



## Language Deemed Offensive Is Removed From F.B.I. Training Materials

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

Submitted at 9:11 AM March 29, 2012

The New York Times on March 28, 2012 released the following:

“By MICHAEL S. SCHMIDT and CHARLIE SAVAGE

WASHINGTON — Training material used by the Federal Bureau of Investigation said agents had the “ability to bend or suspend the law and impinge on freedoms of others,” but that language has now been removed, according to a briefing the bureau recently provided to Congress.

The language suggesting that agents could bend the law was contained in 876 pages of training materials about Muslims and Arab-Americans the F.B.I. deemed to be offensive or inaccurate and removed after a review of about 160,000 pages of such material over the past six months, according to aides present at the briefing.

Also removed was the admonition that agents should never stare at or shake hands with an Asian, and the assertion that Arabs had “Jekyll and Hyde” personalities making them more likely to have “outbursts and loss of control” than even-keeled Westerners.

A description of some of the material deemed inappropriate was contained in a letter sent on Tuesday by Senator Richard J. Durbin, Democrat of Illinois, to the F.B.I. director, Robert S. Mueller III. The letter was first reported by Wired magazine, which last year published similar leaked training materials that prompted the F.B.I.’s broader review.

Michael Kortan, a spokesman for the F.B.I., confirmed the removal of the language suggesting “the ability to bend or suspend the law,” which he described as “inartful.” But — pointing to a set of talking points that apparently accompanied the material — he said the trainers meant that under normal

circumstances, agents have the ability to eavesdrop legally on private communications if they obtain wiretap orders from a court.

“I cannot emphasize enough that we disagree with the implication that training attendees, who were analysts, were led to believe that we actually bend or suspend the law or anything like that,” Mr. Kortan said.

In his letter, Mr. Durbin called on Mr. Mueller to provide the Senate Judiciary Committee with copies of the full set of documents and to reassign those officials responsible for the offensive material. “It is unclear that the F.B.I. has taken sufficient steps to undo the damage done by the offensive training materials,” Mr. Durbin said.

Mr. Durbin also wrote that Mr. Mueller told him in December that the F.B.I.’s “training review would identify F.B.I. agents who receive inappropriate training.” In a briefing last Thursday provided to Senate staff members, F.B.I. officials said they had not identified the agents who had seen the materials, according to the letter.

“If the F.B.I. does not identify agents who received inaccurate information and take steps to retrain them, there is a real risk that agents will be operating on false assumptions about Arab-Americans and American Muslims,” Mr. Durbin wrote. “This could harm counterterrorism efforts by leading F.B.I. agents to target individuals based on their religion or ethnicity, rather than suspicion of wrongdoing.”

Last week, the Department of Justice and the F.B.I. posted short memorandums about “guiding principles” for the training materials. The documents said that such materials must be “consistent with the Constitution” and agency values, including by not disparaging groups or individuals based on characteristics like

race, religion or national origin.

The memorandums also say that supervisors must assess trainers for professionalism and make sure that they are knowledgeable experts in the topic, and that they should review written materials being used for instruction.

In his letter, Mr. Durbin questioned whether issuing those memorandums constituted sufficient reforms, noting that the action fell short of creating a new curriculum on the topic.

After Wired published its account of F.B.I. counterterrorism materials last year, Attorney General Eric H. Holder Jr. testified before Congress that the documents undermined the government’s “substantial outreach efforts that we have made and really have a negative impact on our ability to communicate effectively.”

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## Six Arraigned on Tax Conspiracy in a Corporate Bonus Scheme Based in Western New York

(USDOJ: Justice News)

Submitted at 10:26 AM March 29, 2012

Six officials of an Upstate New York firm were arraigned yesterday before Magistrate Judge Leslie G. Foschio. On

March 21, a federal grand jury in the Western District of New York indicted the six defendants, Philip R. DeLuca, Alfred R. LaGreca, Frank A. Fracassi, Michael A. Elia, Laurence A. Elia and Richard A.

Elia, on tax charges, including conspiring to defraud the Internal Revenue Service (IRS).



# JetBlue Pilot Charged with Alleged Interference with a Flight Crew

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

Submitted at 12:02 PM March 29, 2012

The Federal Bureau of Investigation (FBI) on March 28, 2012 released the following:

“AMARILLO, TX—A federal criminal complaint was filed in the Northern District of Texas today that charges JetBlue pilot Clayton Frederick Osbon, 49, with interference with a flight crew, announced U.S. Attorney for the Northern District of Texas Sarah R. Saldaña.

