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The Agent Who Might Have Saved Hamid Hayat

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Before the wins and losses are tallied up and the war on terror goes down in the books as either wisdom or folly, it might be recalled what took place this spring on the 13th floor of the federal courthouse in Sacramento. There, in a perfectly dignified room, in front of prosecutors, defense attorneys and judge, a tall, gaunt man named James Wedick Jr. was fighting for a chance to testify, to tell jurors about the 35 years he spent in the FBI and how it came to be that he was standing before them not on the side of the U.S. government but next to two Pakistani Muslims, son and father, whose books and prayers and immigrant dreams were now being picked over in the first terrorism trial in California.

Wedick watched the prosecutor from Washington stand up and call him a hired gun for the defense and say that any criticisms he had about the investigation would only confuse the jury and waste the court's time. He wanted to answer back that he had been the most decorated FBI agent to ever work out of the state capital, and for years prosecutors, judges and juries had nothing but time to ponder the way he busted dirty state senators and mobsters and cracked open the biggest health scam in California history. Yet he could only sit and listen as the judge ruled that by the weight of legal precedence, he would have to be muzzled. In eight weeks of trial, 15 witnesses for the prosecution and seven witnesses for the defense took the stand, yet the one whose testimony might have changed everything never got to tell his story. He never got to trace his metamorphosis to a Sunday morning last June, when he woke up thinking he had seen all the absurdities that a life of crime fighting had to offer only to find the FBI videotape–the confession that would become the heart of the terrorism case–on his doorstep.

It had arrived with no small hype: Down the road on Highway 99, the feds had busted up an Al Qaeda sleeper cell in Lodi, a little farm town at the northern edge of the San Joaquin Valley that had gone from the "watermelon capital of the world" in the 1880s to the "Tokay grape capital of the world" in the 1920s to the "Zinfandel capital of the world" today. The community boasted 60 wineries, 36 tasting rooms, a Zinfest in May and its own appellation: Lodi-Woodbridge. Somehow burrowed into the 90,000 acres of grape fields that pleated the

rich, flat loam of the Mokelumne River basin was a radical young Muslim carrying a prayer of jihad in his wallet.

He had just returned home to Lodi from a terrorist camp in the hills of his ancestral Pakistan. He had been trained there with Kalashnikov rifles and curved swords and target dummies wearing the faces of Bush and Rumsfeld. He was awaiting instructions, via a letter in his mailbox, to bomb hospitals and supermarkets in California's heartland. In the meantime, he was packing Bing cherries on the outskirts of town. The two imams at the small marigold mosque across the street from the Lodi Boys and Girls Club directed the sleeper cell at the behest of **Osama bin Laden**. They were building a multimillion-dollar school to spread the seeds of Islamic holy war to Pakistani immigrant children up and down the farm belt. If the whole story sounded too bizarre to be true, the 22-year-old jihadist and his 47-year-old father–the neighborhood ice cream man–had confessed to everything on camera.

At home in the Gold River suburbs of Sacramento, Jim Wedick agreed to study the FBI video as a favor to one of the defense attorneys. He was fully expecting to call the attorney back and advise him that son and father, guilty as charged, needed to strike a quick plea deal. It was hard to trump a confession, and in this instance the feds were holding not one confession but two. Even so, Wedick always had been the kind of investigator who needed to measure every bit of evidence for himself. So he stuck the video in his player and sat back on the couch to watch. The images were grainy, but he recognized the setting right off. It was the old polygraph room at the FBI's regional headquarters on the north side of the capital. He recognized several of the agents too. In the year since his retirement, they had become experts on counterterrorism. Now, two at a time, they began a five-hour interrogation that would crack a suicide bomber in the making.

Wedick could see that Hamid Hayat was cold and scared. To keep from fidgeting, he locked his hands between his legs like a kid trying not to pee. He was rail-thin with deep sunken eyes and eyebrows so wonderfully arched that he had the gaze of perpetual befuddlement. Even with his long black beard, he looked more teenager than man. The agents gave him a blanket and pulled their chairs closer. We're here to listen, not judge. Whatever you tell us about the training camp won't come as a surprise. We have spy satellites over Pakistan. If you're thinking about lying, you might think again. Wedick knew the game they were playing, the back and forth between trust and fear. It might take hours, but if trust and fear were maneuvered the right way, the whole room suddenly would turn. One moment the suspect was way up here–seeing the world his way. And the next moment he was way down here–seeing it your way. The freefall, Wedick called it. The release that came from finally shedding the weight of lies. It happened with even the most cunning crook.

