

Case 25: Bronx Synagogues

John Mueller

June 4, 2011

The Bronx synagogue case is the first in which the FBI and police let the plot develop until the plotters actually came to the point of pushing the button. In the cases of Rockford Mall (Case 21) and Fort Dix (Case 22), they arrested when the men they were watching (and in the view of some, entrapping) took possession of weapons that they clearly intended to use (Rockford) or might possibly use (Fort Dix) for terrorist purposes. In the Bronx, the police went to the next step.

The four men of concern in the case were petty criminals with a history of drug use, one of them a schizophrenic illiterate. Following the leadership of the same FBI informant who had operated in the Albany case (Case 10)—deemed a liar and a snake by one defense attorney—they obtained what they thought were explosives and a surface-to-air missile as well as one real 9mm handgun, all paid for by the informant. They planted the bombs at two synagogues in the Bronx and were about to set them off by remote control and then race off to a nearby air base to shoot down an aircraft with their shiny new missile. At that point, the police, taking no chances since the plotters did actually have one real weapon, dramatically descended upon them with a 18-wheeler and an armored vehicle and then moved in with automatic weapons and police dogs, smashing the windows of the plotters' vehicle in the process.

Although they waffled a bit at times, the conspirators were strongly impelled to violence by outrage at American military actions in Afghanistan and were given to repeatedly uttering violent anti-Semitic outbursts. The plot they concocted in league with the informant, however, was, as one New York newspaper put it, "dopey." They had no training or experience with explosives (the guy who was supposed flip the switch on the explosives to arm them didn't know he was supposed to do that), and they likely had never seen a SAM in their lives.

The key issue, then, is brought up by David Bernstein. Not only was the plot absurdly over the heads of the incompetent, gullible, "dopey," and rather pathetic conspirators, but it is clearly highly questionable whether it, or anything like it, would have ever occurred without the assistance of the informant. And he notes the observation of Karen J. Greenberg of the NYU Law School's Center on Law and Security who closely followed the case: "They took people who might or might not commit hate crimes, and led them along the path to jihad." Without this very expensive policing operation including the lengthy machinations of the informant, it seems plausible that, as an imam quoted by Bernstein puts it, the four men "would have continued to this day to wander around the streets and get high together." Their plan clearly only went as far as it did because the FBI facilitated it, but the further question is whether, without him, they would ever have been able to do anything at all.

December 25, 2017: An award-winning documentary film about this case was released in 2014, “The Newburgh Sting.” On April 13, 2015, a panel on the film, featuring the film’s producer and director, David Heilbroner, was held at the Cato Institute in Washington, DC: <https://www.cato.org/events/newburgh-sting-fbis-production-domestic-terrorism-threat>

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1. Overview

On May 20, 2009 at 9 pm, four men were arrested for plotting and attempting to bomb two synagogues in the Riverdale neighborhood of the Bronx. Often known as the Newburgh Four after the nearby city they came from, they were also charged with plotting to shoot down military aircraft at Stewart Air National Guard base in Newburgh.¹ From the beginning, every part of their plot was heavily monitored by the FBI through the use of an informant and through audio/video surveillance.

The plot began when the alleged ringleader of the plot, James Cromitie, then 44,² met with an FBI informant at a mosque in Newburgh, on June 28, 2008, where he expressed his disgust with Muslim deaths caused by United States military action in Afghanistan.³ A month later, Cromitie again spoke with the informant and, allegedly, said that he wished to “do jihad.” The informant subsequently led Cromitie to believe that he was involved with the Jaish-e-Muhammad, an international terrorist organization in Pakistan.⁴ In October, the informant and Cromitie began to meet with the other conspirators, David Williams, then aged 27, Onta Williams, 32, and Laguerre Payen, 27, in a house in Newburgh that the FBI had set up with surveillance equipment.⁵

During these meetings, the conspirators discussed their interest in bombing synagogues in Riverdale, a well-known Jewish neighborhood in the Bronx, and blowing up military aircraft.⁶ Cromitie asked the informant to use his connections with Jaish-e-Muhammad to procure explosives and a surface-to-air missile. In April 2009, the group began surveillance activities and picked two synagogues as targets and also scouted out the Air National Guard base. In May, the group went to Stamford, Connecticut to acquire explosives and a surface-to-air missile (SAM) through what they believed was the informant’s connections. In actuality, however, the conspirators received inert and nonfunctional explosives and a SAM provided by the FBI.⁷ On May 20, they put their plans into action and were arrested in an elaborate sting operation after they planted what they thought to be working bombs in cars outside the two synagogues.⁸

¹ Al Baker and Javier C. Hernandez, “4 Accused of Bombing Plot at Bronx Synagogues,” *New York Times*, May 20, 2009.

² Al Baker, “Suspects in Terror Bombing Plot: Drug Arrests and Prison Conversions,” *New York Times*, May 21, 2009. Cromitie’s age varies in different news articles, ranging from his late forties to early fifties. However, Baker’s designation appears most accurate: it was written after earlier articles that had described Cromitie as being older, and it is supported by other *Times* reports.

³ Sewell Chan and Nate Schweber, “Updates in Terror Plot,” *New York Times*, May 22, 2009.

⁴ Sewell Chan, “4 Arrested in New York Terror Plot,” *New York Times*, May 21, 2009.

⁵ Wilson, “Missteps Caught on Tape.”

⁶ Chan, “4 Arrested.”

⁷ Chan, “4 Arrested.”

⁸ Chan and Schweber, “Updates.”

The men were charged with “conspiracy to use and attempt to use weapons of mass destruction within the United States, conspiracy to acquire and use and attempt to acquire and use anti-aircraft missiles and conspiracy to kill and attempt to kill officers and employees of the United States.”⁹ After a lengthy and chaotic trial in which the defense attempted to argue entrapment, the four conspirators were convicted on October 18, 2010.¹⁰ Cromitie and David Williams were convicted on all eight charges, including conspiring to plant, and actually planting, three bombs in two cars outside the two Riverdale synagogues with the intention of remotely detonating the bombs, and plotting to fire missiles at military aircraft.¹¹ Onta Williams and Laguerre Payen were found guilty on all charges except, because they had met the informant later in the investigation, for attempting to kill officers and employees of the United States.¹² All the men could face life in prison upon sentencing.¹³ However, U.S. District Judge Colleen McMahon delayed sentencing the Newburgh Four until she properly examines the defense’s requests to set aside the jury’s verdict or grant a new trial.¹⁴

2. Nature of the adversary

James Cromitie was born in Brooklyn on December 24, 1964¹⁵ into the middle of a family of 10 children and was raised on the Lower East Side in Manhattan. When he was three years old, his father left the family.¹⁶ Cromitie had a criminal record of 27 arrests of which at least a dozen were drug-related, and he had spent twelve years of his life in state prison.¹⁷ According to a sister, Wanda Walker, Cromitie first went to jail at 14 or 15 years old and had been in and out of prison ever since.¹⁸ His most recent incarceration, in 1998, was for selling cocaine to an undercover police officer near a Bronx school.¹⁹

Cromitie was raised Episcopalian but attended church only infrequently.²⁰ While in prison, Cromitie converted to Islam. When he first served time, he listed himself as a Baptist. In the subsequent prison stints, Cromitie listed himself as Muslim.²¹ Cromitie bolstered his own Muslim credentials by lying: when he first met the FBI informant, he introduced himself as Abdul Rahman and falsely said his father was from Afghanistan.²² According to an assistant imam at Masjid al-

⁹ Jonthan Dienst, “Alleged Terror Plotters Face Federal Indictments,” *NBC New York*, June 2, 2009.

