

Case 19: Sears Tower

John Mueller

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The Sears Tower, or Liberty City Seven, episode of 2006 seems to have been designed for Hollywood.

It centers around Narseal Batiste, a charismatic failed businessman in Miami who was in the process of inventing a new, polyglot religion, and dreamed of founding a new Moorish nation within the United States. Although his father none-too-generously described him as being “not in his right mind,”¹ he was able to fabricate a small sect of some six acolytes, most with criminal backgrounds, all of them, like him, black and downtrodden, and all employed by him at one time or another.

With his cosmic goal apparently in mind he told a local Yemeni grocer that he wanted to conduct jihad to overthrow the U.S. government and was interested in connecting up with al-Qaeda. As it happened, the grocer was an informant for the FBI, and when he spread the tale to them, they arranged to have another informant infiltrate the group posing as an al-Qaeda operative with the requisite connections. Through the informer, the FBI also provided the group with a rent-free, if bugged, warehouse for its meetings. Batiste became ever more voluble, saying he lived for jihad and wanted to conduct a “full ground war” against the United States.

His initial plan was to topple the Sears Tower in Chicago, an undertaking that, he felt, might outdo even the efforts of the 9/11 terrorists. He said he anticipated either that the building would fall into Lake Michigan, creating a tsunami to distract officials so the group could free Muslims from the local prison to join their army. Or perhaps it would topple directly into the prison with the same effect. This truly impressive idea, Batiste said later, was inspired by the movies.² The informant suggested more modest measures, at least for starters, such as exploding a bomb at the local FBI headquarters. He also dangled before them other inducements including a facilitating payment of \$50,000. Duly impressed, Batiste and the others did some surveillance of the potential targets and, at the informant’s bidding, took a solemn oath to bin Laden. However, at no time did the group have written plans, weapons, explosives, money, transport, training, skills, or in all probability the competence to carry out the imagined attacks.

The FBI also obligingly paid for a visit of a religion entrepreneur and convicted rapist from Chicago, who called himself as Sultan Khan Bey. He was accompanied by wife, whom he called Queen Zakiyaah. The Sultan proved to be a fly in everybody’s liniment. He soon began to have disagreements with Batiste and suggested correctly that the informant was an informant, an observation that began to cause the group to splinter. Later, he shot at one of Batiste’s supporters

¹ Pincus, “FBI Role.”

² Walter Pincus, “FBI Role in Terror Probe Questioned,” *Washington Post*, September 2, 2006. Amanda Ripley, “Preemptive Terror Trials: Strike Two,” *Time*, December 13, 2007.

and was arrested. Then in custody, he alarmed the police by opining that Batiste's plot was "starting to get serious."³

Or it may be, as Lauren Brady suggests, that the group was arrested at that point because it was beginning to fall apart and there would soon be no case—a concern that may also apply to the Herald Square plotters (Case 12).

At his trial, Batiste claimed that he was never serious about any of this stuff, and that he, in fact, was trying to bamboozle the informant out the mouth-watering \$50,000—that in essence, he was entrapped by his own con. This, however, does not explain his earlier behavior before the Yemeni grocer, as Brady notes, a plot device that will doubtless bear consideration by future script writers.

A further issue. Even if this whole episode was essentially dreamed up and impelled by the FBI and its paid informant, it involved some pretty serious stuff (not necessarily including the extravagant Sears Tower plot itself), and many people might conclude that perhaps the public is rather better off with these guys, however deluded and incompetent, in jail for a while.

The case not only led to multiple trials as the government sought to gain convictions from skeptical juries, but it inspired sustained and pointed criticism from the media for the first time in the post-9/11 era. In the lead was Richard Cohen of the *Washington Post* who ridiculed the Attorney General for taking seriously Batiste's preposterous cracks about launching a "full ground war" against the United States and about his desire to "kill all the devils," and for voicing the extravagant extrapolation that, if "left unchecked, these homegrown terrorists may prove to be as dangerous as groups like al-Qaeda." All this, despite, Cohen notes, "a clear lack of materiel and sidewalk-level IQs" by "seven hapless idiots who would blow up the Sears Tower, if only they could get to Chicago."⁴

In part perhaps because of such criticism, the Sears Tower case (like the Albany episode of 2004, Case 10) has led, as Brady notes at the end, to improvements in FBI procedures. As one commentator she quotes puts it, "today, authorities are more likely to carry their ruses further, give suspects more opportunities to clearly state their intentions for FBI microphones and even let them light a fuse to a fake bomb."⁵ That also suggests, however, that if the new approaches had been in place in Miami in 2006, the colorful Batiste and his little band of "hapless idiots" would never have been arrested in the first place.

³ Pincus, "FBI Role."

⁴ Richard Cohen, "Terror Alert: Severe Risk of Hype," *Washington Post*, June 27, 2006.

⁵ "FBI Terror Stings: Entrapment or Prevention?" CBS News, November 30, 2010.

Case 19: Sears Tower

Lauren Brady

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1. Overview

The group often called the “Liberty City Seven” comprised men from the Liberty City neighborhood of Miami who were arrested on June 23, 2006 for plotting to bomb the Sears Tower in Chicago and various federal buildings in Miami. The men were not Muslims, but rather members of a religious sect they called the Seas of David, which blended Christianity, Judaism, and Islam.¹ The leader of the Liberty City Seven, Narseal Batiste, stated that he wanted to wage Islamic jihad against the U.S. and establish a sovereign Moorish nation within the United States.²

Batiste first came to the government’s attention in October 2005 after he spoke to a local grocer, who happened to be an FBI informant, about contacting al-Qaeda.³ This led to an undercover operation in which a second informant posed as an al-Qaeda representative and provided the group with supplies, ideas, and encouragement for their terrorist plots and activities.⁴ However, the plots never moved beyond the discussion phase, and no concrete attack plans were ever developed.⁵ In April 2006 one group member moved away,⁶ and Batiste expressed that there was disagreement within the group and it seemed to be disbanding.⁷ In June 2006, the FBI arrested all seven men. While no reason was ever explicitly stated for the decision to move to arrest, it is likely that the FBI did not want its work to go to waste and felt pressure to make an arrest before the group’s disbandment would make it appear nonthreatening to a jury.