Hayat shifted in his chair, and his voice grew submissive. One hour, two hours, yawns, cigarette break, yawns, candy break, exhaustion. The freefall never came. Instead, each new revelation, each dramatic turn in his story, was coming from the mouths of the agents first. Rather than ask Hayat to describe what happened, they were describing what happened for him and then taking his “uh-huhs” and “um-hmms” as solemn declarations. He was so open to suggestion that the camp itself went from being a village of mud huts to a building the size of Arco Arena. His fellow trainees numbered 35, 40, 50, 200. The camp was run by a political group, a religious school, his uncle, his grandfather, yes, it was Al Qaeda. The camp’s location was all over the map–from Afghanistan to Kashmir to a village in Pakistan called Balakot. As for weapons training, the camp owned one pistol, two rifles and a knife to cut vegetables.

Wedick was troubled by the inability of the agents to pin down the contours of one believable story. They didn’t seem to know the terrain of Pakistan or the month of Ramadan. They didn’t seem to fully appreciate that they were dealing with an immigrant kid from a lowly Pashtun tribe whose sixth-grade education and poor command of the English language–“Martyred? What does that mean, sir?”–demanded a more skeptical approach. And then there was the matter of the father’s confession. Umer Hayat described visiting his son’s camp and finding 1,000 men wearing black Ninja Turtle masks and performing “pole vaulting” exercises in huge basement rooms–100 miles from Balakot. The agents going back and forth between the two interrogations that night never attempted to reconcile the vast differences in the confessions.

The video ended and Wedick picked up the phone and called defense attorney Johnny L. Griffin. Whatever hesitation he had about taking on the FBI office that he, more than anyone, had put on the map–the office where his wife still worked as an agent–was now gone. “Johnny, it’s the sorriest interrogation, the sorriest confession, I’ve ever seen.”

They speculated that the government had its best evidence still tucked away. “There’s got to be a silver bullet, Johnny. Because without it, I just can’t see the bureau or the U.S. attorney going forward with this case.”

What he didn’t fully appreciate was that this was a different Justice Department, charged with a different task, than the one he knew.

Jim Wedick could tell you all about the lore. Even as a kid growing up in the Bronx in the 1950s, he imagined not DiMaggio roaming center field but Melvin Purvis, the G-man, running down John Dillinger and Baby Face Nelson. Out there was a new Public Enemy No. 1, and he wrote the FBI saying he’d like to join. A month later, an agent from New York was on the

phone, wondering if he might come in for an interview. Wedick paused and stammered. He must have forgotten to mention that he was 14 years old.

Nine years later, an accounting degree from Fordham University in his back pocket, he was standing inside the FBI Academy when he received his first posting: Indiana. “How in the hell did that happen?” his fellow graduates wanted to know. All through training, as the other rookies set their sights on San Diego or Miami Beach, Wedick kept telling them about his dream job in Gary, Ind. That’s where Purvis worked. That’s the territory where Dillinger carved the gun out of soap to escape from prison. That’s where the Lady in Red who fingered Dillinger ran her brothels.

Within a week of landing in Gary, Wedick was pursuing a ring of thieves who were hijacking big rigs loaded with steel. He leaned so hard on one crook that the local mob assumed the guy was talking to the new agent with blue eyes. To get the guy off the hook, Wedick faked a confrontation in an underworld bar to prove that he and the guy were enemies. The crook was so pleased to have his loyalty to the mob restored that he agreed to turn informant. The next day, he led Wedick to a giant silo outside of town where the hijacked trucks and all their cargo were being cut up like cattle for market.

His hustle caught the eye of the star of the office, and they traveled the country working undercover. Whatever the case–Operation Fountain Pen that put dozens of white-collar criminals and mobsters in prison or ShrimpScam that netted 17 convictions in California for political corruption and ended the careers of four state senators and an Assembly leader–Wedick showed the same crazed devotion to detail. He skipped meals and sleep and came home only long enough to watch his first wife leave him. “I was so lost in work I didn’t even see it happening. She was packing her bags right in front of me, and it didn’t sink in. She ran off with somebody else, and it nearly destroyed me. I kept the house exactly the way she left it for almost two years. Same pictures, same calendars, same notes affixed to the refrigerator.”

