THE EDUCATION OF ALI AL-TIMIMI

Describing him as a "rock star" of Islamic fundamentalism in the United States, the government sent an American Muslim scientist to prison for life. But has justice been served?

BY MILTON VIORST

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Back in the late seventies Ali al-Timimi used to hang around our house with my son Nick. They were twelve or thirteen, classmates at a very liberal, heavily Jewish, private day school that was founded by New Dealers when the public schools in Washington were still segregated. Small and slight for their age, both were outsiders. They went to rock concerts and drank beer together, and to this day Nick acknowledges the comfort the friendship brought him as they faced the burdens of intruding adolescence.

Soon after Nick entered high school, Ali went off with his parents to Saudi Arabia, and the two never met again. A year ago Nick called me to say he had learned from the newspapers that Ali had been sentenced to life in prison for what the FBI described as recruiting followers after 9/11 to prepare for an anti-American jihad. Characterized by the supervising U.S. attorney as a "kingpin of hate," Ali was charged specifically with conspiring to induce eleven young Muslims in northern Virginia, most of them American, to fight with the Taliban against U.S. troops in Afghanistan.

Over the next few months I tried to find out more about Ali, now forty-two years old. Piecing together the mosaic of his life was not easy. Not only was he himself in prison, beyond my reach, but the Muslim men who knew him, intimidated by the anti-Muslim atmosphere that has pervaded the country since 9/11, were all unwilling to talk. President Bush, during the recent fuss over allowing a Dubai company to run terminals at the nation's major ports, argued that the United States must not convey to the world an impression that it is biased against Muslims. But among Muslims I encountered, not a single one would say that it is not.

The news of Ali's case brought to mind the incident that my wife and I most vividly associated with him. It was at Nick's bar mitzvah, in 1977. Ali was among the friends Nick had invited. It had not occurred to us that he was the only Muslim among them. But we were not prepared for the anti-Arab diatribe that the rabbi, a fervid Zionist, delivered as his sermon. I still recall squirming at the rabbi's words, while hoping the teenagers sitting together in the front row would be too bored to pay attention. Nearly thirty years later, in my quest to understand Ali, I learned how futile that hope had been.

In *American Muslims: A Community Under Siege*, by Ahmed Yousef, a book published before Ali's imprisonment, Ali described what the incident had meant to him: "We entered the synagogue and all the boys, Jewish and non-Jewish, placed yarmulkes on their heads in accordance with Jewish rituals. After the rituals, the rabbi began to address the audience. He began to attack the Arabs by saying they sought to kill young Jewish boys. I was offended that I would be associated with seeking to murder my Jewish classmate and one of my closest friends."

Ali was also quoted in the book as saying that after the service I came to him and apologized for the rabbi's statements; I do not remember that part of it. He told Yousef that the whole episode had made, in Yousef's words, a "lasting impact" on him, forcing him to recognize that, whoever he was, "in the larger world, issues of his ethnicity and religion would be something by which people were going to make judgments about him."

Paradoxically, the household in which Ali was raised was not particularly ethnic or religious. His parents moved to the United States from Baghdad for professional reasons, in 1962, and made up their minds never to go back. Mehdi, his father, was a lawyer who worked in Iraq's embassy and, in his free time, obtained an M.A. in law at George Washington University. Sahera, his mother, was a university student when they arrived, and she took pride in telling me that she had acquired three master's degrees and a Ph.D. in psychology. She then went on to a distinguished career in mental-health education. "We were very ambitious," she told me. "We vowed to make something of ourselves. That's the main thing we taught the children."

Ali was born in 1963, and his brother, Zaid, three years later. Photos in the family album show them growing up, like other American children, with Halloween costumes and Christmas trees surrounded by toys. Ali wears a baseball cap in one snapshot, a McDonald's T-shirt in another. At one of Ali's birthday parties, Nick is in a picture with other classmates cheering as Ali blows out the candles on a cake. Ali's mother told me that, though she and her husband were committed Muslims—she wore a veil until she was in high school, he recited daily prayers, neither of them drank alcohol—they spoke English, not Arabic, at home and did not push religious observance on the children. In photos in his late teens, Ali, already bearded, posed wearing an Islamic

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PHOTO FROM GEORGETOWN DAY SCHOOL JUNIOR HIGH YEARBOOK 1976-1977

Ali al-Timimi, 1976

Ali (left) and the author's son Nick, from the 1977 Georgetown Day high school yearbook

headdress. But in a biographical sketch written many years later, he recalled that even at age thirteen he did not know that Muslims everywhere face Mecca to pray.