¹⁰ Kareem Fahim, “4 Convicted of Attempting to Blow Up 2 Synagogues,” *New York Times*, October 18, 2010.

¹¹ Fahim, “4 Convicted.”

¹² Fahim, “4 Convicted.”

¹³ Fahim, “4 Convicted.”

¹⁴ Doyle Murphy, “Judge adjourns Newburgh 4 sentencing,” *Times Herald-Record*, April 4, 2011.

¹⁵ Baker, “Suspects.”

¹⁶ Chan and Schweber, “Updates.”

¹⁷ Baker, “Suspects.”

¹⁸ Chan and Schweber, “Updates.”

¹⁹ Baker, “Suspects.”

²⁰ Chan and Schweber, “Updates.”

²¹ Baker, “Suspects.”

²² Kareem Fahim, “Informer Says Defendant Wanted to Be a Martyr,” *New York Times*, August 27, 2010.

Ikhlas, the Newburgh mosque, Cromitie would attend every few months then disappear as quickly as he came.²³

Cromitie's sister, Wanda Walker, characterized him as dishonest and even unintelligent. In a *New York Times* article, she says that Cromitie had worked for Wal-Mart and Pepsi but adds, "that's what he said. He can lie." She also called him "the dumbest person in the world."²⁴ He lied or exaggerated frequently throughout the operation, sometimes in recorded conversations, about how dangerous he truly was. He would often brag about having "ashcan" bombed a Bronx police station, which he actually never did, or about how many guns he would steal from Wal-Mart, despite the fact that Wal-Mart did not sell guns at the time.²⁵ Cromitie was not known by his neighbors in Newburgh to be particularly political or opinionated. According to one of his neighbors in a *Times* article, "I would have never assumed he was a terrorist."²⁶

David Williams IV was born February 9, 1981 and raised in Brooklyn, NY. He embraced the Muslim religion out of respect for his father despite fact that his father had abandoned the family early²⁷ and despite the fact that his mother's family is Catholic.²⁸ He was arrested in 2003 for possession of cocaine and sentenced to up to three years in prison. After being paroled, he worked for a time as a cook at Boulder Creek Steakhouse in Brooklyn and studied computers at ASA Institute in Brooklyn.²⁹ According to his mother, Williams has a 7 year-old daughter and baby son who he was trying to reconnect with. He had recently moved from Brooklyn to Newburgh when the family found out his younger brother had cancer.³⁰ Williams referred to himself as Daoud when he spoke with his co-conspirators.³¹ Williams' girlfriend, Cassandra McKoy, claimed that he became much more devoted to Islam while in prison.³² According to his family, Williams never spoke of politics except that he had been excited to vote for Barack Obama.³³

Williams has been characterized as being many things by different people in his life. Co-workers from his job at the Steakhouse claim he was a "ladies' man" and would read books whenever time presented itself. One co-worker claims that Williams was "always reading an Arab book, the Koran, I think."³⁴ Williams' aunt commented "You know your family, and one of the things I always looked forward to was a hug from David because there was such realness,

²³ Chan and Schweber, "Updates."

²⁴ Chan and Schweber, "Updates."

²⁵ Kareem Fahim, "On Tapes, Terror Suspects Brags and Reveals His Hate," *New York Times*, August 30, 2010.

²⁶ Baker, "Suspects."

²⁷ Chan and Schweber, "Updates."

²⁸ Baker, "Suspects."

²⁹ Baker, "Suspects."

³⁰ Baker, "Suspects."

³¹ Baker, "Suspects."

³² Chan and Schweber, "Updates."

³³ Chan and Schweber, "Updates."

³⁴ Baker, "Suspects." It is unclear whether Williams attempted to read an Arabic or English version of the Koran.

such love.”³⁵ However, the U.S. attorneys prosecuting Williams profiled him very differently. When describing Williams, Eric Snyder, an assistant U.S. attorney, said Williams was “bragging, boasting, that he would shoot anyone who tried to stop him” and highlighted that Williams bought a pistol during the plot from a “supreme Blood gang leader” and told the informant that, had the informant not been at the sale, Williams would have killed the gun dealer and kept the \$700 he paid for the pistol.³⁶ His previous criminal record includes drug-related charges but does not appear to include violent acts.

Onta Williams, no relation to David, was born on June 29, 1976 in Newburgh, NY. His father, too, left his home when the boy was young. According to one of his lawyers, Onta Williams has been addicted to crack and cocaine since he was 15 or 16 years old. He spent time in prison beginning in the 1990’s on a drug charge. While in prison, according to his uncle Richard Williams, Onta converted to Islam. His mother died in 2007, prior to his release. Williams has been married, has a 14-year-old son and a 6-year-old daughter, and moved in with a new girlfriend in February 2009. He worked at a loading company and spent free time at a mosque or with friends where he went by the name Hamza. When his uncle questioned his nephew’s religious choice, Williams allegedly told his uncle that his Muslim friends were more his family than the uncle was.³⁷

Laguette Payen was born on September 24, 1981 in Haiti.³⁸ It is unclear whether Payen entered the country legally, but he has been fighting a deportation order that had no clear date for deportation after Payen served time in prison.³⁹ In 2002, Payen was arrested for shooting two teenagers with a BB gun that struck the targets in their head for which he served fifteen months in prison.⁴⁰ Payen converted to Islam while in prison and received counseling from an assistant imam at the Masjid al-Ikhlâs mosque who said that Payen’s understanding of Islam was “shallow and misguided.”⁴¹ According to the assistant imam, Hamin Rashada, Payen would visit a center in Newburgh for former inmates three times a week where Rashada also worked. According to Rashada, Payen had “some very serious psychological problems.”⁴² Rashada also describes Payen as “quiet and evasive, unemployed and poor, shifting between rooming houses and homelessness; but he was working to readjust to society.”⁴³ Payen was on medication for schizophrenia and was illiterate.⁴⁴ He was also trying to win custody over his three-year-old son.⁴⁵

³⁵ Baker, “Suspects.”

³⁶ Baker, “Suspects.”

³⁷ Baker, “Suspects.”

³⁸ Baker, “Suspects.”

³⁹ Chan and Schweber, “Updates.”

⁴⁰ Baker, “Suspects.”

⁴¹ Baker, “Suspects.”

⁴² Chan and Schweber, “Updates.”

⁴³ Baker, “Suspects.”

⁴⁴ Jim Fitzgerald and Michael Hill, “Bumbling Bomb Plotters ‘Intellectually Challenged,’” *Associated Press* and *NBC New York*, May 22, 2009.

⁴⁵ Chan and Schweber, “Updates.”

There are common traits among the Newburgh Four. Cromitie and David and Onta Williams are African-Americans while Laguerre Payen is a Black immigrant from Haiti.⁴⁶ None of them had a father when growing up and their upbringing was not particularly inspiring. By adulthood, they were all petty criminals and had served time in prison. With the exception of Payen's assault, the other three men did not have backgrounds of violent crimes. They all had been known to be drug users. Cromitie even admitted to have smoked marijuana the day the four men were arrested, but Cromitie argued he was clear-headed as he smokes it often.⁴⁷ Because of these similarities, it is not surprising that the four men found friendship with each other and had known each other before the informant ever met Cromitie.