All through the 1990s, as he headed the public-corruption squad out of the Sacramento regional office, Wedick and his agents continued to break big cases and make national headlines. They caught developers in Fresno buying zoning votes from city councilmen for a pittance: a set of tires, a brake job, a new blue suit. They caught medical providers defrauding the state out of $228 million in healthcare payments. So remarkable was his success that then-FBI Director Louis Freeh summoned him to Washington to receive the Director’s Award as the criminal investigator of the year.

His run, like so much else, came to an abrupt end on Sept. 11, 2001. Wedick was vacationing with his wife, Nancy, riding bicycles through the Scottish highlands, when the

hijacked planes struck the World Trade Center. His first thought was his deceased father, James, a New York City fire battalion chief who had waged his own personal battle to keep the twin towers from being built. If hit by plane, he warned, they'd be a deathtrap for firefighters. "What would Dad now think?" he kept muttering.

He came home to a different imperative. The war on white-collar crime, his bread and butter, was suddenly an indulgence. In FBI offices across the country, the shift to counterterrorism was swift and unmistakable. In Sacramento alone, dozens of agents from public corruption and other squads were now working foreign intelligence, domestic terrorism and international terrorism. "With everyone looking for Bin Laden," Wedick told friends outside the bureau, "there's no better time for the crooks to steal from the people." Twice he had voted for George W. Bush, but he couldn't help but wonder if the whole war on terror was overblown, based on the false premise of a constant threat. He saw the nation toss its civil liberties to the wind and thought about the Japanese, more than half a century ago, interned in their desert camps.

And then on a spring day in 2004, federal agents, prosecutors and judges gathered at a local restaurant to pay him tribute. They read a letter from Atty. Gen. John Ashcroft praising his outstanding career and calling his cases "models for other agents to emulate." They shook his hand and wished him well in his new life as a private eye. Whether they realized it or not, they were retiring not only their most celebrated agent, but the old FBI too.

in a cramped room off the 10th floor of the federal courthouse in downtown Sacramento, a trio of federal officials gathered on the morning of June 8, 2005, to tell the public about the terrorist nest found across the river and down the field in Lodi. "I wish to emphasize that this investigation is evolving literally by the moment," said McGregor W. Scott, the top prosecutor in the Eastern District of California. "Every step we have taken–and will take–is examined, reexamined and vetted by the highest levels of the Justice Department."

The Joint Terrorism Task Force–more than a dozen federal, state and local agencies–was working around the clock to pursue a sleeper cell intended to "kill Americans." Agents had searched the residences of the Hayats and the two local Muslim clerics, Mohammed Adil Khan and Shabbir Ahmed. The imams were tucked away in the arms of U.S. Immigration and Customs.

Some reporters took note that the government was already backing away from details leaked the day before. In a revised affidavit, the U.S. Attorney had removed any mention of hospitals and supermarkets as potential targets. Also deleted was the assertion that Hamid Hayat's grandfather in Pakistan, a prominent Muslim cleric, was friendly with a man who ran a terrorist camp in Afghanistan. As it turned out, his friend was actually a different man who

shared the same last name–Rehman–with the terrorist. It was the Pakistani equivalent of Jones or Johnson.

“Bureaucratic errors,” the Justice Department called them, though it hardly mattered to the TV news crews stampeding into Lodi and chasing down everything Muslim: S. Khan’s auto repair shop. The Pak India market. The Jehovah Witnesses hall-turned-mosque. And the tiny lair on the side of a wood shed where Hamid Hayat had fed his growing hatred of America.

How was it that the FBI had chosen to focus on Lodi? How did it even come to be that a few thousand Pakistani immigrants found themselves living amid the “Grape American Dream,” a town built by German wheat farmers from the Dakotas whose descendants still resided in neat brick-and-stucco houses lined with oak trees and azaleas and who every Tuesday still grabbed a bowl of creamy borscht soup for $2.89 at Richmaid’s?

It was a familiar story, really. Like the Chinese and Japanese and Mexicans before them, the peasant farmers of the great Indus valley had migrated to California in the early 1900s to work the land. They had grown cotton, wheat and sugar cane, and though the soil back home was fertile and the water plentiful, they were caught at the bottom of a strict caste system. They traveled thousands of miles only to land smack dab on the same old line of latitude–the Punjab sun was the valley sun–and find a new caste system where each group was pitted against the other to keep wages in the fields low.

