

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

v.

[REDACTED] *et. al.,*

Defendants.

Case No: 1:17-cr-00161-TSC

**SUPPLEMENTED SENTENCING MEMORANDUM
ON BEHALF OF [REDACTED]**

Christopher Gowen
Gowen Silva & Winograd PLLC
513 Capitol Court N.E., Suite 100
Washington, D.C. 20002

TABLE OF CONTENTS

INDEX OF EXHIBITS i

I. Introductory Statement 1

II. ██████’s History and the Circumstances of the Offense 2

A. ██████’s Story 2

B. Overlapping Crises in 2016 5

III. The Sentence Already Served by ██████ 8

A. The Politically-Motivated and Racially-Tinged Vilification Imran Awan 8

 i. Driven by Official Conduct 9

 ii. For Political Gain 12

 iii. Deranged and Threatening 14

 iv. Ongoing 15

B. The Damage to ██████’s Reputation, Career, Family, Social Standing, and Sense of Personal Security 16

 i. Reputation and Career 16

 ii. Personal Life 18

IV. The (Lack of) Necessity of Further Punishment 19

A. Section 3553(a)(2) Factors 20

 i. The seriousness of the offense, a correspondingly just punishment, and promotion of respect for the rule of law 20

 ii. Adequate deterrence and protecting the public from further crimes 21

 iii. Provide for correctional and rehabilitative needs of the defendant 21

V. Conclusion 22

INDEX OF EXHIBITS

Letters of Support

- A1. Letter of support from J. R.
- A2. Letter of support from P. W. dated August 1, 2018.
- A3. Letter of support from E. D. dated August 1, 2018.
- A4. Letter of support from E. J. J. dated August 1, 2018.
- A5. Letter of support from A. T. dated July 30, 2018.
- A6. Letter of support from J. A.-J. dated July 16, 2018.
- A7. Letter of support from A. A. dated August 12, 2018.

Personal Story Materials

- B1. Photograph of brick-laying dated October 6, 2016.
- B2. Photographs with local orphanage dated October 18, 2016.
- B3. Photograph of Imran next to his sleeping (dying) father dated December 11, 2016.

Media Vilification Materials

- C1. Rep. Steve Israel, *How the right wing got it so wrong on the 'Pakistani mystery man,'* WASH. POST (July 18, 2018), https://www.washingtonpost.com/opinions/how-the-right-wing-got-it-so-wrong-on-the-pakistani-mystery-man/2018/07/18/d630bae6-89fc-11e8-8aea-86e88ae760d8_story.html?utm_term=.90a98dcfc836.
- C2. Editorial, *Wasserman Schultz stood strong, and alone, for persecuted aide*, SUN SENTINEL (July 9, 2018), <http://www.sun-sentinel.com/opinion/fl-op-editorial-wasserman-schultz-conspiracy-debunked-20180709-story.html>.
- C3. Donald J. Trump (@realDonaldTrump), TWITTER, <https://twitter.com/realDonaldTrump>.
- C4. *Transcript: Trump and Putin's Joint Press Conference*, NPR (July 16, 2018), <https://www.npr.org/2018/07/16/629462401/transcript-president-trump-and-russian-president-putins-joint-press-conference>.
- C5. *Excerpts From Trump's Interview With The Times*, N.Y. TIMES (Dec. 28, 2017), <https://www.nytimes.com/2017/12/28/us/politics/trump-interview-excerpts.html>.
- C6. "Spy Ring in Congress" signs.
- C7. Social Media and e-mail threats.
- C8. Anthony Man, *Wasserman Schultz talks about arrested aide Imran Awan*, SUN SENTINEL (Aug. 3, 2017), <http://www.sun-sentinel.com/news/politics/fl-reg-wasserman-schultz-discusses-imran-awan-20170802-story.html>

I. Introductory Statement

██████████ stands before the court guilty of providing a false statement on a loan application, under 18 U.S.C. § 1014. On December 12, 2016, ██████████ submitted an online application to secure a home equity line of credit for a property located at 4809 Sprayer Street Alexandria, VA. As part of the process the applicant is asked whether or not the property is a primary residence. ██████████ understood that the property was not a primary residence yet indicated it was in order to improve the chances of securing the loan. The loan application was approved, the money distributed, and the bank incurred a risk they were unaware of. For this, ██████████ accepts full responsibility, apologizes to this country, his family, and to law enforcement whose time and resources were used to investigate and prosecute his case. This mistake has cost Imran his job, his ability to obtain and maintain employment, his life savings, his freedom and most notably his ability to live as a private citizen.

The loan secured in the amount of \$165,000 transferred to Imran's bank account on January 18, 2017. The entire amount of that loan was completely repaid in less than 2 months in February 2017. Therefore, as this Court knows, there was no loss to the bank. The bank actually turned a profit on the loan almost 30 days after issuing the money which is certainly not typical with home loans. ██████████ does however recognize that his action resulted in a monetary cost for the United States, he was incarcerated for a night and was on GPS supervision for over 11 months. Considering the costs incurred by ██████████ throughout this case, the nature of the offense, his substantial cooperation, the positions taken by the United States and the presentence investigator, and the conduct of several government officials, including the President of the United States, ██████████

█████ respectfully requests this court to sentence him to time served with a fine of \$4004¹ so he can repay the United States for the cost incurred supervising him.