Furthermore, they had all converted or reaffirmed their faith to Islam while in prison. Although it was initially believed they met in prison, according to the *New York Times*, they met after prison in Newburgh. David Williams and James Cromitie lived only houses away from each other, met around 2007, and became very friendly.⁴⁸ Prior to Cromitie's first meeting with the FBI informant, he, David Williams, Onta Williams, and Laguerre Payen often lunched together at Danny's Restaurant in Newburgh.⁴⁹ They all attended the Masjid al-Ikhlâs mosque though, according to the imam, Salahuddin Mustafa Muhammad, none of them were active members.⁵⁰

One might suspect that they were radicalized to the point of wanting to do a terrorist act in prison. According to a former inmate who served in prison with Cromitie, however, Cromitie "did not take part in the Muslim circle there" and did not regularly come to religious services. It is not believed that Cromitie experienced much in the way of radicalization while incarcerated: a spokesman for the FBI told the *New York Times* that "we see no evidence that inmates are being converted to Islam by extremists in federal prison." However, in response to this terrorist plot, someone from the Federal Bureau of Prisons said they were keeping a close eye on the possibility that prisoners are becoming radicalized.⁵¹

Cromitie first met the undercover informant in the parking lot of the mosque and, after several conversations over the span of months, Cromitie brought David Williams in on the plot in early April 2009 and later Laguerre Payen and Onta Williams.⁵² Because Cromitie was the original focus of investigation by the informant and because he was more than ten years older than the other men,⁵³ he has been painted as the ringleader of the Newburgh Four by

⁴⁶ Baker and Hernandez, "4 Accused."

⁴⁷ Baker, "Suspects."

⁴⁸ Chan and Schweber, "Updates."

⁴⁹ Michael Wilson, "In Bronx Bomb Case, Missteps Caught on Tape," *New York Times*, May 21, 2009. Wilson's story provides one of the best overviews of the plot of the articles referenced.

⁵⁰ Chan and Schweber, "Updates."

⁵¹ Daniel J. Wakin, "Imams Reject Talk That Islam Radicalizes Inmates," *New York Times*, May 23, 2009.

⁵² Fahim, "4 Convicted." The details in how each man joined the plot are unclear, but Payen and Onta Williams did not appear in the surveillance tapes until later in the plot.

⁵³ Baker, "Suspects." Cromitie was 44 when the plot began. David Williams and Laguerre Payen were 27, and Onta Williams was 32.

the federal prosecution team. In surveillance tapes the informant says that Cromitie is “running the show” to which, however, Cromitie responds, “Ain’t nobody running the show. Why do you keep saying that?”⁵⁴ It seems the group may have operated without much in the way of leadership except from the informant. The groups’ dynamic can be described as friendly and brotherly.

3. Motivation

Upon first meeting the informant, James Cromitie expressed a desire to “do jihad.”⁵⁵ In many conversations with the informant and amongst each other, the conspirators claimed dissatisfaction with American foreign policy in Iraq and Afghanistan for provoking them to violence.⁵⁶ In discussing their willingness to perform jihad in America, Onta Williams was recorded saying that the U.S. military is “killing Muslim brothers and sisters in Muslim countries, so if we kill them here with I.E.D.’s and Stingers, it is equal.”⁵⁷ In early meetings with the informant in June 2008, Cromitie allegedly expressed interest in becoming a “martyr” and said he want to “do something to America” for their actions in Muslim countries.⁵⁸ However, in later recorded conversations (taping began in October 2008), Cromitie and others also discussed not getting caught for their acts.⁵⁹ Although they make numerous comments about bringing harm to America, with the exception of Payen, the men were born and raised Americans and expressed their anger specifically towards the American government and its foreign policy, the military, and Jews rather than American society and culture at large.

The group was also recorded making numerous virulent anti-Semitic remarks. For example when the conspirators were observing the Riverdale Jewish Community Center, one of their targets, Cromitie remarked that if he had a gun he would shoot any of the people walking in the vicinity of the center.⁶⁰ In other taped conversations Cromitie complained about how Jewish people treated him and discussed “jumping up and killing one of them.”⁶¹ He also reacted harshly when the informant commented that President Obama’s advisors were Jewish and said “I think that evil is reaching too high at a point where you, me, all these brothers have to come up with a solution to take the evil down.”⁶² It is hardly surprising, then, that the group chose to target two synagogues.

During the trial, the defense team tried to argue entrapment on the basis that the men participated in the plot for financial gain offered by the informant. Although entrapment is certainly debatable in this case and will be discussed more fully later, the men were undeniably motivated in some part by their anti-

⁵⁴ Kareem Fahim, “In Bronx Bomb Plot, Tapes Shed Light on Informer,” *New York Times*, September 8, 2010.

⁵⁵ Chan, “4 Arrested.”

⁵⁶ Wilson, “Missteps Caught on Tape.”

⁵⁷ Wilson, “Missteps Caught on Tape.”

⁵⁸ Chan, “4 Arrested.”

⁵⁹ Fahim, “Informer says Defendant.”

⁶⁰ Chan, “4 Arrested.”

⁶¹ Fahim, “On Tapes.”

⁶² Fahim, “On Tapes.”

U.S. government and anti-Semitic beliefs. Cromitie was even recorded saying “It’s not about money. It’s about Jaish-e-Mohammed”—the Pakistan terror group the informant claimed he represented.⁶³ However, the group argued they needed money from the informant to support their families, evidenced when Onta Williams was recorded saying “I’m doing it for the sake of Allah. I mean the money helps, but I’m doing it for the sake of Allah.”⁶⁴

4. Goals

Fueled with hate for the American military and foreign policy and for Jews, the conspirators believed that they were enacting revenge on those who had already wronged fellow Muslims and they were willing to conduct a terrorist act similar to what they believed other Muslims conducted against the American military and against Jews abroad.⁶⁵

5. Plans for violence

After initial discussions between Cromitie and the informant in June and July, the two began to meet at a safe house provided by the informant in October 2008.⁶⁶ The FBI fitted it out with audio and video surveillance equipment to monitor the development, planning, and eventual execution of a terrorist plot.⁶⁷ Cromitie wanted to bomb synagogues and military aircraft at the Stewart Air National Guard base in Newburgh.⁶⁸ In November 2008, Cromitie and the informant traveled together to a convention of the Muslim Alliance of North America in Philadelphia, when Cromitie discussed that he believed the “the best target was hit already,” in reference to the World Trade Center. Cromitie again expressed interest in blowing up a synagogue on the trip to Philadelphia.⁶⁹ In December 2008, the group’s early conversations began to emerge into real plans for violence. On December 5, Cromitie asked the informant if he could acquire explosives and rockets for their plot and the informant responded that he could provide C-4 explosives and a surface-to-air (SAM) missile.⁷⁰ In the same conversation, Cromitie began discussing the need to conduct reconnaissance on their targets.

However, in early 2009, James Cromitie’s commitment to his terrorist plot began to waver. In a February 23, 2009 recorded conversation, the informant asked if Cromitie still wanted to go along with his plans and he responded that he would have to think about it.⁷¹ Cromitie also refused to attempt to recruit more

⁶³ Jaish-e-Mohammad is the terrorist organization which the conspirators believed the informant belonged to.

⁶⁴ Fahim, “In Bronx Bomb Plot.”

⁶⁵ Wilson, “Missteps Caught on Tape.”

⁶⁶ Wilson, “Missteps Caught on Tape.”

