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FILED
07 DEC -3 AM 9:35
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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12
13 **CV 07 6076**

14 MICHAEL SAVAGE,

No.

15
16 Plaintiff,

JCS

17
18 vs.

19 Council on American-Islamic
20 Relations, Inc. and Does
21 1-100

22 Defendants.

23
24
25 **COMPLAINT FOR DAMAGES**
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FIRST CAUSE OF ACTION
(Copyright Infringement)

JURISDICTION

1.

Michael Savage is the radio show star of "The Michael Savage Show". "Michael Savage". Michael Savage is the owner of copyright interests in his show, "The Michael Savage Show" also known as "The Savage Nation". Savage broadcasts and creates his content in the Northern District of California with his radio station located in San Francisco, California. The content infringed upon was created in this district and broadcast from this district. This cause of action arises from federal statute.

2.

"The Savage Nation" is a nationally syndicated radio show that reaches over eight million listeners per week. Related to that show is the website www.MichaelSavage.com which receives 2.3 million page views per month. The radio show originates in San Francisco, California.

3.

"The Savage Nation" is unique among so-called "Talk Radio" in that it combines serious intellectual analysis with dramatic and emotional soul baring that the show advertises as "Psychological Nudity". This performance aspect of the show is critical in that it conveys an emotional power and a fundamental honesty to the programming that is meaningful to the listening audience.

4.

There are segments of the show that are as lyrical and as emotionally powerful as

1 live theater, poetry, rap music or other genres where a performer combines social
2 commentary with powerful performance. In fact the start of show always begins with the
3 admonishment:

4 "Warning: This show contains adult language, adult content, psychological
5 nudity. Listener discretion is advised."
6

7 5.

8 Those millions who continue to listen understand that they are hearing radio that is
9 as cutting, raw, emotional and fundamentally honest as any programming that has ever
10 existed on the airwaves.

11 6.

12 This lawsuit concerns the infringement of the copyright to the October 29, 2007
13 show wherein a dramatic, meaningful and powerful segment of the Savage Nation was
14 and continues to be expropriated by defendant, CAIR (as identified herein).
15

16 7.

17 CAIR has been given written notice of its copyright infringement but has chosen to
18 persist in using the copyright protected material.

19 8.

20 The segment misappropriated was in excess of four minutes. As set forth in more
21 detail herein, the misappropriated segment was used by CAIR for fund-raising purposes
22 and the segment was used in a manner designed to cause harm to the value of the
23 copyright material in the long and short term.

24 9.

25 The Council on American-Islamic Relations, Inc., hereinafter referred to as CAIR
26 is a tax exempt corporation which is self anointed as the representative of the civil rights
27

1 of Muslim Americans.

2 10.

3 In fact, and as set forth more fully herein, CAIR is not a civil rights organization
4 and never has been.

5 11.

6 At all times relevant herein, CAIR was and is a political organization that
7 advocates a specific political agenda.

8 12.

9 Defendants named herein as Does 1-100 are defendants whose true names and
10 capacities are presently unknown. When the names and identities of said Does are
11 ascertained, this complaint will be amended to reflect the same. These Doe defendants
12 include persons and entities that have conspired with CAIR to violate the rights of
13 plaintiff as set forth herein.

14 13.

15 CAIR has misappropriated copyright protected material from Michael Savage and
16 made this material available on its website. This is actionable regardless of whether or
17 not CAIR had a genuine charitable purpose in using Michael Savage's material. Even
18 genuine charities must gain the permission of a copyright holder before using the
19 copyrighted work for fund raising or other purposes.
20

21 14.

22 The CAIR misappropriation was done for political purposes unrelated to civil
23 rights and unrelated to CAIR's tax exempt status.

24 15.

25 The copyright infringement was done to raise funds for CAIR so that it could self
26

1 perpetuate and continue to disseminate propaganda on behalf of foreign interests that are
2 opposed to the continued existence of the United States of America as a free nation.

3
4 16.

