

**Case 5: Lackawanna**

John Mueller

June 3, 2011

According to its chief planner, Khalid Sheikh Mohammed, the greatest difficulty the 9/11 plotters faced was getting their band of terrorists into the United States.<sup>1</sup> Obviously, finding like-minded Americans to help with the task would have been most useful and, accordingly, in the days, or years, before 9/11, al-Qaeda seems to have tried to recruit Americans to the cause. The fact that there were no Americans among the 9/11 hijackers may say something about the success of these efforts.

Far the best known, and perhaps the only truly systematic attempt to recruit Americans was conducted by Kamel Derwish, an American and an al-Qaeda operative who hailed from the Yemeni community in Lackawanna, New York, near Buffalo. An attractive and subtle propagandist, Derwish returned home and over several months collected a following of young Yemeni men. In the summer of 2001, he persuaded seven of them to go with him to al-Qaeda training camps in Afghanistan. Appalled at what they found, six of the seven returned home as quickly as they could. There was apparently another contingent of seven planning to go to the camps as well, but when they heard from the returning six about what the adventure entailed, they backed out. If they had actually gone, they would likely have undergone the same disillusioning process as the returnees. Then, after 9/11, the training camps were closed down by the American war in Afghanistan, and the issue became moot.<sup>2</sup>

This means that the extended efforts of Derwish and of his sometime collaborator, Juma al-Dosari (“the closer”), resulted in the recruitment of exactly one person—Jaber Elbaneh—and his value to the organization, it would seem, has been of very limited value. He was later arrested by, or turned himself in to, Yemeni authorities, and his further fate has been on hold as Yemeni authorities squabble over who will receive, or bargain to increase, the \$5 million reward the United States has been offering for Elbaneh and his extradition.<sup>3</sup>

The mesmerizing Derwish apparently retained standing in al-Qaeda despite his almost complete failure, but he was murdered, or summarily executed, along with a few other people by an American missile while driving through the Yemeni desert in 2002.<sup>4</sup>

In his excellent analysis of Muslim extremist terrorism in the United States since 9/11, Brian Jenkins warns that many cases “may rest heavily on an interpretation of the ultimate intentions of the accused. That puts the American justice system perilously close to prosecuting people solely on the basis of what is

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<sup>1</sup> Terry McDermott, “The Mastermind: Khalid Sheikh Mohammed and the making of 9/11,” *New Yorker*, September 13, 2010.

<sup>2</sup> Temple-Raston, *Jihad Next Door*, 201-2.

<sup>3</sup> Temple-Raston, *Jihad Next Door*, 206-10, 254.

<sup>4</sup> Temple-Raston, *Jihad Next Door*, 195-98

in their hearts and on their minds.”<sup>5</sup> However, arrests in the Lackawanna case were made for thoughts that *weren't* in the minds of any of the arrested—none was even *thinking* of doing anything violent. In true comic opera fashion, the arrests were triggered by some intercepted communications sent from one of the group, Muktar al-Bakri, who was in Bahrain to be married to a teenage girl selected by his parents. He mentioned something about the “next meal” being “very huge” and about the “big wedding,” and the FBI, inventively interpreting this to mean an attack was imminent, staged the arrests, even yanking the overly voluble al-Bakri from his wedding bed before he could consummate his marriage.<sup>6</sup>

This bizarre development stemmed from the FBI's notion that, although the members of the group were under constant surveillance, they needed to be arrested even before they got around to planning—that is, thinking about—an attack. As the much-decorated agent in charge put it, “We just couldn't take the chance. We just can't afford another al-Qaeda-type attack, and we have to intercept and prosecute the people who could strike out against us. Do I think they were going to do that? Probably not. But what if I was wrong? What would happen if they had a bad day? What would they do if some al-Qaeda member called them from the airport and asked them for a place to stay or a ride from the airport? Are we really sure they wouldn't help with that? I wasn't.”<sup>7</sup> The logic is at best a bit opaque, but it seems to suggest that the FBI should arrest anybody who could commit violence whether they were prepared to do so, or were planning to do so, or were thinking about planning to do so, or might someday decide to house somebody who might think about doing so, or not—even if they thought their fears that any or all of this would ever come about were likely to be unjustified. And his suggestion that the Lackawanna boys could have pulled off something like 9/11 is pure fantasy.

FBI Director Robert Mueller's comment on the case is equally strange: “If you wait until the fuse is lit, you're waiting too long.”<sup>8</sup> Or, “Should we take the chance where we believe we have intelligence, we have information, we have evidence, that they're poised to commit an attack, and we just should let it go and wait for the attack, and then conduct our investigation after the fact? I think not. I think the American people expect us to investigate, to develop the intelligence, and to prevent the next attack.”<sup>9</sup>

In this case, there was no fuse and no thought of fuses, much less of any explosives that might be connected to them. And the only evidence the group was “poised to commit an attack” was the Bureau's misinterpretation of some childish emails and phone messages. Moreover, since the Lackawanna men were under constant watch, they could likely have been stopped well before they lit the fuse or even seriously sought to procure one—Mueller in fact had assured the

<sup>5</sup> Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 10.

<sup>6</sup> Temple-Raston, *Jihad Next Door*, 1-9, 146-47

<sup>7</sup> Temple-Raston, *Jihad Next Door*, 216

<sup>8</sup> Temple-Raston, *Jihad Next Door*, 216

<sup>9</sup> Interview: Robert Mueller, *Chasing the Sleeper Cell*, Frontline, pbs.org, October 16, 2003.

