

Case 78: Rochester Panhandler

John Mueller

December 2, 2016

By 2015, the 26-year-old Emanuel Lutchman of Rochester, New York, had spent most of the previous ten years in prison for various infractions, the first of which was robbing a man of such unimpressive items as his cell phone, baseball hat, bus pass, library cards, and cigarettes. He was also mentally ill and was apparently no longer taking his prescribed medication, and had tried to commit suicide several times, most recently by stabbing himself in the stomach.¹ He had managed to marry, but the marriage was having “difficulties,” and he had “no money, no job, and no resources” as Cassandra Dula observes. He was given to picking up cigarette butts outside a local restaurant, Merchants Grill, and had repeatedly been shooed away by its irritated owner who characterized Lutchman as an “aggressive panhandler.”²

An African-American raised a Christian, Lutchman converted to Islam in prison in part at least to have protection against another inmate who he feared was planning to rape him. He continued to follow the faith and to look at jihadist propaganda, and by 2015 he posted on the web favorable commentary about violent jihad and about ISIS. This attracted the attention of the FBI, and Lutchman soon found himself at the center of a terrorist cell of four. The other three were all FBI informants.

Looking for a way out of his miserable situation, Lutchman managed on Christmas Day, 2015, to get in online contact with Abu Issa Al-Amriki, an American who, with his wife, had gone to Syria and was helping ISIS recruit foreigners. Al-Amriki assured Lutchman that being in ISIS “was a dream come true,” and Lutchman became eager to join. Perhaps aware that Lutchman, given his overwhelming inadequacies, would be somewhat less than a major acquisition for the group, Al-Amriki urged him to commit a terrorist act in the United States to prove his worthiness.

Lutchman quickly came up with a scheme in which he and his fellow cellmates would attack the Merchants Grill with knives and machetes, killing several people and perhaps taking several more hostage. He would then flee somehow to Syria—he was determined not to spend any more time in an American prison. The plan, notes Dula generously, “may not have been the most coherent or realistic,” but his cellmates worked to facilitate his addled fantasies, shelling out the \$40 he didn’t have to buy a machete and other equipment from a local Walmart and urging him on when one of the informants, as programmed by FBI handlers, backed out of the scheme.

As with many other cases in this book, it is questionable whether the impressionable and supremely inadequate Lutchman could or would have ever had the capacity to launch a terrorist act on his own. Nonetheless, notes Dula,

¹ Justin Murphy, “Grandma: FBI wanted terror suspect Lutchman as informant,” *Rochester Democrat & Chronicle*, January 2, 2016.

² Gary Craig and Brian Sharp, “Alleged ISIS sympathizer was ‘aggressive panhandler,’” *deocratandchronicle.com*, January 1, 2016.

after Lutchman's arrest the authorities depicted him as "a capable individual with a concrete plan that was a real threat to the community."

Lutchman is now due for a lengthy stay in prison, the place he dreads most.

Al-Amriki and his wife were killed in an airstrike in April 2016.³

³ Lisa Daftari, "American couple recruiting for ISIS in Syria killed in airstrike," foreigndesknews.com, May 2, 2016.

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Cassandra Dula

November 29, 2016

1. Overview

On December 30, 2015, Emanuel Lutchman, a mentally-ill 26-year-old in Rochester, New York, who had spent much of his life in jail, was arrested for attempting to provide material support for an international terrorist organization by plotting to kill United States citizens.¹ Lutchman, an African American male, was a self-proclaimed Muslim convert who had found the Muslim faith during a five-year stint in Attica Correctional Facility.² He became radicalized after obtaining radical propaganda online after release, and he wanted to complete an operation in the name of the Islamic State so that he could get their support and make hijra to Syria and join their ranks.³

Lutchman first made contact with a member of the Islamic State on December 25, 2015, after obtaining a document created by an ISIS member that contained information on how to become a member of the Islamic State and how to contact current members.⁴ During his online conversations with the now-deceased ISIS member Abu Issa Al-Amriki, he was convinced that in order to join the ranks of the Islamic State overseas, he would have to complete an operation in the United States and kill as many non-believers as possible.⁵

Prior to this contact Lutchman had come to the attention of the FBI because of the ISIS-supporting material that he had posted on his social media.⁶ He had been in contact with an FBI informant and had discussed his support of the Islamic State and his desire to travel and join them, conversations that had taken place sometime in late November 2015. On December 27, 2015, Lutchman sent a message to a second confidential source that contained an audio message in which he declared his loyalty to ISIS and their leader.⁷ This source discussed the plan with Lutchman and was supposed to participate, but ultimately ended up backing out at the direction of the FBI.⁸

On December 28, 2015, Lutchman met with a third confidential source in a meeting that had been set up by the first. During this meeting Lutchman discussed his communications with Al-Amriki and his potential plans to target groups of people and complete an operation in the name of the Islamic State. The

¹ Justin Murphy, "Grandma: FBI wanted terror suspect Lutchman as informant," *Rochester Democrat & Chronicle*, January 2, 2016.

² Jonathan Dienst, Tom Winter, and Tracy Connor, "ISIS Lover Emanuel Lutchman Planned New Year's Machete Attack: FBI," NBC News, December 31, 2015.

³ "FBI charges N.Y. ex-con in terror sting," *timesunion*, December 31, 2016.