They seven men were indicted on four counts: conspiracy to provide material support to a terrorist organization, conspiracy to provide material support and resources to terrorists, conspiracy to maliciously damage and destroy buildings by means of an explosive device, and conspiracy to levy war against the government of the United States.⁸ Defense attorneys labeled the case an egregious example of entrapment and claimed their clients neither had the will nor the means to carry out the plot.⁹

¹ Steven Emerson. *Jihad Incorporated: a Guide to Militant Islam in the US*. Amherst, NY: Prometheus, 2006, 74-75.

² Walter Pincus, “FBI Role in Terror Probe Questioned,” *Washington Post*, September 2, 2006.

³ NEFA, “The Miami Plot to Bomb Federal Buildings and the Sears Tower,” January 2008. www.nefafoundation.org/miscellaneous/Miami_Plot.pdf, 7.

⁴ NEFA, “Miami Plot,” 3-4.

⁵ Joe Kay, “Miami: Collapse of Liberty City 7 Case Exposes Fraud of War on Terror.” *GlobalResearch.ca - Centre for Research on Globalization*, December 16, 2007.

⁶ Peter Whoriskey, “Man Acquitted in Terror Case Faces Deportation,” *Washington Post*, March 2, 2008.

⁷ NEFA, “Miami Plot,” 6-7.

⁸ Jerome P. Bjelopera and Mark A. Randol, “American Jihadist Terrorism: Combating a Complex Threat,” Congressional Research Service, September 10, 2010, 96-97.

⁹ *Ibid.*

The first trial, held in 2007, resulted in acquittal for one member and a mistrial for the other six men. In 2008 a second trial for the remaining six resulted in yet another mistrial. Finally, a third trial in 2009 resulted in acquittal for one member and convictions for the other five. It appears that there was little difference between the final trial and the first two, except a new jury and increasing pressure for the government to win convictions. Only Batiste was convicted on all four charges; he received 13.5 years in prison. One member was convicted on three counts and was sentenced to nine years in prison. The other three members were convicted on two counts and sentenced to eight, seven, and six years in prison.¹⁰ Lawyers for those convicted stated that they would most certainly appeal the convictions,¹¹ but no appeals have been reported on as of December 2010. The member acquitted in the first trial, Lyglenson Lemorin, is facing deportation charges; he is a Haitian national living in the U.S. legally at the time of the arrests.¹²

2. Nature of the adversary

All seven members of the Liberty City Seven were black. Five were born in the U.S., one was a Haitian national living in the U.S. legally, and one was a Haitian national living in the U.S. illegally. In addition to Narseal Batiste, 32, the other members include Burson Augustin, 21; Rothschild Augustine, 22; Naudimar Herrera, 22; Stanley G. Phanor, 31; Patrick Abraham, 27; and Lyglenson Lemorin, 31, with the last two being the illegal and legal immigrants, respectively.¹³

The education levels of the Liberty City Seven are unclear, but there is no indication that any of them attained a higher education. Batiste attended a Catholic school in Chicago but graduated from a public high school.¹⁴ He married after high school and he and his wife eventually had four children.¹⁵ At least one other member of the group was married,¹⁶ and another became married after the arrests.¹⁷ At least one member other than Batiste had children.¹⁸

Batiste and the other members of the Liberty City Seven can be described as economically downtrodden. Batiste grew up on the South Side of Chicago, but his family moved back and forth between the city and their farm in Marksville, Louisiana.¹⁹ After high school, Batiste worked as a FedEx driver in Chicago, but

¹⁰ Bjelopera and Randol, "American Jihadist," 97.

¹¹ "5 Convicted in 'Liberty City' Terror Trial," CNN.com, May 12, 2009.

¹² Jay Weaver, "Acquitted Member of Liberty City Seven Fights Deportation," MiamiHerald.com, December 15, 2010.

¹³ Scott Shane and Andrea Zarate. "F.B.I. Killed Plot in Talking Stage, a Top Aide Says," *New York Times*, June 24, 2006.

¹⁴ Charles Rabin and Susannah A. Nesmith. "Accused Terror Plot Leader Was Once a Guardian Angel," *Miami Herald*, June 27, 2006.

¹⁵ *Ibid.*

¹⁶ Whoriskey, "Man Acquitted".

¹⁷ "Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaida Pledge," Associated Press, August 23, 2009.

¹⁸ Whoriskey, "Man Acquitted."

¹⁹ Rabin and Nesmith, "Accused."

filed for bankruptcy in 2001.²⁰ After briefly moving to the farm in Louisiana, he abruptly moved his family to Miami and eventually formed Azteca/ACME Organizations Inc., a stucco and drywall firm.²¹ The small construction business was described as struggling, but it employed all members of the Liberty City Seven at one point or another.²²

In addition to his construction business, Batiste led the Seas of David, a religious sect seemingly of his own creation that combined elements of Christianity, Judaism, and Islam and is supposedly related to the beliefs of the Moorish Science Temple.²³ The Moorish Science Temple was a religious movement started in 1913 in New Jersey by Drew Ali, who claimed that blacks were descendants of Muslims and had had their Islamic identity taken from them by slavery and segregation. He advocated reclaiming their spiritual heritage by returning to the Islam of their Moorish forefathers. Many of the Moorish Science Temple's formal practices are derived from Islam, but it is said to also have significant elements of Christianity and Judaism.²⁴ The Moorish Science Temple does not recognize the legitimacy of the U.S. government.²⁵

As a child, Batiste is said to have attended both a nondenominational church and a Baptist church, and his father said that he always carried a Bible with him. His father also said that after high school, Batiste introduced his parents to a man that was dressed in strange robes and identified as a Muslim. When Batiste's father asked him why he was hanging around with this man, Batiste replied that he wanted to learn about the Holy Quran and the man was going to teach him.²⁶ Nothing more is known about this man or the influence he may have had on Batiste.

Miami neighbors claimed that Batiste would roam the neighborhood in his trademark cape, carrying a cane and proselytizing on street corners.²⁷ One neighbor claimed that Batiste attempted to become a pastor at a local church, but was denied.²⁸ However this did not prevent him from becoming a source of spiritual guidance to many in the neighborhood. When describing their connection to Batiste, the wife of group member Lyglenson Lemorin stated, "It was on our spiritual journey that we got involved with Narseal...He was just another way of learning the Bible and the Koran. We always read interesting books."²⁹ Clearly the Seas of David, Batiste, and the other group members were not Islamist in the traditional sense. Aspects of Islam were present, but the actual religious beliefs and practices of the group seemed to be a mash-up of many different religions.

