

Case 48: Pimentel's Pipe Bomb

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On November 19, 2011, Jose Pimentel, 27, a naturalized American citizen who had been born in the Dominican Republic and who had converted to Islam, was arrested by the New York Police Department in the Manhattan apartment of a police informant where the suspect was videotaped as he was trying to create pipe bombs. He was planning to test three bombs in mailboxes and then use them, in particular, on American military personnel returning from Afghanistan and Iraq. Other potential targets were police patrol cars, postal facilities, and a police station in—for reasons undisclosed—Bayonne, New Jersey. He was motivated by resentment at American military efforts in the Middle East, a resentment sent into high relief for him by the controversial murder-by-drone of a radical Muslim cleric and American citizen, Anwar al-Awlaki, in Yemen some two months earlier.¹

On the evening of the following day, a Sunday, city officials, including Police Commissioner Raymond Kelly, Mayor Michael Bloomberg, and District Attorney Cyrus Vance, Jr., held a press conference on the arrest. At the opening, Bloomberg characterized Pimentel as an “al-Qaeda sympathizer,” and played a video showing the explosion of a “duplicate of the explosive device that the suspect built” in which a parked car was rocked and set afire by an explosion that also blew off two of its four doors. Kelly said Pimentel had been under surveillance for more than two years and at the time of arrest was close to completing at least three pipe bombs.²

No one at the press conference mentioned that Pimentel had been working closely with a police informant for months or that he was making his bomb in the informant's apartment when arrested. Instead he was described by Bloomberg as “a total lone wolf.”³ Although the mayor said Pimentel was motivated by hostility to American military ventures in the Middle East and from al-Qaeda propaganda, he still put the suspect in the category of people who “want to take away our freedoms.”⁴

Pimentel grew up mostly in New York City. He began reading the Koran in 2001 and converted to Islam in 2004. Around 2005, he moved upstate to Schenectady where he married and had a son. For a while he worked in a store—the only job he ever held it seems. He was arrested when he used credit card information from a customer to try to buy a computer, and he received a sentence of five years' probation. The police were called to his house twice in 2008 following reports of domestic violence, and Pimentel and his wife divorced the next year. When he failed to pay upwards of \$9000 in alimony, three warrants were issued for his arrest. Worried, his mother says, about his increasing

¹ www.nyc.gov/html/om/html/2011b/media/pc112011_terrorism_512k.aspx

² www.nyc.gov/html/om/html/2011b/media/pc112011_terrorism_512k.aspx

³ Joseph Goldstein and William K. Rashbaum, “City Bomb Plot Suspect Is Called Fan of Qaeda Cleric,” *New York Times*, November 20, 2011.

⁴ Tom McElroy, “‘Al-Qaida sympathizer’ accused of NYC bomb plots,” AP, November 20, 2011.

fascination with Islam, she brought him back to New York early in 2010. He lived with her and reportedly spent his days praying, reading, and sleeping.⁵

He was open about his radical views and, according to Kelly, he wanted to change his name to Osama Hussein “to celebrate his heroes.”⁶ Pimentel also created a website—www.trueislam1.com—and he was equally candid about his beliefs on this and on a blog. In a March 2011 posting, for example, he praised Osama bin Laden and the attacks of September 11, 2001, and said, “America and its allies are all legitimate targets in warfare. This includes facilities such as army bases, police stations, political facilities, embassies, CIA and FBI buildings, private and public airports, and all kinds of buildings where money is being made to help fund the war.”⁷ He also recorded his indebtedness to “Jihad Princess,” the internet handle for a shrouded woman who has been pulled from YouTube for videos posted there that are described as being “incendiary.”⁸

Eventually, his mother threw him out of her apartment, and he went to live with an uncle in the Hamilton Heights neighborhood of Manhattan.⁹

Even before Pimentel's return to New York, the police in the Schenectady area tipped off the NYPD about him, noting in the process that he had an apparent desire to go to Yemen for terrorism training. When he did return to the city, the NYPD put him under surveillance and had an informant, or several, befriend him. Over several months, they secretly recorded over 400 hours of conversation.¹⁰ The police were also presumably aware of Pimentel's unabashedly incendiary and self-revelatory website.

When Pimentel's efforts to produce a pipe bomb were set into serious action after the long-distance murder of al-Awlaki on September 30, 2011, the informant accompanied him as he purchased material for his bomb at such places as a Home Depot store in the Bronx and a 99-cent store in Manhattan.¹¹ The informant's apartment was bugged by the police, and Pimentel was often recorded and videotaped there. The apartment also affording him the apparent security and leisure to work on his improvised bomb. The two apparently often smoked marijuana, and it is likely that Pimentel was high on the substance when making

⁵ Hendrick Karoliszyn, Glenn Blain, and Tracy Connor, “Terror suspect Jose Pimentel's mom says sorry to city: I feel very bad...I thank the police,” *New York Daily News*, November 21, 2011.

