about 12 blocks away from the actual Ground Zero, what people call the hole in the ground. I live downtown. I've seen it a lot. Then another one that's just about two blocks away. Why do you think this structure's causing all this controversy now?

RAUF: Well, there's a certain amount of anti-Islamic sentiment in this country.

O'BRIEN: Why now?

RAUF: And we have seen it in the attacks upon mosques in various parts of the country in the last several weeks. So it is clear that this issue is not just about our center, which is an attempt to create peace between Muslims and non-Muslims. This has aroused a certain anti-Islam sentiment which is unfortunate in this country.

But we need to look at it. We need to have a discourse about it. We need to make sure this doesn't dominate the discourse between us, because Americans believe fundamentally and in a very fundamental and strong way about freedom of religion, about separation of governments and churches, separation of church and state, which means that the powers of the government should not be used to



coerce people to believe in any one religion. But it should be used to defend and protect religious rights and freedoms.

So this is the conversation we need to have right now.

O'BRIEN: About two weeks after 9/11, you were interviewed by Ed Bradley on "60 Minutes." I want to play a little chunk of how that interview went. (BEGIN VIDEO CLIP)

ED BRADLEY, "60 MINUTES": Are you in any way suggesting we in the United States deserved what happened?

RAUF: I wouldn't say that the United States deserved what happened. But the United States' policies were an accessory to the crime that happened.

BRADLEY: You say we're an accessory?

RAUF: Yes.

BRADLEY: How?

RAUF: Because we have been an accessory to a lot of innocent lives dying in the world. In fact, in the most direct sense, Osama bin Laden is made in the USA.

(END VIDEO CLIP)

O'BRIEN: There, you have said when people run that various snippet, that that is taken out of context. What's the context?

RAUF: Well, I was describing the fact that United States had actually worked with the Taliban, cooperated with the Mujahadin. The Mujahadin were VIPs in the Reagan White House administration. And Osama bin Laden was something that we -- the United States cooperated with in fighting the Soviet Union.

However, looking back at it right now, I realize it was not a very compassionate thing to say and I regret having used those words.

O'BRIEN: But do you believe that U.S. policies led to the World Trade Center being hit by planes, by terrorists?

RAUF: Um, I --

O'BRIEN: You know, there's -- maybe shouldn't -- you feel it wasn't necessary a politic thing to say, but do you think it's true?

RAUF: Well, I mean, Osama bin Laden was something, you know, we had worked with before and we seen what bin Laden did. And the sentiment certainly was bin Laden has shifted and we see what has happened and we have to understand what has happened in order to solve it. But we -- we -- the work that we have to do now is not about pointing fingers.

O'BRIEN: People always say that to me, I don't want to point fingers, when they don't want to necessarily answer the question, which is do you think the U.S. was responsible for those attacks on its own soil by terrorists?

RAUF: I was also trying to say -- to share part of my role in bridge building, Soledad, is like what I do when marital couple comes to me, you know, when they've had some discord, for counseling. And part of what I have to do is to speak the truth to each side, or to tell them, when you say this, your husband hears that. When you, sir, when you say this, your wife hears that.

It is part of my responsibility as a bridge builder to speak the truth about what's great about America, what we've done right, and what our less glorious moments. And many people feel that the Iraq adventure, for example, has been one of our less glorious moments. But unless we're able to look and speak truthfully and understand the issues, then the conversation is going to devolve into a situation where we're not going to be able to work and build bridges towards peace.

The bigger conversation and the more important one is how do we build peace? It's not that easy.

O'BRIEN: But doesn't that bring us back around to the same thing? Is it how to build peace to put a cultural center, Islamic cultural center that will have a mosque that is angering so many people, that 74 percent of the country says is not the right thing to do? Is that the right step to peace?

RAUF: First, we always said there's going to be a dedicated prayer space for Muslim, which we do need. And we want to have prayer space for Christians and for Jews. As I said, we have to build on our common platform. We need to build -- we need to make a space which creates and emphasizes a culture of worship.

I as a Muslim want you, as a Christian, to really be a perfect Christian. I want my Jewish friends to be perfect Jews, to live according to the highest principles of what it means to be a Jew, to be a Christian, to be a Muslim.