²⁰ Ibid.

²¹ Ibid.

²² Kirk Semple, "U.S. Falter in Terror Case Against 7 in Miami," *New York Times*, December 7, 2007.

²³ Emerson, *Jihad Incorporated*, 74-75.

²⁴ "Moorish Science Temple of America (religious Movement), *Britannica Online Encyclopedia*. Web.

²⁵ Amanda Ripley, "Preemptive Terror Trials: Strike Two," *Time*, December 13, 2007.

²⁶ Rabin and Nesmith, "Accused."

²⁷ Whoriskey, "Man Acquitted."

²⁸ Rabin and Nesmith. "Accused."

²⁹ Whoriskey, "Man Acquitted."

They were said to practice witchcraft³⁰ and study martial arts.³¹ They wore uniforms with the Star of David on them and studied both the Bible and the Quran.³² Neighbors interviewed after the arrests claimed that Batiste and his teachings were “intriguing” but never spoke of violence.³³ Many family members of the group maintained that their relatives were Christians,³⁴ and the mother of one group member even claimed that her son woke up every morning and claimed that he loved Jesus.³⁵

It seems that Batiste was a spiritual leader and a messiah-like figure in the economically destitute neighborhood of Liberty City. He was interesting and charismatic, and he viewed himself as a guardian. One member of the Liberty City Seven, Naudimar Herrera, who was acquitted during the third trial, credits Batiste with helping him find purpose in his life.³⁶ Herrera had been dealing drugs in Miami when he met Batiste, who offered him spiritual guidance and employment at his construction business. While Batiste had no criminal record, at least five of the men in the Liberty City Seven had been previously arrested on drug, assault, or weapons charges.³⁷ It is unclear whether or not prison directly played any role in their decision to become members of the Seas of David, but prison and a criminal past would likely result in a need for guidance and difficulty finding employment. Batiste offered both employment through his construction business and spiritual guidance through the Seas of David. From the experiences of Herrera and Lemorin, it seems that Batiste first met members of his group as a spiritual or religious leader and then gave them construction jobs, rather than the reverse.

There are no official reports describing Batiste or any members of the Liberty City Seven as psychologically unbalanced or mentally handicapped, but there have been comments by those who knew Batiste suggesting that he may have had some psychological issues. His father described him as “not in his right mind” to the news media after his son’s arrest.³⁸ He said that Batiste had changed after his mother died in 2000, and that one day without a word he packed up his family and moved to Miami. The father had not had contact with him since.³⁹ But while certain aspects of his plotting were fanatical, there is little indication that he or any of the other group members suffered from a psychological disorder that would explain their participation in terrorist activities.

The Liberty City Seven was a group of economically downtrodden, black and immigrant men, most of whom had criminal records and were searching for spiritual guidance. Batiste was an intriguing, messiah-like figure who happened to have an array of religious knowledge that would be appealing to those searching

³⁰ “Families Insist Suspects Not Terrorists,” CNN.com, June 26, 2006.

³¹ Shane and Zarate, “FBI Killed.”

³² Ibid.

³³ Shane and Zarate, “FBI Killed.”

³⁴ “Families Insist.”

³⁵ Ibid.

³⁶ “Liberty City 7 Member: ‘Nobody Had Heart In’ Al-Qaida Pledge.”

³⁷ Shane and Zarate, “FBI Killed.”

³⁸ Pincus, “FBI Role.”

³⁹ Rabin and Nesmith, “Accused.”

for guidance. Batiste also offered employment through his construction business, something that would be hard to come by for young black males with criminal records in an economically destitute area. Batiste was their leader; he controlled all aspects of the group's activities, religious and otherwise. The other members joined for religious and spiritual guidance, and as a bonus received employment and social camaraderie. There was one set of actual brothers in the group, but they all referred to each other as their "brothers".⁴⁰ Batiste gave them a religion, a job, and a fraternal group of confidants.

3. Motivation

According to Batiste's legal defense team, he was motivated by one thing only: money. Batiste said his desperation for money caused him to go along with the informant to get the proposed \$50,000 to carry out the plot; he claimed to be conning the informant just as the informant was conning him.⁴¹ Other members of the Liberty City Seven said Batiste told them to go along with it as a charade to squeeze as much cash as possible out of the informant.⁴²

But this defense does not explain how he originally attracted the attention of the FBI. In October 2005, before he met the informant, Batiste told his local Yemeni grocer that he wanted to conduct jihad to overthrow the U.S. government and was interested in finding an al-Qaeda contact in the Middle East. Later the FBI recorded him as saying that he wanted to "wage war against the United States" to "kill all the devils we can" in an attack that would be "just as good or greater than 9/11."⁴³ He also said, "I want to fight some jihad. That's all I live for."⁴⁴ The result of the war would be the establishment of a Moorish state within the U.S.⁴⁵

But Batiste's motivation for waging jihad against the U.S. is quite vague. His religious beliefs were not strictly Islamic, and he is not an Islamist in the traditional sense. The Seas of David connection to the Moorish Science Temple, a group that does not recognize the legitimacy of the U.S. government, likely explains the desire to establish a Moorish state, but there is no indication why the establishment of such a state was necessary to Batiste. There is no mention that he was specifically making a statement against U.S. foreign policy, American culture, or the treatment of Muslims. In fact, he never expressed any specific discontent with the United States, other than he wanted to wage war against it and establish a Moorish nation within it. From some of his statements it seems that he was simply obsessed with the notion of jihad and was ready to fight. As for the other members, they were simply followers of Batiste's spiritual guidance and his leadership.

4. Goals

⁴⁰ United States of America v. Batiste Et Al. United States District Court Southern District of Florida. 22 Jan. 2006, 1.

⁴¹ Ripley, "Preemptive Terror."

⁴² "Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaida Pledge."

⁴³ Shane and Zarate, "FBI Killed."

⁴⁴ NEFA, "Miami Plot," 7.

⁴⁵ Pincus, "FBI Role."