Ali's transformation began in 1978, when the al-Timimis took their sons to Saudi Arabia for an extended stay, to open them to their Islamic heritage. Ali's father obtained a legal post in the Saudi Ministry of Transport; his mother was named to set up a department of psychological counseling at the University of Riyadh. For their sons, they chose a school that promised to combine rigorous instruction in Western academic disciplines with an introduction to Sunni Islam, the sect to which the family belonged. Most of the students, Ali has written, were offspring of the families of Western Muslims who worked in the kingdom.

In Ali's first year, students memorized segments of the Koran, studied some Islamic law, and learned the correct performance of Islamic rituals. In the second, Ali came under the influence of a young Canadian convert, a graduate of the Islamic university at Medina, who offered him an understanding of the faith within the framework of Western culture. The version of Islam that Ali absorbed was called Salafiya, derived from *salaf*, the term attached to the three generations that followed the Prophet Muhammad in the seventh century. These generations are said to be Islam's model of purity. Salafis, in emulating practices that go back to the roots of the faith, are much like the fundamentalists of other religions. They are not a sect, like Sunnis and Shiites, but a school of religious devotion. Ali brought this devotion with him when he returned to Washington in 1981 to begin college.

Still, it is not clear why Ali became a Salafi. The scar left on his memory by the rabbi's anti-Arab rhetoric at Nick's bar mitzvah represents at most an insight into his thinking. Now, locked away, he is not able to provide a better explanation. In Yousef's profile, written in 2004, he says, "I left the United States in 1978 when Islam was at best a passing curiosity; I came back for college in 1981 when Islam after the Iranian revolution was now at the center of the news." Elsewhere he cited a series of traumatic episodes within the Islamic world that upset him: the violent seizure of the holy mosque in Mecca, in 1979, by Islamic fanatics; Russia's invasion of Afghanistan in the same year; the intra-Muslim carnage of the Iran-Iraq War, which began in 1980. In Washington, Ali stepped up his study of Arabic and turned to the examination of Islam's original sources to strengthen his beliefs. At the same time, he resolved to pass his Islamic learning along to others.

Ali enrolled in a pre-med program at a local university, but he probably devoted more time to his readings in Islam than to his coursework. Though a good student, he did not become a doctor after earning his degree; his mother blames an asthmatic condition that kept him out of the labs. But whatever the reason, he spent much of his time mixing with the new and often rival communities of Muslims—Arabs, Iranians, African-Americans—that were growing up around mosques in the Washington area. The Yousef book quotes him as saying, "Of course, I got caught up in the politics … I flirted with each group, only quickly to become disinterested in their rhetoric and what I perceived as their being out of touch with the questions being raised in America—about Islam and the Muslims." He was instrumental in forming a study group exploring Salafiya. "In the end," he said, "I was hungry for answers to the larger philosophical questions." This hunger propelled him back to Saudi Arabia, in 1987, to increase his understanding of Islam.

For a year Ali explored the doctrines of Salafiya at the elite Islamic university in Medina, where the Prophet Muhammad founded his religious community fourteen centuries ago. Being in Islam's second-holiest city, the university attracts thousands of students from around the world. The Saudi government covered Ali's tuition, along with his room and board, as it did for all the students there. The curriculum at Medina was aligned with Wahhabism, the politicized form of Salafiya, named for Muhammad ibn Abd al-Wahhab, the eighteenth-century zealot who fused his own puritanical theology with the political ambitions of the Saud tribe to found the monarchy that lasts to this day. Ali's focus, however, was more on the theology than on the politics.