Consistent with the law set out at 18 U.S.C 3553 (a)(2),² this Memorandum attempts to justify the sentencing request by introducing Imran to the Court more fully as a person, providing background information and explaining why the President of the United States reached out to his over 52 million Twitter followers numerous times expressing outrage over a no-loss bank fraud case. The irony that Donald J. Trump, of all people, expressed outrage about a case involving bank fraud is not lost on the Defendant’s counsel but Imran is not before the court to discuss the President’s financial history, he is here to present his story.

II. █████s History and the Circumstances of the Offense

A. █████ Story

█████ grew up in a multigenerational, working-class household on a quiet street in Ahmad Park neighborhood of Faisalabad. His grandfather owned the house but still lived most of the time on the nearby farm he worked, commuting back and forth on a horse-drawn cart. █████ father and uncles all worked at nearby Crescent Textile Mills, making Levi’s jeans. There was never extra money and space was tight—usually around 14 or so family members in the cramped, three-bedroom house—but the kids got new shoes every year and everyone got enough to eat. Imran’s generation attended decent local schools, but their heads, many of them, were filled with ambitions of getting out of Faisalabad, study abroad, and jobs in international business.

█████ first learned of the U.S. “diversity lottery” from a cousin. He was 15-year-old. His

¹ According to the presentence report the monthly cost for imprisonment is \$3025.00, the monthly cost for supervision is \$364.00; the amount of \$4004 represents the prorated.

² The Court shall consider in fashioning a sentence that is “sufficient but not greater than necessary” to “reflect the seriousness of the offense,” “afford adequate deterrence,” and comply with any other relevant purposes.

cousin told him it was impossible, you had to know somebody—but he also told ██████ how to find the one-page application. ██████ filled it out and used all his Eid money that year to make the necessary copies of photographs and pay for postage, directly to the U.S. State Department in Washington, D.C.

When the letter came back around a year later saying that the family had been selected, Imran's parents assumed it was a scam. Only after the letter was passed around the neighborhood and checked out by various local experts was it agreed that this was the real deal. No one in the neighborhood had ever seen anything like this before.

Stage two of the process required that each family member interview at the U.S. embassy, and pay a \$150 interview fee. This was an outrageous amount of money for the family. ██████ mom sold all her jewelry to get the money for the fees for all six family members. At the interview, the consular agent asked Imran, then 17, if he intended to register for the Selective Service. He said he would.

The family—██████ dad, ██████ his mom, ██████ his sister, ██████ and his brothers ██████—flew to the United States (on plane tickets bought with money borrowed from a raft of family members) on September 28, 1997. They all slept on the floor of the apartment of a distant relative in Alexandria, Virginia. Ten days later, ██████ with hardly any English, was the first family member to get a job, at the McDonald's across the street. Despite his lack of English, he worked so hard that two months later the store manager promoted him to a shift manager.

In addition to working full-time hours at the McDonald's, ██████ attended 11th grade at Annandale High School and took English classes at Northern Virginia Community College (NOVA). In the summer of 1998, NOVA informed him that they had concluded that his

completion of high school in Pakistan (at 10th grade) counted as a U.S. high school equivalent and thus would allow him to begin the Associate's Degree program. ██████ completed three years at NOVA, then transferred his credits to Johns Hopkins and completed three years there, earning his degree in May 2004.

██████ paid for every cent of his education, contributing to his family the whole time. He worked at least one full-time job starting from his tenth day in the United States until his graduation from JHU, when he took his first vacation. By then, he was already working full-time in a job that would continue past graduation. In his last years at JHU he had started interning at InterAmerica Technology Inc., a firm that provided IT services to House and Senate offices on Capitol Hill. As part of this internship he has done some work for the office of Robert Wexler, then the U.S. Representative for the 19th Congressional District of Florida. Wexler and his staff were so impressed that they hired ██████ directly starting in January 2004, five months before he graduated.

On the Hill, ██████ worked relentlessly. He answered emails within minutes, if not seconds. Even as he grew more successful and was hired on a part-time basis by more and more Members, assuming responsibility for the configuration and operation of more and more computers, laptops, printers, smartphones, iPads, and more, he maintained his rapid-fire response time, closing out every support ticket the same day at a minimum. But what really made ██████ successful, the real reason why Members and Chiefs of Staff kept hiring him and recommending him to other Members, was the person who showed up at the door to provide the service. ██████ loved to work, and he loved his work. He brightened people's days. Because he just loved people, he was able to be infinitely patient with all types on the Hill: the tech "dinosaurs" still grouching over the introduction of email; the overburdened legislative directors too stressed to eat lunch much less figure out the printer; the executive assistants still struggling with PowerPoint. He gave them all

not just the time of day, but just the information and help they needed, with a warm smile and a positive attitude. A typical ██████ story involves him chatting happily with a client, swapping stories about kids and minor staffer gossip, all the while his fingers flying on three computers and four smartphones, running setups and configurations and managing email chains on a dozen open support tickets in four different offices.

Along the way, ██████ got married, and with his wife ██████ had three amazing daughters, who today are 10-, 7-, and 5-year-old. The family was deeply enmeshed in the Lorton, Virginia communities surrounding Halley and Lorton Station Elementary Schools and the Darul Huda Mosque and Community Center, as well as a handful of close friends and their families on Capitol Hill, including some Members. ██████ oldest daughter loved riding horses at nearby Tamarack Stables. His youngest took a special interest in father-daughter bowling outings. His middle child loved drawing and painting from her earliest days. The oldest child qualified for advanced placement in both 3rd and 4th grades.

