

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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THE UNITED STATES OF AMERICA,

-against-

SUSAN LINDAUER,

Case No. 03 Cr. 807

Defendant.

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DECLARATION OF SUSAN LINDAUER

COMES NOW Susan Lindauer and declares and says, based on her own personal knowledge, as follows:

1. I am the defendant, Susan Lindauer, and I am submitting this Declaration in support of my Motion for Reconsideration in order to point out inconsistencies and inaccuracies, and provide additional information that would help the Court reconsider the finding of my incompetence to stand trial.
2. I was arrested on or about March 11, 2004, and have ever after declared my innocence and requested a trial on the charges of acting as an unregistered Agent of Iraq.
3. I protested the court finding of incompetence at a hearing on May 4, 2006, and my former attorney, Mr. Sam Talkin, entered into the Judge's record, the following:

[page 5, lines 15 – 25] that "Ms. Lindauer disagrees with the fact that she's incompetent, and she wishes the Court to know that she is competent to stand trial, and wishes to stand trial and she denies all reports.

It's her position that all of the reports are false, inaccurate, mean all the reports that say she suffers from a mental disease.

The Court: "I understand that, and there's now a record that that's her position. I think there was a record of it before, and so any effect that that might have on subsequent proceedings, the legitimacy or lack of it, in any subsequent proceedings is now clear."]

4. Recognizing that my previous CJA attorney, Mr. Sam Talkin, might not have possessed the necessary experience to handle such a complicated case, after my release from Carswell, I sought private counsel. Both myself and my new attorney have petitioned the Court to grant my request for a trial. We note that the Prosecutor has argued that I am unfit to assist in my defense, which strikes me as legally absurd.
5. At the June 17, 2008 hearing, the Court heard testimony from two highly credible witnesses, which roundly disputed the Prosecution claims against me, as cited at length in the Motion for Reconsideration prepared by Mr. Brian Shaughnessy.
6. I hereby request that the Court put more weight on those statements by fact witnesses in reexamining this decision.
7. I also request that the Court look more closely at reports from court-ordered psychology meetings that I was forced to attend on a weekly basis in Maryland for one year prior to, and one year after my incarceration at Carswell Federal Medical Center. Both Family

Health Services in Hyattsville, Maryland and Counseling Plus in Silver Spring, Maryland, filed reports on our sessions to Pre-Trial Services in Greenbelt, Maryland throughout a two year period.

8. Both sets of psych notes report "no signs of psychosis, no signs of mood disturbances, no delusional thinking and no depression." Reports filed to Pre-Trial Services declared that I was "fully oriented to (my) surroundings at all times." In March, 2005, Dr. Bruke Taddessah wrote that there was no basis for psychiatric intervention. Nevertheless, I was ordered to surrender to Carswell FMC, and I obeyed on October 3, 2005, despite great dismay and disagreement with forensic psychiatry reports that claimed my belief that I had functioned as a U.S. Asset constituted delusional thinking. After my release from Carswell, records of my weekly meetings at Counseling Plus from September, 2006 to August, 2007 validated Dr. Taddessah's earlier findings. I was reported to suffer "Post Traumatic Stress caused by my experiences at Carswell"--- and nothing else.

9. In testimony before Judge Mukasey on May 9, 2006, Dr. Colin Vas from Carswell FMC likewise admitted that over the seven months of my incarceration, staff observed no signs of hallucinations, no signs of hearing voices, nor any depression or bipolar disorder. They reported that I walked 4-6 miles on the track every day, and consistently participated at "indoor recreation activities." I also spent many hours at the prison law library researching my case. In its monthly reports, Carswell staff wrote: "Good physical health, Socializes well. Good intellectual functioning." And "no behavioral problems."

10. The sole basis of Carswell's diagnosis appears to have been the unsubstantiated allegation that I must be suffering some delusional psychosis for believing I had done this work. See Exhibit from Carswell.

11. Contrary to what my previous attorney told the Court about my ability to prove my claims at trial, my new attorney has verified the construct of my story. His confirmations have negated the original "diagnosis" of a delusional disorder or delusional psychosis from Carswell. As Mr. Shaughnessy continues to investigate my claims, my statements are receiving more and more verification, becoming stronger and always proving to be correct.