President of the United States that “We are ninety-nine percent sure that we can stop these guys from doing something.”<sup>10</sup> Most ominous is Mueller’s comment, also noted by Blaise Katter, “What you’re looking for is a group of individuals who, together, have the capability of undertaking an attack.”<sup>11</sup> Beyond their brief, aborted training stint in Afghanistan, the Lackawanna guys had no more “capability” to attack than anybody else—actually less capability than any gun owner in the country.

But, as Director Mueller stresses, they were not convicted of planning an attack, but of giving material support to a terrorist organization by hanging out at a training camp and buying some supplies. It could be argued, of course, that the six returnees were considerably more trouble than they were worth to al-Qaeda and therefore that any “support” they tendered was a net negative to the organization. However, more importantly, this somewhat creative interpretation of what “material support” can be taken to mean carries ominous overtones particularly to those in the Muslim community where giving to charities is an important obligation. For example, during the civil war in Bosnia in the 1990s, when United States policy decidedly supported the Muslim side, contributions to Muslim groups, some of them sometimes engaged in combat, could potentially be taken to constitute material support for terrorism. A certain wariness about cooperating with U.S. authorities is understandable under the circumstances.

Another interesting issue in this case is that the seven Lackawanna boys were able to enter an al-Qaeda camp and were welcomed to join the cause. Although this episode took place before 9/11, the United States had been questing big time after Osama bin Laden at least since al-Qaeda’s bombing of two American embassies in Africa in 1998. Yet, it appears the Central Intelligence Agency has been unable at any time to infiltrate a single mole into al-Qaeda’s ranks. The boys from Lackawanna had Derwish to vouch for them, but why couldn’t one of them be a plant? Indeed, one of them, Sahim Alwan, had had quite a few conversations with an FBI agent over several years.

The Lackawanna case also gives evidence that a hostility toward radicalism existed among American Muslims even *before* 9/11. When Juma al-Dosari showed up and gave a radical speech in the Mosque, his welcome was summarily retracted by the community. Moreover, someone from the community tipped the FBI off about Derwish’s recruitment efforts months before 9/11, and it was this missive that triggered the Bureau’s investigation.<sup>12</sup>

The agent in charge considers that anonymous letter-writer to be “a hero” and has mused, “What if we had never got that letter?”<sup>13</sup> It is possible, of course, that the six returnees, if unhampered by the FBI, would have reversed their disillusionment and decided to commit violence—perhaps exploding something in downtown Buffalo. Vastly more likely in the event that the FBI never got the letter, however, is, as the agent himself admits, that the naïve returnees would today have blended back into the community, that no pointless trial would have

<sup>10</sup> Temple-Raston, *Jihad Next Door*, 154

<sup>11</sup> Interview: Robert Mueller, *Chasing the Sleeper Cell*, Frontline.

<sup>12</sup> Temple-Raston, *Jihad Next Door*, 124

<sup>13</sup> Temple-Raston, *Jihad Next Door*, 125

been held, that six jail cells would be empty or occupied by real criminals, that the messages of the miserable al-Bakri would never have triggered a set of unnecessary arrests by overly-imaginative eavesdroppers, that he would have been able to consummate his marriage to his teenaged bride, and that she would now be living a life blissfully free from FBI-induced trauma.

## Case 5: Lackawanna

Blaise Katter

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### 1. Overview

The Lackawanna case concerns a group of twenty-something Muslim boys from Lackawanna, New York. These men were in many ways simply ordinary youth. They lived in Lackawanna, a former steel industrial town outside Buffalo that had seen its better days. In early 2000, an al-Qaeda operative and recruiter, Kamel Derwish, returned to his home in Lackawanna and began holding weekly prayer sessions, which the boys religiously attended. His charismatic attitude and deep knowledge of the Koran led the youths to trust him unequivocally. By convincing them that they needed to be better Muslims, he persuaded seven of them to travel with him to Afghanistan in the summer of 2001 to learn how to fight for Islam. While there, they participated in various al-Qaeda training camps, including bomb making and gun training. A select group of them also met personally with Osama bin Laden and discussed, indirectly, the 9/11 plot. Six of the seven, soon realizing they were in over their heads, cut short their “training” and returned to the United States before the attacks in September. The seventh remained in Afghanistan, fully committed to al-Qaeda and to jihad. He was arrested in Yemen in 2004 but later escaped before he could be extradited. He was recaptured and is currently awaiting possible extradition to the US.

The FBI, acting on an anonymous tip about the group, arrested the six at the behest of President George W. Bush on September 13, 2002. Facing serious charges, including threats of treason and classification as an “enemy combatant,” all of them by June 2003 pled guilty to providing material support to al-Qaeda and were sentenced to between 7 and 9 years each.<sup>1</sup> Two of the six were released in 2010 with the remaining four scheduled to be released by mid-2011.<sup>2</sup>

### 2. Nature of the adversary

In order to understand the rationale of the decision of the men to go to Afghanistan, it is crucial to first examine their lives in Lackawanna. In the early 20th century, steel plants helped make Lackawanna a worldwide beacon of prosperity for immigrants, and many Irish laborers settled there, creating a primarily Catholic “boom town.” In the 1950s, however, thousands of Yemeni immigrants began settling in what is now considered the first ward of Lackawanna. They brought with them much of their Islamic heritage and created their own little world in the first ward, isolated from the rest of the town.

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<sup>1</sup> Dina Temple-Raston, *The Jihad Next Door: The Lackawanna Six and Rough Justice in the Age of Terror*. Philadelphia, PA: Public Affairs Press, 2007. This book has been instrumental in my exploration in this case, and I rely heavily on her accounts in this study. She interviewed many members of the families of the six and also travelled to Yemen, Afghanistan, and Pakistan to get a feel for the complete story. Her book deserves special mention as a very well written and researched resource.