5 CAIR repackaged the content of Michael Savage's show and manipulated that
6 stolen content so that it could be used by CAIR to raise funds. Little or none of the
7 money raised went to alleged "civil rights" activities.

8
9 17.

10 The CAIR repackaging damaged the work and damaged the public image of the
11 work because it was taken out of context, the introductory remarks were omitted and the
12 context of "The Savage Nation" were removed. It was deliberately designed to obscure
13 the specific message conveyed by Michael Savage. The actual message while highly
14 provocative and strongly worded, was not intended as an attack on people of faith and in
15 fact, Michael Savage is well known as a person of faith.

16
17 18.

18 The stolen material as repackaged by CAIR was intended to portray both the
19 material and the creator of the material, Michael Savage as having a blanket opposition to
20 a particular religion. This was not the context of the statement and it is not consistent
21 with the content of the programming as a whole.

22
23 19.

24 In fact, on his show, Michael Savage has presented various views and
25 perspectives. One purpose of his show (among other purposes) is to present uncensored,
26 genuine points of view that force listeners to both think and feel in ways that normal
27 polite discourse may not allow. The CAIR misappropriation omitted this reality about the

1 show and therefore failed to incorporate the context of Michael Savage's many comments
2 which include praise for the aspects of Islam that create a high level of morality and
3 family values.

4
5 20.

6 CAIR knew or should have known that it was misportraying the views of Michael
7 Savage as the following are just some of the positive positions taken by Michael Savage
8 with respect to people who use their religion to promote morality, freedom and family
9 values. As noted herein, Michael Savage makes no distinction among religions in these
10 comments. These comments include (but are not limited to the following:)

11
12
13 CALLER: Hi Dr Savage, thank you for taking my call. I'm a Muslim, I'm originally from
14 Turkey and I've been in this country since 93. I've been listening to your show for the last 3
15 years, and 80% I support what you're saying, I believe in American values. My religion is Islam,
16 my question to you is can I be a Muslim and still support American values in this country.

17
18 SAVAGE: Sure you can, absolutely. That's what I said all along. Look, it's like saying can I
19 be a Jew and still support American values, can I be a Buddhist and still support American
20 values, can I be a Hindu can I be an Atheist, Yes that's what America is all about. It's freedom of
21 religion, and freedom to be non religious. That's what makes the country great, it's freedom. So
22 I don't understand where the problem exists.

23
24
25 SAVAGE: In other words, everybody knows no matter what their religion is, even an atheist
26 knows it's not right to take a penny out of another man's pocket that's not yours right?

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CALLER: Right

SAVAGE: Ok, so you start with that basic knowledge, the basic rules of living with people can be boiled down to do unto others as you would do onto you, or do unto others as you would have them do to you. That's the essence of every religion.

(Date of Show: 3/27/07)

SAVAGE: There are areas of unity between the religions and I think we need to strengthen those. We need to strengthen those areas of unity. Maybe this IS a radio show that can help do that. Mohammed from Orlando, welcome back to the program. Now, you heard the Rabbi from New York and his views of Evolution and Creation you agree with?

CALLER: Yes, and that's what Islam is definitely all about. When I was listening to his message or his ... he uh, uh, has a great way of articulating the words that he was, uh, telling on this conversation. That, um, the way we were created and everything else, that's exactly, I think, there's a lot of similarities between all religions, Christianity, Judaism, and Islam.

SAVAGE: But yet, many Christians call the show and they don't believe in Evolution. They believe only in Creation. Are there... um... Creationists within the Muslim tradition as well who reject Evolution? I would think that the educated Muslim understands that you can have science and religion co-existing.

CALLER: Definitely. Without science, I don't think we actually can basically survive. And

1 the word, the first word that came out when revelation came in upon the Prophet Mohammed,
2 peace be upon him, is "read," which is basically a way of telling human beings to take
3 themselves and educate themselves and go into areas of things like science and like I said, that's
4 the first thing that Muslims are encouraged to do is basically educate themselves. So, I don't see
5 there is a difference between... a lot of people when they hear "Evolution," they take it to the
6 extreme that we all came out from apes or from another animal or some other beings, but that's
7 not how evolution is. So, evolution could be something that, um, basically, where, where, um...

