



FBI hasn't sought Carrier IQ data, chief says

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 9:12 AM December 16, 2011

(Photo: Washington Post)

Washington Post on December 15, 2011 released the following:

“By Hayley Tsukayama

The head of the FBI told a Senate panel Wednesday that the agency has not sought information directly from the cellphone tracker Carrier IQ.

Testifying before the Senate Judiciary Committee, FBI director Robert Mueller said, “We have neither sought nor obtained any information from Carrier IQ in any of our investigations.

Responding to a question from Sen. Al Franken (D-Minn.), Mueller said that he did not believe that the bureau had sought any information on wireless companies’ use of Carrier IQ software but that he had to get more details for the committee. He said it is possible that the bureau may get data that “in some way Carrier IQ may have been involved with.”

Speculation that the FBI was using Carrier IQ data in investigations arose after Michael Morisy from MuckRock News reported that his Freedom of Information Act request to the FBI for files on Carrier IQ had been denied. In the letter, the FBI said that it was denying the request because the files were law enforcement records and “that there is a

U.S. v. Guillermo Cabeza, et al.

(Antitrust Division: Criminal Case Filings)

Submitted at 3:24 AM December 16, 2011

Document filed on November 30, 2011

• [Plea Agreement](#)

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documents posted online by a nonprofit journalist, show how a series of second- and third-hand conversations alleging that the top man in Congress might be for sale caught the attention of federal investigators.

“There are so many falsehoods,” Marianne Gingrich said Thursday. “The FBI, they should have been protecting me, not going after me. This is scary stuff.”

Her lawyer, Victoria Toensing, said: “There was no basis whatsoever for an



pending or prospective law enforcement proceeding relevant to these responsive records; and that release of the information contained in these responsive records could reasonably be expected to interfere with the enforcement proceedings.”

At the hearing, Mueller said that the wording in the agency’s FOIA response had been misunderstood to imply that the FBI was getting information from the firm. He referred to the phrase about a law enforcement proceeding as a “standard exemption” used in denying some FOIA requests.

In response to a Washington Post inquiry about whether there was such an investigation, FBI spokesman Paul Bresson declined to comment on whether the FBI was investigating Carrier IQ or using the software for surveillance purposes.

On Wednesday, federal officials

confirmed to The Post that the Federal Trade Commission is conducting an inquiry into Carrier IQ.

Carrier IQ spokesman Andrew Coward told The Post Wednesday that he was “not aware of an official investigation” by the FTC but that the company had set up meetings with regulators and lawmakers in Washington.”

Douglas McNabb – McNabb Associates, P.C.’s

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FBI considered a sting aimed at Newt Gingrich in 1997

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 8:42 AM December 16, 2011

(Photo: Washington Post)

Washington Post on December 15, 2011 released the following:

“By James V. Grimaldi

It is a curious case in the annals of the FBI: The bureau considered a sting operation against then-House Speaker Newt Gingrich after sifting through allegations from a notorious arms dealer that a \$10 million bribe might get Congress to lift the Iraqi arms embargo.

The FBI ended up calling off the operation in June 1997. It decided there was no evidence that Gingrich knew anything about the conversations the arms dealer was secretly recording with a man



who said he was acting on behalf of Gingrich’s then-wife, Marianne, according to people with knowledge of the investigation.

But details of the case, which became public this week in an article and



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investigation. These were people puffing, which means they were making up access to a high-level government person.”

Gingrich’s presidential campaign did not provide immediate comment when asked for response Thursday.

The investigation began after the arms dealer, Sarkis Soghanalian, told federal prosecutors and FBI agents in Miami that Marianne Gingrich said during a meeting in Paris in 1995 that she could provide legislative favors through her husband. The case progressed to the point that it was deemed a major investigation requiring approval in Washington.

Soghanalian, a convicted felon who is now dead, said he wanted the speaker’s help in getting the arms embargo lifted so he could collect an \$80 million debt from Iraqi leader Saddam Hussein, according to an FBI document filed to obtain continuing wiretap authorization for the case. The facts in the document were “developed through a cooperating witness,” whom The Washington Post has confirmed was Soghanalian.