12. I would mostly concur with Dr. Richard Ratner, a highly respected psychiatrist in Washington, DC who interviewed me several times and testified that he too observed no signs of mental illness. He described my interest in psychic phenomenon as "eccentric and unconventional," which is reasonable and unprejudiced. He said that I am subject to "stressors," which are not uncommon to somebody under indictment for so long a time period. That assessment is consistent with our defense claims that extending the indictment without a trial has causes me to suffer undue duress, in violation of Constitutional protections defined by the 6th amendment.

13. In short, only Dr. Kleinman has persisted in claiming that I suffer from some sort of mental illness. By contrast, no behavioral evidence supporting Dr. Kleinman's hypothesis

- has been recorded in two years of court-ordered counseling in Maryland, nor by prison staff at Carswell FMC, nor by close, long-time friends and professional acquaintances.
14. I further note that certain erroneous information was provided by Dr. Kleinman in his testimony on September 15, 2008. At my insistence, our meetings were audio-taped. Transcripts of those meetings contradict several points in his testimony.
 15. Dr. Kleinman testified that I reported in one of our meetings that a plea bargain was offered to me, which upon checking with the Prosecutor proved not accurate. In fact, tape recordings of a meeting from June 8, 2007 show that on three occasions, Dr. Kleinman engaged in lengthy discussions of a possible plea deal. Over the course of an hour or more, he repeatedly pushed me to explore the option he was proposing. My former attorney, Mr. Sam Talkin, was present throughout the meeting, and he told me prior to the interview that the Prosecutor wanted to know if I would accept a plea bargain in exchange for a finding of competence from Dr. Kleinman. Mr. Talkin told me any such agreement would require no additional prison time. Nothing from those conversations with Mr. Talkin or Dr. Kleinman would have caused me to believe that a possible deal was not under active consideration to settle the case.
 16. Other statements by Dr. Kleinman are likewise contradicted by tape recordings of our meetings. Those include descriptions of my alleged meeting with Osama bin Laden in Paris in April, 1986. To correct Dr. Kleinman's testimony, I actually said that I identified bin Laden from photographs in the early 1990s, possibly 1995, years before his notoriety

in the World Trade Center attack. Back in the early 1990s, I pointed out his photo, speculating that he was the young Jihadi whom I observed phoning in a suitcase bomb, on the morning of an actual bombing at the Gare du Nord. The young Arab man came over to the lockers where I was trying to put a backpack, and initiated conversation with me, possibly using me as cover to depart the area. Asked what he thought might be the motivation for the attack on the railroad station, he launched into a ferocious declaration of support for one of Syria's most notorious terrorists, Ahmed Jibril. Therefore, I respectfully argue that Dr. Kleinman's statements to the Court are overly simplistic of the work that I described, my extensive contacts with Dr. Richard Fuisz, or that possible Osama sighting.

SL = By God, Richard Fuisz did his job. Richard Fuisz did exactly what he is supposed to do. He is proactive. He is strong. He is thinking. He is working to protect this country. And he has nothing to be ashamed of. And I don't either. This is how we do it. This is how the game is played. And it is a very dangerous game. We're dealing with *** terrorists for God's sake!

SL = You realize, you dirty sonofabitch, I'm one of the first people who ever investigated Osama. And I can prove that in Discovery. I can prove that I was investigating Osama in the spring of 1998 before the Dar es Salaam/Nairobi bombings. I've got it in Discovery and it's undeniable.

K= Have you given that to Mr. Talkin?

SL= Mr. Talkin knows all this ***.

K= Have you given the proof of it to Mr. Talkin?

SL= Yes. And the Prosecutor's got it, too. It is in the *** Discovery. It's in the Discovery. We were way ahead. I've even met Osama. Back 20 years ago, mind you.

K= Where'd you meet him?

SL = In Paris. I have met him and I identified Osama in the mid- 1990s. Years before 9/11. It wasn't like I –

K= How did you identify him?