The family endured its share of hard times. Imran’s mother died in a tragic car accident on August 25, 2007. Around the same time, ██████ father, with whom ██████ was particularly close, was diagnosed with renal cell carcinoma. This required a removal of a kidney in 2008, but the procedure appeared to solve the problem.

B. Overlapping Crises in 2016

After ██████ father retired as a maintenance engineer in 2006, he focused on real estate projects in his hometown of Faisalabad that were partly about making money but more about his own personal legacy and giving back to his community. In particular, he used almost the entirety of his savings to buy a 25% stake in Gulshan e Farid, a 35-acre undeveloped parcel not far from the family home that could be used to develop a “colony”—a contained residential community that

typically includes a mosque and a school. The investment, however, was plagued with legal difficulties related to securing the remaining collectively held interests in the land, and practical difficulties including harassment by local squatters seeking to “grab” the land by forcible occupation.

In the summer of 2016, motivated by lurking fears about his health, ██████ father traveled to Pakistan to try to resolve the various issues and set the project on a path to development, as part of his life legacy. ██████ traveled to Pakistan later that summer to assist him. In celebration of both his father’s and mother’s legacies, ██████, his father and a wider group of relatives conceived of a plan to build a small health clinic and maternity ward on part of the old family farm—the land that his grandfather commuted to by horse-cart when Imran was growing up, and where ██████ mother was buried after the car accident.

In September 2016, the abdominal pain that had caused Imran’s father to worry about his health became acute. Without knowing that ██████ father had only one kidney, a Pakistani doctor prescribed pain medication that caused rapid kidney failure. The extended family in Faisalabad placed a memorial brick at the site of the hoped-for health clinic—also his mother’s grave and his father’s forthcoming grave—and ██████ father returned to the United States for treatment and hopefully a new kidney, although everybody understood how serious the situation was. *See Ex. B1* (photo of brick-laying). ██████ stayed in Pakistan to try to deal with the land grabbers and lay the groundwork for the health clinic project. *See Ex. B2* (photo of ██████ with local orphanage that would partner with the proposed health clinic). The complications in Pakistan continued throughout the fall. Day and day, ██████ was emotionally devastated that he could not break free to return to the United States to be with his sick father. In the United States, doctors confirmed that the cancer had returned and were working to identify the extent of it.

Imran finally managed to return to the U.S. to be with his father on December 9, 2016. For the next month and half, until his father died, Imran slept in the hospital next to his father every night. Exhibit B3 is a photo of ██████ next to his sleeping (dying) father dated December 11, 2016.

He was emotionally ravaged from his father's illness and likely impending death, as well as several months of frustrations and injustices on the Pakistan land development. He was in a panic to get funds to resolve the land issue and fund the health clinic, as well as to have cash on hand in case his father could get a new kidney. He knew he and Hina had enough money saved away in their TSPs, but understood there to be a lengthy process to receive those funds without tax consequences. The next day, Imran made the foolish and wrong decision in the application for the home equity line of credit (LOC) as reflected in the Statement of Offense. The extent of his regret and remorse today for that decision cannot be overstated. But once in motion, he followed through—obtaining the LOC funds and disposing of them (and repaying them)—as reflected in the Statement of Offense.

While ██████ has genuine remorse for his actions, it is nonetheless important to note that at no time did ██████ ever think he was stealing or otherwise “getting away” with money that was not his. He knew that he had the funds to pay the loans from his and ██████ TSPs—as in fact he did pay them up less than three months after receiving the loan money. What he needed—or rather, what he *felt like he needed*, in his panicked and distressed state in December 2016 and January 2017—was timely access to cash to deal with all the crises surrounding his father's conditions. He chose absolutely the wrong course of action to deal with that desperately perceived need.

III. The Sentence Already Served by ██████

A. *The Politically-Motivated and Racially-Tinged Vilification of ██████*

What happened to ██████ and his family in the media, and as part of the investigation of this case, is ugly and tragic. It has been a process of brutal and relentless vilification and demonization. In the last six months, the government has come to understand the nature of what has been happening and, while working diligently to assure itself that all the bogus allegations driving the demonization are untrue, has also worked diligently to sustain the process that led to this plea deal. ██████ is truly grateful for the decency and good will shown by the government in the past six months.

On one level, ██████ more than anyone wants to turn his eyes away and forget the ugliness and unfairness of the last 18 months. Nonetheless, the outright lies and political tactics should be recounted and considered because they demonstrate just how much ██████ has already suffered at the hands of the government. This reference to “the government” is certainly not directed at the assigned United States Attorney, the Capitol Police or the FBI but is squarely directed at a group of elected officials led by the President of the United States who swore to abide by our Constitution when they were elected.

As an overview, ██████ strongly urges the Court to read the op-ed published by former Rep. Steve Israel in the Washington Post, attached hereto as Ex. C-1. It is worth noting that neither Imran nor any of his associates (or attorneys) ever worked for Rep. Israel, met him, or had any involvement in or knowledge of the op-ed before it was published. As Rep. Israel observes regarding the inception of the whole affair:

Maybe if the staffer’s name was Ed Smith, this would have been the end of a fairly uninteresting story. But the United States is in the white-knuckled grip of a xenophobic president and his base, and this congressional staffer had made one grave mistake, or at least his

parents had: He was named [REDACTED]. He is a Pakistani American who had access to computers in congressional offices.

