



# Save the Pine Bush

## July/August Newsletter

Jul/Aug 08 No. 93 • 33 Central Ave., Albany, NY 12210 • email [pinebush@mac.com](mailto:pinebush@mac.com) • phone 434-1954 • fax 434-6659 • web <http://www.savethepinebush.org> • Circ. 1000

### Vegetarian/Vegan Lasagna Dinner Wednesday, July 16 2008, 6:00 p.m.

## Resa Dimino

Special Assistant in the DEC Commissioner's Policy Office  
*will speak about*

### Solid Waste Management Planning

Resa Dimino is leading the effort to develop a new State Solid Waste Management Plan in New York State. Her talk will focus on the planning the NYS Department of Environmental Conservation is doing on the state level and what DEC will be asking of local planning units as they revise and update their plans. Please be sure you bring all of your questions about solid waste and planning for Ms. Dimino! For some language on the state planning process, go to <http://www.dec.ny.gov/chemical/41831.html>.

At the First Presbyterian Church, (State and Willett Sts, Albany, please enter from State St.). All-the-vegetarian-and-vegan-lasagna-you-can-eat, garden salad, garlic bread and homemade pies. Only \$10 for adults, \$5 for students, and \$2 for children. People who make reservations are served first. For reservations, please leave a message for Rezsins Adams at 462-0891 or Lynne Jackson at 434-1954. Interested people are welcomed to attend the program beginning at 7:00 for which there is no charge

### Save the Pine Bush July Hike

## Hike over Margriets Bergh — Campus Remnants of Dunes and Dutch and Mohawk History Saturday, July 19, 9:30 a.m.

Destinations: Dune, Drumlin, Woods, and trace of Colonial Road to Schenectady on the western and southern fringes of the Harriman State Office Campus. Stop at the Kuyl and it's springs on the SUNYA Campus on way back, time permitting.

Join us in visiting interesting survivals of Pine Bush history and nature on the SUNYA and State Office campuses. What's in a name? Quite a bit, sometimes. Especially when a hill was a contraband hideout, and had different names in English, Dutch, Mohawk and German. The story will be told as to why the Colonial Dutch named our main hike destination after a woman named Margriet Bradt, and why she

*Hike, continued on page 2*

### Court Room Door Slammed Shut on Save the Pine Bush

#### *SPB Loses Clifton Park Case*

ALBANY: The New York State Court of Appeals has refused to hear Save the Pine Bush's case regarding the proposed warehouses on Wood Road in Clifton Park. By not hearing our appeal, the Court of Appeals allows the lower court's decision dismissing our case on standing to be the final ruling in the case.

The court room is barred to Save the Pine Bush. We lost on "standing", meaning Save the Pine Bush has no right to bring a case against the Town of Clifton Park over protection of the endangered Karner Blue butterfly.

This is a sad day for the rule of law in New York State. Barring citizens from suing their government representatives to enforce the State

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### Son of Mountains

#### Virtual Book Signing

*by Lynne Jackson*

ALBANY: A virtual book signing for *Son of Mountains* by Yassin Aref was the topic for the May Save the Pine Bush vegetarian/vegan lasagna dinner. Yassin, along with Mohammed Hos-sain, were subject of an FBI sting operation and were sent to prison for 15 years each. During the five months Yassin was awaiting sentencing, he wrote *Son of Mountains* in the Rensselaer County Jail. Carl Strock, *Daily Gazette* columnist said "Incredibly, Yassin Aref has written a book, and in English, no less. I say incredibly because he wrote it in the Rensselaer County Jail when I would have been a quivering wreck, unable to string three words together in my own language, much less in someone else's."

Steve Downs, the attorney who represents Save the Pine Bush in the hotel case, described how Save the Pine Bush and Yassin Aref, from Kurdistan are alike. On the surface, they seem about as far apart as you can imagine, and in another sense, they are absolutely the same is-

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[www.savethepinebush.org](http://www.savethepinebush.org)

## *Clifton Park, continued from page 1*

Environmental Quality Review Act will result in municipalities ignoring environmental law. The teeth have been removed from SEQRA.

Who can enforce SEQRA? Only citizens. However, citizens have been barred from the court.

Much has been written about “frivolous lawsuits” and “tort reform” with much ink about how our courts are too crowded and how trial lawyers are just out to make the poor corporations suffer.

What is not written about is what happens when citizens are barred from taking their grievances to court? What happens when people are no longer allowed to come to court to peacefully solve their differences? What type of society do we have that tells citizens they cannot come into court to resolve their differences in a peaceful and rational manner?