Because no plans ever transcended the discussion phase, the plot and goals of the Liberty City Seven seem very hypothetical. However, if we assume they were not engaged in conning the informant and that their proclamations were their true intentions, the goal was to build an Islamic army and wage jihad through a “full ground war” against the United States.⁴⁶ To initiate the war, they would bomb the Sears Tower and free Muslim prisoners to join their army. The end result would be the establishment of a sovereign Moorish nation within the U.S.⁴⁷ Clearly, they were lofty, even cosmic, goals, and in reality the Liberty City Seven did not have the means or ability to accomplish them. Underneath these outlandish ideas, however, seemed to be the broad goal of Batiste’s to just wage jihad: “I want to fight some jihad. That’s all I live for.”⁴⁸ No long term goals for their war against the U.S. or the establishment of a Moorish nation were ever discussed. They also never mentioned particular social or political goals they wished to accomplish. The end seemed less important to Batiste than the means; he was interested in the jihad part, not the final result.

5. Plans for violence

Actual plans for violence by the Liberty City Seven never made it past the discussion phase, and the FBI famously noted that the group was more “aspirational than operational.”⁴⁹ As stated before, Batiste was recorded as saying that he wanted to wage jihad against the U.S. in an attack that would be just as good or greater than 9/11.⁵⁰ He also spoke of waging a “full ground war” against the United States with the goal of establishing a Moorish nation.⁵¹ To initiate his war, he planned to bomb the Sears Tower in Chicago. He had lived in Chicago, so was vaguely familiar with the building, but his former residence there was the group’s only connection to the tower. As noted, the plans included various situations for when the tower came down. One possibility was that it would fall into Lake Michigan and create a tsunami to distract officials so the group could free Muslims from the local prison to join their army.⁵² Another was that it would smash into the prison and free the Muslim prisoners.⁵³

Probably because of the ridiculous and implausible nature of the Sears Tower plot, the FBI informant suggested a more realistic, and therefore more threatening, plot for the group. He encouraged them to participate in an “al-Qaeda plot” to bomb various federal buildings across the U.S. Batiste agreed to help, and the group took surveillance photos of the FBI building in Miami, the Miami police headquarters, and the federal courthouse and detention center. As with the Sears Tower plot, no specific plans were ever developed for the Miami federal building bombings.⁵⁴ Aside from the amateur surveillance photos of the outside

⁴⁶ Emerson, *Jihad Incorporated*, 75.

⁴⁷ Pincus, “FBI Role.”

⁴⁸ NEFA, “Miami Plot,” 7.

⁴⁹ Shane and Zarate, “FBI Killed.”

⁵⁰ NEFA, “Miami Plot,” 2.

⁵¹ Pincus, “FBI Role.”

⁵² Ripley, “Preemptive Terror.”

⁵³ *Ibid.*

⁵⁴ Kay, “Collapse.”

of the Miami federal buildings, the group had no photos, maps, or written or drawn out plans for any attacks. They did not have weapons, explosives, or explosive-making materials. They did not have money or a mode of transport. They did not have training, and most suggest that they did not have the competence to complete such elaborate attacks.

The comical nature of the Sears Tower plot suggests their incompetence and the lack of feasibility of their plan. The government likely found itself in a quandary; the original Sears Tower plan was so ridiculous and implausible that it seemed incredibly nonthreatening, but the more attainable Miami federal building plot was entirely the creation of the FBI. Thus the Liberty City Seven by themselves, while apparently willing to participate in the attacks, posed no immediate threat of violence.

6. Role of informants

Essentially there would be no case against the group without informants. It first came to the attention of the FBI in October 2005 when Batiste mentioned to his Yemeni grocer that he wanted to wage jihad in the United States and was interested in finding an al-Qaeda contact in the Middle East. Batiste knew the man often traveled back to Yemen, so he asked for his assistance in finding such a contact.⁵⁵ What he did not know was that his Yemeni grocer, Abbas Al-Saidi, happened to be an FBI informant. According to court documents, Al-Saidi said that Batiste wanted to form an army and wage jihad to overthrow the federal government and was “willing to work with al-Qaeda to accomplish the mission and wanted to travel with the informant overseas to make appropriate connections.”⁵⁶ Al-Saidi, known as cooperating witness 1 or CW1 in court documents, informed the FBI and kept in touch with Batiste.

In November 2005, the FBI introduced a second informant, Elie Assad, known as cooperating witness 2 or CW2 in court documents. Assad, who is of Lebanese origin, was introduced to Batiste by CW1 as an al-Qaeda representative and a potential financier of Batiste’s mission. He claimed to be there to evaluate Batiste’s operation and do what he could to assist in carrying out his mission.⁵⁷ Batiste drew up a needed supply list for him that contained uniforms, boots, automatic hand pistols, cell phones, an SUV truck, radios, binoculars, firearms, and \$50,000 in cash.⁵⁸ Batiste stated that he wanted to “form an army powerful enough to force the U.S. government to recognize the ‘Sovereign Moors’... as an independent nation.”⁵⁹

In January 2006, Assad gave Batiste a rent-free warehouse large enough for the group’s activities and training. In the group’s previous location, the FBI was not able to set up complete surveillance, but in the new location the FBI rigged extensive audio and visual surveillance. Also in January, CW1 informed the group that al-Qaeda officials had approved their plan. This coincided with an

⁵⁵ Pincus, “FBI Role.”

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ NEFA, “Miami Plot,” 4. Ripley, “Preemptive Terror.”