⁶ Goldstein and Rashbaum, “City Bomb Plot Suspect Is Called Fan of Qaeda Cleric.”

⁷ Criminal Complaint: The People of the State of New York against Jose Pimentel aka Muhammad Yusef (M27), Defendant, November 20, 2011. Anthony M. Destefano, Nicholas Spangler, Ted Phillips, Kery Murakami, John Riley, and Igor Kossove, “Family, officials discuss terror suspect,” *Newsday*, November 21, 2011, gives the same quote, but distortingly leaves off the last five words.

⁸ Alison Gendar, Melissam Grace, and Tracy Connor, “Jose Pimentel blogged about his debt to ‘Jihad Princess’,” *New York Daily News*, November 22, 2011.

⁹ William K. Rashbaum and Joseph Goldstein, “Informer's Role in Terror Case Is Said to Have Deterred F.B.I.,” *New York Times*, November 21, 2011.

¹⁰ Rashbaum and Goldstein, “Informer's Role in Terror Case Is Said to Have Deterred F.B.I.”

¹¹ Basil Katz and Joseph Ax, “U.S. kept distance from NY plotter probe: source,” Reuters, November 21, 2011. Jerry Markon, “Post-9/11 security focus has created sometimes tense rivalry between FBI, NYPD,” *washingtonpost.com*, November 25, 2011. Criminal Complaint.

some of the incriminating statements that the police dutifully recorded.¹² Perhaps the informant was too.

The officials holding the initial press conference on the case did not find it necessary to discuss Pimentel's character, but reporters quickly fanned out across the city to fill that gap. The next day, for example, the *New York Times* published an article noting that the suspect "appears to be unstable," that he "tried to circumcise himself," and that he "had little money to speak of, was unable to pay his cell phone bill and scrounged for money to buy his drill bits" that were required to make his bombs. People who knew him said "He's like a zombie, he's in limbo all the time," and he was known to sit on a bench at a local barber shop for hours without talking.¹³ When not at the barber shop, according to the *Los Angeles Times*, he would hang out on the stoop of an apartment building, leading a former schoolmate to assume "he was either homeless or a drug dealer."¹⁴

Shortly after he was arrested, Pimentel told a detective in the Intelligence Division of the NYPD, according to the Criminal Complaint, that he had "all of the necessary components to build a bomb and was about an hour away from completing it."¹⁵ This is the view of the NYPD as well, and its officials have repeatedly stressed the urgency of the situation. At the press conference, Kelly insisted, "We had to act quickly yesterday because he was in fact putting this bomb together. He was drilling the holes and it would have been not appropriate for us to let him walk out the door with that bomb."¹⁶ An assistant district attorney, elevating the bomb-making accomplishment from the singular of Pimentel and Kelly to the plural, told reporters that Pimentel "was approximately one hour from completing those explosive devices."¹⁷ Reportedly, Kelly has also specifically said Pimentel was only an hour away from completing his task.¹⁸

A degree of urgency in this situation was justified. Even if Pimentel never succeeded in creating a bomb, he has working with a quantity of explosive, or at any rate flammable, material, and the possibility that something might be set off accidentally was certainly worth worrying about—though the primary life at risk was surely Pimentel's own. At the press conference Kelly noted that they had emergency services officers at the ready to reduce the likelihood of such a possibility.¹⁹

¹² "Jose Pimentel Smoked Marijuana With NYPD Informant, Tried to Circumcise Himself," Huffington Post, November 22, 2011. Markon, "Post-9/11 security focus has created sometimes tense rivalry between FBI, NYPD."

¹³ Rashbaum and Goldstein, "Informer's Role in Terror Case Is Said to Have Deterred F.B.I."

¹⁴ Geraldine Baum and Tina Susman, "New York bomb plot suspect didn't seem radical to neighbors: Some thought Jose Pimentel, accused of plotting to attack police and American troops, was just a layabout," *Los Angeles Times*, November 21, 2011.

¹⁵ Criminal Complaint: The People of the State of New York against Jose Pimentel aka Muhammad Yusef (M27), Defendant, November 20, 2011.

¹⁶ http://www.nyc.gov/html/om/html/2011b/media/pc112011_terrorism_512k.aspx at 16:19.

¹⁷ McElroy, "'Al-Qaida sympathizer' accused of NYC bomb plot." Rashbaum and Goldstein, "Informer's Role in Terror Case Is Said to Have Deterred F.B.I."

¹⁸ Destefano et al., "Family, officials discuss terror suspect." Dina Temple-Raston, "NYPD, FBI Squabble Could Benefit Pimentel's Defense," NPR, November 25, 2011.