By now Ali's Arabic was strong enough to carry him in the classroom. Moreover, his obvious ardor for the religion, combined with his being one of the few Americans in Medina, made him special and gave him access to some of Saudi Arabia's leading Islamic thinkers. Most notable among them was Abdul-Aziz bin Baz, the blind sheikh who later, as grand mufti, the kingdom's highest legal authority, would become the official interpreter and defender of Saudi Salafiya. Ali developed a

PHOTO FROM GEORGETOWN DAY SCHOOL JUNIOR HIGH YEARBOOK 1977–1978

strong attachment to bin Baz, in which his parents took pride. But they envisioned him in a secular career and urged him to return home. Had they not, it seems likely he would have stayed on far longer to pursue his religious calling.

Back in the United States, Ali enrolled for a second bachelor's, this one in computer science at the University of Maryland, while doing parallel studies in software programming at George Washington University, where his father and mother had obtained degrees. Within a few years his level of skills permitted him to hold a sequence of jobs with high-tech computer firms based in the Washington area. One of them was SRA International, a highly regarded company where Ali worked as a "bioinformatics software architect," providing information technology to the government. Some of the jobs required that Ali obtain a high-level security clearance; one assignment was in response to a call from the White House, which provided him with a letter of commendation after his work was done. He later enrolled as a doctoral candidate at George Mason University, in northern Virginia, near where he then lived. The specialty he chose was computational biology, a new field that contained the promise of breaking fresh ground in medicine through the advanced use of computers.

Ali also lived a rich personal life. His renown as an Islamic scholar was growing, earning him invitations to lecture to Muslim groups in the United States and abroad. In 1991 he married Ziyana al-Rawahi, a slim, attractive Omani who had come to Washington five years earlier for university studies. She had been introduced to him by her brother, also a student, whom Ali had met at a local mosque. Twenty at the time, Ziyana was a devout Muslim who recited prayers daily and wore a traditional head scarf. But she was also a modern woman who dressed fashionably and shared Ali's dual commitment to faith and the intellect.

Ali and Ziyana eventually moved to a comfortable duplex in Fairfax, Virginia. His library, overflowing with books both in Arabic and in English, occupied the ground floor. Over coffee Ziyana told me, "Ali and I didn't have much time together. He was always so busy. He loved being a good Muslim and felt a duty to teach people about Islam. But he was also a scientist, who didn't buy the idea that all wisdom came from the Koran. Some people say Ali had two identities: one in faith, the other in science. I don't believe that. His life was very open. He didn't hide anything. I believe he was a man whose parts, religious and scientific, fit together."

Ziyana volunteered that Ali was committed to *ijtihad*, the reinterpretation of Islamic doctrine, particularly sharia, or Islamic law. The word has the same root as *jihad*, which means "to struggle" or "to strive"—and, by extension, "holy war." Muslims agree on a duty to perform jihad, in the sense of striving to deepen their faith; the duty that some see to wage holy war is more controversial. *Ijtihad*, different from both, is an intellectual struggle that the principal Islamic sages, in adopting the controlling body of doctrine a thousand years ago, declared permanently closed. Since then, Muslims have debated—with Shiites more open to change than Sunnis—whether religious reinterpretation was permissible at all. Ali, within the framework of Sunni orthodoxy, was on the side of those who chose to go beyond acceptance and to grapple with religious ideas.

"He and I would talk sometimes of living in a Muslim country," Ziyana went on, "but we never did anything about it. Though Ali was often upset with American policies in the Middle East, he never doubted that he was American. He was used to American ways. He said the openness of America shaped his work as a scientist. Ali liked being American."

Curtis Jamison, Ali's dissertation director at George Mason, told me that Ali's innovations in computational biology were at the threshold of a significant breakthrough in cancer research. The school even hired Ali—though it let him go after he came under suspicion by the FBI—to design a computer program that coordinated the research of several universities. While he was at George Mason, Ali published or co-published a half-dozen scientific papers.

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"I knew Ali was religious, even spiritual," Jamison said. He recalled that he and Ali attended several academic conferences together, where they talked through the night about science and the philosophy of science. Jamison said Ali loved to discuss ideas, and at no point revealed a strong Islamic influence in his views, much less a religious extremism. "He excused himself several times a day to pray," Jamison said. "But he did not proselytize among his colleagues, or allow religion into his work. He was a total professional."