Much has been written about the details of the Wood Road Clifton Park litigation in the SPB newsletters and on the website.

The case boils down to one question: Does Save the Pine Bush have the right to sue to protect the Karner Blues? The Court of Appeals has answered “NO”.

The next step is legislative reform. Clearly, when the NYS Legislature enacted the State Environmental Quality Review Act, the legislature wanted an open process to allow citizens to comment and participate in reviewing environmental issues. The time has come to call on the NYS Legislature to amend the SEQRA to outline who has standing to sue a municipality over SEQRA. A bill called “The Environmental Access to Justice Act”, bill #S.5182 in the Senate has been introduced and now needs to be passed.

If the restrictive standing rules had been in effect in 1978 when Save the Pine Bush filed its first lawsuit, we never would have made it into court. If we had not gone to court, there would be no Pine Bush left today. Permitting citizens to sue over SEQRA protects the environment for everyone.

Call your NYS Assembly member and NYS Senator today and demand that SEQRA be amended to permit citizens to sue over environmental issues and demand passage of the Environmental Access to Justice Act. Or, volunteer for Save the Pine Bush to lobby the NYS Legislature on this issue. Call Lynne Jackson at 434-1954 to volunteer or email at pinebush@mac.com.

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## *Hike, continued from page 1*

became so locally famous in the Colonial period . We will also discuss the suitability of putting more business and industry in the Harriman

Campus, with Save the Pine Bush’s ideas for more land trades with Pine Bush developers to dissuade them from locating in presently undeveloped Pine Bush. Then how about looking at the surviving slip face of a great , immense and easternmost sand dune along with old tops and air photos to

the intact dune field here. Could this suggest the complete rebuilding of Harriman with more density, mixed use and wind turbines placed to fit in? Aeolia City? Historians, geologists, environmentalists, atmospheric scientists, and planners etc. are urged to attend along with the general public. For those interested, we may stop at a cafe on the walk back to the bus stop for continued informal discussion and lunch.

Meet at 9:30 A.M. at SUNYA Campus Bus Stop, Collins Circle, 1400 Washington Ave., Albany. (Park in parking lot and walk around to in front of bus shelter). People without cars can catch rides with the walkers with cars. The hike is free and all are welcome! No reservations needed, and you are welcome to bring your friends! For more information : Call 465-8930

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## *Son of Mountains, continued from page 1*

sue. We are talking about justice here. We are talking about the right to be heard. How does a butterfly get heard? How does Yassin get heard? How do the poor people in the world get heard when there are a whole bunch of people out there trying to prevent us from being heard? You all know that feeling, you have been fighting it for 30 years and hopefully we don’t have to fight for 30 years to finally allow the Muslim community to be heard that “we are not terrorists, we are not a threat to anyone. Please listen. Listen to what Mohammed said. Listen to what our community is saying. We care about this country as much as you do. We care about the world as much as you do.” Steve sees the same connection.

Steve says he thinks Yassin sees himself as a romantic poet. Poets in Kurdistan tell the truth and telling the truth is very dangerous in certain parts of the world. But, if you can tell the truth right, you gain respect, and people know, when things are really down, you can go to this person, and he will tell you the truth. That is the kind of person Yassin was. Steve read from his book:

“Because bloody leaders and ignorant dictators like for people to be suffering and struggle, so brutal and inhuman are these leaders corrupt regime that people in the East move from disaster to disaster. For example when you read this story you say its hard to believe you had so much difficulty and suffering. But, if someone from my

country were to read this story, he would say, ‘Ah, Yassin! You lived the high life compared to mine.’ The only way to change the situation, to stop the corruption and ignorance and promote peace and prosperity, is for scholars to speak out, tell the truth, and never blindly approve what the rulers do. As Imam ...\* said, If scholars don’t speak the truth, and people don’t know it, how will the truth ever come out? The Prophet Mohammed, may peace be upon him, said the best Jihad is to say the truth to an unjust ruler.”

At this point, Steve interjected, “I love that. Tell the truth to an unjust ruler.” Steve continued reading, “Let him know how his misrule affects the people and advise him and warn him about what disasters will fall if he does not stop the corruption and replace it with the rule of law. Only when justice replaces this rule will we see peace.” Steve continued, “this kind of resonates with me, somehow. Well, that is Yassin. He is a wonderful, crazy character who is one of the most eloquent people I have ever encountered. I hope you all get a chance to know him as I have, and I hope that you will learn from him that you cannot be sad, that you have to speak out. There are lots of injustices around, and that we must speak out against injustice.”