O'BRIEN: There are many people who say that's not what Islam is about. I know we have to take a short break. When we come back on the other side, I want to play for you a chunk of what Franklin Graham has said about Islam and get your response to that, because it's very tough and it's very harsh. So we're going to take a short break. Be back in just a moment. a moment.

(COMMERCIAL BREAK)

O'BRIEN: We're back with Imam Feisal. Nice to have you.

RAUF: Thank you.

O'BRIEN: Let's talk about money. A hundred million dollars is the price tag for this Islamic cultural center. Where are you going to get the money?

RAUF: Well, we have yet to raise the capital campaign.

O'BRIEN: You have no money for it yet.

RAUF: We have not raised any money for it yet.

O'BRIEN: Where will you get the money? RAUF: We will raise from whatever source we can, domestically, especially. And we're very transparent on how we've raised the money. This has been something that we've committed ourselves to.



O'BRIEN: Meaning you will list whoever is giving you money.

RAUF: Yes.

O'BRIEN: Will you turn down money from people who, say, give money to Hamas?

RAUF: Absolutely.

O'BRIEN: No question about it? Anyone who supports Hamas cannot give money to you?

RAUF: We will do whatever is absolutely correct and legal and the safe thing to do.

O'BRIEN: Which means what exactly? I mean, because that's -- that's an extra condition.

RAUF: You see, I'm the visionary behind it. I'm not the actual builder. I'm not the financial expert. I'm not the legal expert on these things. But I have a vision here of establishing something which I know in my heart of hearts will be a powerful instrument of peace.

O'BRIEN: Who would you not take money from? Who would you say no, take it back? Who would you turn it away from me?

RAUF: We would turn away from anybody who is deemed to be a danger to this process.

O'BRIEN: There have been a lot of questions, and I think a fair amount of controversy and criticism about questions that people have had about your take on Hamas. You were asked in an interview in the radio; the interviewer said, is the State Department correct in designating Hamas as a terror group? And you dodged the question. You went on a long time. But there was really sort of no answer to it.

So -- and I guess people sense that whatever that answer is, if you -- if you don't condemn Hamas, then in a way maybe you're supporting Hamas as a terror organization. So I guess I'd ask that question again. Do you -- you know, is the State Department right in saying that Hamas is a terrorist organization?

RAUF: I condemn everyone and anyone who commits acts of terrorism. And Hamas has committed acts of terrorism.

O'BRIEN: Let's talk about Islam. I want to play you a chunk of what Franklin Graham, a leading Christian, has said about your religion.

(BEGIN VIDEO CLIP) FRANKLIN GRAHAM, CHRISTIAN LEADER: The teaching of Islam is -- is to hate the Jew, to hate the Christian, to kill them. Their goal is world domination. And for the Muslim, peace means when all the other nations are subject to Islam. Then we are at peace. The world will be at peace when the entire world is under Islam. Well, I don't agree with the teachings of Islam.

(END VIDEO CLIP)

O'BRIEN: How do you respond to that?

RAUF: Islam does not preach that at all. And the Koran is quite specific. Koran says whoever believes in God in the last day shall be saved. It is a religion whose very name, Islam, comes from the word Shalom, which means peace. It's about establishing peace. We greet each other with peace be upon you, which the Jews do in greeting each other.

It's a religion based upon peace. But have there been people who have -- you know, Muslims who have expressed such sentiments? Yes, they have.

O'BRIEN: The 9/11 hijackers said they were acting in the name of Islam.

RAUF: That is a travesty. That is a travesty. Just as the inquisitors, you know, in Spain were committing a travesty against the teachings of Jesus Christ. We do have people in our faith community who have committed travesties against the teachings of Islam. This is part of the -- of the -- of the war or the battle within Islam today.

O'BRIEN: Had moderate --

RAUF: -- which has to be waged and which is being waged.

O'BRIEN: Have moderate Muslims been vocal enough against extremists?

RAUF: In the Muslim world, there are many people who have been vocal and we have been very vocal against extremists. But how to win this battle is an on-going battle. And we must continue to wage the battle for peace.

O'BRIEN: What is the likelihood, do you think, of another 9/11- type attack here?

RAUF: I hate to think of that. I hate to think of that.