<sup>2</sup> Lou Michel, “U. S. gives half of the Lackawanna Six a fresh start,” *Buffalo News*, June 13, 2009, updated August 20, 2010.

However, steelwork did not last and by 1983, the plant that once employed over 20,000 workers laid off its final 500 and closed its gates for good.<sup>3</sup> This particularly left the Yemeni population scrambling to find a way to survive. The immigrants managed to scrape out a living by lessening their self-imposed isolation and cornering the grocery market in Lackawanna.<sup>4</sup> Although this greatly weakened their cultural Muslim heritage,<sup>5</sup> they were able to survive.

The second generation of the Yemeni, which include the seven, grew up in this watered-down Muslim environment.<sup>6</sup> As students, they were sometimes described as “white,” alluding to their acceptance of the “American” culture. One of them, Yassein Taher, was even voted “friendliest” in his graduating class, a sign of his broad acceptance into the community at large.<sup>7</sup> They had no criminal record, and seemed poised to be “successful,” or at least as successful as Lackawanna would permit.

However, this “Americanization” of the boys was to be short lived. By 2000, Kamel Derwish, an al-Qaeda operative seeking to recruit Americans for the group, returned to Lackawanna. According to the FBI database, he was an active operational decision maker in al-Qaeda. He met bin Laden in the 1990s, when bin Laden was first training his army, and he supposedly fought in Bosnia with Muslims. He was connected to the planner behind the October 2000 terrorist attack on the *USS Cole* in the port of Aden in Yemen, and he was imprisoned in Saudi Arabia for extremist activities.<sup>8</sup> Although little is officially known about his early life, it seems clear by his actions Derwish was motivated by religious extremism and a hatred for the US. While no specific US policy seems to have acted as a catalyst for his actions, Derwish often spoke of showing solidarity with Muslims worldwide against perceived injustices. Sayyid Qutb, a former radical member of the Muslim Brotherhood, wrote what is perhaps regarded as the most influential book with which radical Muslims view America, called *The Shade of the Quran and Milestones*. It portrays the West, and particularly America, as a spiritual, Godless wasteland. His book prominently influenced both bin Laden and Derwish, helping to form the core of their radical philosophy.

The Lackawanna boys were struggling. The local Mosque, watered down over years of assimilation, was not able, in their opinion, to fully help them understand what it meant to be a Muslim in contemporary America. They were searching for the “straight path,” as the Koran states, without proper guidance. Derwish, with his apparently deep grasp of the Koran and with his warm, inviting nature, was a perfect fit to fill that void. Derwish was not welcome at the Mosque because of his radical, inflammatory speeches, and so he had Friday night prayer

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<sup>3</sup> Lowell Bergman and Matthew Purdy, “Unclear Danger: Inside the Lackawanna Terror Case,” *New York Times*, October 13, 2003.

<sup>4</sup> *A Brief History of Bethlehem Steel Corporation*, produced by Public Affairs Department, Bethlehem Steel Corporation.

<sup>5</sup> By interacting with the population as a whole, many Yemeni Muslims chase to “Americanize” in order to maximize their profits selling to their Catholic neighbors.

<sup>6</sup> Temple-Raston, *Jihad Next Door*, 11-20.

<sup>7</sup> Temple-Raston, *Jihad Next Door*, 28.

<sup>8</sup> Kamal Derwish: The Life and Death of an American Terrorist, website for the Frontline program, “Chasing the Sleeper Cell,” pbs.org, October 16, 2003.

sessions at his apartment. These hangout sessions, as described by the many youths who attended, were more than simply a time to learn religion. They were socially important. It gave younger Muslims a chance to hang out with each other in a safe environment. They watched movies, wrestled, and generally had a good time. Religion, while often discussed, was not the focal point. In the words of one of the seven, Mukhtar al-Bakri,

Derwish joked around a lot, he was really friendly to everyone and everyone liked him. He was really easy to talk to. He didn't push Islam on us. We'd be talking about Islam one minute and challenging someone to a wrestling match the next. It wasn't, most of the time, this religiously charged thing. It was more easygoing than that.<sup>9</sup>

Slowly, as the group began to become even more closely knit, Derwish began to reveal more of his past and push harder with his radical views. He acknowledged to his weekly group that he was close friends with the plotter of the attack on the *USS Cole*, and he informed them of his extensive jihadist contacts in the Middle East. He began pressuring them to take a stand—did they want to be true Muslims, or were they going to abandon him and Islam. However, many of the group did end up leaving his company, uncomfortable with the direction things were taking. Seven of the young men, however, were hooked on Derwish. Without him, they would go back to being bad Muslims, swept away in the Western culture, as socially and economically downtrodden as they had been growing up. As one of the group, Yassein Taher, thought before committing to travel overseas, “anything would be better” than where he was now: “poor, unemployed, and without prospect in Lackawanna.”<sup>10</sup>

Although the young men were willing to listen to Derwish daily, they never were radicalized to the point that they accepted the premise of violent jihad. By all accounts, all they were prepared to do was bring attention to the plight of their oppressed Muslim brothers abroad.<sup>11</sup>

Derwish, fervently hoping for the group to travel to Afghanistan training camps with him, invited a traveling imam, Juma al-Dosari, to the Yemeni community. An al-Qaeda operative himself, al-Dosari was presented as an Islamic expert and was quickly invited by the mosque elders to speak to the congregation.<sup>12</sup> However, his speech, given in Arabic, was not well received at all. He spoke of a militant need for good Muslims to take up arms to protect their brothers overseas. He attacked Muslim governments that made peace with the West, and he rallied all to travel overseas to come to their aid. The Yemenis as a whole did not receive the address well, and al-Dosari was banned by the elders from ever speaking in the mosque again. However, the speech was the catalyst needed for the Lackawanna men to commit to the cause, and they agreed to accompany Derwish to Afghanistan to train for jihad.<sup>13</sup> Derwish and al-Dosari,

<sup>9</sup> Temple-Raston, *Jihad Next Door*, 54.