Shamshad Ahmad, president of the Masjid As-Salam Mosque and professor of physics at the University of Albany spoke about Yassin. He began by stating that Yassin and Mohammed were tricked into a plan by the FBI. The reason was to make society secure. However, neither man engaged in any criminal activity at all. They are each serving a fifteen year prison sentence. Their children are suffering (they have ten children between them), individuals of conscience are suffering, taxpayer money was wasted, this case did no one any good. The book, *Son of Mountains* is a very good book about Yassin’s life in Kurdistan and is a very interesting read. Yassin came to this country in 1999; Shamshad met him in 2000. Yassin could not speak one word of English. However, within eight months of living here, Yassin gave a speech in English and was soon giving sermons in English. The book does not cover much about his case, Yassin wrote instead about his life.

Jeanne Finley is the volunteer who edited *Son of Mountains*. Between the conviction and sentencing of the two men, the Muslim Solidarity Committee held vigils outside the court, during winter in very cold weather. During one of the vigils, Steve Downs approached Jeanne, saying that he had heard she was a free-lance editor. and telling her he had a book for her to look at,

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\* Editor’s note: My mistake, I could not find the correct spelling of the Imam’s name by the printing deadline. I am sorry.

## In the Shade of a Tree

*In honor of the virtual book signing,  
Yassin Aref wrote this special essay for  
Save the Pine Bush*

One of the most beautiful aspects of life in a village is living close with nature, especially in many third world countries, where many villages do not have access to most of today's technology such as cars, tractors, air conditioners, electricity and TV. That is the kind of village and time I grew up in. I shivered in the winter and sweat in the summer. I was scared of the darkness and closed my ears from the thunderstorms. I walked in mud, I slept on the floor, I journeyed with the moon and the stars were my friends. I drank from wells and swam in the stream. I sang with the birds, milked cows, slaughtered sheep, caught fish and climbed mountains. Hundreds of time in the summer I escaped from the sun's heat by running to the shade of a tree. If I received a little wind, that was my A.C. (air conditioner). For the summer a tree was our cabin and tent, where we took a nap or ate dinner. It became our town hall for meetings, and our gazebo for playing. This made me love trees from my earliest childhood.

In my culture the tree is the symbol of life. It is true that water is the source of our life but there is no doubt that the tree is the beauty of it. I remember when I used to get tired from working on our farm or even after play and we would run and lay down under a tree to cool off, and rest, and slow our breathing. At that time I did not know anything about oxygen and carbon dioxide and what we breath, but under a tree we felt comfortable and we breathed easier.

The tree was the backbone of our life. We used the wood as fuel to cook and warm our homes. We made doors, windows and beds of it. It provided the roof for our houses and we got fruit from it. When I went to high school and learned that trees give us oxygen and take in carbon dioxide, this gave me a new appreciation for trees. When I got to college I learned about how trees clear our air of pollution, and I loved them even more. When I came to the United States, I learned about global warming and how it is threatening our planet and our future. I heard that trees were the best weapon to fight global warming, and I loved them more than ever.

I used to love poems about trees. In Kurdish there are many beautiful poems about trees. To some poets, a green tree becomes a symbol of new life. Patriotic poets compare freedom with trees - as trees cannot live and bear fruit without water, so freedom cannot grow and bear independence without our struggle and blood. Bekas, a well known Kurdish poet, wrote about the "Tree of Freedom" which starts:

The freedom tree grows not by water but by blood  
Without it never will the freedom tree give fruit;  
Nor independence without sacrifice.

No fear of death will stop our plea for rights

For rights are given only when we take ourselves.

Another poet, Mufti Penjweni, wrote a poem as his will, asking that when he died he would be buried in Saywan's Hill Cemetery, because it was shaded by huge trees. He said:

When I die please bury me in Saywan's Hill  
So that the leaves of lovely towering trees

Will be my cabin and my tent

Piramerd, made trees an example of how to bow down to people to give them fruit before they shake the fruit out of the tree. Piramerd in his poem said that real generosity is to give before people ask, and to do it as the tree does it, by lowering its branches to give fruit, and to keep on giving even when people beat the high branches for the last fruit.