⁶⁷ Wilson, “Missteps Caught on Tape.”

⁶⁸ Wilson, “Missteps Caught on Tape.”

⁶⁹ *NY Daily News* Staff, “Inside the terror plot to bomb two Jewish temples in the Bronx and shoot down a military plan,” *New York Daily News*, May 21, 2009. Timeline of events in the Bronx Bomb Plot.

⁷⁰ Wilson, “Missteps Caught on Tape.”

⁷¹ Kareem Fahim, “Tapes in Bomb-Plot Trial Show Suspect Wavering as an Informer Prods Him to Act,” *New York Times*, August 31, 2010.

members for the plot.⁷² The informant's discussions with Cromitie became infrequent until April 2009 when the informant told Cromitie that his [the informant's] "life was on the line" in connection with his connections with the Jaish-e-Mohammad terrorist group, and implied that he was going to be held responsible for executing their plans.⁷³

Despite wavering on the plan, Cromitie and the newly recruited David Williams rededicated themselves to committing a jihadist act. In April 2009, Cromitie was recorded saying "I don't care if there's a whole synagogue of men, I can take them down," again showing his indifference in loss of life from his plot. On April 10, James Cromitie, the informant, and David Williams purchased a camera from a Wal-Mart in Newburgh and then drove to the Bronx and took pictures of synagogues to scout for possible targets.⁷⁴ As targets, the conspirators chose the Riverdale Jewish Center, with a modern Orthodox Jewish congregation, and the Riverdale Temple, with a Reform Jewish congregation.⁷⁵ They decided these synagogues, only six blocks away from each other,⁷⁶ would be easy to bomb by leaving remote-detonating bombs in parked cars.⁷⁷ They also searched around the Stewart Air National Guard base in the Newburgh area to look for potential spots from which to shoot the Stinger SAM.⁷⁸ Cromitie wanted to shoot a plane parked on the ground next to others to create a bigger explosion.⁷⁹

On April 23, the men discussed picking up C-4 explosives and a Stinger SAM from a connection that the informant provided in Connecticut and the need to buy cell phones to coordinate their attacks. On May 6, all four drove to pick up the weapons at the Stamford, Connecticut, warehouse wired with surveillance devices by the FBI and brought them back to a storage facility in Newburgh.⁸⁰ When they first received the weapons, the men played around with the Stinger missile and checked that the cell phone remote detonation worked, but they had no other experience, training, or preparation not only with these explosives, but with any kind of bomb or high-tech weapon.⁸¹ The FBI gave the conspirators three 37-pound C-4 plastic explosives, which were actually made of regular, non-explosive plastic,⁸² and a Stinger SAM which had been disabled and rendered useless by the FBI.⁸³ On April 28, David and Onta Williams and Cromitie sought a handgun for potential use during the attack. They eventually found a seller in Brooklyn, a man described by David Williams as a "supreme Bloods gang

⁷² Fahim, "Suspect Wavering."

⁷³ Fahim, "Suspect Wavering."

⁷⁴ Wilson, "Missteps Caught on Tape."

⁷⁵ Wilson, "Missteps Caught on Tape."

⁷⁶ Baker and Hernandez, "4 Accused."

⁷⁷ Wilson, "Missteps Caught on Tape."

⁷⁸ Wilson, "Missteps Caught on Tape."

⁷⁹ Bruce Golding, "Alleged Riverdale bomb plotter James Cromitie not willing to die for cause: recording," *New York Post*, August 21, 2010.

⁸⁰ Wilson, "Missteps Caught on Tape."

⁸¹ Michael Daly, "Terror suspect James Cromitie was armed with intent but not skills to pull off bombing of synagogues," *New York Daily News*, May 21, 2009.

⁸² Daly, "Terror suspect."

⁸³ Wilson, "Missteps Caught on Tape."

leader.” He purchased a 9 millimeter handgun for \$700, paid for by the informant.⁸⁴

The conspirators finalized their plans. They planned to remotely detonate the car bombs by cell phone at the synagogues while they simultaneously blew up a military aircraft at Stewart Air National Guard base. They hoped that with perfect execution they would be able to walk away from their plot unharmed.⁸⁵ On May 20, they drove with the informant in a black sport utility vehicle to Riverdale in the Bronx. They planted one of their fake remote-detonating bombs in the trunk of a car parked outside the Riverdale Temple and then two more in the backseat of a car parked outside the Riverdale Jewish Center.⁸⁶ After they planted the bombs, Cromitie asked one of the others if they had flipped the switch on the explosive to arm it. The co-conspirator replied he did not know he was supposed to turn a switch on.⁸⁷

The conspirators were about to return to Newburgh to launch the Stinger SAM at a military plane and, simultaneously, to detonate the car bombs. However, at approximately 9 pm, law enforcement officials’ who had been monitoring their every move, blocked the conspirators’ black Hummer SUV with an NYPD 18-wheeler and an armored vehicle.⁸⁸ The NYPD Emergency Service Unit officers then moved in on the conspirators’ SUV with automatic weapons and police dogs as they smashed the SUV’s windows and arrested the four conspirators.⁸⁹

Even apart from the sting issue, the four conspirators were doomed to failure from the onset. They had no experience with the weapons they were using, nor did they have training in executing a complex operation. Their plan likely only went as far as it did because the FBI facilitated it. For example, the Air Force was informed that Cromitie and friends might snoop around the Newburgh base and were told to ignore it.⁹⁰

Throughout they were utterly unaware of the FBI’s monitoring efforts, except in one instance. Cromitie accurately concluded that someone was tailing them when they drove to Stamford to pick up the weapons, and he prompted the group to stop their car several times during the trip. The informant eventually called his FBI handler when he was alone, instructing him to pull off the tail. The conspirators were reassured when the tail disappeared, and they proceeded to pick up the weapons. Onta Williams grew nervous and left the group, but rejoined them in Newburgh once they acquired the weapons.⁹¹

Although unable to cause any real harm to their targets, the Newburgh Four showed true and undeniable violent intent in their plot: they fully believed

⁸⁴ Chan and Schweber, “Updates.” Wilson, “Missteps Caught on Tape.”

⁸⁵ Baker and Hernandez, “4 Accused.”

⁸⁶ Baker and Hernandez, “4 Accused.”

⁸⁷ Alison Gendar, “Four men accused in Bronx synagogue bomb plot too dopey to turn on explosive device: lawyer,” *New York Daily News*, June 21, 2010.

⁸⁸ Baker and Hernandez, “4 Accused.”

⁸⁹ Daly, “Terror suspect.”

⁹⁰ Gendar, “Too dopey to turn on explosive device.”

⁹¹ Kareem Fahim, “Surveillance Team Spooked Bomb Plot Suspects, Informer Says,” *New York Times*, September 7, 2010.

they were about to blow up two synagogues and shoot down a military aircraft. Despite Cromitie's alleged early claims that he wanted to become a martyr, Cromitie and David Williams both were recorded in May 2009 about being concerned with their own safety and discussing how police might respond to their attacks. However, this did not inspire serious plans for what to do in the event the plan failed.⁹²

Since their plan entailed firing a missile at military aircraft, there would certainly be risk of the plot becoming a suicidal act, but Cromitie never seemed to grasp the possibility that the terrorist attack had a high risk of ending in his death. Their belief that they could walk away from the plot unharmed with only a pistol for protection further demonstrates the group's naivete.