In the introduction to "Chaos and Complexity in Cancer," his doctoral dissertation, Ali made an observation about the transformation of science in the Christian West that surprised me in its sharp departure from conventional religious dogma. "Following the Christianization of the Hellenic world," he wrote,

> medieval Europe understood God to be the ultimate source of life with all its diversity. This combination of an unwavering belief in a Divine ultimate cause, with the traditional emphasis on a purely descriptive approach to biology, led to a type of rigidity of thought … *It was only … the drifting away and then final divorce of Western intellectual thought from the Church that led to a sharp break from philosophical and theological*

> *notions of life*. [Italics mine.] Emancipated from philosophy and theology, and coupled with the foundational discoveries of embryology … cell theory … and genetics … biology set on a new direction with the appearance of Darwin's *On the Origin of Species*. The main task of post-Darwinian biology now shifted from cataloguing the diversity of life to understanding the mechanics … that led to that diversity.

Ali, in conversation, argued vigorously that Muslim scientists, throughout history, were at the same time religious scholars. Ziyana told me he believed improving the well-being of mankind through science was in accord with Salafiya. In one of his lectures Ali raised eyebrows in the audience by asserting that contemporary Salafi thinkers, through doctrinal rigidity, risked making themselves into a "country club" of believers. Until Ali is available to explain them himself, it seems fair to say his doctoral comments proceeded from a conviction that Islamic science would remain inferior to the West's until it freed itself of the intellectual shackles imposed on it by religious orthodoxy.

Whatever his achievements in science, Ali was known to most Muslims as a preacher of the doctrines of Salafi Islam. His mission was *dawa*—that is, propagation of the faith. His reputation was as a teacher of theology, moreover, not as a political advocate. Dozens of his talks are available on the Internet in text and in audio format. They contain little about Arab concerns with the Arab-Israeli wars, the rivalries between the Arab states, the problems faced by Muslims living in the West, or even the war in Iraq. Rather, they reveal a man who reflects deeply on the Islamic vision of Judgment Day, prophecy, the nature of the divine, and *fiqh* (Islamic jurisprudence)—subjects with which he grappled in Medina and in his private reading.

Much as Ali regarded himself as religious, he also considered himself a rational man. He spoke of being influenced by Sheikh Jafar Idris, a Salafi scholar who had come to northern Virginia from Sudan and taught him to use "rational methods" to defend Islam. His rationality, however, did not interfere with his rejection of reform in traditional Islamic ideals and behavior. In these matters, Ali's outlook was profoundly fundamentalist.

Ali never departed from his belief that Islam offered mankind more than Western values did, even in science. "By Allah's grace, we possess something the West does not," he declared in a lecture titled "Muslims and the Study of the Future," given in London in 1996. "We have the true source of knowledge, the Koran and the Sunna, something which is inerrant. And therefore, because of that true source of knowledge, our ability to think and our ability to interpret is more correct than theirs." Similarly, he envisaged Islam as the key to social progress. In a 1993 talk at Purdue University titled "Islam: The Cure for Societal Ills," he declared that among the non-Muslim countries, "the United States is probably the best society known to humanity in terms of its justice … But [its] problems … are insurmountable in my opinion because of the lack of the application of the sharia."

In 1995, upset that President Clinton had named secular Muslim women to represent the United States at the World Conference on Women, in Beijing, Ali persuaded the Islamic Assembly of North America, a Salafi society, to send him as head of a dissenting delegation. The Beijing meeting was designed to promote women's rights worldwide; Ali argued that historically the West was more oppressive than Islam to women, and that sharia offered them more than did American-style feminism or the United Nations' declarations. Ali's delegation held press conferences, passed out tracts, and gave interviews to the international press. Both Ali and Ziyana delivered lectures; hers were circumspect, his were outspoken, particularly in denouncing lesbianism. Press reports indicate that, whatever their impact, Ali and his group created a buzz in Beijing.