Umer Hayat was 18 years old, a village boy with few prospects, when he left Pakistan in 1976. He had nothing to show a future wife. No family farm. No learning beyond the eighth grade. Like his father and grandfather, he could have married a girl from the village, but he had a different idea. He would come to Lodi, become a naturalized U.S. citizen and use his paper status to attract a city girl back in Pakistan. It worked in a way he never imagined: She was the daughter of Qari Saeed-ur-Rehman, the revered Muslim scholar who operated a religious school, or madrassa, in Rawalpindi. The citizenship paper clutched by the young suitor–the chance for his daughter and his future grandchildren to prosper in the U.S.–was all the assurance the old man needed.

That Umer Hayat ended up squandering this opportunity may have been his one true crime. It wasn’t so much what he had chosen to do with his own life. After all, he had found a job outside the fields and the canneries, driving a beige ice cream van with Homer Simpson painted on the back, learning Spanish and giving himself the name “Mike” to better serve the neighborhood kids. And it wasn’t so much the strong ties he kept to Pakistan. He was like so many other immigrants who made their way to America as adults, never quite accepting the country as their own, still looking backward and intending one day to return home. Rather, the problem was his insistence that his four children, each one born in the U.S., do the same.

Keeping America outside the door of the little yellow wooden house proved a monumental task. Because the public schools didn't segregate boys from girls and there were no classrooms at the mosque to send his daughters, he insisted they drop out at 13. He fretted most about his oldest boy, Hamid, and wanted badly for him to become a Muslim scholar like his father-in-law. Toward that goal, he yanked him out of school in the sixth grade and sent him to Pakistan to live with his grandparents. The boy was there for more than a decade and memorized the entire Koran. But once he returned home, he was too lazy to secure a job as a cleric-in-training at the Lodi mosque. So he lived with his father and sick mother and 11 other relatives, sleeping all day and waking up to eat six McDonald's fish burgers and watch big-time wrestling and the Pakistani national cricket team on satellite TV. Late at night, all by himself, he'd head down Highway 99 to nowhere. "I'm a speeder," he boasted. "Seventy miles per hour, man."

Caught between two lands, he kept a scrapbook in his room with articles he clipped from a Pakistani newspaper that harangued the United States and "Bush the Worm." He had no friends to speak of, and no Pakistani girls in the U.S. would give him a second look. His nose would bleed at the most inopportune times, and he was convinced that a black-magic curse by an enemy had jinxed his love life. Maybe things would change if he could quit smoking and drink less tea and save more money from his job packing cherries.

Then in the summer of 2002, a real friend walked into his world, a man 10 years his senior, a clean-cut guy with neatly pressed pants and shirts always tucked in and wavy black hair pushed back. He had a fancy job at a computer company and drove a shiny SUV and spoke perfect English and fluent Pashto and Urdu, two of the main languages of Pakistan. His name was Naseem Khan, and he had come to the U.S. with his mother in the late 1980s, living for a time in Lodi.

Umer Hayat wasn't sure about the stranger eating curry beef at the house, but Hamid told him not to worry. Khan had befriended the two imams, spending the night at their homes and working on the website for the planned Farooqia Islamic Center. He was, above all, a passionate Muslim who believed "We are from God and to God we return."

For Hamid, it was much more than that, of course. Khan was the first friend who actually wanted to see his scrapbook and hear his stories about the mujahedin fighters who attended his grandfather's religious school before heading off to Afghanistan to battle the Soviets.

"Have you watched the news?" Khan asked him one afternoon in March 2003.

"No. About what? The Al Qaeda thing? … Al Qaeda is a tough group, man. They're even smarter than the FBI, friend."

Khan laughed. “Yeah, better than the FBI, huh?”

They spoke in their native tongue and in English, but Khan wasn’t much of a talker. That he was considerably more comfortable asking questions might have been Hamid’s first clue. Yet the kid was so desperate for someone to take him seriously that he didn’t seem to notice how Khan always steered their conversation to the same place.

“I’m going to fight jihad,” Khan declared. “You don’t believe, huh?”

“No man, these days there’s no use in doing that. Listen, these days we can’t go into Afghanistan… . The American CIA is there.”

As for the training camps, Hamid said he had seen one on a video, and it demanded far too much out of its students. Forty days of training. Guard vigil all night. Push-ups in the cold morning. Bazooka practice. “Man, if I had a gun, friend, I wouldn’t be able to shoot it,” he said.