Soghanalian said Marianne Gingrich assured him “she would be able to do anything [Soghanalian] requested of her ‘as long as they had an understanding,’” the document states.

Several months after the meeting in Paris, a man who had been on the trip with Gingrich and Soghanalian told the arms dealer that the embargo could be lifted for the right price. In conversations recorded by Soghanalian, the man, a Miami car salesman named Morty Bennett, stated that Marianne “wanted 10 million dollars to get the job done, five million of which would go directly to Marianne Gingrich,” the document states.

Bennett said in an interview Thursday, “I knew somebody and introduced them to somebody and that was it. Thank you for calling, and don’t call me back.”

The document and the existence of the aborted sting was first revealed this week in a 6,400-word story by Joseph Trento, who operates a Web site called DC Bureau (www.dcbureau.org). Trento interviewed Soghanalian several times before his death in October at 82.

The investigation foundered because there was no evidence against Newt Gingrich to establish “predication” — a basis to believe the target was engaging in or about to engage in criminal activity — according to people familiar with the investigation who spoke on the condition of anonymity because of the sensitivity of the case. FBI policy requires predication before significant undercover operations are initiated.

“There wasn’t any direct evidence that he knew anything,” said a source who spoke

on the condition of anonymity. “The rules are you just can’t go in there and do an integrity check on someone.”

Bruce Udolph, the former chief federal corruption prosecutor in Miami, said he could not confirm the existence of the investigation but added, “With respect to Speaker Gingrich, I am not aware of any direct, credible evidence linking him to any conspiracy to receive a bribe from anyone.”

The Justice Department referred calls to the FBI, which declined to comment on the case.

The Armenian-born Soghanalian was a high-volume arms dealer nicknamed “the Merchant of Death” who was indicted by federal authorities in South Florida for conspiring to sell U.S. helicopters to Iraq in violation of a U.S. ban. His 61 / 2-year sentence was reduced to two years in 1993 because of his cooperation with federal authorities.

He was already a federal informant when he met with Marianne Gingrich in Paris in July 1995. Also in attendance at those meetings were Bennett and Howard Ash, who had earlier worked with Marianne Gingrich at the Israel Export Development Corp., a company that advocated for a free-trade zone in the Gaza Strip.

Marianne Gingrich, who had left her position as vice president of marketing at IEDC, said she went to Paris at the request of her former boss to help get an investment from Soghanalian in IEDC.

The FBI document states that Soghanalian, Marianne Gingrich, Ash and Bennett spent several days together in Paris. Gingrich said “her relationship with her husband was purely a relationship of convenience,” the document states. “She told [Soghanalian] that she needed her husband for economic reasons, and that he needed to keep her close because she knew of all his ‘skeletons.’”

“She also told [Soghanalian], ‘It’s time for me to make money using my husband, and after we get started doing this, it will be easy,’” the document says.

In January 1996, the document states, Soghanalian said he received a call from Bennett, who said he was acting on behalf of Marianne Gingrich and asked for \$10 million to get the embargo lifted. Bennett wanted more than \$1 million in advance, \$300,000 in cash. The rest of the money was to be wired into Bennett’s bank account so that it could be transferred to the Institute for Advanced Strategic and Political Studies, an Israeli-based think tank with offices in Washington where Ash was a fundraiser, according to the document.

“Bennett stated that the way they had the deal structured nobody would ever be able

to prove it was anything illegal,” the document states. “Bennett stated that it would be handled like a campaign payment and ensured the source that [Marianne] Gingrich knew what she was doing. Bennett stated that the money was for Gingrich and her husband and that they needed buffers to protect them.”

Marianne Gingrich said Thursday, “All that’s hogwash.”

Soghanalian asked for a telephone call with Marianne. Bennett said that “would spook Gingrich” but that he would try to arrange it “for small talk about their Paris trip,” the document states.