Like orthodox thinkers of other faiths, Ali conveyed great certainty in his religious judgments. Not only did he reject the doctrines of Islamic modernism but, as a Sunni, he also showed no sympathy for Sufism and Shiism, alternate forms of Islam. Though personally at ease with Jews and Christians, he expressed great disdain for the belief systems of Judaism and Christianity. Like most Arabs, he perceived Islam and the West as historic adversaries. Still, he was not inflammatory. On the contrary, his words conveyed a sense that these rivalries, being spiritual in nature, would not be resolved in our time, and surely not by bloodshed.

In the late 1990s, with Muslims settling in northern Virginia in growing numbers, Ali began drawing a steady audience. Sheikh Jafar, his mentor, had opened his home to Friday-night prayer services, then founded a storefront mosque that he named Dar al-Arqam, after one of the first Islamic schools founded by the Prophet Muhammad. Ali, sometimes dressed in Islamic robes, lectured there in English, usually presenting lessons on Salafiya. Typically, a hundred or so worshippers heard him. Many were converts, black and white; some were migrants from Islamic lands; most were professionals or technicians. Ali came to know a few of them but was generally too busy with his scientific work and diverse studies to cultivate real friendships with any.

It is clear Ali did not know that a dozen or so of the Dar al-Arqam worshippers met on weekends to play paintball, a widely popular rough-and-tumble game resembling small-unit military exercises. Paintball Web sites make much of the ferocity of the game, often played in organized leagues; they advertise the sale of protective masks, goggles, and helmets, and a range of paintball guns. Players maneuver in teams through fields and woods, and shoot paint-filled pellets at one another until a winner is declared.

But paintball was more than a game for the Dar al-Arqam players. It was an opportunity to entertain the brave visions of jihad, to be waged on behalf of beleaguered Muslims in Bosnia and Chechnya. Some of the players also owned firearms and on weeknights met to watch videos of combat between Muslims and infidels. A few went further, devising plans for military training in Pakistan, at camps founded with U.S. help in the 1980s by an organization called Lashkar-e-Taiba, meaning "army of the pure." LET, whose founding aim

was to promote anti-Soviet resistance in Afghanistan, later redirected its effort to Pakistan's conflict with India over Kashmir. Ali, who knew nothing of the firearms or the videos, learned of the paintball fantasies only after 9/11, and once expressed some puzzlement to the players over why they did not get more easily into shape by playing soccer.

After the 9/11 attacks on New York and Washington, however, paintball among Muslims in northern Virginia appeared to U.S. authorities to be more than just indulging fantasies. President Bush promised that Muslims would be protected, and violent hate crimes actually turned out to be few. But within days federal authorities initiated anti-terrorist programs that singled out Muslims for detention and deportation. Thousands of Muslims were interrogated by law-enforcement officials, and terrorism charges were brought against some 150 of them. Special security procedures targeted Muslims in airports, and many Islamic charities and businesses were shut down on the grounds that they abetted terrorists. Muslim life was invaded by a sense of dread. Despite the president's promises, evidence was abundant that Muslims were being treated differently from other Americans.

At the Dar al-Arqam mosque on the night of the attacks, Ali publicly criticized the killing of innocent people by the al-Qaeda hijackers but urged Muslims to make contingency plans to protect themselves and their families. Five days later, seven of the paintball players gathered for dinner in the apartment of Yong Ki Kwon, a twenty-five-year-old Korean-born convert, to discuss how they should proceed. Kwon, who lived near Ali, had sometimes driven him to his lectures. While Kwon was picking up take-out kebabs for the dinner, he and Ali spoke by phone, and Kwon learned that Ali was free that evening. Kwon invited Ali to join his other guests so that he could provide them with Islamic guidance. Kwon's dinner party was to lead to indictments of all of the attendees, and prison for most.

Not surprisingly, the accounts of the dinner party that participants presented to law-enforcement authorities vary in details, but the overall picture that emerges is remarkably consistent. The guests all recalled an atmosphere of great tension. Some expressed apprehension that they or their families would be set upon by mobs and their homes burned. When Ali arrived, he ordered that the phones be disconnected and the blinds drawn. He also elicited everyone's promise that the discussion be kept secret. When two paintball players, one of them unknown to him, arrived late, he stopped talking until after they had left. Later, federal prosecutors cited these events as proof that the dinner was the start of a criminal conspiracy.