⁵⁹ Pincus, “FBI Role.”

announcement by Osama bin Laden that al-Qaeda would soon strike the U.S. Assad informed Batiste that bin Laden was talking about his mission, and that an explosives expert was going to come and help them.⁶⁰

Acting on instructions from the FBI, Assad asked Batiste and the group to assist with an “al-Qaeda plot” to bomb various federal buildings across the U.S. They agreed, and in March 2006, using vehicles, cameras, and video recorders provided by the FBI, they took surveillance footage of the FBI building in Miami, the Miami police headquarters, and the federal courthouse and detention center. These photos would become key visual aids for both the prosecution and the media. The entire Miami federal building portion of the plot was suggested and encouraged by the FBI and Assad.⁶¹

Also in March 2006, Batiste was said to be growing impatient with Assad for money. To placate him, Assad arranged a ceremony in which the Liberty City Seven swore an oath of ‘byat’ or loyalty, to al-Qaeda, which was video recorded by the FBI surveillance. Along with the Miami federal buildings surveillance photos, this ceremony would constitute a large portion of the prosecution’s case connecting the Liberty City Seven to al-Qaeda and terrorist activities. But it was Assad who suggested the ceremony and administered the oath.⁶² One member, Lemorin, later said that he was misled about what was going on, stating “I regret that I went along with taking the so-called oath.”⁶³

In April 2006, Assad told Batiste that he would like to meet his Chicago associates and gave him \$3,500 to fly them to Miami. Batiste brought down Charles James Stewart, also known as Sultan Khan Bey, and his wife, whom he called Queen Zakiyaah. Stewart was a convicted rapist and had a long arrest record. He led his own branch of the Moorish Science Temple and spoke with Batiste about his plans to build a Moorish nation and army. But within days of Stewart’s arrival he and Batiste began to have disagreements, and Stewart questioned Batiste’s association with Assad. A few days later, Stewart was arrested in Miami for shooting at one of Batiste’s supporters. When he was in custody, federal officials asked if he knew of any plots against the U.S., and Stewart spoke of Batiste’s plot as “starting to get serious.”⁶⁴ He later became a witness against Batiste and the others.

After the issues with Stewart, Batiste’s group started to have disagreements and commitment to the group was wavering. Federal prosecutors note that Stewart had apparently caused a rift in Batiste’s organization when he suggested that Assad might be an FBI informant, and the group fractured over whether or not to continue supporting Batiste.⁶⁵ Lemorin stopped going to group meetings and distanced himself from Batiste, and he and his wife moved to

⁶⁰ Ibid. Bin Laden’s statement was: “As for the delay in carrying out similar operations in America, this was not due to failure to breach your security measures. Operations are under preparation, and you will see them on your own ground once they are finished, God willing.” BBC News, “Text: Bin-Laden tape,” news.bbc.co.uk, January 19, 2006.

⁶¹ Pincus, “FBI Role.”

⁶² Pincus, “FBI Role.”

⁶³ Whoriskey, “Man Acquitted.”

⁶⁴ Pincus, “FBI Role.”

⁶⁵ NEFA, “Miami Plot,” 6-7.

Atlanta and began working at a mall.⁶⁶ As a result of this separation, he would be the only member acquitted at the first trial. On May 24, 2006 Batiste told Assad that he was “experiencing delays because of various problems within his organization, but that he wanted to continue his mission and maintain his relationship with al-Qaeda.”⁶⁷ It was at this meeting that he recorded saying “I want to fight some jihad. That’s all I live for.”⁶⁸

By the end of May 2006 the entire group had lost cohesion and seemed to be disbanding. While not explicitly stated, this seems likely the reason that the arrests took place in June 2006. After spending months and tens or hundreds of thousands of dollars on informants, surveillance, staffing, and supplies, the government could not allow Batiste’s group to disband and become seemingly non-threatening. The FBI moved to arrest and declared it a victory in combating homegrown terrorism.

But the group and their legal defense team claimed entrapment. Defense attorney Albert Levin stated that “the case was written, produced, and directed by the FBI.”⁶⁹ The government and the informants provided money and a meeting place for the group, they gave them video cameras and cell phones for surveillance, the loyalty oath ceremony was suggested and led by the informant, and most importantly, the informant suggested the target and plot for the Miami federal building bombings.⁷⁰ Batiste claimed he was desperate for the \$50,000 the informant said he could get, and was conning the informant just as the informant was conning him.⁷¹ It seems implausible because it was Batiste that first mentioned waging jihad, but it could be considered plausible enough to create reasonable doubt, and thus could be considered a legitimate defense.

Claims of entrapment led to questions regarding the informants themselves. Neither were actual FBI agents. Both were cooperating witnesses that became involved with law enforcement as a result of their own criminal history. Al-Saidi, or CW1, was a 22-year old who, beginning at the age of 16, used his ties to the drug world to turn in dealers to the NYPD; in return, the NYPD gave him an apartment and a stipend.⁷² In 2003 his girlfriend was raped by a friend in his Harlem apartment and he extorted \$7,000 from the friend in return for not pressing charges.⁷³ He used the money to move with his girlfriend to Miami, where he was eventually arrested on domestic battery charges.⁷⁴ While in jail, he called his contact at the NYPD, who put him in touch with the FBI, who helped secure his release.⁷⁵ After Batiste first approached him about finding an al-Qaeda contact the FBI hired him as an official paid informant on the case. Most of the

⁶⁶ Whoriskey, “Man Acquitted.”

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ripley, “Preemptive Terror.”

⁷⁰ Pincus, “FBI Role.”

⁷¹ Ripley, “Preemptive Terror.”

⁷² Bob Norman, “Liberty City Seven Trial Travesty,” *Miami New Times*, November 22, 2007.

⁷³ Ibid.

⁷⁴ Bjelopera and Randol, “American Jihadist,” 50.

⁷⁵ Norman, “Trial Travesty.”

information about Al-Saidi's past was kept out of the trials by Judge Joan Lenard who presided over all three trials.⁷⁶

Elie Assad, or CW2, raised even larger questions. Assad had worked as an FBI informant on a prior case in Chicago and he had failed an FBI administered polygraph about the case.⁷⁷ Like Al-Saidi, Assad was also once arrested on domestic battery charges.⁷⁸ Assad was hired as a paid informant on the Miami case, and would eventually receive political asylum in the U.S. as a result of his work. James Wedick, a 35-year veteran of the FBI and hired expert witness for the defense, stated that Assad should never have been hired to work the Liberty City Seven case.⁷⁹ Wedick claimed that if an informant is known to have lied once, his credibility is gone and it violates the attorney general's guidelines to use him again. He emphasized that "the single most important factor when evaluating an informant's suitability is truthfulness."⁸⁰ However, Judge Leonard barred Wedick's testimony and would not allow any testimony regarding Assad's failed polygraph.⁸¹

The fact that the FBI informants had criminal records and that one was recorded as lying in regard to another case further supported the entrapment defense. The argument was that the informants had proven to be untrustworthy and their motivations were questionable. Indeed, it was in the best interest of the informants to ensure that the government could build a strong case against the group. As a result, Assad suggested the Miami federal building plot, administered the loyalty oath to al-Qaeda, and provided encouragement to Batiste and his group. Entrapment was already a strong defense, and the backgrounds and actions of the FBI informants only made it stronger.