O'BRIEN: But you said security, national security, is obviously of great concern to you.

RAUF: It is fundamental importance to us. I mean, look at what 9/11 did to our country. It traumatized the country. It has created a situation where Muslims are under even greater suspicion. It is important for us to -- to change that discourse, to change that perception. And how do we change this perception, Soledad, if we don't engage, if we don't dialogue, if we don't get to know each other?

O'BRIEN: Engaging and dialogue and getting to know each other. Right now, it's kind of a screaming match in front of a store front.

RAUF: Because the radicals on both have taken over the discourse.

O'BRIEN: But do you think -- again, when you look at -- when you ask your average American, 71 percent say they think it's a bad idea. The wisdom is not there in doing this. So are those people radicals?

RAUF: No.

O'BRIEN: Are they Islamophobic?

RAUF: No, it's because people are concerned. People want this problem to go away. I have been in this neighborhood for 25 years. I'll continue to be in this neighborhood after this thing dies down. Mayor Bloomberg was quoted as saying that he believes that the day after election day, this story will go away.



O'BRIEN: Do you think that's true?

RAUF: That's what he said.

O'BRIEN: Do you think that's true?

RAUF: I hope it's true. I hope it dies down tomorrow, because we need this — this dangerous discourse to die down. We need to build bridges, to build relationships, to build friendships, and to build a new chapter in Muslim/non-Muslim relations.

O'BRIEN: Is this the right way to do that?

RAUF: How do you propose we do it? How do you pose we really engage? You know, Soledad, we must — look, this is a matter of engagement right now. How do we — how do we continue engagement is the question.

O'BRIEN: But engagement where people are furious, people — many people on both sides of the issue are furious. Is that the kind of engagement —

RAUF: I ask, what is the solution? What is the solution to create an advancement of peace? We have to advance a discourse on peace. Our politicians get it.

O'BRIEN: Isn't that the opposite of peace? Two sides yelling at each other with placards two blocks from Ground Zero, which people I think here in New York and around the country would say that is sacred land. That is — that's a special place for everyone in America. Is that — is that a step toward peace there?

RAUF: Well, as Clyde Haberman (ph) and many people have said, look at what exists in that neighborhood. Look at what exists around the corner. O'BRIEN: Oh, I -- believe me, I live downtown so I know the neighborhood very well.

RAUF: So let's be clear. Calling this particular block sacred ground and what exists there. There's, you know —

O'BRIEN: Strip clubs and delis. I've been there a million times. But I think when people call it sacred ground, they're saying something terrible happened on this spot and we can't --

RAUF: We've got to be fair. You can't say a place that has strip joints is sacred ground. We've got to be just. We've got to speak the truth. We've got to have justice for everybody. We're a country of justice for all, not justice for non-Muslims only or some groups and not for others. This is what America's all about, Soledad.

We've got to really mean what we say and say what our values are truly about. This isn't — the discourse has been hijacked by people who say no.

O'BRIEN: But in that 71 percent of people, those are not extremists.

RAUF: I recognize that. This is why I'm on the show with you today. I want to talk to these people, show them my face, show them what I'm about, show them my track record. I have been looked at every which way. Every statement has been looked at, including that is from 30 years ago when I was a young man.

I've committed myself to this. Let me tell you my story.

O'BRIEN: I'm going to have you tell me your story but after the commercial break.

RAUF: It's very important to this particular issue.

O'BRIEN: We'll talk about your work with the State Department as well. We're going to take a break and we'll come back in just a moment.

(COMMERCIAL BREAK)

(NEWS BREAK)

O'BRIEN: Let's talk a little bit about your past. You've been working for the State Department or with the State Department for many years, under the Bush administration and now as well. What exactly do you do?

RAUF: Well, the State Department has a visitor's program, exchange program where they send people from this country, Americans all over the world, to talk about things in Latin America and various other subjects. And they also invite people from other parts of the world to visit the United States, get to know the United States.

O'BRIEN: That's a national security mission in a way? RAUF: It's kind of an exchange visitors' program to get — to build relationships between people in various professions, religions, et cetera, with their counterparts, with other people in other parts of the world. I've done about half a dozen of these to various parts of the Muslim world.