<sup>10</sup> Temple-Raston, *Jihad Next Door*, 63.

<sup>11</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>12</sup> Temple-Raston, *Jihad Next Door*, 86-88.

<sup>13</sup> “Chronology: The Lackawanna Investigation,” Frontline, pbs.org.

aptly named “the closer,” had succeeded in supplying Osama bin Laden with potential recruits carrying American passports.

The al-Farooq training camp, located close to the Afghan-Pakistan border, graduated around 70,000 recruits between 1989 and 2001.<sup>14</sup> To arrive there, a recruit must first stay in a guesthouse in Pakistan. From there, recruits were bussed through the desert for hours to reach the camp. The camp was divided into three parts, Basic, Anti-Aircraft, and Tactics, and the routine of the basic training facility was intense: daily prayers began at 4am, followed by exercises, weapons instruction, and lectures, which could include topics such as the importance of patience and basic military tactics. Punishment for recruits was often severe, such as having cold water suddenly poured over the groin or being forced to carry bricks up a hill.

Trainees were required to carry their weapon at all times, even though they rarely were given ammunition. Recruits who graduated weapons training, which included proficiency with Kalashnikovs, M16s, RPG grenade launchers, and rifles, were asked to stand guard at the Mosque and front gate. There was also explosives training, including learning about C4, plastic explosives, Molotov cocktails, and TNT. Each recruit was permitted to make three TNT bombs and blow up an old Russian tank.

There was a very strict official policy for employment. Very few members, around three percent, were ever asked to sign an oath of loyalty to bin Laden. This employment contract includes a mission statement that included the goals of the group such as “carrying out jihad, supporting God’s religion, and establishing Islamic rule, God willing.” The contract also included the expectations of the member, such as preserving the unity of al-Qaeda and carrying out its plans. The contract also spelled out its pay scale. A married man would receive one week vacation every three weeks, although al-Qaeda could deny that for up to four months. The dates of vacation had to be submitted two and a half months in advance. A married man would also receive a stipend of 6500 Pakistani rupees per month, including an additional 500 for every child. Also, the terrorist group would offer a family a roundtrip ticket to their homeland after two years of service, although “anyone who leaves al-Qaeda without a legitimate excuse does not qualify for vacation or travel benefits.”

### 3. Motivation

The primary motivation behind the group’s radicalization was essentially social. They were in need of religious direction that they felt they could not get from their parents and the older generation. They joined this “terror cell” not out of ideology or a desire to commit violence, but friendship, and they were socially pressured into believing what Derwish was teaching them.<sup>15</sup> He would remark

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<sup>14</sup> This account of the camp is taken from Temple-Raston, *Jihad Next Door*, 109-12, 114-16, and 127-28. Anyone seeking a more complete description should read her book in its entirety.

<sup>15</sup> The profile of the “terrorists” in this case mirrors the “social hypothesis” posed by Max Abrahms. The group was not motivated out of any hatred of America or of its policies, or out of ideology. Rather, the men bonded together as a social unit, which just so happened to include an al-Qaeda recruiter. Max Abrahms, “What Terrorists Really Want,” *International Security*, Spring 2008.



that they were becoming “too Americanized,” telling them they would have problems on Judgment Day. Also, Islam became something of a mythical solution to all of Lackawanna’s problems. All felt that if they could go to Afghanistan and learn their purpose, life would fall into place. Their unique social and economic marginalization made Derwish’s descriptions of Afghanistan as a land “overflowing with milk and honey” all too attractive.<sup>16</sup>

Once the men entered the camp, however, most were, by all accounts, shocked to hear the anti-American rants and threats of violence. Sahim Alwan, in particular, felt the camp wasn’t everything advertised. Six of the seven wanted to leave, yet Derwish singlehandedly stopped them every time they wanted to, and his soothing reassurances temporarily mollified them. Taher commented that Derwish always had a way of convincing him to do things.<sup>17</sup> From their personal accounts of the program, none of the men seemed to relish the idea of violence. They were not motivated by a violent tendency, or religious fanaticism. Simply put, they were only there because their best friend and charismatic leader, Derwish, asked them.<sup>18</sup> However, a few weeks in the training camps were too much even for Derwish’s charisma to overcome for six of the men, and they eventually returned home to Lackawanna by August of 2001. However, one of the group, Jaber Elbaneh, remained in Afghanistan and became fully committed to al-Qaida and jihad. He was arrested in Yemen in 2004, but later escaped before he could be extradited. He was recaptured and is currently awaiting possible extradition to the US. The final result, then, of the extensive recruitment efforts of Derwish and the closer, al-Dosari, in Lackawanna in the comparatively unwatched period before 9/11 was one man.

#### 4. Goals

The Lackawanna men traveled to Afghanistan with a singular goal—to learn more about their religion. In the words of Alwan,

I’ve been a Muslim all my life, since I was born. But I really was starting to learn my religion and get into it, I would say, around 1995, '96. And I was...hungry for knowledge of the religion itself....And when this opportunity came [traveling with the group and Derwish to training camps in Afghanistan] it was, what my understanding was, you'll go, you'll learn some more of the religion itself.<sup>19</sup>

The group seemed genuinely surprised at the religious fanaticism and plans for violence that they encountered at al-Farooq training camp. Deeply uncomfortable with the direction things were heading, all six of the men decided to return to the United States, without completing their training. This supports their claim that they had no violent goals, as their training was woefully incomplete, even by terrorist’s reduced standards.<sup>20</sup>

<sup>16</sup> Temple-Raston, *Jihad Next Door*, 61-63.