¹⁹ http://www.nyc.gov/html/om/html/2011b/media/pc112011_terrorism_512k.aspx at 7:30.

The notion that Pimentel was anywhere near creating a successful bomb, however, is highly questionable—as is taking seriously his statement that he would have completed an effective bomb, or bombs, in another hour of effort.

As political scientist Louis Klarevas has noted, “sophisticated explosives are nearly impossible to manufacture in the United States as the necessary precursor chemicals are not available to the general public.” Would-be bombers incapable of getting around these restrictions need, then, to pursue simpler explosives like pipe bombs, which are, continues Klarevas, “least likely to inflict mass casualties.”²⁰

Pimentel had no experience with explosives it appears, and he was working with an article published in the Summer 2010 issue of *Inspire*, an English-language online “periodical magazine” issued by the al-Qaeda organization in Yemen. The article, which Pimentel had linked on his website,²¹ was written by someone calling himself “The AQ Chef.” It is entitled “Make a bomb in the kitchen of your Mom.” The clumsy title is rendered in white lettering on a dark grey background in the magazine, but the words “bomb” and “Mom” are in light blue presumably in an effort to highlight the author’s cleverness at rhyme to his less perceptive, or more humorless, readers.²²

The popular notion that the internet can be effective in providing operational information seems to be severely flawed. In one study, for example, Michael Kenney notes that it is filled with misinformation and error and that it is no substitute for direct, on-the-ground training and experience.²³ That observation would certainly apply to the Pimentel case.

In the *Inspire* article, AQ Chef instructs the would-be bomber to paste nails to the outside of a pipe elbow-joint, fill it with a mixture of crushed match heads and sugar, and then detonate it through a drilled hole with a contraption consisting of a broken Christmas tree light, a bit of wire, a small battery, and a clock with a nail pounded into its face. Although AQ Chef does note that one could use gunpowder extracted from “cartilages” rather than crushed match heads for the core “inflammable substance,” he mainly focuses on the match head approach, suggesting that 80 match heads per bomb would do the trick. For perhaps the only time in his life, Pimentel was on his way to being an

²⁰ Klarevas, “The Idiot Jihadist Next Door,” foreignpolicy.com, December 1, 2011.

²¹ Criminal Complaint.

²² The article’s title is relayed with what looks like a degree of embarrassment by Kelly in the press conference. www.nyc.gov/html/om/html/2011b/media/pc112011_terrorism_512k.aspx at 5:40.

²³ Michael Kenney, “Beyond the Internet: *Mētis*, *Techne*, and the Limitations of Online Artifacts for Islamist Terrorists,” *Terrorism and Political Violence* 22(2) April: 177–197. Anne Stenersen is similarly unimpressed: the internet manuals she has examined are filled with materials hastily assembled and “randomly put together” and contain information that is often “far-fetched” or “utter nonsense.” “Al-Qaeda’s Thinking on CBRN: A Case Study,” in *Unconventional Weapons and International Terrorism: Challenges and New Approaches*, ed. Magnus Ranstorp and Magnus Normark (London: Routledge, 2009), 56. See also Anne Stenersen, “The Internet: A Virtual Training Camp?” *Terrorism and Political Violence* 20(2): 2008, 215–233. By contrast, see Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenges* (Washington, DC: United States Institute of Peace, 2006).

overachiever because he reportedly scraped down over 700 match heads for the three bombs he was hoping to construct.²⁴

As Klarevas points out however, experiments on the Discovery Channel's Mythbusters program suggest AQ Chef was rather off the mark.²⁵ The television hosts first tried setting off 30,000 match heads in a bucket and did produce a colorful flameout, but no explosion, and the bucket emerged from the experiment singed, but whole. They tried again with a million match heads and got a flameout perhaps three times as impressive. The collected match heads in either experiment were far too voluminous to fit inside a standard pipe elbow-joint.²⁶

In the day between Pimentel's arrest and the press conference, the NYPD put together three pipe bombs of the sort Pimentel was striving to create.²⁷ Presumably, they used gunpowder rather than match scrapings, and they detonated the three bombs *simultaneously*—a feat Pimentel was unlikely to be able successfully to duplicate—in a small 4-door Mazda. It was a video recording of this effort that was shown at the start of the press conference. As Klarevas notes, the explosion and fire shown in the video would probably have proved fatal to anyone who was sitting in the car and possibly to anyone who was standing outside very close to the car. It would be quite possible and far easier, he also notes, to kill more people with a single handgun.²⁸

Representatives of the FBI and of the local Joint Terrorism Task Force which consists of members both of the FBI and of the NYPD were notable (and noticed by the press corps) for their absence at the press conference—something that had also happened with the pair of lone wolves case in Manhattan earlier that year (Case 42).