To the right-wing conspiracy peddlers, the appearance of it was too tempting to be just a headline about an IT staffer. Led by the Daily Caller, they wove a conspiracy theory that belonged in a spy thriller. Awan, they suggested, might have been a mole for Pakistani intelligence services or terror cells. He was employed by liberal Democrats who might have provided the cover he needed to access and compromise highly sensitive data on Capitol Hill. (If he had worked in my office, this “highly sensitive data” would have been letters from constituents demanding stop signs in their neighborhoods.) They demanded that [REDACTED] Democratic employers fire him. They accused him of espionage and conspiracy to steal data and hardware. They even accused Awan’s ailing father of delivering a mysterious USB drive to Pakistani intelligence.

And what shriller amplifier of the right-wing echo chamber than Trump himself, whose tweets about [REDACTED] called him a “Pakistani mystery man.” The president went a step further in abusing his power by tweeting at his Justice Department how to investigate and what outcome he wanted.

Ex. C1; *see also* Ex. C2 (Sun Sentinel editorial dated July 9, 2018) (“*But the hounds kept baying. Trump harped on the ‘Pakistani mystery man’ who, he implied, had been the one hacking the Democratic National Committee’s server, not the Russians. He even tweeted that the Justice Department should not “‘let Awan & Debbie Wasserman Schultz off the hook.’”*”).

While the Israel op-ed covers the disturbing overall thrust of the demonization of [REDACTED] the following points should be highlighted: the attacks on [REDACTED] were *(i)* driven and coordinated by official conduct *(ii)* for political gain, were *(iii)* utterly deranged and often threatening, and *(iv)* show no signs of subsiding any time soon.

i. Driven by Official Conduct

As Rep. Israel notes, our sitting President has played a key role in driving the utterly false and vicious demonization of [REDACTED] for obviously politically self-interested reasons. Just some of Trump’s tweets and quotes regarding Imran are attached at Ex. C3. As the U.S. intelligence

community has come to the firm conclusion that Russian state-linked hackers interfered in the 2016 presidential election in Trump's favor, and as Trump has desperately sought to resist that same conclusion, Trump has consistently pointed to Imran—offensively as the “Pakistani mystery man,” as if he doesn't even have an identity apart from his national and ethnic origin—as some possible alternate “explanation,” although how that explains anything makes no apparent sense. Standing next to Russian President Vladimir Putin at the infamous recent press conference in Helsinki, Trump responded to a reporter's question on the subject (“Just now, President Putin denied having anything to do with the election interference in 2016. Every U.S. intelligence agency has concluded that Russia did. My first question for you sir is, who do you believe?”) with an incoherent rambling pointing some sort of a finger at ██████ (and falsely suggesting he worked for the Democratic National Committee) as well as “Hillary Clinton's emails.” Ex. C4 (NPR transcript); *see also* Ex. C5 (NY Times interview with Trump dated Dec. 28, 2017) (Trump responding to Russia questions by referencing “this Pakistani guy” and Hillary Clinton's emails). The President continually accuses Imran of stealing servers sometimes appearing to reference the server used by House Democrats and sometimes referring to a DNC server. The President who has surely at least been briefed that ██████ never worked a day in his life for the DNC does not appear to be bothered by that fact and continually states that ██████ worked for the DNC. *See* Ex. C4 (July 16, 2018 interview at Putin summit in Helsinki, Finland). Regarding the House Democrat's server that ██████ did in fact work on, the President knew or should have known that that server in question was in the hands of law enforcement from the very start of this investigation, a point confirmed by the United State Attorney in paragraph eight of the Awan plea deal. Even after the President's own U.S. Attorney publicly stated that there was no missing server the President still made public statements accusing ██████ of stealing a server. Had a statement like this been made by a U.S.

Attorney, they would have been severely sanctioned for publicly referencing an uncharged offence. An uncharged offence that was thoroughly investigated and proven to be false. While the U.S Attorneys, the FBI Agents, and Capitol Police officers all have to follow the law the President is above it and can make these accusations to the over 52 million Twitter followers he has causing public outcry and hundreds if not thousands of stories by media friends of his.³

Trump is not the only sitting government official who has indulged in false or outrageously speculative and racially-tinged attacks on ██████ for political benefit. Representative Louie Gohmert insisted that ██████ should face “hundreds of potential federal charges,”⁴ and when the exhaustively investigated and negotiated plea deal in this case was announced, Gohmert’s response was that it was “unfortunate” that “the only thing they've indicted ██████ for [is] for basically making a false statement to get a loan.”⁵ Rep. Steve King similarly announced that ██████ “should have been locked up in jail a long time ago with all his family members.”⁶ Rep. Ron DeSantis opined that ██████ conduct was “clearly criminal” and moreover at the center of “one of the all-time congressional scandals in the last 30 years.”⁷ These and other elected officials were not just responding to the speculative “reports” in the conspiracy media (although they certainly did that too), but generating conspiracies with their own unhinged speculation—for example, when it was reported that there was a dispute over the materials on a laptop that had been lost by ██████ on the

³ The Daily Caller, a right-wing media outlet founded by Tucker Carlson has published over 100 stories about Imran Awan during the course of the investigation in this case.

