

Exhibit 3

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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ADHAM AMIN HASSOUN,

Petitioner,

-against-

JEFFREY SEARLS

Respondent.

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DECLARATION

19-CV-370 (EAW)

Andrew Stepanian declares under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. My name is Andrew Stepanian. I am from Huntington, New York. I am the founder of the non-profit communications shop The Sparrow Project, and I am the Vice President of Creative Campaigns for Balestra Media, a progressive communications agency, where I create visual campaigns for non-profit organizations and philanthropic foundations.

2. In May of 2004 I was arrested by the FBI and charged with conspiracy to violate the Animal Enterprise Protection Act for my role in the Stop Huntingdon Animal Cruelty (SHAC) Campaign. I was convicted in February 2006 and later sentenced in September 2006 to 3 years in the Federal Bureau of Prisons.

3. After surrendering myself to the US Marshalls Service on October 3, 2006, I was brought to the Metropolitan Detention Center in Brooklyn, NY where I spent the majority of my ~30 days there in the solitary Secure Housing Unit (SHU). I was then transferred to the Federal Correctional Institution in Butner, North Carolina where I would spend the next 2 years of my sentence.

4. While serving my sentence at FCI Butner; I was victimized by a group of inmates who wanted to leverage my activist notoriety in an attempt to extort me; my cell mate died of a

heart attack while playing touch football and was left unattended on the yard for nearly 20 minutes before dying; I lived in constant fear of a white separatist gang who was repulsed by my social justice activism. In spring 2008, Wilgens Eugene, a fellow inmate whom I considered a close friend died of a ruptured appendix after prison staff ignored several days of pleading by myself and other inmates to get him medical attention. I was angry my friend Wilgens died of something so mundane and easily fixed. By the end of my time at FCI Buckner I was hurt, I was unstable, and I felt dangerous.

5. In early summer of 2008 I was transferred again, this time to The Communications Management Unit (CMU) at the United States Penitentiary in Marion, Illinois, where I would serve out the last ~6 months of my sentence before being released to a halfway house in Brooklyn, NY.

6. Upon my arrival at the CMU with 3 or 4 other men also being transferred, the first inmate I met was Adham Hassoun. Adham seemed ecstatic to meet us as he had been largely alone for the bulk of his confinement prior to himself arriving at the nearly empty CMU. Adham had told me that Henry Reevis, whose title I believe was the Intelligence Research Specialist for the CMU, Marion, had spoken with him saying that some new inmates would soon be joining him in the unit and that one of them was an activist and strict vegetarian who ate no animal products at all.

7. When I first walked into my assigned cell at the CMU, I found atop the bed in my cell: some apples, a pair of shower shoes, and a small collection of hygiene and food items purchased from the USP Marion commissary. Adham quickly ran over and began explaining to me that he, “read all the ingredients,” and he is “pretty sure the tortilla wraps have no animal

derived ingredients in them.” He then went on to explain how the showers “had fungus in them” and that I “need to take these shower shoes” to make sure I didn’t get a foot infection. I politely declined a portion of the items as I had been previously conditioned to not accept charity from other inmates in fear that I would be asked for something, possibly something untoward, in return. I did however accept the shower shoes and told Adham I would return them in a week after I was able to buy my own from the USP Marion Commissary. I would soon learn that my apprehension was misplaced, Adham never wanted anything in return, Adham just wanted to make sure I was going to be ok.

8. As the summer of 2008 went on, the nearly empty CMU began to fill up with newly transferred inmates, the overwhelming majority (70%+) of whom were Muslim. I quickly began to realize that I, a flawed and often confused Christian, would be the minority demographic in the unit. My previous two years of incarceration at FCI Butner and the traumatic encounters I had there kept me constantly girded, and quiet. Although I would be civil with everyone I met, I was simultaneously always prepared for a fight, even more so in this new environment where I felt largely alone. Where I saw my stance as keeping a vigilant eye out for trouble, Adham saw me as troubled young man and wanted to help me.