SL = I identified him from photographs.

K= Yeah.

SL = But it wasn't like I waited until after 9/11, and said, "Oh, I know that man." I warned about him being a terrorist. A serious terrorist.

K= How did you identify him?

SL= Through photographs.

K= Oh, I thought you said it wasn't through photographs.

SL = It WAS through photographs. But it wasn't after 9/11. It wasn't like I waited until after 9/11, and said, Oh I'm identifying this man. This was in--

K= You had a meeting with him in Europe?

SL= I ran into him in Paris. Yes.

K = How did you know it was him?

SL = He was leaving a bomb at the Gare du Nord Railroad station. And I was trying to get into his locker.

K= Why were you trying to get into his locker?

SL= Because I didn't know it was his locker.

K= That's it.

SL = I was a tourist and I was literally fumbling on the ground, trying to get into it. And I saw this man standing at a phone about 20 feet away from me. And he was an Arab man. And his face was perspiring, and he was sweating. Sweat was dripping down his face, while he was making a phone call. And I, I turned around. I was looking around the room. There was a suitcase in the middle of the floor. And I started to pay attention to the activity around the suitcase. Pretty soon some gendarmes came over to the suitcase. And Osama came over to me. At the same time. So all this is happening at the same time. He comes over to me, and says, "What are you doing? You're trying to get into my locker? He said, "Why not that one? Why not that one? Why not that one?" And he hits the lockers.

K = You're demonstrating right now.

SL= And he goes, why not this one? Why not this one? I said, no, no. I can't open it. And he said, go over there. Over there. Then he says, No, there's a bomb.

K= And he told you there's a bomb.

SL = He told me there's a bomb. I thought it was a hoax. I thought the suitcase was a hoax.

K= Did you believe him?

SL= No I didn't.

K= Why didn't you believe him?

SL= Because I had never been in a place where there would be a bomb. I was 22 years old, and it just seemed like it was something that you wouldn't ever do.

K= Did you know it was Osama at that time? Or in retrospect.

SL = In retrospect. He identified himself as a Saudi who was traveling from Tunisia.

And I um, I asked him about his philosophy, about who he was, why would anybody— What I said to him was "Why would somebody do this? And then he started to admit that he did it. And who his role models were."

K= Did he admit that it was a hoax?

SL= No, no, no. It blew up.

K= The bomb did blow up?

SL= Later the bomb blew. And then we went around the side

K= But at the time you believed it was a hoax. So you didn't follow him thinking—"

SL = And then we came back around inside. And he said, Oh my God, it's going to blow up. And he ran.

K= What did you do when he ran?

SL = I just stood there. I just stood there. I didn't really-- I just couldn't understand. It was, I

didn't understand what was really happening. I was 22 years old. By this time the bomb has been put into a garbage can. A metal garbage can. And then they take it to the roof. And it explodes on the roof.

K= Now how long after, was it days? Weeks? Years? That you realized this meeting was actually Osama?

SL = I was able to identify him in the early 90s. Let's put it that way.

17. Regarding his testimony, I would argue that Dr. Kleinman has overly focused on spectacular elements at the very beginning of my career as an Asset, fixating on journal entries from 1995 particularly. Back then it was all new and very exciting. I had no idea how hard and long my journey with Dr. Fuisz and Mr. Paul Hoven would turn out to be. Dr. Kleinman's report focuses on a confrontation between myself and the Intelligence Community after I first contacted the Egyptian Embassy in December, 1995. Yet his testimony does not acknowledge the brevity of that confrontation, or how swiftly the U.S. government changed its position, once my efforts started to gain results.

The June 8, 2007 transcript provided important clarifications, which Kleinman overlooked

SL: This is all happening in a one week period. Hold on, hold on. This is happening in a one week period, where they were giving me real hell and real grief for going to the Egyptian Embassy. And then they discovered that I had done something really great. And I'll tell you I remember being in prison, reading Thomas Friedman, something he wrote, saying that what we really need is for somebody to pull Iraq away from the sectarian

violence, like what they did pulling Libya away from Syria and Hezbollah, and setting Libya up with Egypt. I'm the one who did it! That's what this operation was about!