O'BRIEN: You've heard about this pastor in Florida, Terry Jones, who is proposing burning Korans on 9/11. What do you think of that?

RAUF: I would plead with him to seriously what he is doing.

O'BRIEN: Why?

RAUF: It's going to feed into the radicals of the Muslim world. It's dangerous. General Petraeus has said that. It is something that is not the right thing to do on that ground.

O'BRIEN: Do you think he has a right to do it?

RAUF: And more importantly — and more importantly — well, we have freedom in this country, freedom of speech. But with freedom comes responsibility. And a famous saying to shot fire in a crowded theater. This is dangerous for our national security, but also it's the un-Christian thing to do. Jesus Christ didn't teach us to do that. We Muslims have a — we look to the example of our prophet. Many Christians say what would Jesus do? Jesus taught us to turn the other cheek. Jesus taught us to love your enemy.

We are not your enemies. But this is what Jesus taught us to do. And I would like to suggest that, you know, we all have to live by the highest principles of our faith traditions. As I mentioned, it's important — I want Christians to live — to be perfected Christians and I want Muslims to be perfected Muslims and Jews to be perfected Jews. If we don't do that, if we judge each other by the worst of the other's behavior and by the best of our own, where are we going?



O'BRIEN: On that note we'll take a short break. We're back in just a moment. Stay with us, everybody.

(COMMERCIAL BREAK)

O'BRIEN: We have time for one last question with Imam Feisal. Can you unequivocally say we're going to build this Islamic Center/Mosque at this location, two blocks from Ground Zero?

RAUF: We certainly hope to build the Cordoba House vision of a multi-faith center that will build relationships between Muslims and non-Muslims.

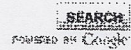
O'BRIEN: There?

RAUF: On this night, my Jewish friends are celebrating Rosh Hashanah, and I wish to wish them a happy Rosh Hashanah, including Larry King, on whose show we are on tonight, and to wish them well. And in this peace, in this team, we need to build peace. Peace is the name of our religion. Peace is how Muslims and Jews create each other. And Jesus Christ said blessed are the peace makers, for they shall be called the children of God.


O'BRIEN: Thank you for talking with us this evening. We certainly appreciate all your time. Let's send it right back to Larry King. Larry?

KING: Thank you, Soledad. Outstanding job. Want to personally welcome Piers Morgan to the CNN family. We at this program will continue through the end of December and then Piers will take over his own show in this time slot starting in early January. We'll complete 25 and a half years in this slot on CNN.

Weather forecast



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## Exhibit 2





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## Prominent American Muslims denounce terror committed in the name of Islam

Transcript of CBS's 60 Minutes interview on Sept 30, 2001 between Ed Bradley and Shaykh Hamza Yusuf of California

Imam Siraj Wahaj of Brooklyn

Dr. Farid Esack, Visiting Professor in Religious Studies at the University of Hamburg

Imam Faisal Abdur Rauf of Lower Manhattan

Dr. Vali Nasir, Professor of Political Science at the University of San Diego

**Bradley:** When the suspects in the September 11 bombings were identified as Muslims, people who follow the teachings of Islam, President Bush went to great lengths to point out that the overwhelming majority of the world's more than one billion Muslims are decent, law-abiding citizens. How then is it that a religion that promises peace, harmony, and justice to those who follow the will of Allah can have in their midst thousands committed to terrorism in the name of Allah? Tonight we'll try to answer that question. Every Friday afternoon at 1:00 p.m., Imam Faisal Abdur-Raouf leads an Islamic prayer service at the al-Farah mosque. This is not in Cairo, not Baghdad, not Riyadh. This mosque is in downtown New York City, just 12 blocks from where the world trade center once stood, where the U.S. government says Muslims perpetrated the worst act of terrorism in our country's history. This area had been cordoned off by police because it was so close to ground zero, so until Friday, Imam Faisal and his congregation had been unable to pray here. How do you feel as a Muslim, knowing that people of your faith committed this act, that resulted in the loss of 6,000 lives?

**Faisal:** It's painful. When this thing first happened, everybody in the community said, "Oh, God, let this not be a person from our faith, tradition, from our background."

**Bradley:** What would you say to people in this country who, looking at what happened in the Middle East, would associate Islam with fanaticism, with terrorism?