9
10 SAVAGE: Well, I had asked the Rabbi yesterday how do you explain the previous, uh, pre-
11 humans, for example. Let's call them that. The Neanderthal, for example. How do you explain
12 that? If God is perfect, why would He create an imperfect man before creating a perfect man?
13 And his answer was very interesting. He said that God took a long time to arrive at man to teach
14 us how much time and effort it takes to create even one man in order to show us how important
15 life is and the divinity of mankind. I thought that was beautiful, didn't you, Mohammed?

16
17 CALLER: Definitely and also, uh, in Islam, way before humans were created, there was
18 another creature that walked on the earth, and that's another creature which we call the Djinns.
19 And the Djinns actually, they were living in Earth way before we came in and they did exactly
20 the same thing that we're doing right now. We're shedding blood all over the place. And God,
21 when he told the angels that he will create humans, the angels replied to him that you will create
22 a human just like you did with the Djinns. And they will do exactly the same thing that the
23 Djinns did. And He said, I know that, but I know more than you will. So that's exactly the same
24 way. So there's a lot of creatures that...

1 SAVAGE: So in other words, we're still behaving like sub humans even though we're
2 humans.

3
4 CALLER: Exactly

5
6 SAVAGE: And we're not supposed to behave like that. We're supposed to behave like the
7 angels, but we're still behaving worse than the ape.
8

9
10 CALLER: Definitely.

11
12 SAVAGE: [Laughter] Mohammed, bless you. Alechem Salam. Thanks for listening to The
13 Savage Nation.

14 Date of Show: 11/29/06

15 *****

16 Caller: It is not normal, let me tell you something. I'm thirty years old, I'm married and I
17 have a daughter. But you talk to guys my age in the city of Houston and when I tell them
18 that I'm married, whether those guys are Christians or Jews or Muslims, they all look at
19 me like I'm, like I'm crazy, you know. They tell me, 'Oh, you're way too young to get
20 married, you're way too young to raise a family.
21

22
23 Savage: Oh! Oh, you're not out there having fun. Taking ecstasy and having an orgy, I
24 see what you mean.

25
26 Caller: they kind of, you know....
27

1 Savage: Yeah, well you stick to your faith, Mohammed, you're on the right track. It's
2 God's way, that's my opinion. Let me send you copy of "Liberalism is a Mental
3 Disorder" for, for your reading pleasure. So there it is. It's an interesting story; Muslim
4 says Savage is right on the cultural war that is going on.

5 (Date of Show: 11/29/05)

6
7 21.

8 These misportrayals were done to deliberately increase the profit making aspects
9 of CAIR's misappropriation and it further increased the damage caused by this theft.
10 The misportrayals were done to silence people who oppose the commission of acts of
11 violence, murder or torture under the guise of religion. By omitting Michael Savage's
12 strong endorsement of all religions and all religious practice that supports moral values,
13 family values and freedom, CAIR destroyed the value of the copyright material and the
14 performance as a whole, at least to the extent that people gave credence to the CAIR
15 packaging of the content.

16
17 22.

18 To further promote their website, fund raising and the appearance of a genuine
19 human rights agenda, CAIR organized contacts with various advertisers including
20 Walmart, AutoZone, JC Penny and others whereby CAIR sought to convince them not to
21 advertise on The Michael Savage Show. Any success in this area was due to the
22 copyright infringement and the false context in which the material was presented.

23 23.

24 In its actual context, the piece was directed toward violent terrorists who mask
25 their personal evil with a false religious aura. This included the "Hitler of Iran"
26 (Mahmoud Ahmadinejad). Savage's outrage and strong language objecting to the murder
27

1 of homosexuals and the mutilation and oppression of women under the guise of religion
2 makes much more sense than the CAIR packaged spin that Savage who has repeatedly
3 taken pro-faith views was somehow against a particular religious group in its entirety.
4

5
6 24.