<sup>17</sup> Temple-Raston, *Jihad Next Door*, 115.

<sup>18</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>19</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>20</sup> Temple-Raston, *Jihad Next Door*, 127-30.

The goals of Derwish and al-Qaeda, however, seemed to have been much more nefarious. From the time the men set foot in Pakistan, en route to Afghanistan, they were treated as extremely high-value commodities, and al-Qaeda operatives seized their passports as soon as they set foot in the training camps. Osama bin Laden was even present to personally welcome Alwan to the camp.<sup>21</sup> While there is no way of knowing for sure, it seems that the group's American citizenship was their primary asset to al-Qaeda. Derwish, recognized as a leader in the training camp, seems to have been sent, along with al-Dosari, to round up as many potential American Muslim jihadists as he could. This theory is bolstered by al-Dosari's presence once the six returned to America. In the weeks before September 11<sup>th</sup>, al-Dosari returned to Lackawanna and was preparing to take another contingent of youth over to the training camps.<sup>22</sup> The attacks on September 11<sup>th</sup>, which subsequently shut down the training camps, seem to have been the reason he was not successful in his recruitment.

### **5. Plans for violence**

Although the FBI searched and searched, they could never definitively tie any of the Six with a plan to commit violence. The group was arrested for their ties to the training camp, not on any suspicion or conspiracy to commit a terrorist attack.<sup>23</sup> In fact, FBI Director Mueller personally told President Bush that they were monitoring the situation, and they were "99% sure the group couldn't carry out an attack," even if they had one planned.<sup>24</sup> However, in the post-9/11 world, that 1% chance was unacceptable and President Bush ordered the group arrested. To this day there has never been any evidence that the Lackawanna returnees had any plans other than to blend back into society and forget their ill-fated trip had ever happened.

### **6. Role of informants**

The FBI received no help from paid informants in this case. However, a crucial tip did lead the authorities to begin investigating the group in the first place. In early June, 2001, FBI agent Ed Needham of the Buffalo Joint Terrorism Task Force received an anonymous tip warning him that there were terrorists recruiting in Lackawanna and that eight (Derwish and the seven young men) people were planning a trip to the al-Qaeda training camps. This letter was the only piece of evidence that started the investigation of the Lackawanna Six. Without it, Ed Needham muses, the FBI would still likely be clueless about the entire case.<sup>25</sup>

The FBI did not get involved in this case until after the group returned from Afghanistan in August 2001. They were tipped off by a letter, suspected to be written by a regular at Derwish's gatherings who realized the radicalization process that was occurring. Alwan, one of the six returnees, and agent Needham

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<sup>21</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>22</sup> Justin Felch, "'The Closer': An al-Qaeda Recruiter on American Soil," Frontline, pbs.org.

<sup>23</sup> Chronology: The Lackawanna Investigation, Frontline, pbs.org.

<sup>24</sup> Temple-Raston, *Jihad Next Door*, 154.

<sup>25</sup> Temple-Raston, *Jihad Next Door*, 124-25.

had been involved together in an insurance fraud case a few years back, and although Needham knew Alwan was suspected of going overseas, he casually attempted to create a bond with him. They met many times throughout late 2001 and early 2002 to talk about his trip. But Alwan stuck to the group's cover story every time: they had been in Pakistan on a religious and cultural pilgrimage. The FBI believed the story.<sup>26</sup> However, the FBI and agent Needham did not take the case too seriously until after 9/11. In the days following, Needham called Alwan to ask him if he had seen anyone suspicious around. Alwan lied, telling him no one was around, although he knew the radical imam and al-Qaeda agent Juma al-Dosari was staying in town.<sup>27</sup>

The FBI's big break came when it entered Derwish's name into their alias databank. According to Needham, the results were chilling. They quickly discovered he was an al-Qaeda insider, having access to the upper echelon of al-Qaeda's leaders. Also, and perhaps more chilling, was that he was still in regular contact with the group from Lackawanna. Quickly, the six returnees switched in the FBI's mind from being naive, innocent people to "sleeper cell" terrorists who could be planning an attack anytime. The news of Derwish and the six returnees went straight up the ladder, and FBI Director Mueller personally informed President Bush and the White House that they had a potential terror cell in Lackawanna.

This intense political scrutiny from above, coupled with the fear following the 9/11 attacks, did not bode well for the men trying to blend back into their community after their ill fated trip. The FISA court approved wiretaps on the group, and 24 hour surveillance began.<sup>28</sup> Agent Needham began ratcheting up the pressure on the group as the pressure began to build on his task force to produce some results. Needham was even summoned to D.C. to personally brief the Director, so Mueller could have new information to pass to the White House.<sup>29</sup> The final straw came when al-Bakri, who was in Beirut planning his marriage, sent a cryptic email back to his friends in Lackawanna. In it, he speaks of "the next meal will be very huge. No one will be able to withstand it, except for those of faith." He also made a telephone call saying, "You won't be hearing from me again."<sup>30</sup> These messages were taken to be telltale signs of an impending suicide bombing, and the top brass in Washington began to panic. President Bush ordered the arrest of the six in September of 2002. Upon arrest, every member immediately confessed to having been overseas at the training camp. However, none of them seemed to realize just how much trouble they were in.