**Faisal:** Fanaticism and terrorism have no place in Islam. That's just as absurd as associating Hitler with Christianity, or David Koresh with Christianity. There are always people who will do peculiar things, and think that they are doing things in the name of their religion. But the Koran is... God says in the Koran that they think that they are doing right, but they are doing wrong.

**Bradley:** There are now more than six million Muslims in the United States, more than the number of Episcopalians, or Lutherans, or Methodists, or Presbyterians. Islam is now this country's fastest-growing religion. After Friday's service, we talked with some members of the al-Farah mosque. So the average American, if you say "Islam," what do they think?

**Congregant:** When I think trouble... The average? The average American, they think trouble, terrorism. Terrorism, yes. Fear. And you know what? I think all of us wish to speak to all... Every American and tell them, hey, we are American, and we're Muslims. We're not terrorism.

**Bradley:** Explain for someone who doesn't know, who doesn't understand your religion in the simplest term.

**Congregant:** In the simplest term, Islam says that human life is the most sacrosanct, and there is no way that Islam would allow a suicide mission, and would allow the killing of innocents.

**Congregant:** Islam means a submission to god. It also means peace to a lot of people, which is what it means to me. "Islamic terrorism": I mean, those two words have no meaning to me as a Muslim.

**Bradley:** But Muslim terrorists, in the name of Islam, have struck against the United States time and time again. Osama bin Laden, the prime suspect in these latest attacks, is also thought to have been responsible for the car bomb attack in Saudi Arabia that killed five Americans; the attack on the USS Cole which killed 17 sailors; the deaths of 18 US army rangers in Somalia; and the bombings of two U.S. embassies in east Africa that killed 224 people. We met with four of this country's leading Islamic religious leaders to talk about this wave of terror, including the most recent attack at the World Trade Center and the Pentagon. Imam Siraj Wahaj of Brooklyn, did you think Muslims could have committed this?

**Wahaj:** No, just from theological process, Islam doesn't only talk about the ends, but also the means; that however angry you are, you couldn't do anything like this. You couldn't kill innocent people.

**Bradley:** Imam Hamza Yusuf of California:

**Yusuf:** It's prohibited in Islam to torture animals. It's prohibited to kill animals without just cause. So the idea of killing human beings, innocent human beings, is anathema to Muslims. They're deeply shocked by it.

**Bradley:** While Islam forbids the killing of innocents, in this 1998 interview, bin Laden justified the US embassy bombings in Africa, saying every American man is our enemy, whether he is a soldier or a taxpayer. As for the women and children who died, he says women and children die every day in Palestine. In a statement last week, bin Laden called for a *jihad* or holy war in the name of Allah.

**Yusuf:** I would say that he has no legitimate authority, that in Islam *jihad* can only be declared by legitimate state authority. And this is accepted by consensus. There is no vigilantism in Islam. Muslims believe in state authority.

**Bradley:** You think he's a vigilante?

**Yusuf:** absolutely, absolutely. All Muslims are guided by the words of Islam's holy book, the Koran, which is believed to be the word of God, and explains how Muslims should lead their lives. It also says fighting should only be in self-defense, a fight in the way of Allah against those who fight against you, but be not aggressive. And the Koran forbids suicide. They cannot bring any textual evidence from the Koran, from the traditions of the prophet, to prove anything that justifies what they've done.

**Bradley:** So then it's outright aggression?

**Yusuf:** It's outright aggression.

**Bradley:** It has nothing to do with Islam?

**Yusuf:** That's my belief.

**Bradley:** So if the people who are responsible for this are followers of Islam, how do they justify this?



**Yusuf:** There is no justification. But how do Christians have to justify Christians who kill people at abortion clinics? Many of the terrorist activities in this country are actually done by extremist Christian elements, and I don't think anybody in the mainstream Christian world would see that as anything other than a serious aberration. Unfortunately, because of our ignorance in this country of Islam, we see these type of things, and there is an assumption that somehow Islam condones this thing.

**Bradley:** It is the Islamic belief in the afterlife that could be an incentive to die in the name of Islam. According to the prophet Mohammed, the next life is paradise, offering forgiveness.