7 The audience of "The Savage Nation" expects this type of from-the-heart outrage
8 and when it is directed at a murderer such as Mahmoud Ahmadinejad and his ilk, the
9 piece is far more understandable and far more in the American mainstream. While the
10 strength of the outrage is remarkable and a hallmark of "The Savage Nation", the
11 sentiment is shared by a huge number of Americans.

12 25.

13 The copyright material properly viewed is a scream of outrage on behalf of the
14 American public against beheadings, hangings of homosexuals, mutilation of women, the
15 torture of rape victims and the thought that CAIR and other groups are trying to import
16 these atrocities into American life.

17
18 26.

19 Just as all religions are free to practice in the United States, Michael Savage is free
20 to exercise his beliefs without having someone who opposes his views steal his property
21 and convert it for their own use. The violation of the copyright and the desecration of
22 that copyright material is a violation of the freedoms of Michael Savage to express his
23 views.

24 27.

25 Michael Savage has analogized his statements on the radio to those made by
26 Winston Churchill when he warned of the rise of the Nazis. Michael Savage has pointed
27

1 out that all Germans were not Nazi's and Churchill's words if heeded would have
2 protected the German public as well as the rest of the world. Michael Savage is now
3 being attacked by the modern day Nazi's who seek to silence his voice of warning.

4
5 28.

6 Michael Savage's right to speech is protected by both the First Amendment and in
7 Savage's view is also biblically required. "Surely the Lord God will do nothing, but he
8 revealeth his secret unto his servants the prophets. The lion hath roared, who will not
9 fear? the Lord God hath spoken, who can but prophesy?" (Amos 3:7-8). It is essence of
10 freedom that voices can be raised strongly and without fear of illegal retaliation. CAIR
11 attempted to silence Michael Savage by stealing his work, misrepresenting it and then
12 seeking to have advertisers drop his show. This is a violation of Michael Savage's rights
13 to speech and religious beliefs.

14
15 29.

16 The conduct of CAIR (in addition to raising money) in violating the copyright
17 interests of Michael Savage was to gain media attention and control so that CAIR would
18 be seen as the "moderate" voice in the media. In fact, CAIR is a radical voice that
19 deliberately attempts to be seen as centrist so that media time goes to CAIR and once on
20 the air, CAIR directs its rhetoric to the benefit of its extremist clients. This is a deliberate
21 tactic and the theft of the copyright material was part of a pattern and practice advancing
22 this tactic.

23
24 30.

25 As set forth herein, CAIR is not a civil rights organization but is instead a political
26 organization designed to advance a political agenda that is directly opposed to the
27 existence of a free society that includes respect and dignity for all people and all religions.

1 The copyright infringement herein is part of this plan. CAIR's fundamental purpose is to
2 be a lobbyist for foreign interests.

3
4 31.

5 The Foreign Agents Registration Act requires registration as an agent of a foreign
6 principal when an organization acts on the order, request, or under the direction or control
7 of a foreign principal, or whose activities are directed by a foreign principal when that
8 person engages in political activities for or in the interests of such foreign principal or
9 acts in a public relations capacity for a foreign principal.

10 32.

11 CAIR would have to register as a foreign agent if their activities were not hidden
12 under the false claim that they are a civil rights organization that enjoys tax exempt status.

13 33.

14 The theft of the copyright material from "The Savage Nation" and the publicity
15 campaign associated with the theft is part of the deception by CAIR by which it seeks to
16 avoid registration and attempts to keep its tax exempt status.

17 34.

18 CAIR while claiming in its paperwork to be a civil rights organization was in fact
19 co-founded in 1994 by Ibrahim Hooper, Nihad Awad, and Omar Ahmad, all of whom had
20 close ties to the Islamic Association for Palestine (IAP), which was established by senior
21 Hamas operative Mousa Abu Marzook.