## 7. Connections

This case obviously has heavy ties to al-Qaeda through Derwish, al-Dosari, and the training camps on the Afghanistan/Pakistan border. As previously mentioned, both Derwish and al-Dosari, "the closer," were believed to be "card-

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<sup>26</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>27</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>28</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>29</sup> Temple-Raston, *Jihad Next Door*, 152-53.

<sup>30</sup> Temple-Raston, *Jihad Next Door*, 154-55.

carrying members of al-Qaeda.”<sup>31</sup> It is believed they were part of the pre-9/11 recruitment of American members for the terrorist organization. And there is also, of course, the group’s summer visit to the al-Farooq training camp where they learned about militant jihad tactics including bomb making and firing weapons. In addition, they gave control of their passports to the al-Qaeda members running the camp, and they also heard bin Laden give a speech announcing, among other things, that there were 40 Muslims en route to America on a special mission. Bin Laden also met privately with Alwan twice, although he did nothing but hint about the impending attack.<sup>32</sup>

## **8. Relation to the Muslim community**

The group also has strong ties to Yemen. As noted, the entire Muslim population of Lackawanna was of Yemeni descent, and many of the families saved up to return to their homelands whenever they could. This strong connection to Yemen helped create an integral part of the group’s identity, and part of the reason they were so susceptible to the preaching of Derwish was their desire for direction between their cultural Yemeni roots and their contemporary American setting.

The relationship with the Muslim community was complex. Primarily, the group was perfectly assimilated into their community at large. They attended mosque regularly. Alwan, in particular, was seen as a family man with a wife, kids, and a stable job. He was a presence in the community.<sup>33</sup> Formerly, as students, nearly all the boys had played soccer for the community. Even after they returned from their trip, the men all blended back into the Muslim community in the First Ward in Lackawanna.

However, the community was not on board with any sort of radical, anti-American teachings. Derwish, while being recognized as a good man by teaching the youth more about their faith, was not permitted to speak at the Mosque due to his radical views. Furthermore, when imam al-Dosari gave his fiery jihadist call for action sermon at the mosque, the elders and community banded together to say he was no longer welcome there. The Muslim community of Lackawanna had little to no tolerance for radical teachings.

The best evidence for this is the tip letter the FBI received from a member of the community. The tipster, who only identified himself as an Arab American, expresses deep concern about Derwish and al-Dosari, identifying them as “two terrorists,” and that they are recruiting the impressionable youth in town. FBI agents are fairly certain that the author of this letter was a member, for a time, of Derwish’s group of youth who attended his gatherings.<sup>34</sup> This disillusioned member chose to alert the FBI of the extremism, reinforcing the idea that the mainstream Muslim community in Lackawanna was against religious extremism.

After 9/11 and until the arrest of the suspects, the Muslim community was very open to assisting the government and the FBI. That changed after the arrest

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<sup>31</sup> Bergman and Perdy, “Unclear Danger: Inside the Lackawanna Terror Case.”

<sup>32</sup> Interview with Sahim Alwan, Frontline. pbs.org.

<sup>33</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>34</sup> Temple-Raston, *Jihad Next Door*, 124.

and conviction of the six. The community saw the arrests as reprisal for the terror attacks, and the Yemeni population felt as if they were under siege from the authorities. Slowly, but surely, the community began to distrust the authorities more and more.<sup>35</sup>

### 9. Depiction by the authorities

Politicians in Washington spared little time in announcing the snaring of an al-Qaeda terrorist cell on American soil. The Deputy Attorney general was the first: “The United States law enforcement has identified, investigated, and disrupted an al-Qaeda trained terror cell on American soil.” Later that day, New York Governor George E. Pataki said, “These arrests send a very important message: Terrorism is real, and not just in major cities.”<sup>36</sup> President Bush announced at a Press conference in Camp David that “One by one, we’re hunting the killers down,”<sup>37</sup> and he even mentioned the group in his January 2002 State of the Union Address: “We’ve broken Al Qaeda cells in Hamburg, Milan, Madrid, London, Paris, as well as, Buffalo, New York. We have the terrorists on the run. We’re keeping them on the run. One by one, the terrorists are learning the meaning of American justice.”<sup>38</sup> As Dina Temple-Raston notes, in the FBI criminal complaint, the men are never labeled terrorists. They didn’t need to be, as everyone from the mayor of Lackawanna to President Bush declared the men to be “America’s first home grown terrorist cell.” Even Federal Prosecutor Michael Battle said his first impression was that these men were part of a sleeper cell, even though he wasn’t prepared to prove that in court.<sup>39</sup> The government was very effective at quickly painting the group as potential terrorism at its worst, even though there were no specific (or even inspecific) plans for violence. At a detention hearing in the fall, magistrate H. Kenneth Schroeder Jr. asked “What is it that these defendants were planning?” “It’s a difficult question,” responded William Hochul, the assistant United States attorney who presented the case, “because the defendants by themselves have put the court in this box.” After training with al-Qaeda and lying about it, he said, they “are now throwing themselves on the court, in essence, and saying that you figure out what we’re going to do.”<sup>40</sup>

Led into Federal court in shackles, leg irons, and bullet proof vests, the men were portrayed by the government as the worst of the worst, before any of them had even retained lawyers.

### 10. Coverage by the media

What the government had started, the media would happily continue. Clearly, this story was too sensational to miss. Reporters and cameramen descended on Lackawanna, interviewing whomever they could find. Many

<sup>35</sup> Temple-Raston, *Jihad Next Door*, 168-72.

<sup>36</sup> Bergman and Perdy, “Unclear Danger: Inside the Lackawanna Terror Case.”