Versions of what Ali said at the dinner were also reasonably consistent, though differences in detail were crucial. One explanation for the differences lies in the fact that after their indictments, many of the dinner guests negotiated plea-bargaining agreements that required them to testify against Ali. At his trial Ali himself remained silent, though earlier he had spoken voluntarily to the FBI and his statements were presented to the jury. Still, when the prosecution did not like what he was quoted as saying, it simply claimed that Muslims who wage jihad are taught to lie. Under the circumstances, it is remarkable that the dinner guests' versions of the talk Ali delivered that night differed as little as they did.

Ali, it is agreed, began with an exposition of Salafiya, holding that the 9/11 attacks augured the imminence of the end of days. Muslims, he said, had a duty to repent their sins. He then advised his listeners that they and their families might best leave America, following the precedent of the Prophet Muhammad, who, in the *hijra* of 622 A.D., fled with his disciples from Mecca, where they had been persecuted, to the safety of Medina. As his third point, Ali reviewed—rashly, as it turned out—the Islamic doctrine of jihad as holy war, and pointed out that his listeners could serve the faith as mujahideen in Kashmir, Chechnya, or Afghanistan.

The government's charges against Ali turned on the third point, the Afghanistan alternative. On the night of Kwon's party, most Americans assumed that President Bush would soon open a front against Osama bin Laden and the Taliban regime, bin Laden's host. But Bush had not yet announced his plans. When prosecutors argued that Ali had urged the killing of American soldiers in Afghanistan, the defense replied that U.S. troops were neither present nor assigned there at the time he spoke. Had killing been his motive, the defense lawyers said, Ali had only to propose a fifteen-minute drive to the Pentagon, where countless uniformed Americans worked every day. On a key related issue, witnesses split over whether Ali had declared that jihad in Afghanistan was a duty or simply an Islamic option. Though no witness testified that Ali advocated violence, his raising the Afghanistan prospect opened the door to prosecution for conspiring against the United States.

Ali held the stage after dinner that evening for only an hour or so, after which Kwon drove him home. When Kwon returned, the agenda of the dinner guests shifted to the logistics of jihad. By coincidence, one of the guests, a Pakistani national named Muhammad Aatique, had already made arrangements to visit his family in Karachi. Three of the others, Kwon among them, agreed to meet him at one of the LET training camps in Pakistan. Several of the guests then walked to a nearby 7-Eleven store, where they bought a phone card and placed an untraceable call to the LET office in Lahore,

"I am accused and found guilty of nothing more," Ali said at his sentencing, "than … practicing a different religion than that of the majority. Socrates was mercifully given a cup of hemlock. I was handed a life sentence."

presumably to give notice of these plans. Over the next few days Kwon and two other dinner guests went to the Pakistani embassy to obtain visas for the trip.

On September 19, Ali had lunch at a local kebab shop with Kwon and his traveling companion, Khwaja Mahmood Hasan, who also had relatives in Pakistan. Both subsequently testified that Ali expressed neither approval nor disapproval of their intentions but urged them to be cautious. Over the following two days, the four paintball players flew to Pakistan. Kwon and Hasan spent several weeks sightseeing, shopping, relaxing on the beach, and visiting with Hasan's family. They all met up finally at the designated LET camp, where they underwent some training in the use of AK-47s, machine guns, and rocket-propelled grenades. Within a few more weeks, however, all apparently had lost their ardor for jihad and returned home. None reached Afghanistan; none fired a shot at an American.

A year and a half later the government charged the eleven paintball players with conspiracy "in furtherance of violent jihad." It is not clear why so much time had elapsed before the prosecution. The government referred to the defendants as the Virginia Jihad Network and said they had been under investigation since 2000, when the paintball games began. It alleged that among the specific crimes the defendants had committed was the journey to Pakistan; the defense countered that the visit was not criminal, since the LET camps were only placed on the U.S. government's terrorist list well after the trip took place.