Shekh Hasan said something similar to this when he said that people should be like trees. "People throw stones at trees, but trees throw fruit back at them." This is the best advice I ever read about dealing with people, even those fools who bother us. Some scholars say that the best answer for fools and bad people is to ignore them, but Shekh Hasan said rather to do good to them instead. We must be like trees to beautify this planet, clean the air, shade the people to give them rest, and be fruitful to let people eat and enjoy themselves in our shade.

I was blessed even after I left my country and went to Syria to finish my college because I worked as a gardener to take care of many trees and eat from many different fruits. I was happy serving the trees. I used to give them water and take care of them. They were like my friends. I talked to them. I sang for them and wrote poems about them. They made me feel good. They let me have rest in their shade. They gave me fruit. They beautified my farm. They cleaned the air. For me the trees invited all kinds of birds to come and sing for us.

Then after I came to America and lost my freedom I was locked down in my cell in the CMU. I cannot find the shade of any tree. I cannot climb on any of them which always makes me sad. How can the Son of Mountains, a Farmer and a Gardener, live in a tiny cell without hearing the birds singing or resting in the shade?

Then came global warming. I read about it and heard even more, which made me believe that it is one of the biggest and most serious threats to our future. This made me miss trees even more. I was relieved when I heard that my sister Lynne Jackson, one of my biggest supporters and helpers, was doing a great job of defending and saving trees. I learned that she is a volunteer for thirty years working with a group of people to save the Pine Bush in Albany. They have monthly news bulletins and they won some law suits against the City. She asked me to write a word for them for their party on the occasion of the signing of my book.

Today the scientists have proved that global warming is threatening our planet, which is a danger for our lives and future. They agree the one of the easiest ways to combat this threat is to plant trees. So I want you to know that saving trees (and the Pine Bush) means saving our planet, and saving our planet means saving human life and future. Please save as much as you can. I wish I could be with you physically but I assure you I am with you in my mind, heart, and prayers.... and I want you all (dear readers) to do whatever you can to help in this direction.

— If you turn your cigarette off it will help.

— If you stop you car some times, and walk or ride a bike, it will help.

— If you plant a tree, or flowers, or grasses, it will help.

— If you speak out against war, it will help

— If you write to your congressional representative or mayor, it will help

— If you give what ever you can afford to combat global warming, it will help.

— At least do not participate in making more pollution.

We will be responsible for any harm that may come from it. It would be as though we were participating in ending people's lives on our planet.

I remember a story from my early childhood which I heard from my dad. A young man one day saw a very old man planting a date palm, which takes a long time to start producing fruit. So the young man asked the old man what he was doing.

"Planting a date palm" said the old man

"Do you believe you will live long enough to eat from it", the young man said?

"No", said the old man. "I don't think so".

"So why are you planting this", said the young man?

"Do you see all these fruit trees around me", said the old man. "I used them all my life, but I did not plant any of them. My dad and grand dad did all the planting and I ate from them. Now I want to plant this so my children and grand children can eat from it."

We should really think about our children and grand children and what we want them to have. In Iraq and many other places, war will curse the next three coming generations. They will have to pay back all of the loans and rebuild everything that was destroyed although it was our duty to build something for them. Once, a man named Saad, one of the Prophet Mohammed's companions, said he had a lot of property and money and only one daughter to inherit from him. Saad asked the Prophet if he wanted him to give away two thirds of his property to charity and leave one third behind for his daughter.

The Prophet said "No".

"What about half", said Saad?

The Prophet said, "No"

"What about giving one third to charity", said Saad?

The Prophet agreed and said that if a third is too much then Saad would be better to leave his child too rich than so poor that she would have to beg. He said that if someone was waiting for the Hereafter, and he had a seed in his hand, let him plant the seed before it was his time to enter the Hereafter.

If even one minute before our death we can plant the seed of something good, the Prophet advises us to do so. He used to encourage people to plant trees by telling them that if they planted trees, and birds or animals or humans ate from it and benefited from it, then the people would receive a reward in the Hereafter as long as others continued to benefit from what was left behind. It is for our children to benefit and it is for ourselves as a reward. Please plant and build as much as you can. At least one tree! And I hope someone while reading this will know that I cannot plant in prison and will plant something on my behalf. Let us be like trees - shade people, and give them good clean air, and fruit even to those who are stoning us.



## Son of Mountains, continued from page 2

Yassin's book, and asked Jeanne if she would tell him what she thought of the book. She was hooked after the first few pages. "Is the book good?" asks Jeanne, and she answers her own question with a big grin and a "Yeahhh!"