The agency had known about Pimentel and about the NYPD's surveillance efforts, but, although it was asked at least twice by the NYPD to join in the investigation, it declined to do so. It was the FBI's view, according to one law enforcement official, that Pimentel "didn't have the predisposition or the ability to do anything on his own." By himself, he was, then, simply not a threat.²⁹ The fact that Pimentel operated a self-revelatory, letter-to-the-world website about his views and intentions may also have played a part in their considerations. As his defense attorney put it, "He has a very public online profile... This is not the way you go about committing a terrorist act."³⁰

²⁴ Alison Gendar, Rocco Parascandola, and Bill Hutchinson, "NYPD Commissioner Ray Kelly: No time to wait for FBI," *New York Daily News*, November 21, 2011.

²⁵ Klarevas, "Idiot Jihadist Next Door."

²⁶ www.youtube.com/watch?v=poV6lc2b070

²⁷ Klarevas, "Idiot Jihadist Next Door." Gendar et al., "NYPD Commissioner Ray Kelly: No time to wait for FBI."

²⁸ Klarevas, "Idiot Jihadist Next Door."

²⁹ Tom Hays and Jennifer Peltz, "Jose Pimentel, Arrested by NYPD in Terror Plot, Was Not a Serious Threat According to FBI," *huffingtonpost.com*, November 21, 2011. Temple-Raston, "NYPD, FBI Squabble Could Benefit Pimentel's Defense." Katz and Ax, "U.S. kept distance from NY plotter probe." Gendar et al., "Jose Pimentel blogged about his debt to 'Jihad Princess'."

³⁰ McElroy, "'Al-Qaida sympathizer' accused of NYC bomb plots." "Jose Pimentel Smoked Marijuana With NYPD Informant, Tried to Circumcise Himself," *Huffington Post*, November 22, 2011.

The FBI was particularly concerned that the informant had been too active in the plot, providing assistance to the bumbling Pimentel that might appear excessive or entrapping. Specifically, as one report puts it, “some investigators wondered whether Mr. Pimentel had the even small amount of money or technical know-how necessary to produce a pipe bomb on his own, had he not received help from the informer.”³¹ The fact that Pimentel was stoned when he was recorded making some of his statements is also potentially problematic.³² On the other hand, there is some advantage in trying him in a state court rather than in a federal one because New York’s law deems that a malefactor working entirely with an informant or informants constitutes a “conspiracy” whereas federal law does not.³³

The publicly-aired difference of opinion among law enforcement agencies in this case could, of course, be used by attorneys who are defending Pimentel—one of them has proclaimed it “interesting” that “the FBI decided not to go near this case.”³⁴ And, although the entrapment defense has never thus far been successful in a terrorism case, some federal officials are reported to be concerned that this one could be the first.³⁵ However, in many cases police and FBI operatives have not only helped in the creation of bombs, but have actually provided their gulled charges with ones that are, or appear to be, finished, and the entrapment defense has not been successful.

The airing of differences among law enforcement agencies has been criticized. FBI Director Robert Mueller twice ordered his agents not to do such airing, and a U.S. Senator, Iowa Republican Chuck Grassley, has insisted that FBI agents should not attack the NYPD, either “anonymously or publicly.”³⁶ And the *New York Daily News* editorialized that it is the duty of FBI agents “to fight terrorism, not other agencies that are also fighting it.”³⁷

Paul Bresson, an FBI spokesman in Washington, argues that “you want law enforcement agencies at all levels...to not only work together but to see things through different lenses. That’s healthy.”³⁸ According to Director Mueller, Senator Grassley, and the editors of the *Daily News*, however, it is bad public policy to let the people who pay their salaries and buy their newspapers know that such healthy differences exist.

This full study for this case has yet to be written.

³¹ Rashbaum and Goldstein, “Informer’s Role in Terror Case Is Said to Have Deterred F.B.I.”

³² Markon, “Post-9/11 security focus has created sometimes tense rivalry between FBI, NYPD.”

³³ Katz and Ax, “U.S. kept distance from NY plotter probe.” Rashbaum and Goldstein, “Informer’s Role in Terror Case Is Said to Have Deterred F.B.I.”

³⁴ Markon, “Post-9/11 security focus has created sometimes tense rivalry between FBI, NYPD.”

³⁵ Temple-Raston, “NYPD, FBI Squabble Could Benefit Pimentel’s Defense.”

³⁶ Joseph Straw, “FBI Director Robert Mueller told G-men to stop mocking NYPD on pipe-bomber case,” *New York Daily News*, December 15, 2011.

³⁷ “FBI should partner with the NYPD, not badmouth the police,” *New York Daily News*, December 18, 2011.

³⁸ Markon, “Post-9/11 security focus has created sometimes tense rivalry between FBI, NYPD.”