7. Connections

The Liberty City Seven never had any actual connections or links to al-Qaeda or any other terrorist organization.⁸² The FBI's investigation turned up no evidence that any member of the group had met with any real terrorist, received e-mails or wire transfers from the Middle East, possessed any al-Qaeda literature, or had even a picture of bin Laden.⁸³ In an interview, Batiste's father revealed that Batiste was taught the Quran by a man that he had met who wore a black robe and carried a black staff.⁸⁴ Batiste's father suggested that the man may have given him bad advice or misdirected him, but nothing more is known about this man or whether he recruited Batiste or suggested any ideas to him.⁸⁵ Overall it appears

⁷⁶ Ibid.

⁷⁷ Bjelopera and Randol, "American Jihadist," 50.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Norman, "Trial Travesty."

⁸¹ Ibid.

⁸² "Transcript of Press Conference Announcing Florida Terrorism Indictments," NEFA, June 23, 2006.

⁸³ Pincus, "FBI Role."

⁸⁴ Frank Main, "Dad: Sears Tower Suspect under Spell of Man," *Chicago Sun-Times*, January 25, 2006.

⁸⁵ Ibid.

that Batiste was essentially self-motivated and the other members were motivated by his leadership.

8. Relation to the Muslim community

Despite the fact that Batiste spoke of building an Islamic army, the Liberty City Seven had little connection to the Muslim community. They were members of a religious or spiritual group of Batiste's own creation called the Seas of David. Batiste's teachings were reportedly based on the Moorish Science Temple, a religious sect advocating that blacks were of Moorish origin and should return to the Islam of their Moorish forefathers. Many of the practices and beliefs of the Moorish Science Temple are derived from Muslim observances, but they also have many elements of Christianity and Judaism.⁸⁶ Like the Moorish Science Temple, Batiste's teachings were said to be an amalgam of Christianity, Judaism, Islam. The Seas of David were described as practicing witchcraft and martial arts, studying the Bible and the Quran, and wearing the Star of David on their uniforms.⁸⁷ After their arrest, many relatives of the group insisted the men were Christians.⁸⁸

The Seas of David does not seem classifiable with any organized religion or group. Leaders of the Moorish Science Temple of America have explicitly stated that they are not affiliated with them. Willie Bey, a divine minister at the Moorish Science Temple in Chicago said that he has "no idea who these people are. We are law-abiders, not lawbreakers. This is home. We are not fighting against the U.S.A."⁸⁹ DePaul University professor of Islamic studies, Aminah Beverly McCloud said that the Liberty City Seven are definitely not Muslims. She says that if they are like the Moorish Science Temple, they are more of a "re-appropriation of Christianity" rather than Islam.⁹⁰ Thus, Batiste seemed to have created his own distinct religious community.

There is no indication that Batiste or the other members of the group were members of the Muslim community or sought to become members. Batiste knew the Quran and taught it to members of his group, along with teaching them the Bible and other religious texts, but he did not go to mosque or partake in many traditional Muslim observances. He spoke of jihad and Islamic armies, but overall was not a Muslim and had no connection to the traditional Muslim community.

9. Depiction by the authorities

On June 23, 2006, Attorney General Alberto Gonzales and various FBI officials held a news conference to announce that they had taken down a "homegrown terrorist cell," and Gonzales called the Liberty City Seven a "new brand of terrorism" created by the "convergence of globalization and technology."⁹¹ This description inaccurately depicts them as sophisticated,

⁸⁶ Ibid.

⁸⁷ Shane and Zarate, "FBI Killed."

⁸⁸ Ibid.

⁸⁹ Main, "Dad."

⁹⁰ Main, "Dad."

⁹¹ John O'Neil, "Terror Plot Was in 'Earliest Stages,' Gonzales Says," *New York Times*, June 23, 2006.

connected, and able. He remarked that if left unchecked, “these homegrown terrorists may prove to be as dangerous as groups like al-Qaeda.”⁹² At the news conference, FBI Deputy Director John Pistole said that the arrest marked “yet another important victory in the war on terrorism” and was “a grim reminder of the persistent threat environment that exists here at home.”⁹³

But after his announcement of victory, Gonzales did admit that the Liberty City Seven “were never able to obtain... the explosives or access needed to implement their plan”, and Deputy Director Pistole called the plot “more aspirational than operational.” Still, the arrest and prosecution of seven men described as posing “no immediate threat” was hailed as a successful example of preemptively fighting terrorism, and Gonzales applauded the FBI for successfully performing its mission to “prevent terrorism by identifying, disrupting and prosecuting these individuals before they posed an immediate threat to our nation.” When presented with the fact that there was no link to Al-Qaeda and no weapons or explosives, Gonzales remarked that the FBI’s philosophy and strategy was to “try to identify plots in the earliest stages possible.” In the case of the Liberty City Seven, he presented a situation in which there were plans to hurt Americans, requests for material, funding, and equipment, and a sworn allegiance to Al-Qaeda. For Gonzales and the FBI, these were “sufficient facts to support this prosecution.”⁹⁴ The case against the Liberty City Seven was presented as ushering in a new era of preemptive prosecution, and officials claimed victory for thwarting a homegrown potential terrorist threat.

10. Coverage by the media

The news media was not ready so quickly to claim victory. Even at Gonzales’s news conference the press questioned the role of the FBI informants and the ability of the group to actually carry out an attack.⁹⁵ Early coverage was friendlier to the government’s preemptive actions than later coverage, but this is unsurprising – the laughable nature of the plots and extensive role of the informants had not yet been revealed. But even early coverage took care to emphasize the preemptive nature of the arrests.⁹⁶ Most articles seized on Pistole’s now popular phrase, “more aspirational than operational.”⁹⁷ Because most of the coverage took care to highlight that there was never an immediate threat, no weapons or explosives were ever in possession, and the plot was still in its talking stages, the media coverage cannot be described as alarmist. The media did cover the case quite extensively, but there seemed to be little use of sensationalism or fear tactics.

⁹² O’Neil, “Terror Plot”.

⁹³ “Prepared Remarks of Attorney General Alberto R. Gonzales,” *GlobalSecurity.org*, June 23, 2006.