<sup>37</sup> Temple-Raston, *Jihad Next Door*, 162.

<sup>38</sup> Chronology: The Lackawanna Investigation, Frontline, pbs.org.

<sup>39</sup> Temple-Raston, *Jihad Next Door*, 162-65.

<sup>40</sup> Bergman and Perdy, “Unclear Danger: Inside the Lackawanna Terror Case.”

Muslims, in order to avoid the cameras, simply pretended not to speak English. By the evening of September 13, 2002, the day five of the media-styled “Lackawanna Six” were arrested in Buffalo, every major news agency had their reporters live at the scene. Behind the reporters were a multitude of police cars and helicopters, with their lights blazing.<sup>41</sup> The *Buffalo News*, the major hometown newspaper, ran a sensational headline the following morning and began its story, “The City of Good Neighbors learned this weekend that five of its neighbors may well be terrorists” and article continuing that the arrests “sent waves of fear across metropolitan Buffalo...fear that the community might strike back against its Arab residents...there was also talk of a boycott of Arab businesses, and the Lackawanna School Board called an emergency meeting to consider whether it needed to increase security to protect its Arab students.”<sup>42</sup> The newspaper also attacked the six in their editorial page as well. Calling it a “Conspiracy of Silence,” the paper said:

Even if they were innocent dupes who thought they were going to Afghanistan to learn more about Islam, and whether or not they were disturbed by what they heard, they sided against America with their silence. Whether based on belief or fear, an indifference or failure to recognize evil or the seriousness of bin Laden’s threats, they made a decision [to lie and] not to warn law enforcement officials of a threat to this nation’s security. That should carry a price, albeit one not nearly as severe as the one paid by thousands of their fellow Americans on 9/11.<sup>43</sup>

The sensationalism of the media did not die out quickly; the *Buffalo News* kept the story fresh in the public’s mind all throughout the pretrial hearings and the eventual guilty pleas. Those guilty pleas served to reinforce the mindset that these men were terrorists, regardless of the facts. Realizing that they could be charged with weapons crimes on top of their existing charges, material support of terrorism, they chose not to fight the government and public sentiment and took the 7 to 10 year sentences. It took a Frontline investigation on PBS, “Chasing the Sleeper Cell,” telecast in October 2003, to undermine the hype and bravado that the government had started and the media continued. The interview with Alwan, combined with a more factual study of the case, helped portray the youth in a more sympathetic light. Following that, the 2007 Temple-Raston book, *Jihad Next Door*, systemically demonstrates how the post 9/11 legal and emotional landscape created these terrorists out of fear, not facts. She attempts to put out the fire behind this case and show how, in her opinion, the judicial system substantially railroaded these men. Today, the media has largely moved on to newer sensational cases of domestic terror, and the press has largely left Lackawanna alone.

## 11. Policing costs

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<sup>41</sup> Temple-Raston, *Jihad Next Door*, 161.

<sup>42</sup> Susan Schulman, “Five Area Men Held as al-Qaeda Suspects,” *Buffalo News*, September 14, 2002.

<sup>43</sup> Temple-Raston, *Jihad Next Door*, 189.

At the height of the four month investigation into the Lackawanna Six, the Buffalo Joint Terrorism Task Force had over 25 agents on 24 hour surveillance. Washington D.C. also sent a special counterterrorism team to the situation, as did the state police. To estimate the cost of running just the 25 man surveillance and permanent assignments, I chose to approximate one junior level agent at making \$50,000 per year.<sup>44</sup> The four month investigation would place the cost of running the 25 man outpost at over \$400,000. Adding in the senior staff of the JTTF (three agents at approximately \$90,000) brings the manpower costs to over half a million dollars. While there is no account that I can find of the special counterterrorism task force that was assigned to Buffalo, it is certain that these additional one to two dozen agents added more than a quarter of a million to the total bill. Therefore, I estimate the investigation into the Lackawanna Six cost roughly \$750,000.

After the six were arrested, they were provided tight security during their days in court. They appeared in federal court over nine times. The government also provided a lawyer to each of the six defendants. These lawyers, some of the best defense lawyers in New York, estimated that their representation would cost \$250,000 each, at a minimum. While the exact amount the court agreed to pay them as public defenders is not disclosed, the \$250,000 retainer sounds reasonable considering the high-profile nature of the case. That puts the cost of the public defenders at \$1.5 million. Those 9 days in court, with the plethora of staff, FBI agents, security, and court costs, could conceivably cost anywhere from \$100,000 to \$200,000.<sup>45</sup> Therefore, this total estimation puts the investigation and trial of the suspects at \$1.5 to \$2 million.

The cost of incarcerating these men is \$22,632 per man per year.<sup>46</sup> This adds up to \$1,118,180 for the six men. The total cost of the Lackawanna Six case was therefore approximately \$3 million in taxpayer money to investigate, try, and incarcerate several people who were exceedingly unlikely ever to commit terrorist violence.

## **12. Relevance of the internet**

The internet had little or no effect on this case. The only reference to anything online was the email al-Bakri sent to his friends regarding the “big meal.” Everything in this case, from the recruitment to the travel plans to the communication within the group, was done via face to face meetings or via the phone.

## **13. Are we safer?**

There is no simple answer to the question “are we safer now that these men are behind bars.” On one hand, the FBI and government concede the fact that there was no plan or threat of violence from the supposed “cell.” After eight

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<sup>44</sup> www.payscale.com.

<sup>45</sup> This estimation is not based on any direct statistics. Rather, I estimate statistics an average of 100 police/security earning \$100 each per day, plus 10 staff also earning \$100/day, plus court costs.