6. Role of informants

The role of the FBI undercover informant, identified during the trial as Shahed Hussain, was paramount to the case of the Newburgh Four. As noted, Cromitie only became involved in a terrorist plot after meeting Hussain at the Masjid al-Ikhlâs mosque, and it was only when Hussain mentioned his fake connection with the Pakistani terrorist group, Jaish-e-Mohammad, that Cromitie began to speak of any plot.⁹³ Additionally, Hussain acted as a sort of organizer and facilitator to the plot, setting up the house where the plotters met and discussed their plans, organizing the acquisition of the supposed explosives and a rocket, and acting as a driver while the men planted the bombs outside of the Riverdale synagogues.⁹⁴ By announcing to the group that Cromitie was "running the show," Hussain seems to have been seeking to have Cromitie to take a more active role.⁹⁵ Furthermore, when it seemed Cromitie might abandon the plot in the winter of 2009, the informant re-focused Cromitie's attention and re-energized his commitment to the plot.⁹⁶ Had the FBI informant never met Cromitie, it is likely that the incompetent and often intoxicated or drugged ex-cons would never have executed a terrorist plot on their own. Hussain had to acquire the explosives, develop strategies, and advise the Newburgh Four on their plot. However, regardless of the informant, the Newburgh Four have been proven to be violent criminals who would have been active participants in any sufficiently exciting and enticing scheme presented by a more competent organizer.

Hussain's testimony formed a key part of the case, and his credibility was challenged during the trial. He entered the United States illegally in 1993-94 from Pakistan through Texas with a forged British passport. Allegedly escaping political persecution after being arrested and tortured in Pakistan, he was granted asylum by the United States,⁹⁷ and held a variety of jobs.⁹⁸ However in 2002, he

⁹² Fahim, "In Bronx Bomb Plot."

⁹³ Chan, "4 Arrested."

⁹⁴ Chan, "4 Arrested."

⁹⁵ Kareem Fahim, "In Bronx Bomb Plot, Tapes Shed Light on Informer," *New York Times*, September 8, 2010.

⁹⁶ Fahim, "Suspect Wavering."

⁹⁷ Fahim, "Informer."

⁹⁸ William K. Rashbaum and Kareem Fahim, "Informer's Role in Bombing Plot," *New York Times*, May 22, 2009.

became involved in a scheme in which Albany residents gave him money to illegally acquire driver's licenses.⁹⁹ To avoid deportation, Hussain agreed to inform on the driver's license scheme and eventually he worked on more than 20 cases with the FBI.¹⁰⁰

Hussain then posed as a wealthy radical Muslim to monitor two Albany residents, Yassin Aref and Mohammad Mosharref Hossain, who were thought to have terrorist ties (Case 10).¹⁰¹ His role as an informant was important in securing the conviction of those two men for providing money laundering and support for, ironically, the Jaish-e-Mohammad terrorist organization.¹⁰² In this case, many also felt that he led victims into looking enough like terrorists to secure a federal conviction. An Albany newspaper even likened Aref and Hossain's imprisonment to the internment of Japanese-Americans in World War II.¹⁰³ Aref's defense attorney, Terence Kindlon, described Hussain as an "unscrupulous liar who, in both cases [the Albany case and the synagogues case], preyed on the ignorance and lack of sophistication of his targets."¹⁰⁴

Hussain was called upon again by the FBI in 2008 to investigate the Masjid al-Ikhlal mosque under the assumed identity of a wealthy Pakistani import-export businessman.¹⁰⁵ He showed up a dozen times in an impressive black Mercedes or another luxury car, and sought to hear of any radical or suggestive comments that the FBI might want to investigate.¹⁰⁶ According to an assistant imam at Masjid al-Ikhlal, Hussain would try to take members, especially young, black members, of the mosque to lunch, offer them gifts such as phones and computers,¹⁰⁷ and ask about their views on Afghanistan and the Middle East.¹⁰⁸ However, older members of the mosque realized in time that he was a government informant and kept their distance from him,¹⁰⁹ and would warn whoever they saw him talking to and tell them to stay away from the strange man.¹¹⁰ The mosque's assistant imam, Hamim Rashada, said that, had he ever seen Laguerre Payen, whom he was counseling, with Hussain, he would have instructed Payen to "stay the hell away from him."¹¹¹ However, Cromitie

⁹⁹ Rashbaum and Fahim, "Informer's Role."

¹⁰⁰ Rashbaum and Fahim, "Informer's Role."

¹⁰¹ Rashbaum and Fahim, "Informer's Role."

¹⁰² Adam Liptak, "Spying Program May Be Tested by Terror Case," *New York Times*, August 26, 2007. It is unclear whether Hussain worked on any other terrorism cases in addition to the one in Albany.

¹⁰³ Fred LeBrun, "History will remember Albany terrorism sting as a witch hunt," *Albany Times Union*, January 12, 2007.

¹⁰⁴ Zachary Roth, "Defense Lawyer On Newburgh Informant: 'A Real Snake'," *Talkingpointsmemo.com*, May 25, 2009.

¹⁰⁵ Kareem Fahim, "Agent Tied to Informant Testifies in Bomb Plot Case," *New York Times*, August 25, 2010.

¹⁰⁶ Fahim, "Agent."

¹⁰⁷ Rashbaum and Fahim, "Informer's Role."

¹⁰⁸ Joe Kemp, Alison Gendar, and Rich Schapiro, "Informant who ensnared Bronx terror suspects avoided by nearly everyone else at Newburgh mosque," *New York Daily News*, May 23, 2009.

¹⁰⁹ Rashbaum and Fahim, "Informer's Role."

¹¹⁰ Kemp, Gendar, and Schapiro, "Informant."

¹¹¹ Alex Weisler, "Newburgh mosque leaders: We don't preach hate," *Jewish Telegraphic Agency*, May 25, 2009.

apparently was never told by any of the senior mosque members to avoid Hussain because Cromitie himself was only an occasional visitor to the mosque.

Shahed Hussain was compensated in his role as an FBI confidential informant. According to his FBI handler, Agent Robert Fuller, Hussain was paid “\$96,000 over three and a half years, including \$52,000 for his services.”¹¹² When he was further pressed by defense attorneys, Agent Fuller said that Hussain was paid around \$100 a day as an informant.¹¹³ Since he was paid for his services, Hussain could naturally have had an incentive to keep the plot going, especially when Cromitie’s commitment seemed to waver in winter 2009.

As soon as the Bronx synagogue bomb plot trial began, the defense prepared an argument of entrapment by the government. The defense’s main argument was that Hussain offered large sums of cash to the conspirators to motivate them into developing and going through with their plot.¹¹⁴ The defense particularly looked at the time when Hussain tried to refocus Cromitie to the plot in April 2009 after the two had not spoken in weeks because Cromitie was allegedly out of the state trying to make money. According to the conversation, Hussain then said “I can make \$250,000, but you don’t want it, brother. What can I tell you?”¹¹⁵ Furthermore, Hussain allegedly offered large amounts of money, up to \$25,000, for new recruits on the basis that they were motivated by principle. To this, Cromitie responded he could find recruits who would work for the money, but not for the cause.¹¹⁶ The FBI actually only authorized Hussain to offer up to \$5,000 to involved conspirators, a sum they would be given after the plot had been carried out.¹¹⁷ The defense also argued that the informant provided maps and purchased the only lethal weapon, a 9mm handgun, the group had in their possession, and also suggested to Cromitie that he take his family to Puerto Rico after the attack, offering help to open a barbershop.¹¹⁸ When Hussain made comments on money, he would add that it was not an offer but a discussion of terrorist organizations as when he said “This is not our money. This is jihad money.”¹¹⁹

However, despite vague, indirect offers of large amounts of money, the conspirators acted as if they were willing to commit a violent terrorist act and even said that their cause was more important than money. In one conversation, Cromitie said “it’s not about money. It’s about Jaish-e-Mohammad,” while later adding that they needed some money to support their families.¹²⁰ Additionally, David Williams was recorded saying “This is not anything to do with money. This

¹¹² Fahim, “Agent.”