⁴ Jeff Poor, *Gohmert on Wasserman Schultz-Awan IT Scandal: ‘Hundreds of Potential Federal Charges Here’*, BREITBART (Oct. 12, 2017), <https://www.breitbart.com/video/2017/10/12/gohmert-wasserman-schultz-awan-scandal-hundreds-potential-federal-charges/>.

⁵ Debra Heine, *Louie Gohmert: FBI Refusing to Look at Evidence in Democrat IT Scandal* (June 7, 2018), <https://gohmert.house.gov/news/documentsingle.aspx?DocumentID=398641>

⁶ Luke Rosiak & Wajid Ali Syed, *Imran Awan Allegedly Tried ‘To Hide His Money’ While DOJ Negotiates With Him*, THE DAILY CALLER (May 31, 2018), <http://amp.dailycaller.com/2018/05/31/justice-department-imran-awan-tried-to-hide-his-money/>

⁷ *Id.*

Hill, Rep. Gohmert responded by telling The Daily Caller that the lost laptop reflected “was a deliberate act by a cunning suspect” because “[REDACTED] is a calculating person who made great efforts to cover his tracks, both electronically and physically.”⁸ And while the bread-and-butter of the attacks on [REDACTED] were quotes to The Daily Caller and interviews on Fox News, these elected representatives also took concrete steps to mark their actions with a more official character. For example, Senator Charles Grassley wrote to the Acting Secretary of Homeland Security demanding that she produce the “Alien file” for [REDACTED] and his entire extended family; Rep. Ron DeSantis wrote to the U.S. Attorney General demanding investigation of [REDACTED] because “Pakistan is home to numerous terrorist organizations”⁹; and Rep. Gohmert and others staged an informal congressional “hearing” on [REDACTED] case that was simultaneously pathetic, and a chilling demonstration of the propagandist power, in that it occurred inside the Capitol complex and generated a flood of news reports that treated it as an official hearing.¹⁰

ii. For Political Gain

The fact that the attacks on [REDACTED] and his family were calculated for political gain is obvious from the headlines the attacks generated: “[REDACTED] Scandal Shows Just How Much Dirt Dems Wanted to Hide By Focusing on Trump-Russia”¹¹; “Could The Awan-Schultz Scandal

⁸ Luke Rosiak, *Exclusive: Police Report Indicates Wasserman Schultz It Aide Planted Computer For Investigators To Find*, THE DAILY CALLER (Sep. 6, 2017), <http://dailycaller.com/2017/09/06/exclusive-did-imran-want-capitol-police-to-find-wasserman-schultzs-laptop/>

⁹ Letter to Attorney General Jeff Sessions from Rep. Ron DeSantis (Aug. 3, 2017), https://desantis.house.gov/_cache/files/a/c/aca267fa-549c-405a-8c7f-b1e021365847/7393E624EE53E4BB19E2A098F52E2376.desantis-letter-to-sessions---awan.pdf.

¹⁰ *JW Presents: A Discussion on the Awan Brothers IT Scandal w/ Congressional House Members*, YOUTUBE (Oct. 10, 2017), <https://www.youtube.com/watch?v=FPGfVZLzqXM>.

¹¹ Tyler O’Neil, *Imran Awan Scandal Shows Just How Much Dirt Dems Wanted to Hide by Focusing on Trump-Russia*, PJ MEDIA (July 27, 2017), <https://pjmedia.com/election/2017/07/27/imran-awan-scandal-shows-just-how-much-dirt-dems-wanted-to-hide-by-focusing-on-trump-russia/>.

Bring Down The Democratic Party?”¹²; and so forth. The National Republican Campaign Committee has run campaign ads using Imran as a scare tactic.¹³ Rep. Steve King issued a public comment connecting the attacks to the political claim that:

[t]he GOP wants to put the government back on its rails again and operating efficiently [while] Democrats want to pull it down. . . [Democrats] are funneling taxpayer dollars to people who, at a minimum, are not natural-born American citizens. If they’re sending money to Pakistan and absconding to Pakistan, they don’t have allegiance to the United States, either.¹⁴

As these headlines and comments reveal, the attacks Imran has suffered are part of a much larger political agenda aimed at attacking Democrats—[REDACTED] employers—and inciting outrage on various points ranging from “political correctness” to immigration laws to national security to the “lurking threat” of Muslims in the right-wing imagination. Rep. King publicly speculated that Imran was “in the hands of the Taliban or ISIS”¹⁵ and The Daily Caller and other “news” organizations ran stories with incendiary headlines and images—for example, a photo of Muslims apparently burning a U.S. flag—with no connection to the specific substance of the story.¹⁶

Perhaps it is all just a “political theater.” But the fact that such a personal destruction has become a politically accepted collateral consequence illustrates a deep inhumanity and injustice in our politics today. The Court cannot solve these deeper problems in this sentencing. Nonetheless it is submitted that it is relevant to the Court’s consideration of all the circumstances that Imran’s

¹² *Could The Awan-Schultz Scandal Bring Down The Democratic Party?*, TRUNews (July 29, 2017), <https://www.trunews.com/article/could-the-awan-schultz-scandal-bring-down-the-democratic-party>.