The book is self-published, and the process took more than a year. Yassin wrote in English for a Western Audience to get his story out, but, also he wrote the book for his children. Yassin is a writer. He comes from Kurdistan where being a poet is a political act. He writes about his life, about Islam, about his personal quest. Very little of the book is about the FBI sting. The book tells you who Yassin is. We have no concept of what he has lived through. Reading the book suggests the question: Why is this man in prison? In light of having dinner here tonight, Jeanne read a section of the book, where Yassin talks about hunger, and lack of food: "It also made me understand why my mother, whenever she saw a tiny piece of bread on the floor, would quickly pick it up and say, "Astragfiro Allah," which means 'I ask God's forgiveness for this impiety.' Then she would kiss the crumb of bread and eat it. "

Kathy Manley is one of Yassin's attorneys. She has been very involved in Yassin's appeal, which is before the Second Circuit Court of Appeals. The oral argument on the appeal was held in New York City in March, and we are waiting for the decision. Kathy also mentioned Mohammed Hossain, the codefendant in the case, and that his wife, Fatima, made the delicious food we are eating tonight. Kathy said that she has had innocent clients before, but no one like Yassin. Yassin is all about speaking truth to power. He is all about complete honesty, about principles, and keeping those principles under the most incredibly difficult circumstances.

There are many aspects to Yassin's case,

## Oral Argument in Hotel Case Heard in Appellate Division

ALBANY: Eighteen supporters of Save the Pine Bush attended the Appellate Division oral argument in the case about the proposed hotel in the Pine Bush in May. Attorney Steve Downs argued the case for Save the Pine Bush.

Save the Pine Bush won the case in Supreme Court. The City of Albany had asked the Court to dismiss our case saying that we did not have standing or the right to sue. The Supreme Court judge noted the "passion" Save the Pine Bush had for the Pine Bush and granted us standing.

Despite the Albany Common Council asking the City's corporation counsel not to pursue an appeal, the City has appealed Save the Pine Bush's win, and is also appealing the court decision giving Save the Pine Bush standing to sue, saying that members of Save the Pine Bush are not harmed, and that they do not suffer any harm different than the public at large (requirements of standing from the *Society of Plastics* Court of Appeals decision in 1991).

Steve Downs argues "When the enforcement of SEQRA is limited to those who are di-

including secret evidence and NSA wire-tapping, which Kathy spoke about. Kathy spoke about the prison Yassin is currently. Called the Communication Management Unit, it is in Terre Haute, Indiana where Kathy visited Yassin last summer. It is primarily for Muslims who are convicted of something that isn't real terrorism, because the real terrorists are kept in the supermax prison in Colorado. Prisoners in the CMU have extremely restricted phone call and visit privileges compared to other federal prisoners. Yassin only gets one 15-minute phone call per week and, unlike in other prisons, he is not allowed contact visits with his children.

Kathy noted Yassin and Mohammed's case is not isolated. Other Muslims have been

rectly adversely affected by the harm (as required in the Clifton Park case), no person has standing to enforce SEQRA where the harm does not affect any human being but only a wild species or natural resource. . . . Thus even if a person lived in "close proximity", and could somehow prove to be "adverse affected" by harm to a public wild species or natural resource, it would always be impossible by definition to show that this adverse affect was different from that of the public as a whole . . . The Court of Appeals in the Plastics case described the "large pool of potential plaintiffs" who meet the Court's standing restrictions "with no compromise of the court's commitment to the enforcement of SEQRA." (*Society of Plastics*, supra at 779). Where is this large pool of plaintiffs in the present case under the Clifton Park rules? What potential plaintiffs are available in the Pine Bush to uphold the court's commitment to the enforcement of SEQRA? If the plaintiffs in the present case do not have standing, can the court identify even one such potential plaintiff who would? Or is this Court no longer committed to the enforcement of SEQRA?"

entrapment and the cases follow a similar pattern. What has happened to Yassin is not the first time immigrants have been targeted in this country.

Steve mentioned that Yassin sent him an essay, called "In the Shade of the Tree" and describing what Yassin thinks of the environment. The essay was given to everyone attending the dinner in May, and has been reprinted here for everyone to read on page three. Yassin is so pleased that members of Save the Pine Bush are doing something about the environment.

*Editor's note: Son of Mountains can be purchased online at <http://www.yassinaref.com> and at local bookstores. All of the proceeds of the book go to helping his children. Reading this book will change your life.*



**Save the Pine Bush**

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