22 35.

23 The director of the United States Federal Bureau of Investigation counter-terrorism
24 unit has stated that IAP is "a Hamas front...(that is) controlled by Hamas, it brings Hamas
25 leaders to the US, it does propaganda for Hamas."
26
27

1 36.

2 CAIR opened its first office in Washington, DC, with the help of a \$5,000
3 donation from the Holy Land Foundation for Relief and Development (HLF).
4

5 37.

6 At a 1994 meeting at Barry University, CAIR co-founder Nihad Awad stated that:
7 "I am a supporter of the Hamas movement." Awad wrote in the Muslim World Monitor
8 that the 1994 trial which had resulted in the conviction of four Islamic fundamentalist
9 terrorists who had perpetrated the previous year's World Trade Center bombing was "a
10 travesty of justice."

11 38.

12 Hamas is listed as a terrorist organization by Canada, the European Union, Israel,
13 Japan, and the United States. Hamas is banned in the United Kingdom, Australia and the
14 Muslim country of Jordan.

15 39.

16 Plaintiff contends that CAIR is still associated with foreign groups as set forth
17 more fully herein and that the wrongful intent in violating the copyright as set forth herein
18 was based in part upon a desire to silence a vocal critic of Hamas.
19

20 40.

21 The involvement of CAIR's founders in illegal conduct was addressed on February
22 2, 1995, when U.S. Attorney Mary Jo White named CAIR Advisory Board member and
23 New York Imam Siraj Wahhaj as one of the "unindicted persons who may be alleged as
24 co-conspirators" in Islamic Group leader Omar Abdel Rahman's foiled plot to blow up
25 numerous New York City monuments.
26
27

1 41.

2 On May 7, 1996, CAIR coordinated a press conference to protest the decision of
3 the U.S. government to extradite Marzook for his connection to terrorist acts performed
4 by Hamas. CAIR characterized the extradition as "anti-Islamic" and "anti-American."

5 42.

6 Prior to 9/11, CAIR continued in its claim that it was a civil rights organization.
7 They made this claim when in October 1998, CAIR demanded the removal of a Los
8 Angeles billboard describing Osama bin Laden as "the sworn enemy," asserting that this
9 depiction "offensive to Muslims."
10

11 43.

12 Also in 1998, CAIR denied bin Laden's responsibility for the two al Qaeda
13 bombings of American embassies in Africa. CAIR's leader Ibrahim Hooper, claimed the
14 bombings resulted from "misunderstandings of both sides."

15 44.

16 In a July 1998 news article CAIR co-founder Omar Ahmad is quoted speaking to a
17 group of California Muslims expressing his hope of seeing an America under the
18 domination of Islam. In that article, Ahmad is quoted as saying,
19

20 Islam isn't in America to be equal to any other faith, but to become
21 dominant. The Koran ... should be the highest authority in America, and
22 Islam the only accepted religion on earth.
23

24 45.

25 On October 5, 2001, just weeks after 9/11, CAIR's New York office sent a letter to
26 The New York Times arguing that the paper had misidentified three of the hijackers and
27

1 suggesting that the attacks may have been committed by people who were impersonating
2 Arab Muslims.

3 46.

4 CAIR further exploited 9/11 as it put on its website a picture of the World Trade
5 Center in flames and below it a call for donations that was linked to the Holy Land
6 Foundation website.

7 47.

8
9 The HLF is the Holy Land Foundation. On December 4, 2001, the Attorney
10 General of the United States stated that "the Holy Land Foundation, received much of its
11 early money from Mousa Abu Marzuq, a top Hamas official who, the U.S. courts have
12 determined, was directly involved in terrorism."

13 48.

14 The use of CAIR's website to misappropriate the spirit of 9/11 charity to raise
15 money for a terror organization is a pattern of conduct by CAIR that has been repeated
16 with the appropriation of Michael Savage's material for CAIR's own purpose. While the
17 outrage of diverting 9/11 charity is unmatched in its callousness, the success of that
18 enterprise may well have emboldened CAIR in its present conduct.