¹³ *ICYMI: RNC Chair: DWS IT Aide Arrest “Huge National Security Issue,” GOP* (July 26, 2017), <https://www.gop.com/icymi-rnc-chair-wasserman-schultz-it-aide-arrest-huge-national-sec/>

¹⁴ Alicia Powe, *Congressman Warns Dems Handed U.S. Secrets to Pakistanis*, WND (Oct. 12, 2017), <https://www.wnd.com/2017/10/congressman-warns-dems-handed-u-s-secrets-to-pakistanis/>

¹⁵ *Id.*

¹⁶ *See, e.g.*, ‘Pakistani Mystery Man’: Awans’ Father Transferred Data To Pakistani Government, Ex-Partner Claims,” THE DAILY CALLER (Apr. 19, 2018), <http://dailycaller.com/2018/04/18/imran-awan-usb-drive-pakistan/>

identity and dignity have been so basely abused and manipulated for others' political gain, adding yet another layer of pain and affront to what Imran has suffered.

iii. Deranged and Threatening

While the official attacks may be gruesome “political theater” and outrageous in their own right, the outcome those attacks have generated in the audience of right-wing political circles were terrifyingly real. The defense does not wish to reward these absurd and offensive lies and manipulations with further attention, but respectfully points the Court to just some of what is out there to complete the picture of what ██████ has had to endure in the last 20 months. Juvenile conspiracy theorist George Webb, already known to this Court, has reduced his incessant claim that Imran is part of a “spy ring in Congress” to outright sloganeering, printing lapel buttons and posts banners all around Washington. *See* Ex. C6. Webb found and published online the social security numbers of Imran and his family. Conspiracy theorists have sought to link Imran to the death of Seth Rich,¹⁷ the death of a Navy seal,¹⁸ the Pakistan Intelligence Service (ISI), Hezbollah, the Taliban, ISIS, the Muslim Brotherhood, and (apparently no right-wing conspiracy would be complete without) an imaginary pedophilia network.¹⁹ The individuals peddling these theories have regularly shown up at ██████ house, at his daughter's school, at pretrial services, his lawyer's office, and at the federal courthouse.

The thinly-veiled and occasionally unveiled racism and religious bigotry behind the

¹⁷ Alicia Powe, *Private Eye: Cops Bailed from Meeting on Seth Rich, Russia probes*, WND (July 27, 2017), <https://www.wnd.com/2017/07/private-eye-cops-bailed-from-meeting-on-seth-rich-dem-it-probes/>

¹⁸ Sean Kelly, *Muslim Spy Ring Linked To Navy SEAL's Death*, AMERICAN NOW (Feb. 6, 2017), <https://www.americanow.com/story/society/2017/02/06/muslim-spy-ring-linked-navy-seals-death>

¹⁹ *See, e.g., supra note Could The Awan-Schultz Scandal Bring Down The Democratic Party?*, TRUNews (July 29, 2017), <https://www.trunews.com/article/could-the-awan-schultz-scandal-bring-down-the-democratic-party>.

conspiracies has predictably degenerated into thinly-veiled and occasionally unveiled threats of violence: “Tic-toc you will pay for your betrayal of this country #Imranawan”; “no worries Mr. President, these thugs will pay for the crimes they have done against America”; “#Vigilantes will take law into their own hands against #AwanBrothers.” *See* Ex. C7. Counsel’s office has for months fielded death threat phone calls and emails: “you will die”; “Traitors for hire”; “tick tock, tick tock; you’re going down Gowen!” Beyond the profound psychological impact of these kinds of threats and harassment, ██████ has suffered linked concrete harms, such as when his counsel revealed to the Court during a status hearing that Imran was working as an Uber driver. The conspiracy media began harassing Uber and Imran’s driver status was promptly revoked.²⁰

iv. Ongoing

The hardest truth about all this repulsive harassment is that it is not going away anytime soon. Imran is going to continue to suffer. The tactic of distracting attention from the investigation of President Trump by pointing at “the Pakistani mystery man” is now entrenched in this particular round of political football, as illustrated by the Helsinki press conference, and countless other sources. The resulting orgy of lunatic conspiracy-mongering and harassment directed at Imran just gets worse and worse. There was hope, however faint, that the clarity of the government’s assurance in the public plea document that it had fully investigated all the various allegations would help bring down the hysteria. It appears to have only made it worse. Rep. Gohmert responded by attacking the FBI: “There are too many holdovers apparently from Mueller’s day and

²⁰ Joshua Caplan, *REPORT: Imran Awan Works as Uber Driver – Asked Judge for 100-mile GPS Area For Extended Rides*, GATEWAY PUNDIT (Sep. 1, 2017), <https://www.thegatewaypundit.com/2017/09/report-imran-awan-works-uber-driver-asked-judge-100-mile-gps-area-extended-rides/>

Comey's day."²¹ Four days after the plea agreement the President again reached out to his 52 million plus followers tweeting:

"The Rigged Witch Hunt, originally headed by FBI lover boy Peter S (for one year) & now, 13 Angry Democrats, should look into the missing DNC Sever, Crooked Hillary's illegally deleted Emails, the Pakistani Fraudster, Uranium One, Podesta & so much more. It's a Democrat con job!"

The politically-motivated abuse of Imran and his story is likely to become more, not less intense and combustible as the Trump investigation proceeds. The 18 months of insane media attention and false public accusations against Imran unfairly cost Imran his job (not one accusation about ██████ work on the Hill has been sustained), his privacy, his life savings and his ability to earn a living.