¹¹³ Fahim, “Agent.”

¹¹⁴ A.G. Sulzberger, “Defense Cites Entrapment in Terror Case,” *New York Times*, March 17, 2010.

¹¹⁵ Sulzberger, “Defense.”

¹¹⁶ Sulzberger, “Defense.”

¹¹⁷ Fahim, “Agent.”

¹¹⁸ Associated Press, “Judge Refuses to Dismiss Bronx Synagogue Bomb-Plot Case,” *New York Times*, May 19, 2010. Fahim, “Suspect Wavering.”

¹¹⁹ Fahim, “Suspect Wavering.”

¹²⁰ Kareem Fahim, “In Bronx Bomb Plot, Tapes Shed Light on Informer,” *New York Times*, September 8, 2010.

has everything to do with Allah.”¹²¹ As they were uneducated and often unemployed, Hussain gave out small financial gifts with the FBI’s knowledge and approval but not enough for the judge to dismiss the case. In her denial of the defense motion for dismissal on basis of entrapment, Judge Colleen McMahon wrote “In case after case, governmental activity that facilitated the commission of a crime has been held not sufficiently outrageous to warrant dismissal of an indictment” and later added that the U.S. government “does not exactly deny devising and financing the details of the plot.”¹²²

Karen J. Greenberg, executive director of the Center on Law and Security at the New York University School of Law, followed the Cromitie trial closely, and concluded “If this wasn’t an entrapment case, then we’re not going to see an entrapment case in a terrorism trial. We really need to think about ideology as part of entrapment. In this case, they took people who might or might not commit hate crimes, and led them along the path to jihad.”¹²³ Greenberg notes that entrapment is based on the notion that, if the “informant introduced the ideology...Predisposition [destroys] the entrapment defense. Was his dislike of Jews a predisposition to terrorism? Did the government take a hate crime and bring it along the road to terrorism?”¹²⁴

Greenberg’s discussion of the ideological component of entrapment provides an interesting perspective on the Cromitie case. From the early conversations between Cromitie and Hussain, Cromitie seemed eager to become involved in jihadist-like activities.¹²⁵ Though the defense lawyers argued the informant steered conversations on religious justification for violence in different conversations throughout the plot, the conspirators all expressed eagerness to be involved with the terrorist group he claimed to represent and they remained committed to the plot enough to actually go through with it.¹²⁶ In the end, the jury decided that the conspirators were self-motivated enough to convict them for their actions.¹²⁷

In a 2011 article in *The Village Voice*, the convicted David Williams told the reporter that he went along with Shahed Hussain’s plan not to commit terrorism, but in an attempt to swindle him out of hundreds of thousands of dollars.¹²⁸ The article coincided with an attempt by the group to obtain a new trial.

7. Connections

The only connections that the plotters had to any terrorist group were invented by the FBI informant. The conspirators were led to believe that he was a member a terrorist organization in Pakistan. And they believed that they were able

¹²¹ Fahim, “Suspect Wavering.”

¹²² Associated Press, “Judge.”

¹²³ Fahim, “4 Convicted.”

¹²⁴ Stewart Ain, “Implications of Riverdale Case Unclear,” *The Jewish Week*, October 12, 2010.

¹²⁵ Fahim, “Informer says Defendant.” These conversations were unrecorded and based solely on Hussain’s testimony.

¹²⁶ Fahim, “4 Convicted.”

¹²⁷ Fahim, “4 Convicted.”

¹²⁸ Graham Rayman, “Were the Newburgh 4 Really Out to Blow Up Synagogues? A Defendant Finally Speaks Out,” *Village Voice*, March 2, 2011.

to acquire C-4 explosives and a Stinger SAM through his connections with that organization.

When he first met Hussain in June 2008, Cromitie lied about his own family history to bolster his jihadist profile, telling him his father was from Afghanistan and that he wished to fight there and die a martyr.¹²⁹ However, these connections to Afghanistan were pure bravado as Cromitie was born in Brooklyn and his father left the family when Cromitie was very young.¹³⁰

8. Relation to the Muslim community

The Muslim community was only indirectly involved in the 2009 Bronx synagogue bomb plots. Only days after the conspirator's arrests, officials at Masjid al-Ikhlās, the mosque that Cromitie met the informant at, insisted that none of the arrested men were active mosque members.¹³¹ Hamim Rashada, an assistant imam at the mosque, said that "he [Cromitie] would come and then he would disappear like a phantom" in reference to Cromitie's occasional attendance at the mosque. Imam Salahuddin Mustafa of the mosque explained how Hussain was able to ensnare members of his community: "I saw Cromitie only a few times in the mosque. If they had come to pray regularly, they would have known we were suspicious of 'Maksud' and they would have distanced themselves from him. They would have continued to this day to wander around the streets and get high together."¹³²

Additionally Rashada, the assistant imam, was counseling Laguerre Payen, who had been diagnosed a paranoid schizophrenic and was illiterate, while Payen was living in a home for ex-convicts in Newburgh.¹³³ Rashada said that he sought to correct Payen's twisted view of Islam with accurate peaceful, loving teachings of the Koran.¹³⁴ Although wary of the informant, Rashada was never aware that Payen and his fellow co-conspirators were associating with the informant or he would have warned them against him.¹³⁵

The only additional connection to the Muslim community was the trip Cromitie and Hussain took in November 2008 to Philadelphia to attend a conference of the Muslim Alliance of North America (MANA).¹³⁶ According to MANA, the conference was an annual meeting of workshops and talks that focused on the theme of "Forging an American Muslim Agenda."¹³⁷ No evidence surfaced that showed this conference affected Cromitie's opinions or ideology,

¹²⁹ Fahim, "Informer says Defendant."

¹³⁰ Baker, "Suspects."

¹³¹ Chan and Schweber, "Updates."

¹³² Amira Hess, "Did FBI informant actually inspire Bronx synagogue plot?" *Haaretz*, June 15, 2009.

¹³³ Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

¹³⁴ Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

¹³⁵ Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

¹³⁶ According to the Jewish Anti-Defamation League, the MANA is a mostly African-American organization that "seeks to strengthen Muslim communities through empowering mosques": *Jewish Anti-Defamation League*, "Four Convicted in New York for Terrorist Plot Against Synagogues." *NY Daily News* Staff, "Inside the terror plot to bomb two Jewish temples."