According to the affidavit filed with the complaint, Osbon, a pilot working JetBlue Flight 191 from New York’s John F. Kennedy (JFK) Airport to Las Vegas, according to witnesses, arrived at JFK later than he should have for the flight and missed the crew briefing. As the plane was leaving JFK and climbing in altitude in its scheduled five-hour flight, Osbon said something to the first officer (FO) about being evaluated by someone, but the FO did not know what he meant. Osbon then talked about his church and the need to “focus” and asked the FO to take the controls and work the radios. Osbon began talking about religion, but, according to the FO, his statements were not coherent.

The affidavit goes on to say that the FO became concerned when Osbon said “things just don’t matter.” According to the FO, Osbon yelled over the radio to air traffic control and instructed them to be quiet. Osbon turned off the radios in the aircraft, dimmed his monitors, and sternly admonished the FO for trying to talk on the radio. When Osbon said “we need to take a leap of faith,” the FO stated that he became very worried. Osbon told the FO that “we’re not going to Vegas” and began giving what the FO described as a sermon.

The affidavit states that the FO suggested to Osbon that they invite the off-duty

JetBlue captain who was on board the flight into the cockpit; however, Osbon abruptly left the cockpit to go to the forward lavatory, alarming the rest of the flight crew when he didn’t follow the company’s protocol for leaving the cockpit. When flight attendants met Osbon and asked him what was wrong, he became aggressive and banged on the door of the occupied lavatory, saying he needed to get inside.

While Osbon was in the lavatory, at the request of the FO, a flight attendant brought the off-duty captain to the cockpit, where he assisted the FO with the remainder of the flight. When Osbon exited the lavatory, he began talking to flight attendants, mentioning “150 souls on board.” Osbon walked to the rear of the aircraft but along the way stopped and asked a male passenger if he had a problem. Osbon then sprinted back to the forward galley and tried to enter his code to re-enter the cockpit. When the FO announced over the public address system an order to restrain Osbon, several passengers assisted and brought Osbon down in the forward galley, where he continued to yell comments about Jesus, September 11, Iraq, Iran, and terrorists.

The FO declared an emergency and diverted the aircraft to Amarillo, landing with passengers still restraining Osbon in the galley. Osbon was removed from the aircraft and taken to a facility in the Northwest Texas Healthcare System in Amarillo for medical evaluation, where he remains.

A federal complaint is a written statement of the essential facts of the offenses charged and must be made under oath before a magistrate judge. A defendant is entitled to the presumption of innocence until proven guilty. The maximum penalty, upon conviction, for interference with a flight crew is a 20 years in prison

and a \$250,000 fine. The U.S. Attorney’s Office for the Northern District of Texas has 30 days to present the matter to a grand jury for indictment.

The ongoing investigation is being led by the FBI with the assistance of JetBlue, the Federal Aviation Administration, the Transportation Security Administration, the National Transportation Safety Board, the Amarillo Police Department, and the Rick Husband Amarillo International Airport Police Department.

Assistant U.S. Attorney Christy L. Drake, of the U.S. Attorney’s Office in Amarillo, is in charge of the prosecution.”

[Clayton Osbon – Federal Criminal Complaint](#)  
[49 U.S.C. § 46504](#)

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## Georgia Tax Preparer Charged with Tax Fraud and Identity Theft

(USDOJ: Justice News)

Submitted at 10:25 AM March 29, 2012

Willie C. Grant, a Bibb County, Ga., tax return preparer who owned and operated “Grant Income Tax Bookkeeping and Check Cash,” was indicted on March 15, 2012, by a federal grand jury with 23

counts of making false claims for tax refunds, four counts of theft of government money and four counts of aggravated identity theft, the Justice Department and Internal Revenue Service (IRS) announced today.

## Federal Court Permanently Bars San Diego Accountant from Preparing Tax Returns That Understate Income

(USDOJ: Justice News)

Submitted at 11:46 AM March 29, 2012

A federal court has permanently barred

Robert Jensen, a certified public accountant from San Diego, from providing tax advice or preparing federal

tax returns that illegally attempt to reduce customers’ taxable income, the Justice Department announced today.