19
20
21 49.

22 When the President of the United States closed the Holy Land Foundation in
23 December 2001 for collecting money "to support the Hamas terror organization," CAIR
24 decried his action as "unjust" and "disturbing."

25 50.

26 On April 20, 2002, CAIR's director spoke at a rally in Washington D.C. He spoke
27

1 from a podium next to a Hezbollah flag.

2
3 51.

4 On December 29, 2004 Wagdy Ghoneim, an extremist Egyptian cleric known for
5 his advocacy in support of violence and hatred for Jews, decided to voluntarily leave the
6 country after being accused of immigration violation, CAIR's director in California,
7 Hussam Ayloush, told The Los Angeles Times that the case demonstrated "the selective
8 application of laws on Muslims." CAIR has never publicly criticized the radical
9 statements made by Ghoneim.
10

11 52.

12 In a July 7, 2004 interview with BBC, Ibrahim Hooper, CAIR's spokesman,
13 defended Sheik Yusuf Qaradawi, a Qatar-based Muslim cleric known for his support for
14 terrorism, as "respectable," adding: "I don't think there's any incitement of violence on his
15 part." Qaradawi was an open supporter of Hamas, Islamic Jihad and Hezbollah, as well
16 as other groups targeting U.S. forces in the mid-east. Qaradawi is barred from entering
17 the U.S. because of his advocacy of violence.
18

19 53.

20 Ghassan Elashi is a founding board member of CAIR's Texas chapter. On April
21 13, 2005, Ghassan and two of Ghassan's brothers, were found guilty of supporting
22 terrorism by funneling money to the leader of Hamas. They were convicted in a federal
23 court in Texas of handling and trying to conceal an investment by senior Hamas leader
24 Musa Abu Marzuq. In July 2004, Ghassan Elashi was convicted on separate charges of
25 illegally exporting goods to Syria and of money laundering. At that time, a representative
26 of CAIR's Dallas-Fort Worth chapter, Khalil Meek, argued that the only thing Elashi was
27

1 guilty of was the “crime of being Muslim in America.

2
3 54.

4 On February 21, 2006, CAIR National Legal Director Arsalan Iftikhar appeared on
5 MSNBC’s Scarborough Country debating the Dubai side of the U.S. ports story.
6 Michael Savage was the leader of the public opposition to the purchase of major U.S.
7 ports by Dubai and Savage herein alleges that the misappropriation and misuse of his
8 content as set forth herein was done in part in retaliation for Savage’s opposition to
9 overseas ownership of such a strategic asset.
10

11 55.

12 CAIR’s political conduct in favor of foreign organizations supporting violence has
13 continued to the present up to and including the time of the copyright infringement and
14 during all times known to plaintiff up to the date of the filing of this lawsuit.
15

16 56.

17 At 8:00 pm on June 6, 2006, the Ohio affiliate of the Council on American-Islamic
18 Relations (CAIR-OH) honored Siraj Wahaj, one of the unindicted conspirators in the
19 1993 World Trade Center bombing, Wahhaj had also served as a defense witness at the
20 trial of the “Blind Sheikh” Omar Abdel-Rahman, one of the men convicted for that 1993
21 terrorist attack (a conviction that CAIR has labeled “a travesty of justice”). More than 400
22 CAIR-OH supporters gathered at this fund-raising banquet.
23

24 57.

25 On August 7, 2006: Altaf Ali, executive director of CAIR-Florida, published an
26 opinion piece in the Sun-Sentinel, in which he compared Israel and the U.S. government
27 to Al Qaeda.
28

1 58.

2 On August 12, 2006: CAIR participated in and endorsed several rallies in support
3 of Hezbollah and the "resistance" that were fighting American forces in Iraq.

4 59.