Over the next six months, Khan would record more than 40 hours of conversations with Hamid and his father, mostly in the privacy of their home. As a job, confidential witness for the FBI’s war on terror paid well–more than $225,000–and Khan threw himself into the part with such ardor that he looked more FBI than the agents themselves. Still, it wasn’t easy doing this to your own people, especially to a kid who kept referring to him as his “older brother” and to a father who now called Khan his “other son.” Khan replied in kind: “If you’ve accorded me the position of a son, then you’re no less than my honored father.”

The FBI had come calling on Khan in the weeks after 9/11. He was living in Oregon, working double duty at McDonald’s and managing a convenience store, bringing home $7 an hour to an American girl who was falling in love with him. He did his best to impress the two agents. Yes, he was familiar with the Pakistani community in Lodi. In fact, a few years earlier, he had seen Al Qaeda’s No. 2 man, Dr. Ayman Zawahiri, coming in and out of the mosque on Poplar Street. And not only him. Among the men on their hands and knees praying were the main suspects in two bombings of U.S. embassies and a military complex in Saudi Arabia.

The FBI would later concede that Khan’s sightings were almost certainly false. Yet the bureau opened the Lodi case, gave Khan the code name Wildcat and sent him back to the farm belt in a new **Dodg**e Durango. The two Lodi imams would eventually grow uncomfortable with his jihad talk and warn students to stay clear of him. Inside the yellow house, though, he would have no trouble getting Hamid Hayat to pour out his heart.

The kid had a militant side, no doubt, that found comfort in Khan. During one visit, Hamid wondered if his friend had read the news about the murder of Daniel Pearl, the Wall Street Journal reporter, in Pakistan.

“They killed him. So I’m pleased about that. They cut him into pieces and sent him back. That was a good job they did. Now they can’t send one Jewish person to Pakistan.”

If Hamid felt that strongly, Khan wondered, why was he hesitating to return to Pakistan for more religious training and possibly a camp. “You told me, ‘I’m going for jihad.’ ” Khan reminded him. “What happened?”

“I’m ready, I swear. My father tells me, ‘Man, what a better task than this.’ But when does my mother permit it? Where is a mother’s heart? She said, ‘I kept you separated for 10 years. I won’t let you be separated from me again.’ ”

In the summer of 2003, Hamid did go to Pakistan, to meet the girl his parents had arranged for him to marry and bring back some herbal medicine to cure his mother’s diseased liver. But the bride-to-be rejected him, and his mother was forced to fly out and go door-to-door in the village until she found another father willing to marry his daughter to Hamid. Two months into his stay, he picked up the phone and heard the angry voice of his best friend calling from the U.S.

“You’re just sitting around doing nothing,” Khan said.

“I do one thing. I pray. That’s it.”

“You f—-ing sleep for half a day. You wake up. You light a f—-ing cigarette. You eat. You sleep again. That’s all you do. A loafer guy.”

“What else am I going to do?”

“You sound like a f—-ing broken bitch. Come on. Be a man. Do something.”

“Whatever I can do, I’ll do that man.”

“When I come to Pakistan and I see you, I’m going to f—-ing force you, get you from your throat and f—-ing throw you in the Madrassa.”

“Yes, God willing. After Ramadan. God willing. I’ll study and become a religious scholar.”

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In the months leading up to the trial, even as President Bush congratulated the FBI for its work in the Lodi case and intelligence czar John Negroponte cited a network of “Islamic extremists” in the farm town, it became more clear that no case existed beyond the Hayats. The two imams, the so-called big fish who allegedly masterminded the terrorist recruitment drive, were found to have uttered anti-American remarks years earlier during a clamorous time in Pakistan, but nothing more. In the end, citing minor immigration violations, the government deported them.

In mid-February, Jim Wedick opened the heavy door to the courtroom of U.S. District Judge Garland E. Burrell Jr., the former Marine from South-Central Los Angeles who had presided over the Unabomber case. Wedick scooted past defense attorneys Johnny Griffin and Wazhma Mojaddidi and took a seat next to the two defendants. For eight months, working for free, he had been preparing for this moment, deconstructing the confessions of father and son and poring over every piece of paper the FBI had handed over. For the old agent, it all boiled down to a few basic questions.

Why, if this case was so important, did the FBI entrust the investigation to a rookie agent? Why didn’t the bureau use its considerable manpower in Pakistan to follow Hamid and determine if he had attended a terrorist camp? Why, if he was such a threat to national security, did the FBI take him off a “No Fly” list and let him reenter the U.S.? Why, if Hamid was truly confessing, did the FBI find it necessary to spoon-feed him all the answers?