But Bennett never produced Marianne Gingrich. He reestablished contact with Soghanalian in February 1997, and the FBI asked for approval from headquarters to keep recording the conversations “to develop evidence of possible Hobbs Act, Conspiracy, and Bribery violations by Bennett, Ash, Marianne Gingrich, and as yet unidentified federal officials,” the document states. Ash did not return calls seeking comment.

In June 1997, Soghanalian was planning to meet Gingrich and his wife at a fundraiser in Miami arranged by Ben Waldman, a Reagan administration official who later was lobbyist Jack Abramoff’s business partner in the controversial purchase of a casino cruise line in Florida. Waldman did not return calls for comment.

FBI agents began preparing to bug the meeting, but Neil Gallagher, then deputy chief of the FBI’s criminal division, ordered the investigation closed prior to the fundraiser, people familiar with the case said. They said local agents were upset by Gallagher’s move.

“I’d have to refer any comment back to the FBI,” Gallagher said Thursday.

The FBI special agent in charge in Miami at the time, Paul Philip, who signed the document, said he could not recall the case. After reviewing the document, he said he could understand why the case did not progress.

“When you’re dealing with elected officials, you have to be real careful,” he said. “Not that they can do anything to us. But their reputations are so fragile, if you don’t really, truly try to do the right thing, you could really shaft somebody.””

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Feds: Chicago Bears Receiver Sam Hurd Allegedly Sought to Buy Large Amount of Drugs

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 6:05 AM December 16, 2011

Bears WR Sam Hurd (Nuccio DiNuzzo/Tribune photo)

Chicago Tribune on December 15, 2011 released the following:

“By Jeremy Gorner and Vaughn McClure, Tribune reporters

Chicago Bears receiver Sam Hurd was arrested Wednesday night outside a Rosemont restaurant after he accepted a kilogram of cocaine from a confidential informant and an undercover federal agent posing as a drug supplier, according to federal charges filed Thursday in Dallas.

Hurd was charged with one count of conspiring to possess half a kilogram of cocaine with the intent to distribute it. Hurd appeared in federal court in Chicago in late afternoon and will remain in custody overnight while his attorney arranges bond.

Hurd, dressed in street clothes — fashionable jeans and a gray T-shirt — stood ramrod straight in front of the judge and replied, “Yes, sir,” to various questions about whether he understood his rights.

At the Wednesday night meeting, authorities allege that Hurd negotiated to buy five to 10 kilograms of cocaine and 1,000 pounds of marijuana a week for distribution in the Chicago area. He agreed to pay \$25,000 for each kilogram of cocaine and \$450 a pound for the marijuana, according to the charges.

Hurd said at the meeting that he plays for the Bears, gets out of practice at about 5:30 p.m., and would pay them on the next day, authorities said. Bears players are paid on Thursdays.

Hurd told the undercover agent and informant that he and someone else distributed about four kilograms of cocaine each week in the Chicago area but that their supplier wasn’t able to meet their needs, according to the criminal complaint.

The Bears issued the following statement: “We are aware of Sam’s arrest and are continuing to gather details surrounding it. We are disappointed whenever these circumstances arise. We will deal with them appropriately once we have all the information.”

Bears coach Lovie Smith said after practice Thursday that Hurd remains a member of the team. “I am in shock over it,” Smith said. “Never saw it coming. My dealings with



Sam here as most of you would probably say the same has all been good. He’s a guy that showed up every day to go to work.”

Hurd, who played at Northern Illinois, signed a three-year contract with the Bears this offseason after playing the previous five seasons with the Dallas Cowboys. The veteran receiver has been primarily a special teams contributor for the Bears.

Bears receiver Roy Williams, who played with Hurd for three seasons with the Cowboys, said he was “shocked” by the news.

“It’s a situation I don’t want anyone to be in, especially a close friend, a teammate that I have been playing with now for four or five years now, especially a guy from Texas with a wife and daughter,”

Williams said Thursday at Halas Hall. “So, it’s tough for me just because I am not into drugs or anything like that. I know it has to be tough for him because he has his family. It’s a choice he made and there are consequences with choices that you make.”