¹³⁷ <http://www.mana-net.org/conference.php>

although he was recorded having early discussions of targets for attack while in Philadelphia with Hussain.¹³⁸

There is concern in light of this case that FBI informants are harming relations between the U.S. government and Muslim communities. Masjid al-Ikhlās is described as a moderate mosque and is involved in many interfaith activities.¹³⁹ The mosque's imam believes that the FBI entrapped the Newburgh Four by looking for down-on-their-luck young, black men and leading them into terrorism with offers of financial security.¹⁴⁰ Larry Freedman, a rabbi of a Newburgh synagogue near the mosque that engages in many interfaith initiatives with the mosque, has said that there is no hate taught there or by its imam.¹⁴¹ However, because of this case, the imam was frustrated that an informant was around stirring up discussions about jihad.¹⁴² He believes the mosque's biggest mistake was not reporting the suspicious informant to proper authorities. But, as evidence of his qualms with the FBI's tactics, he says "how are we going to report the government agent to the government?"¹⁴³

9. Depiction by the authorities

Immediately after the arrest of the Newburgh Four, government leaders and authorities hailed the investigation and the foiling the Bronx synagogue plot. On May 20, 2009, New York City Mayor Michael Bloomberg released a statement that echoed these ideas when he wrote "while the bombs these terrorists attempted to plant tonight were—unbeknownst to them—fake, this latest attempt to attack our freedoms shows that the homeland security threats against New York City are sadly all too real and underscores why we must remain vigilant in our efforts to prevent terrorism." National politicians also echoed these sentiments as when Representative Peter King, a Republican from Long Island, made strong statements against the Newburgh Four and the threat they represent: "This was a very serious threat that could have cost many, many lives if it had gone through. It would have been a horrible, damaging tragedy. There's a real threat from homegrown terrorists and also from jailhouse converts." Other politicians released less dramatic, more responsible statements. Senator Charles Schumer, a Democrat of New York, said "If there can be any good news from this terror scare it's that this group was relatively unsophisticated, infiltrated early, and not connected to

¹³⁸ *NY Daily News* Staff, "Inside the terror plot to bomb two Jewish temples."

¹³⁹ Chan and Schweber, "Updates."

¹⁴⁰ Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

¹⁴¹ Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

¹⁴² Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

¹⁴³ Alex Weisler, "Newburgh mosque leaders: We don't preach hate." A 2010 arrest of a 19-year-old Oregon Somali man has also led many in the Muslim community to question the FBI's use of informants as a fight against homegrown terrorism (Case 38). The Council on American-Islamic Relations (CAIR) condemned this use: "When the FBI engages in tactics that involve fabricating fake terrorist attacks, it undermines that faith in the community. We have a fake, FBI-manufactured terrorist incident resulting in a real terrorist attack on the Portland mosque" ("Trial By Entrapment," CAIR.com, December 3, 2010). Despite concerns of some prominent people in CAIR about the use of informants, however, the organization condemned the plots and applauded the FBI for their diligence in preventing attacks on Jewish institutions and the military ("CAIR Applauds FBI for Preventing Attacks on NY Jewish Sites," CAIR.com, May 21, 2009).

another terrorist group. This incident shows that we must always be vigilant against terrorism whether foreign or domestic.”¹⁴⁴

Law enforcement authorities released similar statements in the wake of the arrest of the Newburgh Four. On the day after the arrests, Raymond Kelly, New York Police Department Commissioner, said they “stated that they wanted to commit jihad. They were disturbed about what was happening in Afghanistan and Pakistan, that Muslims were being killed. They were making statements that Jews were killed in this attack and that would be all right--that sort of thing. It speaks to our concern about homegrown terrorism.”¹⁴⁵ At the arraignment for the conspirators on May 21, 2009, Eric Snyder, an assistant United States attorney, said “It’s hard to envision a more chilling plot. These are extremely violent men. These are men who eagerly embraced an opportunity to ‘bring deaths to Jews.’”¹⁴⁶

These statements demonstrate that immediately after the arrests of the men, local politicians and law enforcement authorities viewed the plot as a violent threat and an indication of a bigger threat of homegrown terrorism. King even went as far as connecting Islamic prison converts to a greater terrorism problem, despite the fact that, as noted earlier, this is likely overblown or nonexistent. These comments, especially King’s, were misguided and portrayed a more violent and devious scheme than was the case. Of the four statements, only Mayor Bloomberg specifically mentioned that the plot was built up with the help of an FBI informant and that the men were using fake explosives.

Throughout the trial, the prosecution team depicted James Cromitie and his associates as hateful, violent terrorists, delivering evidence in the form of the informant’s testimony of Cromitie’s racist rants and jihadist plans, recorded audio and video surveillance of the bomb plot, and even the fake bombs¹⁴⁷ the conspirators planted in cars outside of the synagogue. However, possibly in light of the defense’s continual entrapment arguments, the prosecution began to soften their depiction of the conspirators “chilling plot.” In the prosecution’s closing argument, prosecutor David Rashkin argued that the Newburgh Four jumped on the informant’s opportunities to cause terror and violence and knowingly committed actions they believed would result in mass destruction.¹⁴⁸ During the Newburgh Four trial, the authorities tried to demonstrate the defendants’ hatred of Jews and the U.S. military and to discount entrapment by arguing that, despite vague offers of money, the men all knowingly tried to commit a violent act of terrorism.

The stance on homegrown terrorism did not soften after the trial. After the convictions, Preet Bharara, the United States attorney in Manhattan, said “Homegrown terrorism is a serious threat, and today’s convictions affirm our

¹⁴⁴ Baker and Hernandez, “4 Accused.”

¹⁴⁵ Javier C. Hernandez and Sewell Chan, “N.Y. Bomb Plot Suspects Acted Alone, Police Say,” *New York Times*, May 21, 2009.

¹⁴⁶ Hernandez and Chan, “Suspects Acted Alone.”

¹⁴⁷ The FBI rigged the bomb with 500 ball-bearings which, though the bombs were fake, would increase lethality greatly. Fahim, “Agent.”

¹⁴⁸ Kareem Fahim, “Focus as Bomb-Plot Trial Nears End: Were 4 Men Predisposed to Commit a Crime?” *New York Times*, October 4, 2010.

commitment to do everything we can to protect against it. The defendants in this case agreed to plant bombs and use missiles they thought were very real weapons of terrorism. We are safer today as a result of these convictions.”¹⁴⁹ Despite a long trial in which the Newburgh Four came to be seen more as moronic and gullible conspirators in a plot that was enabled by the FBI than as real Islamic terrorists, the US attorney saw convictions of the Newburgh Four as a victory for the U.S. Justice Department in their fight against homegrown terrorism.

10. Coverage by the media

The initial articles by the *New York Times* after the arrests were balanced and presented the details that were available, reporting the alarmist response of community leaders in Riverdale and the equally alarming initial statements over the severity of the plot by politicians.¹⁵⁰ However, as details on the conspirators and their plot began to emerge, the media altered its stance on the Newburgh Four and began to portray the men as poor, idiotic petty criminals that got involved in something over their head. For example, an early NBC New York article featured the headline, “FBI, NYPD Arrest 4 in Alleged Plot to Bomb NY Synagogues.” But just two days later as more details emerged, the headlines were “Bumbling Bomb Plotters ‘Intellectually Challenged’” and “Accused Terror Ringleader: I’m a Pothead.”¹⁵¹ During the trial, the media also made frequent mentions of the incompetence of the group as suggested in the *New York Daily News* headline, “Four men accused in Bronx synagogue plot too dopey to turn on explosive device.”¹⁵²

Throughout the trial, the media presented balanced coverage on the case. Possibly because the targets were in the Bronx, New York City newspapers such as *New York Times*, *New York Daily News*, and the *New York Post* had thorough coverage, including articles arguing for and the against the possibility of radicalization of Muslim prison converts, discussions over entrapment, as well as a more thorough look at the backgrounds of the suspects.