The trio of young prosecutors–S. Robert Tice-Raskin, Laura L. Ferris and David Deitch–barely looked over at Wedick. He tried not to make eye contact with the FBI supervisors huddled around the government’s table, but whenever he did, they pretended not to see him. He knew what they were thinking. His wife had come home in tears from the office, saying fellow agents were calling him a “traitor” and that he wouldn’t be welcomed at a retirement luncheon for an old colleague. Now he fixed his eyes on the jurors who had come from one of the most conservative regions in the state–it could have been a jury in Oklahoma, for that matter–to decide Hamid’s fate.

Ferris stood up to address the jurors. She told them that Hamid kept a “jihadist” scrapbook and had immersed himself in extremist Muslim views before heading off to Pakistan. There he attended an Al Qaeda training camp and returned home to do harm to Americans. “He talked about training camps. He talked about acts of violence,” she said. “He talked about jihad, jihad, jihad.”

Then it was defense lawyer Mojaddidi’s turn. A refugee from Afghanistan, she and the Hayats came from the same Pashtun tribe, only they were village and she was city. “The government cannot prove that he actually attended a camp. It’s a crucial missing link.”

Instead, Hamid's time in Pakistan was spent playing cricket and getting married and taking religious classes at a Madrassa. As for the confession, Hamid merely uttered "the words the FBI wanted to hear." It was nothing more than garbage in, garbage out.

And then the witnesses began to take the stand.

There was Lawrence Futa, an FBI agent in Japan who testified that on May 30, 2005, a Korean Air Lines flight to San Francisco was diverted to Tokyo because it held a passenger who appeared on a "No Fly" list. Futa interviewed Hamid Hayat and found a pleasant young man who denied any links to terrorism, so he let him board a later flight.

There was Pedro Tenoch Aguilar, the rookie agent who headed the case and conceded that he could never corroborate whether Hamid had attended a camp or not. "Minus his statement, no," Aguilar said. There was Naseem "Wildcat" Khan, who testified that Hayat expressed a desire to go to camp but never told him that he had done so.

There was the professor of Islamic studies who testified that the verse Hamid kept in his wallet–"Oh Allah, we place you at their throats, and we seek refuge in you from their evil"–may have been the prayer of a traveler seeking divine protection. More likely, though, it was the supplication carried by "fanatics and extremists." Finally, there was the Defense Department analyst who testified that satellite pictures taken in northeastern Pakistan revealed a camp near Balakot that "likely" matched one of the camps described by Hamid.

It was all rather murky, and son and father weren't about to testify to clear things up. The trial, it seemed, would turn on the confession that really didn't become a confession until the early morning hours of June 5, 2005. That's when agent Tim Harrison became Hamid's main inquisitor.

"So jihad means that you fight and you assault something?"

"Uh-huh."

"Give me an example of a target. A building?"

"I'll say no buildings. I'll say people."

"OK, people. Yeah. Fair enough. People in buildings … I'm trying to get details about plans over here."

"They didn't give us no plans."

"Did they give you money?"

“No money.”

“Guns?”

“No.”

“Targets in the U.S?” the agent asked again.

“You mean like buildings?”

“Yeah, buildings,” the agent nodded. “Sacramento or San Francisco?”

“I’ll say Los Angeles and San Francisco.”

“Financial, commercial?”

“I’ll say finance and things like that.”

“Hospitals?” the agent suggested.

“Maybe, I’m sure.”

“Who ran the camp?”

“Maybe my grandfather.”

“Al Qaeda? Al Qaeda runs?”

“I’ll say they run the camp… . Yeah, that’s what I’ll say.”

What were the jurors thinking? Wedick wondered. If he wouldn’t be able to tell them exactly what he thought–that this was the “most derelict and juvenile investigation” he had ever seen the FBI put its name to–he could at least take the stand and point out the gibberish in the interrogation. He could at least tell them about the care he took in ShrimpScam, how he had prepared a single year for one interview and got an informant to cooperate after he meticulously lined the interrogation room with giant surveillance photos of the guy accepting a sizable campaign check.