5 In October, 2006 a CAIR affiliated publication, InFocus, printed an article
6 supporting Hezbollah. The commentary claimed that the war was part of an
7 American-British conspiracy, a "phase of the larger plans of the colonialist superpowers."
8 It also praised the "epic heroism of the resistance fighters".
9

10 60.

11 In May 2007 CAIR was identified by the government as an unindicted
12 co-conspirator in a case involving a charity that was allegedly affiliated with Hamas.
13 Federal prosecutors in the case of the Holy Land Foundation listed CAIR under the
14 category: "Individuals/entities who are and/or were members of the US Muslim
15 Brotherhood's Palestine Committee and/or its organizations." The government also listed
16 Omar Ahmad, CAIR's founder and chairman emeritus, under the same category.
17

18 61.

19 In August 2-7, 2007 during the Holy Land Foundation trial in Texas, FBI agent
20 Lara Burns testified about evidence connecting CAIR and two of its founders to the Holy
21 Land Foundation as well as to the fundamentalist Muslim Brotherhood movement that
22 established Hamas in Gaza and the West Bank. The agent identified CAIR executive
23 director Nihad Awad as one of the scheduled participants at a meeting of Hamas officials
24 in a hotel in Philadelphia in 1993. At the time, Awad was a representative of IAP. Burns
25 also identified CAIR co-founders Awad and Omar Ahmed as members of the Palestine
26 Committee set up by the Muslim Brotherhood.
27

1 62.

2 Attacks on other public figures have included attacks on Presidential candidate,
3 Rudy Guiliani for using the phrase "Islamic Terrorism" and for accepting the
4 endorsement of Pat Robertson whose endorsement of Guiliani included a reference to the
5 "bloodlust of Islamic terrorists".
6

7 63.

8 CAIR also attacked Guiliani's choice of Daniel Pipes as foreign policy advisor.
9 Pipes is the person who first published (in 1998) the quotation from CAIR's cofounder
10 that:

11 Islam isn't in America to be equal to any other faith, but to become
12 dominant. The Koran ... should be the highest authority in America, and
13 Islam the only accepted religion on earth.
14

15 64.

16 CAIR has a pattern and practice of attacking critics. On or about January 6, 2004,
17 an attorney and agent for CAIR wrote a "cease and desist letter" to Andrew Whitehead
18 who runs a website www.anti-cair-net.org. In this letter, CAIR attacked Mr.
19 Whitehead's exposure of CAIR's foreign ties deeming those facts as being "sociopathic
20 and xenophobic,". When Whitehead would not yield to CAIR's demands they filed a
21 \$ 1.3 million dollar libel lawsuit against him.
22

23 65.

24 Whitehead countersued and in his allegations made assertions similar to those of
25 Daniel Pipes where he asserted that "Douglas Hooper, a/k/a "Ibrahim" Hooper CAIR's
26 Director of Communications, also worked for the IAP before joining CAIR. He has
27

1 stated: "I wouldn't want to create the impression that I wouldn't like the government of
2 the United States to be Islamic sometime in the future..." Hooper has defended payments
3 of bounties to the families of suicide bombers."

4 66.

5 CAIR later dismissed their lawsuit at a time when Whitehead's attorneys started
6 demanding information related to CAIR's sources of funding.
7

8 67.

9
10 The theft of Michael Savage's copyrighted material and the destruction of the
11 proper context of that material is yet another tactic to silence critics of CAIR. CAIR was
12 specifically and by name attacked by Michael Savage in his October 29, 2007 statement
13 but CAIR did not contest the truth of Savage's attack on CAIR and instead sought to steal
14 and sully his copyrighted work. Clearly CAIR did not wish to defend themselves and lose
15 in the same manner that they failed in the lawsuit against Andrew Whitehead, therefore
16 this new tactic was employed.
17

18 68.