**Faisal:** In the Islamic belief system, the next life is the primary life. The next life is more real, more intense, and more vivid.

**Yusuf:** I think that there are people that do these things that believe that we have a noble end, and the noble end is to bring about some kind of conflict to wake up the Muslim world, to start a global *jihad* against the evil west.

**Bradley:** And the Satan of the evil west, according to Muslim extremists, is the United States and its culture of commercialism, which Imam Farid Esack equates with a religion.

**Esack:** It is the fastest-growing religion in the world, the religion of consumerism, and everybody is being drawn into this new religion. And if you do not buy into this, you are an outcast, you are a heretic, and there is the hellfire of utter poverty which awaits you.

**Bradley:** And throughout the Muslim world, there is also strong opposition to America's foreign policy, particularly in the Middle East because of its support of Israel and economic sanctions against Iraq.

**Faisal:** It is a reaction against the US government politically, where we espouse principles of democracy and human rights, and where we ally ourselves with oppressive regimes in many of these countries.

**Bradley:** Are you in any way suggesting that we in the United States deserved what happened?

**Faisal:** I wouldn't say that the United States deserved what happened, but United States policies were an accessory to the crime that happened.

**Bradley:** You say that we're an accessory? How?

**Faisal:** Because we have been accessory to a lot of innocent lives dying in the world. In fact, in the most direct sense, Osama bin Laden is made in the USA.

**Bradley:** Bin Laden and his supporters were, in fact, recruited and paid nearly \$4 billion by the CIA and the government of Saudi Arabia in the 1980s to fight with the *mujahadeen* rebels against the former Soviet Union, which had invaded Afghanistan. After the Soviets pulled out, the Saudis, our best friends in the Arab world, our staunchest ally during the Gulf War, poured hundreds of millions of dollars into the newly-formed Taliban regime, and then felt that bin Laden and the Taliban were out of control. Bin Laden's faith is a strict, puritanical form of Islam called Wahabism, which was founded in the 18th century in Saudi Arabia, and is now that country's predominant ideology.

**Vali Nasir:** Wahabism tends to produce increasingly that kind of stark view of what is right and what is wrong.

**Bradley:** Vali Nasir, a Muslim and Professor of Political Science at the University of San Diego, is an expert on Islamic extremist movements.

**Nasir:** It's more likely to support the kinds of violence that the majority of Muslims don't believe their faith actually supports.

**Bradley:** Osama bin Laden grew up a Wahabi in Saudi Arabia, and has turned that extreme vision of Islam into a terrorism network that has backed the Taliban government in Afghanistan, and has adherents in violent fundamentalist movements in more than 20 countries. At the core of Wahabism is Saudi Arabia, which spends hundreds of millions of dollars promoting this ideology, which forbids any form of music, dance, or movies. Those who drink alcohol can be flogged, and anyone who commits adultery can face execution. When you say that Saudi Arabia is the ideological center of gravity for Muslim extremists, Muslim fanatics...

**Nasir:** Well, because Saudi Arabia has been exporting its vision of Islam, has been investing in religious institutions, education systems, movements that promote its vision of Islam, and has contributed enormously to ideologization and fanaticization of Islam all the way from Malaysia to Morocco.

**Bradley:** And how does that view of Islam promote violence?

**Nasir:** Well, it makes it more likely that, given the crises that are rampant in the Muslim world, it's much easier that a militant, fanatical interpretation of Islam becomes the basis for launching movements that are increasingly turning violent.

**Bradley:** But is there a big leap from that to an act of terror?

**Nasir:** There is a leap, but the issue is that that helps legitimate an act of terror, that helps recruitment for an act of terror. What Saudi Arabia is doing is not promoting terrorism, it is promoting that climate.

**Bradley:** One of the ways the Saudis have been promoting that climate is to finance religious schools, many of them on the Pakistan-Afghanistan border, where young Muslims from around the world go to be indoctrinated in the strict tenets of Wahabism. Imam Farid Esack was one of them. He spent eight years in a seminary, where he was given lessons not only in Islam, but also in urban warfare and the ultimate sacrifice.