K= Did Friedman know you did it?

SL = Friedman didn't know who did it. He didn't know how it was done. But you're the one criticizing the thing. And I (was) in prison for having done this brilliant operation. Which was highly praised. At the beginning, they gave me a real hard time.... It's not delusional. You're the one who's delusional. ... This is how we did it! And you're just too mediocre to respect people who work hard and do this stuff. You don't understand how this Goddamn stuff is done. So you say, ohhh, nobody could do it, because I, the great Head*** can't do it. So nobody else can do it either. .. (Once) they discovered that, hey man, it's pretty cool that Libya isn't supporting Syria and Hezbollah. It's pretty damn nifty! This works. And that's all they cared about, let me tell you. All they want to see is that there are results coming in. And we had big results. Not small ones. Big ones.

18. Dr. Kleinman has created artificial controversy over my psychic abilities. I have always acknowledged my keen interest in psychic phenomena since childhood. I deny that it's a hoax. Similarly I deny that such a gift warrants comparisons to hallucinations, either auditory or visual. My papers were written for a Middle Eastern audience, which has a much greater interest in this sort of thing. I believe that Dr. Ratner's description of my psychic gift as "eccentric" is more appropriate. In 7 months at Carswell FMC, and two years of court-ordered psych meetings in Maryland, nobody has ever observed me to suffer auditory or visual hallucinations. Yet my psychic gift has not abated in this period.

For clarification, the following comes from the June 8, 2007 transcript.

K: You wrote in your chronology that you have obeyed a voice for 37 years.

SL= No. It's like a spiritual voice. It's not a voice. It's not like I hear a voice. In fact, I don't know that I even wrote it as a "voice." I have a psychic gift.

Later in the transcript:

I do have a telepathy energy type of thing.

Later in the transcript:

SL = Psychiatry hates psychic phenomena. It wants to pretend that psychic phenomena couldn't possibly happen. It's full of shit. I despise you for it. I would never respect what a head*** has to say about psychic phenomena.

K= You say that you don't literally hear voices. But you feel it?

SL = Psychic phenomena is something that if you're a head*** you don't get. I'm not interested. I don't have to justify it.

K= You don't literally hear a voice though.

SL = No. No. It's psychic phenomena. It's an awareness. It's a knowledge that comes to you. It's like an idea that comes to you.

K= Where does the knowledge come from?

SL = Who knows. You're a head***. I'm not even going to go there. I think psychology is dangerous. I think people have described psychic phenomena. We have proved there is psychic phenomena. And people like you want to hurt other people because you want to pretend it's a hallucination, because you're self important. You hate human potential. You can't stand that people have human potential. And you just want to **** with it.

Later in the transcript:

SL = Anyway I have psychic ability. And that is something that is documented, that psychiatry hates psychic abilities. It doesn't change the fact that there are people who have them. There are people who consider it a gift. They celebrate it. They are interested in it. And people like me cultivate this talent because we think that it's special. It's not something like a hallucination or hearing voices. I wouldn't even know what hearing voices is. I wouldn't even know what that means

19. Previous psychiatric evaluations have questioned if I am delusional for believing that I maintained a close working relationship with individuals connected to the American intelligence community. The Court should be advised that that is a non-starter in this question of my competence. At any trial, we have the ability to establish that I was supervised by well-established members of the intelligence community. We can prove they are tied to both Iraq and Libya. And we can prove that I maintained an intensive relationship with them for the purpose of anti-terrorism work.

20. The Defense advises the Court that psychiatrists lack the expertise in intelligence matters that would be necessary to evaluate whether my operations were effective or not. I have been indicted for establishing high ranking contacts inside the Iraqi Embassy at the United Nations, and that I stand accused of conducting preliminary talks with Iraqi officials on the return of the weapons inspectors. Whatever Dr. Kleinman thinks of my approach, the facts of the case show that it most definitely did enable me to establish high ranking contacts with various Middle Eastern diplomats at the United Nations.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

September, 30, 2008

Washington, DC

Susan Lindauer