⁹⁴ “Transcript of Press Conference.”

⁹⁵ “Transcript of Press Conference.”

⁹⁶ O’Neil, “Terror Plot.” Shane and Zarate, “FBI Killed.”

⁹⁷ Ari Shapiro, “U.S. Arrests 7 Accused of Chicago Bomb Plot,” National Public Radio, June 23, 2006. “Seven Charged over ‘Chicago Plot,’” BBC News – Home, June 23, 2006. “Seven Charged in Terrorism Plot,” Public Broadcasting Service, June 23, 2006.

As more details about the case emerged in interviews and trial, the media coverage became increasingly critical of the government's actions and the FBI informants' involvement in the plot. Headlines began to read "FBI Role in Terror Probe Questioned"⁹⁸ and "U.S. Falters in Terror Case Against 7 in Miami."⁹⁹ The *Washington Post* called the plot a "pipe dream of a few men with almost no ability to pull it off on their own" while *Time Magazine* stated that "the entire situation was concocted by the government," and the "heavy reliance on informants has led to cases that sometimes appear to exist in the land of make-believe."¹⁰⁰ The media probed for background information on the informants themselves, and brought up concerns about their motivations and criminal history. They reported on the ridiculous nature of Batiste's ideas, i.e. the Sears Tower falling into Lake Michigan and creating a tsunami.¹⁰¹ They essentially portrayed the Liberty City Seven as incompetent, their plots as unviable, and the government as irresponsible.

The government responded by underscoring the need for preemptive prosecution of terrorism. But after two mistrials the media labeled the case "a significant defeat for the Bush administration."¹⁰² They criticized the government for politicizing terror plots and turning them into huge victories for news conferences when their evidence could not even result in conviction.¹⁰³ *Time Magazine* proposed that the government wasn't winning its cases because "jurors were struggling with the very things that makes the Liberty City case so typical of the Justice Department's war on terrorism: it feels phony."¹⁰⁴

In this case, the news media departed from its typical fear and sensationalism and essentially chastised the government and the FBI for its actions. They were given the ammunition of one acquittal and two mistrials before convictions (and an additional acquittal) were returned on a third trial attempt. After the announcement that the government would seek a third retrial, a *Washington Post* editorial bluntly stated that the attempt appeared to be "unprecedented and raises serious questions about whether prosecutors are more concerned with saving face than seeking justice."¹⁰⁵ The government had made mistakes, and the media was more than willing to point them out.

11. Policing costs

The investigation of the Liberty City Seven began in October 2005 when Batiste first mentioned violent jihad to his local grocer who happened to be an informant for the FBI. It lasted until June 23, 2006, the day of the group's arrest. That is approximately nine months of investigation and surveillance involving two informants and the full effort of the Southern Florida Joint Terrorism Task

⁹⁸ Pincus, "FBI Role."

⁹⁹ Semple, "U.S. Falters."

¹⁰⁰ Pincus, "FBI Role."

¹⁰¹ Ibid.

¹⁰² Damien Cave, "Mistrial Is Declared for 6 Men in Sears Tower Terror Case," *New York Times*, April 17, 2008.

¹⁰³ Cave, "Mistrial."

¹⁰⁴ Ripley, "Preemptive Terror."

¹⁰⁵ "A Trial Too Far," *Washington Post*, May 2, 2008.

Force which includes approximately seven federal government agencies (the U.S. Attorney's office, the FBI, U.S. Immigrations and Customs, U.S. Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the IRS, and the Bureau of Prisons) and approximately eight police departments in Southern Florida.¹⁰⁶ Nine months is a relatively short time compared to many other undercover informant terrorist stings. It is very plausible that it was likely cut short because the group was beginning to disband and the government wanted to make the arrest while the group could still be perceived as dangerous.

Two informants were assigned to the case, Abbas Al-Saidi, the grocer that Batiste first spoke with, and Elie Assad, the "al-Qaeda representative." According to the *Washington Post*, Al-Saidi received \$10,500 for his services and \$8,815 in reimbursement for expenses, and Assad received \$17,000 and approval for political asylum in the U.S.¹⁰⁷ According to the *Miami New Times*, it came out in trial that Al-Saidi was actually paid \$40,000 and Assad was paid \$80,000, and *Time* also states that Assad received \$80,000.¹⁰⁸ It is possible that the *Washington Post* numbers are what the government originally released but the actual larger figures later came out in trial.

Along with direct funds paid to the informants, the FBI provided a substantial amount of supplies and equipment to the Liberty City Seven. Rent was paid on the Liberty City warehouse for six months. Combat boots, cell phones, and digital cameras were also provided to the group, along with \$3,500 cash.¹⁰⁹

Three lengthy, high-profile trials also drove up the cost of the case. The trials and sentencing spanned more than two years, from October 2007 to November 2009. Each trial lasted between two and four months. The first was from October 2007 to December 2007, the second from January 2008 to April 2008, and the third from February 2009 to May 2009. The five who were convicted were sentenced in November 2009.

12. Relevance of the internet

There is no indication that the internet played a significant role in either the plot or in the FBI's surveillance. Batiste and the other members are never described as using the internet to research weapons or targets. There is no indication that they attempted to recruit or be recruited on the internet. In fact, it is not even clear if they owned a computer or had regular access to the internet.

13. Are we safer?

The government would say yes. They would claim that while the Liberty City Seven posed no immediate threat to the U.S. at the time of their arrest, they expressed a willingness to participate in terrorist activities that demanded

¹⁰⁶ "Prepared Remarks."

¹⁰⁷ Pincus, "FBI Role."

¹⁰⁸ Norman, "Trial Travesty." Ripley, "Preemptive Terror." The original *Miami Herald* article quoting the informant payments as \$40,000 and \$80,000 is no longer available on their website, and trial transcripts are not published online. The *Washington Post* figures are from September 2006, while the original *Miami Herald* article, the *Miami New Times* article (Norman), and the *Time* article (Ripley) are all from late 2007, after the first trial had begun.