Asked for his thoughts about Hurd, Bears linebacker Brian Urlacher said, “It’s sad for him. I’m not sure what’s going on, but you never want to hear about one of your teammates, something like this happening to them.

“He’s a good teammate. That’s what I know of him. He comes to work every day and works hard. Outside of here, I don’t know him very well. But he comes to work every day and practices hard and plays hard. That’s all I know of him. He’s a friendly guy.”

Hurd was inactive for the season opener against the Atlanta Falcons because of a sprained ankle, and has eight receptions for 109 yards on the season.

The complaint alleged that Hurd first came to the attention of federal authorities in July when the confidential informant tipped off agents that a man — later learned to be a Hurd associate — was

attempting to coordinate the purchase of about four kilograms of cocaine in the Dallas area. The associate wanted to complete the deal that day so the buyer could transport the cocaine to a northern destination that same day, authorities charged.

At the direction of authorities, the informant met with the Hurd associate. After the meeting, Dallas County police conducted a traffic stop of the Hurd associate and recovered \$88,000 in cash and a marijuana plant.

Hurd, who owned the vehicle pulled over by police, later reached out to federal agents and claimed that he had placed the \$88,000 into the vehicle and then turned over the vehicle to the associate — who worked at a car repair shop — for maintenance and detailing work, according to the charges.

Hurd produced a bank statement that he said showed he had withdrawn the \$88,000 from his account, but authorities said the statement did not reflect that size of a withdrawal.

Hurd’s three-year contract with the Bears had a maximum value of \$5.15 million (\$4.15 million base total), and Hurd received a \$1.35 million signing bonus. His base pay this season was \$685,000. The Bears could pursue trying to recover some of the signing bonus.

The investigation is being handled by the U.S. Bureau of Immigration and Customs Enforcement in Dallas.”

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The author of this blog is Douglas

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Judge set to sentence Barry Bonds

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 8:28 AM December 16, 2011

CNN on December 15, 2011 released the following:

“(CNN) — Baseball legend Barry Bonds is scheduled to be sentenced Friday for his obstruction of justice conviction.

The hearing at 11 a.m. (2 p.m. ET) will take place in a San Francisco federal courtroom less than two miles from the ballpark where Bonds broke Hank Aaron’s major league home run record in August 2007.

Federal prosecutors want Bonds, 47, to serve 15 months in prison, according to a sentencing memo filed in court earlier this month.

Defense lawyers argued in their filing that the judge should accept the probation office’s recommendation that Bonds be sentenced to two years’ probation, fined \$4,000 and ordered to perform 250 hours of community service.

Jurors who found Bonds guilty in April said he was “evasive” in his testimony to the federal grand jury investigating illegal steroids use by pro athletes.

“Because Bonds’s efforts were a corrupt, intentional effort to interfere with that mission, a sentence of 15 months imprisonment is appropriate,” the

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prosecution said in its memo to U.S. District Judge Susan Illston.

But jurors, who were deadlocked on three perjury counts, said that it was not proven that Bonds lied when he testified that he had not knowingly used steroids.

Prosecutors decided not to pursue a retrial.

Prosecutors still argued in the sentencing memo that Bonds’ denial that he was “taking steroids and human growth hormone were patently false.”

Bonds’ testimony in December 2003 was part of the investigation that targeted Bonds’ personal trainer Greg Anderson and employees of the California drug testing laboratory known as the Bay Area Laboratory Co-operative (BALCO).

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The testimony that led to Bonds’ conviction came when a grand jury prosecutor asked Bonds if Anderson ever gave him “anything that required a syringe to inject yourself with.”

Bonds told the grand jury that only his personal doctors “ever touch me,” and he then veered off the subject to say he never talked baseball with Anderson.

Defense lawyers argued that Bonds thought the creams and ointments Anderson was giving him were made of flax seed oils.

Sentences for other athletes convicted in connection with the BALCO investigation have not included prison time.”

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