11. Policing costs

The costs of the sting operation would have been high. From June 2008 until May 20, 2009, the FBI employed Shahed Hussain as an undercover informant who was responsible for the eventual arrest of the Newburgh Four. According to his FBI handler, Agent Robert Fuller, Hussain was paid “\$96,000 over three and a half years, including \$52,000 for his services.”¹⁵³ When Fuller was further pressed by defense attorneys, Agent Fuller said that Hussain was paid around \$100 a day as an informant.¹⁵⁴ Hussain also provided the plotters with some money, gifts, and expenses to enable their participation in the plot as all of

¹⁴⁹ Fahim, “4 Convicted.”

¹⁵⁰ Baker and Hernandez, “4 Accused.”

¹⁵¹ Fitzgerald and Hill, “Bumbling Bomb Plotters.”

¹⁵² Gendar, “Too dopey to turn on explosive device.”

¹⁵³ Fahim, “Agent.”

¹⁵⁴ Fahim, “Agent.”

the men were unemployed before their arrests. Hussain additionally purchased a \$700 9mm handgun from an illegal dealer in Brooklyn.¹⁵⁵

Furthermore, the FBI wired a Newburgh house audio and video surveillance for the plotters to use from October 2008 until their arrest the following May, and manned the cameras and microphones. The FBI also set up a warehouse in Stamford, Connecticut, in conjunction with the Stamford police, where the conspirators picked up their fake explosives and inoperable Stinger missile, all of which were provided by the FBI.¹⁵⁶ The FBI also tailed the men when they drove to Connecticut.¹⁵⁷ Additionally, the Air Force Special Office of Investigations was notified and became involved to prevent interference when Cromitie did reconnaissance over the Stewart Air National Guard base.¹⁵⁸

To end their 18-month investigation, the police spared no expense and ensured no escape in the grandiose manner in which they arrested Cromitie and his co-plotters. The dramatic measures are perhaps explained by the fact that the police would have been aware that the men would be armed with a handgun. The trial was lengthy: beginning with preliminary hearings on June 5, 2010 and ending with the conviction on October 18.

Although information does not exist on specific hours and people involved in the investigation and the trial, the Newburgh Four case was doubtless quite expensive.¹⁵⁹

12. Relevance of the internet

The internet did not have particular relevance to the 2009 Bronx synagogue bomb plots. None of the men ever discussed topics on the internet in recorded conversations that were heard during the trial. Furthermore, the men were characterized as unintelligent and Laguerre Payen is even supposed to be illiterate.¹⁶⁰ The informant provided the Newburgh Four conspirators with maps, and further surveillance was done in person.

13. Are we safer?

After the Newburgh Four were convicted, U.S. attorney Preet Bharara released a statement that read: “Homegrown terrorism is a serious threat, and today’s convictions affirm our commitment to do everything we can to protect against it. The defendants in this case agreed to plant bombs and use missiles they thought were very real weapons of terrorism. We are safer today as a result of these convictions.” Although the U.S. Justice department is quick to announce that we are safer with the Newburgh Four imprisoned, one must question whether their imprisonment makes much of a stride in America’s fight against homegrown terrorism. After details of the case became clear, the Newburgh Four were shown to be four petty criminals, all with a history of arrest and drug use, becoming

¹⁵⁵ Baker, “Suspects.”

¹⁵⁶ Wilson, “Missteps Caught on Tape.”

¹⁵⁷ Fahim, “Surveillance.”

¹⁵⁸ Chan, “4 Arrested.”

¹⁵⁹ Chan, “4 Arrested.”

¹⁶⁰ Alex Weisler, “Newburgh mosque leaders: We don’t preach hate.”

involved in a plot that was not only over their heads, but would have never occurred without the assistance of an undercover FBI informant.

The Newburgh Four were quite possibly violent men full of hatred towards the U.S. military and Jews, but none of them represents a serious terrorist threat to America. Because they proved they were willing to go through with a highly destructive, deadly terrorist act, whether financial incentive was offered or not, it is probably better for public safety that they are imprisoned for the rest of their lives. Had they not been connected to a terrorist plot, they likely could have ended back in prison for any number of criminal offenses. As Cromitie himself was recorded saying “Don’t be surprised if one day you might see me in handcuffs again. I have zero tolerance for people who disrespect Muslims.”¹⁶¹

14. Conclusions

According to the Terrorist Trial Report Card prepared by Karen Greenberg’s Center on Law and Security at NYU School of Law, “93% of federal terrorism prosecutions between 2001 and 2009 brought about at least in part by an informant resulted in conviction.”¹⁶² The FBI’s continual use of undercover informants, however, has begun coming under fire by Muslim communities. As discussed earlier, the people at the Masjid al-Ikhlās mosque were skeptical of Hussain when he appeared in 2008. The mosque’s imam says he wishes he had contacted authorities about the informant who was quietly stirring conversations of radical Islam and hate, but felt that it would be useless to report a government agent to the government. A recent California terrorism investigation unraveled when the local Muslim community grew sick of an informant bringing up discussions of jihad and violence and placed a restraining order on the informant.¹⁶³

Terrorism scholar Risa Brooks suggests that the use of these informants is contributing to the belief by Muslim communities that law enforcement views them as “objects of suspicion.” Furthermore, informants are harming Muslim communities’ ability to self-police radicalism and possible terrorist aspirations by “generating suspicion and eroding norms of communal openness, thereby making it harder for members to detect militants in their midst.”¹⁶⁴ She also argues that as of now homegrown terrorism is not a serious threat and systematically refutes claims supporting a growing surge of homegrown terrorism in America.

The Bronx synagogues case aligns with many of her key arguments against homegrown terrorism. For example, the homegrown terrorist cases that are being prosecuted in the United States are rarely serious threats of violence and overwhelmingly end in failure on the terrorist’s part. The case also supports her theory that Muslim communities are hostile to Islamic radicalism, as evidenced by

¹⁶¹ Fahim, “On Tapes.”

¹⁶² Ain, “Implications.”

¹⁶³ Jerry Markon, “Tension grows between Calif. Muslims, FBI after informant infiltrates mosque,” *Washington Post*, December 5, 2010.

¹⁶⁴ Risa Brooks, “Muslim ‘Homegrown Terrorism’ in the United States: How Serious is the Threat?” *International Security*, Fall 2011.

the mosque's lack of any involvement with the conspiracy and its condemnation of the men.

This case, then, does not support the notion, often voiced by politicians, that there is a dangerous and growing domestic terrorism threat out there. The plotters were extremely incompetent and would have been unable to accomplish much of an act of terrorism without a large amount of organizational, strategic, and financial aid. However, Cromitie and his associates were undeniably criminally-minded, potentially violent men who showed no regard for human life as they willingly participated in an elaborate and deadly bomb plot against Jews and were hoping to destroy military aircraft and possibly kill military personnel.

The case also brings up questions about the FBI's terrorist infiltration tactics with informants. However, the conviction of the four men will likely hamper the application of the entrapment argument for the defense in future terrorism cases. As more cases are beginning to resemble the Newburgh Four case in the use of undercover informants, it should be discussed whether this is truly the best way for the FBI and other law enforcement agencies to use their limited resources to protect the United States. Although the U.S. Justice Department views the Cromitie trial as a victory against terrorism, the government should consider whether all the time and money that went into the investigation of the Newburgh Four's plot was worth putting forth to send four poor, incompetent, and unintelligent ex-convicts back into prison for the rest of their lives.