¹⁰⁹ NEFA, "Miami Plot," 4.

government intervention. But as the media has duly noted, the group never had any weapons, they never had any training, and they were heavily influenced and guided by the FBI informants. An entire portion of their plot, to bomb the federal buildings in Miami, was suggested by an informant. The surveillance photographs of the Miami buildings, so emphasized by the prosecution, were taken with FBI purchased cameras from an FBI rented vehicle. And the Al-Qaeda oath, also emphasized by the prosecution, was suggested and administered by the FBI informant.

This case exemplifies the difficulties of preemptively prosecuting terrorism. The government is pressured to undo these plots before they come to fruition, yet they are criticized here for stopping a plot in its discussion phase. But the criticism in this case is a result of the government's direct involvement in the plotting. Batiste took the initial steps to make contact with an "al-Qaeda representative," but because the "al-Qaeda representative" did so much suggesting and encouraging, we have no idea what the group would have done on its own.

Overall, because Batiste and his group expressed a willingness to do harm to others, it can be said that we are safer, but it must be qualified—we are not significantly safer. The group never possessed the means or the competence to carry out such an elaborate plot. Perhaps they would have realized this and developed a simpler plot that could actually be viable, but as their plans stood at the time of arrest, it is extremely unlikely that they could have accomplished any of their goals. It is also relevant to note that the group was experiencing organizational problems and seemed to be falling apart. Near the time of arrest, Batiste expressed worry about fractures within the group.¹¹⁰ He still claimed to want to wage jihad,¹¹¹ but the others were moving on. So we are safer in the respect that a group of men that once showed a predilection for terrorism are off the streets, but the United States was never in danger from an actual threat.

14. Conclusions

The Liberty City Seven case is distinct from most terrorism plots in the U.S. since 9/11. The most prominent difference is that Batiste and the other members were not Islamists in the traditional sense. They had their own amalgam of religious beliefs and practices, and were said to be more congruent with the Moorish Science Temple and Christianity than with Islam. They never expressed any specific discontent with the U.S., its foreign policy, or its treatment of Muslims. Moreover, their plans were so outlandish, so unrealistic, that the plot itself hinted at their incompetence. While several recent plots have been seemingly outside the realm of possibility, bombing the Sears Tower so it would fall into Lake Michigan and create a tsunami so local Muslim prisoners could escape and join an Islamic army to wage jihad against the U.S. and establish a Moorish state is the most complicated and unrealistic plot uncovered to date.

In the decade following 9/11, many terrorists in the U.S. have been arrested as a result of an FBI undercover informant operation, and many times the alleged terrorist will use an entrapment defense. But if there was ever a legitimate

¹¹⁰ NEFA, "Miami Plot," 7.

¹¹¹ *Ibid.*

case of entrapment, the Sear Tower case was it. Other cases gave the defendants fake explosives and watched them set them off, or explicitly gave the defendants repeated options to back out. But the informants in this case played key roles in the plotting, provided ideas and encouragement, and suggested and administered the loyalty oath to Al-Qaeda. They became, as terrorism expert Brian Jenkins suggests, “*agents provocateurs*, subtly coaxing radicalized but hesitant individuals into action.” Jenkins also emphasizes that “even without providing overt encouragement, the informant often plays the role of an enabler, offering people with extreme views but faint hearts the means to act, thereby potentially facilitating actions that otherwise might not occur.”¹¹² Batiste and the group did participate and they proved willing, but they acted on suggestions from a seemingly powerful figure, never came close to committing an actual crime, and were encouraged to go further rather than given the option to back out. In addition, at the time of their arrest the group had essentially dissolved and was no longer meeting. The entrapment defense in this case could be considered legitimate, and this separates it from many other informant based cases.

Both Max Abrahms and Marc Sageman suggest that people participate in terrorist organizations more for the social solidarity and networking than for the political return, and this seems to be the case with this group.¹¹³ The Liberty City Seven was a group of socially alienated minorities united by a need for guidance. Batiste offered spiritual guidance, employment through his construction business, and a social atmosphere for young men with similar backgrounds. The group did not form to wage jihad and it was not their main motivation for staying; they were primarily a social and spiritual group united by Batiste’s leadership. Sageman particularly indicates the importance of social alienation of minorities in forming terrorist groups. He also notes the importance of a leader in the group, someone to bind the group together and focus their energy.¹¹⁴ Batiste fills this leadership role in this case. Thus, despite the lack of actual terrorist connection or threat posed by the Liberty City Seven, their group dynamics and profiles fit certain paradigms of modern terrorism literature.

The Sears Tower case seems to be one in which there is no winner. The members of the group itself were dragged through three trials and, with the exception of one member, are either sitting in jail or have been deported. The informants that put them there have been heavily discredited and lambasted by the media for their actions in the case and their role in the plotting. And the FBI and the government lost legitimacy when their touted captures in the fight against terrorism were, as Richard Cohen of the *Washington Post* called them, “seven hapless idiots who would blow up the Sears Tower, if only they could get to Chicago.”¹¹⁵

¹¹² 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.

¹¹³ Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security*, Spring 2008. Marc Sageman, *Understanding Terror Networks*. Philadelphia: University of Pennsylvania, 2004.

¹¹⁴ *Ibid.*

¹¹⁵ Richard Cohen, “Terror Alert: Severe Risk of Hype,” *Washington Post*, June 27, 2006.

But the FBI and the government took valuable lessons from the case. On November 26, 2010 they arrested Mohamed O. Mohamud in Oregon for attempting to detonate an FBI issued fake car bomb during a Christmas tree lighting (Case 38). Authorities remarked on how far the FBI's role-playing has come since the earlier Miami case.¹¹⁶ The FBI set up phony explosives, let Mohamud attempt to set them off, and had repeatedly encouraged him to walk away from the plan. Patrick Rowan, the Justice Department's former top counterterrorism official, stated that "particularly in light of cases like Liberty City, everybody at Justice and the FBI is predisposed to taking it as far as they can." Because of the mishaps in the Sear Tower case, "today, authorities are more likely to carry their ruses further, give suspects more opportunities to clearly state their intentions for FBI microphones and even let them light a fuse to a fake bomb."¹¹⁷ While waiting longer is riskier, it prevents the mistrials, acquittals, and legitimate entrapment defenses like those seen during the Sears Tower case, and it returns to the government's war on terror some of the legitimacy it had lost.

¹¹⁶ "FBI Terror Stings: Entrapment or Prevention?" *CBS News*, November 30, 2010.

¹¹⁷ *Ibid.*