19 Based upon these facts and further facts to be produced at trial, plaintiff alleges
20 that CAIR is not a civil rights organization but instead is a political vehicle of
21 international terrorism and that the copyright infringement itself and the manner in which
22 the material was used, was part of a deliberate practice and pattern to do material harm to
23 those voices who speak against the violent agenda of CAIR's clients. The attack on Rudy
24 Guiliani, Daniel Pipes, Andrew Whitehead and Michael Savage are part of a pattern and
25 practice to silence critics of CAIR and critics of CAIR's foreign agenda under the false
26 guise of civil rights.
27

1 69.

2 In the summer of 2007, CAIR supported international terror when, in response to
3 renewed fighting between Israel, Hezbollah and Palestinian terror groups. CAIR did not
4 condemn the terror organizations that provoked the fighting but instead launched an anti-
5 Israel media campaign.
6

7 71.

8 Therefore CAIR seeks to silence its critics including those who use strong
9 language but do not advocate violence while CAIR itself supports people who use even
10 stronger language and advocate and urge actual violence against innocent civilians; all
11 this under the guise of being a "civil rights organization".

12 **JURY TRIAL DEMAND**

13 73.

14 Michael Savage hereby demands a jury trial in this matter.
15

16 **DAMAGE DEMAND**

17 74.

18 Michael Savage seeks general and special damages according to proof. Such
19 damages include but are not limited to actual Damages and Profits as described in 17
20 USC 504.
21

22 75.

23 Michael Savage does not presently elect but reserves the right to elect statutory
24 damages as set forth in 17 USC 504.
25
26
27

1 76.

2 Michael Savage further contends that the actions of defendants and each of them
3 were wanton, wilful and malicious. Michael Savage contends that the actions of
4 defendants were criminal as defined under 17 USC § 506. For these reasons and for the
5 reasons set forth herein, Michael Savage is entitled to punitive and exemplary damages.
6

7 77.

8 Michael Savage further seeks costs and attorney's fees as allowed under 17 USC
9 505. CAIR has been given notice of the registration of the copyright, copyright
10 registration has been obtained and CAIR after receiving notice of the copyright
11 infringement has continued to infringe.
12

13 78.

14 The damage caused to "The Savage Nation" includes the loss of future value for
15 the resale of the copyright material. The publication of this significant segment combined
16 with the characterization of the segment, meaningfully reduces the value of that segment
17 on resale as a total show or as an excerpt as part of compilation or other use of the
18 product.
19

20 79.

21 The infringement was wanton, wilful and malicious so as to constitute a willful
22 infringement under the copyright act. The conduct was part of a pattern and practice of
23 intimidation. Such deliberate conduct entitles Michael Savage to punitive and exemplary
24 damages.
25

1 80.

2 In assessing damages under 17 USC 504, Michael Savage seeks the value of
3 contributions and monies obtained including but not limited to the value of the continued
4 support of CAIR by its long term patrons who expect CAIR to act in this manner in
5 exchange for continuing financial support. He further seeks his actual damages
6 according to proof.
7

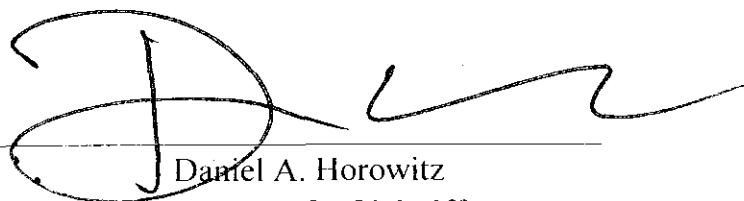
8 81.

9 Michael Savage reserves the right to seek injunctive relief and other remedies
10 permitted by law.
11

12 WHEREFORE, MICHAEL SAVAGE prays for judgment as follows:
13

- 14 1. General damages according to proof.
- 15 2. Special damages according to proof.
- 16 3. Punitive and exemplary damages.
- 17 4. Attorney's fees and costs.
- 18 5. Plaintiff reserves the right to seek statutory damages and other relief.
- 19 6. Such other relief as the court deems proper.
20

21
22 Dated: December 3, 2007



23 Daniel A. Horowitz
24 Attorney for Plaintiff
25
26
27