<sup>46</sup> US Bureau of Justice Statistics.

years, the government has, in a roundabout way, admitted that they acted in a preventative manner. Their goal was to stop these guys before they plotted anything, rather than wait and risk any lives. By the simple logic of the government's actions, therefore, there was no public danger. Also, in interviews and court transcripts, the men on trial expressed disbelief they were considered dangerous to America.<sup>47</sup> They insisted they never meant to harm America and fled the camps as soon as they could once they learned its purpose. They attempted to convey this to the FBI by cooperating every step of the way after their arrest.<sup>48</sup> Judging on the lack of evidence, I believe that account. If left to their own devices, I do not think that any of the six would have committed an act of violence against the United States. Recently, the government seems to have confirmed that opinion. It was announced that three of the six, in return for their testimony and assistance against other potential terrorists, were offered Witness Protection.<sup>49</sup> The government would not permit an individual they feared was a dangerous terrorist under their protection.

However, I do not believe by any stretch of imagination that these men are as innocent as they would have us believe. It cannot be forgotten that these men traveled overseas with an al-Qaeda operative and met with possibly the most wanted man on the planet, Osama bin-Laden. While they were at the camp, they heard him speak and also gained access to critical al-Qaeda intel. To make matters worse for themselves, they continually lied to FBI investigators before 9/11 about their trip. Even though they had no direct knowledge of the attack, I feel that intelligence gained from their experiences in the training camps would have been vital to our national security, especially in the month proceeding the attacks on September 11, 2001. It is conceivable that, if they had been forthcoming and told investigators the comments bin Laden made about martyrs coming to America, better defenses could have been prepared before the hijacking of the planes. In short, I believe the government got the sentences right: 7 to 10 years, I feel, is proper for their role in training with the terrorist organization. However, two of the six have already been released and the remaining members are due to be let out very soon. I will not feel any less safe when they are released.

#### **14. Conclusions**

In researching this case, something that kept jumping out at me was the degree to which American law enforcement changed after 9/11. Prior to the attacks on that day, the FBI's main goal was to investigate criminal acts that had already been committed. Suddenly, after September 11, it was simply unacceptable for an attack to occur in the first place. This placed an enormous amount of pressure on the Bureau to arrest much earlier than they ever would have been comfortable. In the pre-9/11 world, I am doubtful that the investigation into the group would have ever amounted to anything. I suspect the returnees would have been able to re-assimilate into their community, and that would have been the last we ever heard from them. However, in a politically and emotionally

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<sup>47</sup> Interview with Sahim Alwan, Frontline, pbs.org.

<sup>48</sup> Temple-Raston, *Jihad Next Door*,

<sup>49</sup> Lou Michel, "U. S. gives half of the Lackawanna Six a fresh start."



charged time, it is clear why the FBI acted when they did, and it's also clear that the six young men from Lackawanna were the eventual scapegoats of the new system. Mr. Needham summarizes the new mentality perfectly. "We were looking to prevent something," he said. "And we did. Obviously nothing happened. So we all did our job."<sup>50</sup>

The Lackawanna returnees were all charged with, and pled guilty to, a sole charge of providing material support to a terrorist organization. However, since the six never planned, or even conspired, to commit violence, a question arises. How can they be charged with supporting a terrorist organization? The text of the law is as follows:

Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization or that the organization has engaged or engages in terrorism.

The prosecutor, Mike Battle, argued that the law fit perfectly to this case. Even though it was not a crime to attend a terrorist training camp, Battle contended that by offering themselves as recruits, they were fulfilling the requirement. "As I saw it, they individually or collectively put themselves in a position of material support."<sup>51</sup> Besides their presence at the camp, any money or documents they gave to the camp for lodging, weapons, training, or anything else could be considered material support. Battle also likened the charge to a bank robbery. A person would be guilty of conspiring to rob a bank if they had bought the masks and guns, and had a floorplan of the building. Battle contends that the same would hold true here. The Lackawanna Six went to a camp, received training, and didn't come back to tell anyone. The fact that they did not have any plans for violence did not bother the prosecutor. Just the fact that they had the training made them guilty in his book.

To me, this opens a very dangerous legal precedent. These men were charged with a crime simply because of what they *might* someday decide to do. As the defense for the men said, "It's like charging someone with a thought crime. You prosecute for attending a terrorist camp, even though there's no evidence there was any plan for a terrorist act." Another lawyer added, "You need something more than going to camp. These men were driven to the camp, it was heavily guarded, you were not free to leave. Even if you could leave, you didn't know where you were."<sup>52</sup>

However, in the post 9/11 world, the reality didn't matter. Their connections to al-Qaeda were enough to convict them in the atmosphere of the day, regardless of the facts. They (wisely, I believe) took guilty pleas ranging from 7 to 10 years in jail. This decision was also motivated by the threats of

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<sup>50</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>51</sup> Temple-Raston, *Jihad Next Door*, 167.

<sup>52</sup> Temple-Raston, *Jihad Next Door*, 191.

additional charges, including weapons charges (potentially 30 more years in jail) or even treason.

FBI Director Mueller also commented on the charge of providing material support to terrorism. In an interview with Frontline, he defended the charges. To an interviewer's question about how quickly they left, the Director responded "Trained as terrorists. They pled guilty to, as you say, to material support of a terrorist organization. That is a crime. Congress has passed a statute. It's constitutional. They pled guilty." The interviewer then asked about the lack of plans for violence. Director Mueller responded, "What you're looking for is a group of individuals who, together, have the capability of undertaking an attack."<sup>53</sup>

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<sup>53</sup> Interview with FBI Director Robert Mueller, Frontline, pbs.org.