**Esack:** The notion was that death in the path of God was the highest of our aspirations.

**Bradley:** What is the basic philosophy that was taught in seminaries like the one you attended?

**Esack:** I think that there is sense of a very literal understanding of the faith and a profound sense that if we adhere to the literal understanding of the faith, then we will be saved. But then there's also a sense that we are the only ones in the world that really matter, and that other people in the rest of the world, particularly people who do not share our faith, they do not matter.

**Bradley:** Do you think that teachings like that have contributed in any way to the proliferation of extremism and even terrorism in the region and from the region?

**Esack:** Yes. I certainly... I have no doubt about it.

**Bradley:** We wanted to talk to the Saudi government, but its embassy in Washington did not respond to our request. Last week, the Saudis broke off diplomatic relations with the Taliban. And now the United States, in the words of President Bush, is in hot pursuit of Osama bin Laden and the Taliban forces harboring him in Afghanistan, a prospect that frightens Muslim leaders in America.



**Yusuf:** If we're going to go into the Muslim world for more collateral damage, more bombing, more death, more destruction, the creation of more extreme conditions, we're not going to win a war on terrorism. We're going to in fact exacerbate the symptoms.

**Esack:** So the way in which the United States and its allies in the world today go about and dealing with this crisis, that will really determine for a very, very long time the nature of whether fundamentalism will grow and whether it rears its many, many ugly heads.

**Bradley:** You said earlier that you point the finger at US policy, I think, as an accessory to the crime, is that right? Let me point the finger at you for a minute. What have you personally done to denounce Muslim fundamentalist beliefs that inform these terrorists?

**Siraj:** Ed, if you're asking the question, have we as Muslims done enough, no, I don't think we have. We should do more. And I think one of the lessons of this tragedy is to do something. The question is, what do we as a Muslim world-- 1.2 billion Muslims-- what do we do now to make it a better world?

**Bradley:** Correct me if I'm wrong, but isn't it the responsibility... Does not Islam, does not Allah require that Muslims police their own religion and rid themselves of extremists?

**Yusuf:** Yes, absolutely. It's an obligation for Muslims to root them out. And I think it is a *jihad* now for the Muslims in the Muslim country to rid themselves of this element.



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## Exhibit 3





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## Report: Ground Zero Mosque Investor Contributed to Designated Terror Group

Published September 03, 2010 | FoxNews.com

A key financial backer of the proposed Islamic center near Ground Zero once contributed to a U.S.-designated terror group, MyFoxNY.com reports.

Egyptian-born businessman Hisham Elzanaty, who made what is described as a "significant investment" in the Ground Zero mosque project, contributed more than \$6,000 in 1999 to the Holy Land Foundation for Relief and Development, also known as HLF, tax records show.

The partnership's general manager, Sharif El-Gamal, confirmed Elzanaty's role in the mosque project.

The donations to HLF came two years before the federal government shut down the organization and designated it a terror group. At the time, it was the largest Islamic charity in the U.S. It raised millions of dollars from Americans in the 1990s, telling donors the money would fund schools, orphanages and social welfare programs.

Elzanaty's attorney told MyFoxNY.com that his client believed at the time that he was donating to an orphanage. Elzanaty did not respond to questions.

Federal investigators say the group was set up as a Texas-based charity, but in fact supported Hamas.

Many other donors to the foundation gave thinking their donations would fund humanitarian programs.

Other people and companies who donated money, equipment or services to the foundation the year Elzanaty gave included NBA star Hakeem Olajuwon, the Microsoft Corp., and a medical equipment company owned by General Electric, according to tax records.

When the foundation's leaders were indicted, Attorney General John Ashcroft said, the case was not "a reflection on the well-meaning people who may have donated funds to the foundation."

But Ray Locker, managing director of The Investigative Project on Terrorism, told MyFoxNY.com that even in 1999, news outlets reported on possible ties between HLF and terror organizations.

Five HLF leaders were convicted in 2008 of providing support to Hamas.

**Click here to read the full story from MyFoxNY.com.**

*The Associated Press contributed to this report.*

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## Exhibit 4



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## What President Obama Should Say about Iran's Election

President Obama said many of the right things as the turmoil surrounding the outcome of the Iranian election unfolded. After Iran's supreme leader, Ayatollah Ali Khamenei, spoke Friday, Obama has an opportunity to make an additional crucial point.