"Anyone who doubts the importance of breaking up this network," said Paul McNulty, the supervising U.S. attorney on the case, and now the deputy attorney general, "underestimates the challenge America faces in its ongoing war against … terrorism." Six of the eleven pleaded guilty and negotiated prison terms. Kwon and Hasan, who later testified against Ali, were among them; both received eleven years but were released after less than three. At the trial of the remaining defendants, the prosecution declared that they had followed "not the tenets of Islam but a warped, paranoid view of the world." Three were convicted and drew extended sentences. Two were acquitted. Attorney General John Ashcroft exulted at the convictions, calling them "a stark reminder that terrorist organizations are active in the United States."

By the time Ali himself went to trial, in 2005, his case had dragged on for nearly four years. The FBI had contacted him a week after 9/11, and he met with its agents several times. Later, his house was searched, and many of his books and mementos were taken away. His passport was seized. It was no secret that his phone was routinely tapped.

Among the targets of the taps were conversations Ali had in 2002 with Sheikh Safar al-Hawali, a well-known Saudi scholar, concerning a letter to Congress in opposition to the looming invasion of Iraq. Ali composed the letter; Hawali signed it. A decade before, shortly after the first Gulf War, al-Hawali had been jailed by the Saudi authorities for his opposition to the basing of American troops in the kingdom for deployment against Iraq. Though many Saudis shared his position, the FBI took his jailing to mean al-Hawali was an extremist linked to bin Laden. Later, the prosecution claimed Ali's guilt by association with al-Hawali.

Al-Timimi in April 2005, a week before his sentencing

AP PHOTO/MANUEL BALCE CENETA

But it was a weak case, as were other FBI efforts to tie Ali to terrorism. The government had made no effort to indict Ali in the paintball prosecutions, though it referred to him as an unindicted conspirator. As such, his presence loomed large: the trial prosecutors called him the "spiritual leader" of the paintball plot. But the Justice Department also offered a plea bargain to Ali, proposing to abandon prosecution of him as head of the putative conspiracy if he accepted a fourteen-year prison term. Insisting he had committed no crime, Ali refused. Only then did the government bring the full indictment, seeking to obtain through a guilty verdict a mandatory life sentence.

The prosecutor of Ali's case was Gordon D. Kromberg, a career lawyer in the U.S. attorney's office in Alexandria. Kromberg had received a commendation the year before from Attorney General Ashcroft for the paintball prosecution. The citation said he had produced "the largest number of terrorist convictions of any single case to date."

Earlier, Kromberg had toured Israel on a United Jewish Communities mission and kept a diary, which was posted on the Internet. In it he cited "the enthusiasm of the Palestinians to use mass murder as a tool against the Israelis for no apparent end other than to destroy Israel." These words were not directed at Ali, whose origins were Iraqi, not Palestinian, but they conveyed, for me, something of Kromberg's attitude, in that they echoed the anti-Arab screed that Ali had heard the rabbi deliver at my son Nick's bar mitzvah thirty years earlier.

The ten-count indictment focused on Kwon's dinner party. It contended that Ali had provided advice and encouragement that induced the conspirators to levy war against the United States, supply services to the Taliban, acquire firearms

to promote violence, and train for military expeditions against foreign states. It alleged further that Ali not only promoted the journey of the paintball players to the Pakistani camps but, in doing so, joined in the preparation of war against a friendly state, India. Going beyond 9/11, it stretched the period of the conspiracy to February 2003, when Ali publicly spoke of the crash of the U.S. space shuttle *Columbia* as a Salafi allegory. He described it as an omen of the imminent end of the West's domination of the Muslim world—because the shuttle's name evoked the year 1492, when the Muslims were expelled from Spain; because the shuttle carried an Israeli in its crew; and because parts of it fell near a city in Texas named Palestine. Objectionable as the talk may have been, however, the prosecution never linked it to the paintball conspiracy. Apparently none of the players even heard Ali deliver it.

Kromberg, in the course of the trial proceedings, stated repeatedly that Ali had urged the paintball players to fight and kill American troops in Afghanistan. Out of religious belief, Kromberg concluded, Ali was "soliciting treason." Kromberg called Ali a "rock star," in possession of Islamic wizardry that awed his followers, who knew little or nothing about the faith. "These young men," Kromberg said in his opening statement, "wanted to live their lives as good Muslims, and what they understood to be living their lives as good Muslims is based on what Ali Timimi told them … This case is about what Ali Timimi told the young men who respected him, who revered him … who loved him, and most of all, who listened to him." He used even stronger language in his closing argument, saying, "These guys couldn't figure out how to tie their shoelaces without asking Ali Timimi."