It was far from certain, though, that the court would agree to Wedick being an expert witness. Up until now, Judge Burrell had shown something akin to belligerence when it came to the defense attorneys. Whenever he ruled against them, he did so with an impatience that bordered on browbeating. And on the matter of Wedick testifying, prosecutor Deitch had filed nearly 100 pages of motions to keep the former agent off the stand. He argued that Wedick

had “grossly overstated” his experience in counterterrorism and that his musings would amount to “needless” cumulative evidence, the legal equivalent of piling on.

Johnny Griffin, representing the father, stood up to offer several reasons why Wedick was needed to illuminate key shortcomings. To no one’s surprise, Burrell told him to sit back down. “I know his proposed testimony,” he snarled at Griffin. “You can go on to the next issue.”

Outside the courtroom, Wedick wondered how the same government dismissing his credentials could have failed to produce a single piece of corroborating evidence in four years of sleuthing that cost taxpayers millions of dollars and unearthed a cherry packer and an ice cream vendor who drove around town playing “Pop Goes the Weasel.” “To see the government’s power from this side of the fence is a strange thing for me,” he conceded. “What we’re doing to these Muslims is the same thing we did to the Japanese in the 1940s. It’s the same fear and the same overreaction. Instead of internment camps, we’re sending them to prison.”

With Wedick silenced, both sides closed and the cases against father and son went to two separate juries that had sat side by side for two months.

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The Pakistani Muslims of Lodi watched and waited, huddled in the shade of the mosque, heads down as they wheeled out 40-pound boxes of fresh kosher chicken from the Pak India market–the same store the government’s informant had placed at the center of a ring that was sending funds to Osama bin Laden. “This little place can’t even support one damn family,” the storekeeper said. “How can it support Osama bin Laden?”

At the yellow house, the kids were playing hoops along a driveway lined with pomegranate, fig and loquat trees, one child in traditional garb driving to the basket and his cousin in jeans trying to block him. The ice cream truck sat idle and the coop where father and son used to tend to their birds was empty. Hamid’s uncle, Umer Khatab, shuffled outside in his leather sandals. He stood beneath the freshly washed purple and gold cotton garments hanging from a cord strung across the porch and sighed. “We are sitting and waiting. We have been sitting and waiting for a year.” Then a young man, a dead ringer for Hamid–only he was wearing a **Tupac Shakur** cap turned backward, baggy jeans slung low and Air Jordans–walked up the steps into the house. This was Arslan, Hamid’s teenage brother. “It’s a lie. The whole world’s a lie.” He pushed a wheelchair carrying his dying grandfather out the door and loaded him into a small truck headed for the doctor. Just then, the new ice

cream man, playing a different tune but also a Pakistani, steered his van onto the block, offering the kids popsicles red, white and blue.

The verdicts came a day later. One jury was deadlocked and couldn't reach a decision on Umer Hayat. The judge declared a mistrial, though the government vowed to try him again. As for his son, he was found guilty on two counts of making false statements to the FBI and one count of providing "material support" to terrorists. He faces up to 39 years in prison. "I hope it gets the message out," explained juror Starr Scaccia. "Don't mess with the United States. It's not worth it."

Wedick couldn't look Hamid Hayat in the eye. He had pledged to him months earlier that he was going to do everything he could to see injustice righted, even if it meant turning his back on 35 years in the FBI. "Hamid is a hapless character, but, my God, he isn't a terrorist. The government counted on hysteria, the 1,000-pound gorilla, to be in the room. And it worked. Damn, it worked."

He saw one juror holding back tears and made a straight line for her apartment. She wouldn't let him in at first, talking through a crack. Two hours, four hours, finally she opened the door and told him what he suspected. She didn't believe Hamid was guilty. So intense was the pressure from fellow jurors to convict him that she had to check into the hospital. Throughout the trial, she said, the foreman kept making the gesture of a noose hanging. "Lynch the Muslim," she took it to mean. Wedick persuaded her to write it all down and sign it. Then he filed the affidavit with the federal court, hoping it might lead to a new trial.

The next day, Wedick drove out to a field at the edge of a vineyard along Highway 99 and looked down a long entrance road to a spot where 400 Muslim men in skullcaps and flowing dress had gathered. He drew close enough to see their faces and hands worn to the bone and watch them carry the pine box to a simple hole in the ground. The body of Umer Hayat's father was wrapped in three linen sheets, all that would separate him from the soil of this strange land. Wedick stood back and watched the men break into 20 lines, side by side, facing east, toward Mecca. And then they began to pray. In the distance, as the sun was setting, he thought back to a different American people, in a different American era, burying their dead in a desert they didn't know.