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9 Attorneys for Plaintiff
 10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT
 12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 13 WESTERN DIVISION

14	UNITED STATES OF AMERICA,)	CR No. 06-221(B)-TJH
15	Plaintiff,)	
16	v.)	GOVERNMENT'S OPPOSITION TO
17	WILLIAM SHAOUL BENJAMIN,)	DEFENDANT'S MOTION IN LIMINE
18	aka William S. Benjamin,)	TO EXCLUDE IRAQI INTELLIGENCE
19	aka William Shaoul Koriel,)	FILES
20	aka William Shawel,)	Hearing Date: 1/22/08
21	aka William Shawel Goreal,)	10:00 a.m.
22	aka William Sha'oul Koriel)	
23	Benjamin,)	
24	aka William Sha'oul,)	
25	Defendant.)	
26)	
27)	
28)	

24 Plaintiff, United States of America, by and through its
 25 counsel of record, Assistant United States Attorneys Judith A.
 26 Heinz and Janet C. Hudson, hereby opposes defendant William
 27 Shaoul Benjamin's motion in limine to exclude the Iraqi
 28 Intelligence Service files based on defendant's contention that

1 the files are inadmissible hearsay. This opposition is based on
2 the attached memorandum of points and authorities, the files and
3 records in this case, and any argument that may be offered at any
4 hearing on the motion.

5 Dated: January 14, 2008

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12 Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

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2 On January 7, 2008, the government filed its Notice of
3 Intent to Rely on Residual Hearsay Exception ("Hearsay Exception
4 Notice"). The Government's Notice of Intent to Rely on Residual
5 Hearsay Exception is hereby incorporated herein by reference in
6 its entirety. In its Hearsay Exception Notice, the government
7 gave notice that it will seek to introduce at trial six Iraqi
8 Intelligence Service ("IIS") files obtained in Baghdad by the
9 Federal Bureau of Investigation ("FBI"). In addition, the
10 government explained in detail why these IIS files are either
11 non-hearsay or fall within a hearsay exception under the Federal
12 Rules of Evidence.

13 Defendant William Shaoul Benjamin ("defendant") asks the
14 Court to preclude admission of these IIS files on the grounds
15 that they are inadmissible hearsay. Because the government, in
16 its Hearsay Exception Notice, has already briefed this issue
17 extensively and has incorporated that briefing in its entirety
18 herein, the government sets out below only one additional point
19 and a summary of its arguments.

20 Defendant claims that Iraqi nationals "sold" the IIS files
21 to United States government agents. Def's Mot. 3. Defendant has
22 produced no evidence whatsoever of his claim, either to this
23 Court or to the government pursuant to his reciprocal discovery
24 obligations. In fact, the FBI agents who obtained the IIS files
25 in Baghdad did not "buy" the files, but only reimbursed the
26 Iraqis for the expenses they incurred in making computer-image
27 copies of the files for the FBI.

28 Defendant claims the IIS files are inadmissible hearsay.

1 They are not. A great many of the documents in the IIS files are
2 non-hearsay because they are defendant's own admissions or co-
3 conspirators' statements made in further of the conspiracy. See
4 Fed. R. Evid. 801(d)(2)(A), (E). The documents in the IIS files
5 are also admissible as business records, public records, and
6 under the residual hearsay exception. See Fed. R. Evid. 803(6),
7 803(8), 807. Although defendant baldly claims that "[t]he
8 foundational requirements for any [hearsay] exception do not
9 exist," he does not even attempt to support his claim with facts
10 or legal authority.

11 Accordingly, the government respectfully submits that the
12 Court should deny defendant's motion in limine to exclude the IIS
13 files.

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