Ali, dressed in a dark suit and a pressed white shirt, followed the trial proceedings carefully. His mother and his wife, wearing a hijab, sat nearby. He was represented by Edward B. MacMahon Jr., a single practioner who had a small office in northern Virginia, had contributed to George W. Bush's two presidential campaigns, and belonged to the same golf club as the president's father. Whatever his political disposition, MacMahon took the job of defending Ali seriously and won the admiration of the legal community for the ardor and intelligence he brought to the case.

MacMahon pointed out that Ali barely knew the paintball players and in the crucial weeks after 9/11 had spent no more than a few hours with them—hardly enough for him to function as ringleader of a seditious plot. He argued during the proceedings that the prosecution's claims were heavily laden with religious prejudice, particularly citing Kromberg's effort to discredit Ali's statements to the FBI on the grounds that Islam authorizes believers to lie. MacMahon declared that, even if Ali presented the pursuit of jihad as an Islamic duty, he was speaking as a teacher, and at no time did his statements meet the legal standard of inciting his listeners to make war on the United States. Ali, MacMahon said, was at the bar not for his acts but for his ideas, which he had a right to hold, as unpalatable as Americans might find them.

After seven days of deliberation, however, the jury accepted the prosecution's arguments and on April 26, 2005, convicted Ali on all ten counts.

On the eve of his arrest Ali spoke at a northern Virginia mosque, though it was not the familiar Dar al-Arqam, which now was closed. "I can worship Allah just as well in a prison cell as I can outside," he declared. But Ali was not submissive at his sentencing, and he refused the conventional course of appealing to the judge for mercy.

"My claim to innocence," he said,

> is not because of any inherent misunderstanding on my part as to the nature of the crimes for which I was convicted. Nor is it because my Muslim belief recognizes sharia law rather than secular law, as somebody might argue. It is merely because I am innocent … To accept these charges, we must believe that a solitary man who would spend his days working full-time at one of *Fortune* magazine's 100 best companies and then spend his evenings and weekends engaged in cancer research for a doctorate in computational biology, an individual who has never owned or used a gun, never traveled to a military camp, never set foot in a country in which a war was taking place, never raised money for any violent organization, would be—*could* be—the author of so much harm … Someone who did not observe the proceeding might justifiably ask, "How then was he convicted?" The answer, of course, was "Simply out of fear" … In the end, Your Honor, I too, like Socrates, am accused and found guilty of nothing more than corrupting the youth and practicing a different religion than that of the majority. Socrates was mercifully given a cup of hemlock. I was handed a life sentence.

Ali has been incarcerated at five different locations, the most recent being the U.S. Penitentiary in Hazelton, West Virginia. Ziyana, his wife, has visited him several times. MacMahon has since moved on, to the defense of Zacarias Moussaoui, the 9/11 accomplice. Ali's appeal is being handled by Jonathan Turley, a constitutional specialist, but authorities have obstructed not only his visits to the prison but my own.

Last March 22, on Turley's motion, the 4th U.S. Circuit Court of Appeals ordered the trial court, pending final wording, to re-examine the verdict on the grounds of alleged illegal wiretaps of Ali's calls. The order also instructed the trial judge to consider Turley's claim that Ali was being held under unduly harsh conditions and was being denied normal attorney-client contacts. Lawyers for dozens of other Muslims convicted on terrorism charges have also cited illegal intercepts in their appeals. MacMahon, referring to possible illegal wiretaps of the paintball players, put it this way: "The case against a lot of these guys just came out of nowhere, because they were really nobodies, and it makes you wonder."

The court order was among a series of defeats the government has suffered recently in terrorism cases. They include jury acquittals, reversals on appeal, the forced dropping of charges—and even instances of prosecutorial misconduct. Turley, in the event the wiretap strategy fails, will file further motions claiming other irregularities. These appeals all raise a basic question: whether in post-9/11 America the government, in prosecuting Muslims on terrorism charges, denies them equal protection under the law. On that question, the jury is still out.