In his speech to the Muslim world in Cairo this month, Obama impressed Muslims with his understanding of Islam. He quoted from the Quran and reminded his audience of his Muslim heritage. Never before has an American president expressed such cultural and religious awareness.

As protests mounted in Iran after the election, Obama rightly backed away from inserting the United States into the dispute. He said he was "deeply troubled" by the violence and said the right to peaceably dissent was a universal value.

Many Iranians who were so hopeful and so engaged in the election now fear their votes did not count, Obama said. "And particularly to the youth of Iran, I want them to know that we in the United States do not want to make any decisions for the Iranians, but we do believe that the Iranian people and their voices should be heard and respected."

Friday, Khamenei reaffirmed President Mahmoud Ahmadinejad as the winner. And he made clear that this election was not a referendum on the foundations of the Islamic Republic. All of the candidates support it.

But he also said that opponents who did not believe the election results should challenge them through legal means.

This provides a chance for Obama to show Iranians that he understands their Islamic Republic and how it developed -- and to lay the groundwork for negotiations once the election dispute is resolved.

A majority of Iran's population is Shiite Muslims. Since its founding in the 7th century, Shiites have based their political theory on the cardinal concept of the legitimacy of the ruler.

The Iranian Revolution of 1979 was in part to depose the shah, who had come to power in 1953 after a CIA-sponsored coup overthrew democratically-elected Prime Minister Mohammad Mossaddeq. And in part it was an opportunity to craft an Islamic state with a legitimate ruler according to Shia political theory.

After the revolution, Ayatollah Ruhollah Khomeini took the Shiite concept of the Rightly Guided Imam and created the idea of Vilayat-i-faqih, which means the rule of the jurisprudent. This institutionalizes the Islamic rule of law. The Council of Guardians serves to ensure these principles.

Before the election, the Iranian government allowed an unprecedented degree of political discourse so that the election would establish a legitimate ruler.

Now, on the streets of Teheran and undoubtedly in high political circles behind the scenes, Iranians are asking themselves, has this election confirmed the legitimacy of the ruler?

President Obama has rightly said that his administration will not interfere with the internal affairs of Iran, unlike what happened in 1953. Now he has an opportunity to have a greater positive impact on Iranian-American relations.

He should say his administration respects many of the guiding principles of the 1979 revolution -- to establish a government that expresses the will of the people; a just government, based on the idea of Vilayat-i-faqih, that establishes the rule of law.

His administration understands that what is going on now in Iran is an attempt by the Iranian people to live up to their own ideals. Just as American democracy developed over many years, the United States recognizes that this election is part of the process of an evolving democracy in Iran.

That would send a resounding message to the Iranian presidential candidates and their supporters that President Obama understands the ideals of the Islamic Republic and that he seeks a peaceful and harmonious Iran that has the unquestioned support of a majority of its population.

As a result, President Obama may well find that no matter who is elected president of Iran, the chances of a negotiated rapprochement between the two countries would be far greater than it has

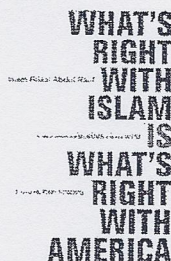
### Founder and Visionary

Imam Feisal Abdul Rauf

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been in the past 30 years.

Such a rapprochement will help resolve conflicts from Palestine and Israel through Iraq and Afghanistan to Pakistan where, contrary to popular belief, Iran and the United States have many common interests.

*Abdul Rauf is chairman of the Cordoba Initiative, an independent, non-partisan and multi-national project that seeks to use religion to improve Muslim-West relations. (www.cordobainitiative.org). He is the author of "What's Right with Islam is What's Right with America."*

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COUNTY OF NEW YORK

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VINCENT FORRAS, ON BEHALF OF  
HIMSELF AND ALL OTHER RESIDENTS AND PROPERTY  
OWNERS OF THE CITY OF NEW YORK, COUNTY OF NEW  
YORK, SIMILARLY SITUATED,

PLAINTIFFS,

V.

FEISAL ABDUL RAUF, AND  
CORDOBA HOUSE, ET. AL,

DEFENDANTS.

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***AFFIRMATION IN OPPOSITION***

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