9. I understood that Adham was Muslim, and he understood that I was not. While he would occasionally discuss religion with me, he only did so in a very surface level way—the occasional parable or analogy. While congregative prayer was often called mere feet from my cell door at the CMU, Adham never compelled me to attend the prayers, or asked me to stop going about my routine of washing my clothes or watching a show on the communal TV while they prayed.

10. One day Adham approached me and asked if he could speak to me. He asked me why I always kept my sneakers tightly laced and why I always seemed so primed for a fight. Adham told me, “I don’t know what the other prison was like before you came here, but you should take advantage of your time here to lose all of that.” In a fatherly, and simultaneously naive way, he went on to say I had become “institutionalized” by my prison experience and that if I wanted to succeed once I returned home I must “shed all of this like the layers of an onion,” and “get back to the person I was before I put all this armor on.” He told me that if I carried all of this anger with me when I left, I would never be able to provide the kindness my partner or future children deserve—that I would at best remain cold and detached, and at worst be doomed to come right back in prison. Adham saw something in me that I realized was there, but perhaps was not ready to deal with, and that day I began a long process of dealing with it.

11. After this conversation I started to regularly eat meals at the same table as Adham and some of the other Muslim men he would regularly converse with. Over those meals I began to learn the nuances and interpersonal disputes of the CMU’s Muslim populace. Among these disputes was one that stood out: Adham was often seen as not Muslim enough through the eyes of the other Muslim inmates. I would repeatedly hear them poke fun or chastise Adham for things like watching sitcoms like *Married with Children*, for gazing at the women in tabloid newspaper photo features, or for repeatedly engaging in friendly conversation with the USP Marion Correctional staff as they would make their rounds.

12. On Saturdays the USP Marion would play movies on the CMU’s Communal Television. One Saturday in late summer 2008, I sat with Adham as we watched the movie provided to us, *You Don’t Mess With the Zohan*, a comedy wherein Adam Sandler plays an

Israeli agent who fakes his death to pursue his dream of becoming a hairdresser and later falls in love with a Palestinian salon owner. The film is peppered with jabs at Palestinian and Israeli culture alike, and attempts to use absurd humor to defuse generations of regional sadness and conflict and replace it with something light. As Adham watched the film with me he would often burst into unbridled laughter, and yell at the TV. “They’re right, we do dip everything in humus!,” was something I distinctly remember him saying. I recall I laughed a bit with him. Adham’s happiness and kindness was infectious and he was trying to live his best life, even during our confinement. While all of this may seem trivial, I share it to underscore, my observations that Adham was in fact a very moderate Muslim. He loved American culture, and his kindness radiated to those around him.

13. As I became better friends with Adham, he invited me to read some of his legal documents. I also shared my appellate documents with him so he could better understand what I was charged with. I became somewhat familiar with what the Government accused Adham of doing. I also understood what a large portion of other CMU inmates were convicted of and what affiliations some of them had. I understood that some CMU inmates could pose a threat to national security but I saw Adham as different, and distinctly non-threatening to myself or anyone else.

14. In September of 2008 I awoke to Adham once again yelling while watching the TV, but this time his tone seemed different. I stepped outside my cell to see Adham with tears in his eyes loudly speaking to the other Muslim men in the unit and pointing at the morning news on the TV. The segment he watched appeared to have featured anti-war protests outside the 2008 Republican convention and showed people getting hit with batons. I recall him saying,

“they just brutalized those women, an elder woman, and a girl ...they were protesting.” I watched as Adham went on to say to his fellow Muslims, “America is not bad ...it’s filled with people protesting for peace, protesting the war, trying to create a better world. You cannot judge America because a few at the top make policies we disagree with, because Americans disagree with those policies too!” I walked over and could see that Adham was still teary eyed by what he saw on the TV. Adham was especially disturbed by the way the women on the protest line were treated.