B. The Damage to ██████ Reputation, Career, Family, Social Standing, and Sense of Personal Security

In the face of this deluge of vicious attacks, ██████ has lost almost everything he built through 20 years of relentless, double full-time work and study starting, as noted, 10 days after his arrival in this country in 1997. Today he is destitute, adrift from his community and much of his support network, fearful, depressed, and generally emotionally shattered. He does have the capacity to rebuild, and his friends and community will come back to support him. But he has a long way to go.

i. Reputation and Career

Even before he was indicted, ██████ lost all of the IT services contracts with Member offices that had been providing him with a six-figure salary annually for at least the last decade. Many offices were managed by close friends who were desperate to keep ██████ hired, but who

²¹ Debra Heine, *Louie Gohmert: FBI Refusing to Look at Evidence in Democrat IT Scandal* (June 7, 2018), <https://gohmert.house.gov/news/documentsingle.aspx?DocumentID=398641>

nonetheless had to conclude that they couldn't justify the necessary expenditure of political capital given the intensity and high-level nature of the attacks. The one exception, for a time, was Rep. Debbie Wasserman Schultz, who kept ██████ on staff as a consultant for at a nominal salary in part to register her discomfort with the injustice of the whole process.²² She paid an enormous political price, as the attacks quickly morphed into "Wasserman Schultz-Awan IT Scandal."²³

Some of reputational and career harm ██████ has suffered and will suffer as he seeks to rebuild in the future is a legitimate or at least unexpected consequence of the false loan statement he has acknowledged and is taking responsibility for. But it is obvious that a large part of that harm will flow from the avalanche of allegations that are now irrevocably linked in the media—but not legitimately linked—to this case. When future prospective employers "Google" ██████ or receive a full disclosure from him, the vastness and viciousness of the attacks on him are likely to overwhelm even the best-intentioned employers. Certainly, it is difficult to imagine any recuperation of Imran's career in the politically-sensitive environment of the Hill—where all of Imran's professional contacts and institutional expertise lies—despite the fact that it is not unheard-of for Members of Congress to hire qualified and reformed individuals with a felony record. In any event, both the legitimate consequences of Imran's wrongdoing and the illegitimate consequences of the vilification campaign against him should be fully appreciated by the Court in assessing the necessity of additional punishment in any form.

²² See Ex. C8; Anthony Man, *Wasserman Schultz talks about arrested aide Imran Awan*, SUN SENTINEL (Aug. 3. 2017), <http://www.sun-sentinel.com/news/politics/fl-reg-wasserman-schultz-discusses-imran-awan-20170802-story.html>.

²³ See, e.g., Jeff Poor, *Gohmert on Wasserman Schultz-Awan IT Scandal: 'Hundreds of Potential Federal Charges Here'*, BREITBART (Oct. 12. 2017), <https://www.breitbart.com/video/2017/10/12/gohmert-wasserman-schultz-awan-scandal-hundreds-potential-federal-charges/>.

ii. Personal Life

██████ has suffered personally in many ways as a result of this case and the public vilification he has endured. But the worst pain he has experienced has come not from what he endured individually, but from having to watch what his family and especially his three young daughters have had to endure in this insane process. In early 2017, as the conspiracy theories began to emerge, and strange individuals began to watch their house and even their daughters' school, Imran and Hina decided it would be better for ██████ to take the children and stay with relatives in Faisalabad for several months. Even though this required taking the children out of school, it seemed more necessary to shield them from the utter insanity and unpredictability of what was happening in the media and all around them. While the family was fortunate to have the option of a low-cost place to stay with relatives (necessary because at that time ██████ and ██████ had lost their jobs and had no income to meet significant mortgage and other obligations), nonetheless the girls in particular had very limited exposure to Pakistan and were often terrified by the experience. ██████ and the girls did not feel safe traveling around the city, so they ended up spending almost all their time, for almost six months, in a single room in a small, crowded house. The house was in disrepair and at one point infested with mosquitos, leaving the girls absolutely covered in bites.

When ██████ and the girls finally returned (after realizing the insanity in the U.S. was not going to simply subside), their oldest child had to repeat fourth grade and the middle child started first grade, all under a cloud of rumors, fear, and corresponding social ostracization. The oldest child and best able to perceive (though hardly understand) the attacks, has been hardest hit, becoming far quieter and more suspicious of new people than she was before. She and the other children are no longer invited to birthday parties and play dates. Even the family's religious community has pulled away from them—a fact which is sad and disappointing, but totally understandable of a targeted faith community in the age of President Trump.

Finally, the Court must seriously consider the impact that the deranged, politically-driven, but hyper-personal and often apparently officially-sanctioned vilification campaign that has rained down on Imran over the last 20 months has had on his emotional well-being and basic sense of security in our society and its institutions. Especially in the first year of the attacks, before the government began to provide assurances that it had looked into the various allegations and found them to be inventions, Imran had genuine reason to fear that the same wave of hysteria that was driving the political discourse was also going to drive the prosecution of this case and could lead to him facing politicized charges of espionage or treason.

While ██████ can see the background prejudices and politics at play like anyone else, at a deeper level he cannot understand where all the rage behind these politics came from, why he was targeted, who he can trust, or when (if ever) it is going to end. And, of course, he doesn't know what to do about it. Nor do his attorneys.