15. Inasmuch as I understood what Adham was convicted of, I also had a general understanding of Adham’s political beliefs. Did Adham support the Palestinian struggle for self-determination? Yes, but I never once heard Adham express support for violent actions to be taken against Israelis. Did Adham have criticisms of US foreign policy, especially policies that related to US wars overseas? Yes, but again I never once heard Adham express any violent sentiments towards US forces, state actors, or anyone related to those policies. I observed Adham to be a deeply principled and compassionate man that abhorred all cruelty and violence, regardless if that violence comes from Israel, the United States, or his fellow Muslims.

16. I could not say the same for all of the inmates I lived alongside of at the CMU. I specifically recall instances where other inmates would try to convince me that extreme political violence could be justified by scripture found in the Quran, or from an interpretation of the Hadith. Most of these conversations happened when Adham was not nearby, but in an instance when he was present and heard justifications for violence come from fellow Muslims, I recall he challenged them.

17. In late November 2008, terrorists staged a days-long attack around a tourist center in Mumbai, India, and CNN's around-the-clock coverage of it was displayed all day long on the CMU's communal televisions. As the broadcast unfolded, I was able to observe the inmates' reactions to a terrorist attack playing out in real time on international television. I learned a lot about my fellow inmates who were Muslim that day, and I observed them generally fall into 3 categories: the first was a group that saw the day's events through a conspiratorial lens, making sweeping declarations that the attacks were a "CIA operation" or a "false flag to rally support for India;" the second group expressed disgust at the violent attacks and wished they had not been carried out in the name of Islam; the third group appeared to express discreet support for the attacks —albeit the smallest of the three I found this third group to be the most frightening. Adham was vocal among the men in the second group who expressed disgust at the attacks. As the attacks unfolded throughout the day on the television, they would create intermittent arguments among the Muslim inmates. I remember the men who stood with Adham in expressing disgust for the attacks referring to passages in the Quran to support their position, I distinctly recall Adham arguing someone and pointing his finger at them and sternly saying something along the lines of, "if you kill one innocent life, all of innocence dies with them!" It was a sobering experience to witness these arguments.

18. What I observed of Adham while I was at the CMU was that Adham was a compassionate, kind, generous, deeply principled man, who valued human life both inside and outside of his community. Adham greeted me with warmth and attempted to diffuse something dangerous in me. Adham never attempted to indoctrinate me or tell me what religion to believe

in. He just convinced me to do as much good as I can, but also be good to myself, and become better for the sake of my loved ones.

19. In mid-December 2008 I was released from the Marion CMU and given two days to self-report to a halfway house in Brooklyn, NY. I hugged Adham as I left the unit. I have not spoken to him since.


20. Since leaving prison I married my partner whom Adham convinced me to better myself for, and together we've had three children. My wife and I are raising our children Presbyterian, in the same church my wife attended as a child. As I write this, I am looking at their pictures on my wall, reflecting on the things Adham told me, and asking myself what could have happened if I had not met Adham?

21. When I arrived in prison I was not violent, but I was capable of violence and was a criminal with specialized skills and resources. By the time I arrived at the CMU in 2008, my experiences while incarcerated left me terrorized, left me wanting to retaliate over the loss of my friend Wilgens, left me angry, unstable, and dangerous. I was on a path to self-destruct or recidivate, and had it not been for people like Adham who interrupted that trajectory, I don't know if I'd be where I am today.

22. Eleven years after meeting Adham, I recognize I am still influenced by what he said to me. I recognize that I am a work in progress and that I am still attempting to shed those exterior onion layers to surface my better self. While my primary motivation has now become my wife and children, that does not make Adham's guidance any less significant. Adham's friendship was a transformative experience for me.

23. Your Honor, when you make your judgment regarding whether or not Adham Hassoun is considered dangerous I hope you would take into consideration my observations regarding the type of person he is, and the ongoing positive impact he has had on my life. I pray you will order Adham to be released.

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



Andrew Stepanian

Executed on: June 25, 2020
Huntington, New York