IV. The (Lack of) Necessity of Further Punishment

The Court must fashion a sentence that is “sufficient but not greater than necessary” to comply with the purposes set out at 18 U.S.C. § 3553(a)(2), that is, “the need for the sentence imposed—

- (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
- (B) to afford adequate deterrence to criminal conduct;
- (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

§ 3553(a)(2). Today, in light of the enormous hardship that ██████ has already endured linked (in part) to his acknowledged guilt on the false statements charge and (in larger part) the vilification campaign described above, none of the purposes in § 3553(a)(2) would be served by the imposition

of jail time or supervised release. ██████ has not only suffered the gruesome out-of-court vilification and its practical and psychological consequences, as described above, he effectively served a year-long sentence of high-intensity supervision probation including the wearing of a GPS device, a curfew, and geographic restrictions that continue up to this day. He additionally, spent a night in jail when he was held on a place holder charge prior to the completion of the government's investigation. The "just punishment" that protects the concerns of § 3553(a)(2) and most "promotes respect for the rule of law" is a sentence of time served and fine that will repay the United States for the costs of ██████'s supervision.

A. Section 3553(a)(2) Factors

- i. The seriousness of the offense, a correspondingly just punishment, and promotion of respect for the rule of law

██████ is not here to minimize the significance of his admitted violation of 18 U.S.C. § 1014. However, the Court's analysis needs not dwell long on seriousness under § 3553(a)(2)(A) because the harsh consequences ██████ has already suffered are already vastly disproportionate to any view of the seriousness of this § 1014 offense, which led to no actual loss. Speaking only to character, not seriousness, this was a *technical* violation designed to surmount a *technical* obstacle and gain access to funds that ██████ knew he had but could not access in the short term. It was a foolish and irresponsible thing to do, but it does not reflect an underlying criminal, anti-social, or even deeply untrustworthy character.

Even though ██████ and his team knew all along that all of the accusations made about him regarding his employment at the House of Representatives were false we still insisted on providing the government with full cooperation. ██████ and team met with law enforcement over 13 times including 8 lengthy debrief sessions at the U.S. Attorney's office. Debrief sessions lasted over 4 hours and covered almost every single aspect of Imran's employment at the House of

Representatives. ██████ provided thousands of documents to the law enforcement and consented to searches of all of his devices, emails, and storage devices. ██████ and his team could have played legal games and not cooperated at all but instead he showed respect for the rule of law and answered every single question law enforcement had. The U.S. Attorneys, the FBI, and Capitol Police have all characterized Imran’s cooperation as Substantial.

ii. Adequate deterrence and protecting the public from further crimes

The purposes in § 3553(a)(2)(B)-(C) are easily addressed. As noted, ██████ has already suffered egregious consequences—certainly enough to impose any humane deterrent effect. (Indeed, from a deterrence perspective, the actual consequences would be deeply inhumane if imposed in a calculating matter, more like cutting off a hand to deter petty theft.) Similarly, ██████ lack of any criminal record whatsoever and the unique circumstances of the poor decision-making behind his § 1014 offense together strongly mitigate any concern that the public could be at risk of further crime from him.

iii. Provide for correctional and rehabilitative needs of the defendant

Finally, the Court must consider ██████ correctional and rehabilitative needs. As already observed, ██████ is a first-time offender who made poor choices during a state of emotional crisis; there is no basis to think that he has deeper criminal tendencies which need correctional or rehabilitative treatment. Rather, ██████ “rehabilitative needs” in the unique circumstances of this case are his needs to make a clean break from the venomous atmosphere surrounding this proceeding (outside the court), from the helplessness of a person forced negotiate in fear with (ultimately responsible) agents of a government that was by turns openly hateful of him. His task is to escape his tormentors in the media and in Congress, to begin to lift the shame, fear, and other psychological harm that the media vilification has inflicted on him, and of course to begin to

rebuild what will surely be a long process of rebuilding his professional life.

V. Conclusion

██████████ does not minimize the gravity of his conduct. But he has already suffered more severe consequences linked to this case than any person should have to suffer regardless of the crime. The truth of the matter is that this memo only scratches the surface of the attacks that have been laid on him, and examples of people taking advantage of him because he was under investigation.

While the punishment that ██████████ has suffered has not been at the hands of the Court or the prosecutorial authorities, and to be clear it is *not* reflective of the conduct of the Department of Justice in this case, much less the government attorneys who have appeared before this Court, it has nonetheless been inflicted in significant part by U.S. government officials and those acting in concert with them, for political gain, without any shred of decency or due process, and without any indication of an end date. As noted, the Court does not have the power to say “enough is enough” to the whole of society. But it can say it with the tools it has, including its broad discretion in fashioning a just sentence in this case. With the greatest respect for this Court and the rule of law, we urge the Court to impose a fine, sentence Imran to time served and let ██████████ ██████████ walk out of this courtroom and move immediately to the task of rebuilding his life, reconnecting with his family, and restoring his faith in the decency of American society and its institutions.

Respectfully submitted,

Dated: August 20, 2018

/s/ Christopher Gowen

Christopher Gowen
D.C. Bar No. 995102

Aaron Marr Page
D.C. Bar No. 974936
Gowen & Silva PLLC
513 Capitol Court N.E., Suite 100
Washington, D.C. 20002
T: 202-618-2218
F: 202-499-1370
aaron@ampjustice.com
cgowen@gowensilva.com

Attorneys for Defendant [REDACTED]