⁴ U.S. v. Emanuel L. Lutchman, Criminal Complaint, December 30, 2015.

⁵ "Rochester Man Charged with Attempting to Provide Material Support to ISIL," Department of Justice Press Release, December 31, 2015.

⁶ Evan Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?" *New Yorker*, June 10, 2016.

⁷ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁸ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

two met again that evening and Lutchman discussed more specifically his plans to target a bar or restaurant in the area.⁹

The next day, Lutchman talked with the first source and found out that the third source had backed out of the operation. But Lutchman still planned on meeting with the second source in order to purchase the materials needed for their New Year's Eve operation.¹⁰ That night Lutchman and the second source went to a Walmart to purchase ski masks, zip-ties, knives, a machete, duct tape, ammonia, and latex gloves. The materials were purchased by the source because Lutchman had no money.¹¹

On December 30, 2015, Lutchman filmed a video in a car with the second source in which he swore loyalty to the Islamic State again and claimed responsibility for the attack he planned. Immediately after the filming of this video, Lutchman was arrested in the car by the FBI's Joint Terrorism Task Force.¹² He was charged with attempting to provide material support and resources to a designated terrorist organization, and on August 11, 2016, he pled guilty to the charge.¹³

2. Nature of the adversary

Emanuel Lutchman, a 26-year-old African American man, was raised in New York City, primarily by his grandparents. His mother had died when he was an infant, and occasionally he lived in Florida with his grandmother.¹⁴ While there is not much information available on his childhood, it is clear that he was raised by several different people as he grew up. His former stepmother told the press that he had been hit by a car when he was young, and that this had changed him from a "happy-go-lucky" child to a more quiet and withdrawn boy.¹⁵ He was raised as a Christian.¹⁶ He struggled throughout school because of his problems with mental illness, and he never graduated from high school.¹⁷

When he was 16, Lutchman was arrested with two other local boys for robbing a man of "a cell phone, baseball hat, bus pass, library cards, and cigarettes." He pled guilty to second-degree robbery and was sentenced to five years in Attica Correctional Facility, which he began sometime in 2006. It is likely, as can be inferred from the severity of the sentence for this crime, that Lutchman had previous juvenile run ins with law enforcement. He was released on parole in 2010, but returned to prison three times in the next three years. Eventually, he was released in 2013 after reaching the maximum time period that his sentence allowed for parole supervision.¹⁸

⁹ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

¹⁰ "Rochester Man Charged with Attempting."

¹¹ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

¹² U.S. v. Emanuel L. Lutchman, Criminal Complaint.

¹³ "Rochester man admits plotting machete attack for ISIS," *timesunion*, August 12, 2016.

¹⁴ Murphy, "Grandma: FBI wanted terror suspect."

¹⁵ Gary Craig and Brian Sharp, "Alleged ISIS sympathizer was 'aggressive panhandler'," *Rochester Democrat & Chronicle*, January 1, 2016.

¹⁶ Dienst et al., "ISIS Lover Emanuel Lutchman."

¹⁷ Murphy, "Grandma: FBI wanted terror suspect."

¹⁸ Craig and Sharp, "Alleged ISIS sympathizer."

It was during this time in prison that Lutchman converted to Islam.¹⁹ The conversion was self-proclaimed, and it appears he did not have any ties to the Muslim community in Rochester. His grandmother said that although he converted while in prison, she had never heard him talk about any radical ideas or admiration of ISIS.²⁰ In 2015 Lutchman spend four more months in a Rochester jail on charges of “petit larceny and menacing his girlfriend.” He was also schedule to return to court in January of 2016 in response to domestic violence charges. While the media made it clear that in between his original stint in Attica and his terrorism arrest he had been in and out of jail, information regarding the actual length of these intermediary jail stays is not clear.²¹

In addition to his criminal arrests, Lutchman had been arrested several times on behalf of his own mental hygiene. His grandmother said that he struggled with mental illness since his childhood, and that when he visited her in Florida in August of 2015, he had not been on his psychiatric medication. She also informed the press that he had recently attempted suicide by stabbing himself in the stomach, and it appears that his mental health had been deteriorating in the months prior to his arrest. Lutchman had a wife and a 2-year-old son, but he was having marital problems and in addition had apparently distanced himself from other family members.²² This mention of Lutchman’s wife and son by his grandmother is the only one made, and his wife has not spoken to the press nor made any information about herself available.

Lutchman had been described by neighbors as “nice to everyone,” “quiet,” and “just a street kid.”²³ Multiple individuals said that he had always kept to himself, and his grandmother said that she didn’t believe that he was capable of constructing the plot on his own. However, she did say that he was an easily persuaded individual, especially given the things that he had been struggling with over the past several months.²⁴ His father also stated that Lutchman was extremely impressionable and had self-associated with other gangs and groups in the past.²⁵

Prior to his arrest in December 2015, Lutchman had been struggling to find a job to provide for his family.²⁶ He was frequently seen panhandling and loitering outside of local bars and restaurants, including Merchants Grill, the sports bar that he decided to attack on New Years Eve.²⁷ The owner of the bar told the press that Lutchman had been there several times and had also been consistently asked to leave because of the trouble he caused.²⁸

¹⁹ Sam Rkaina and Gemma Mullin, “Who is Emanuel Lutchmen? Everything we know about New York Terror attack plot suspect,” *Mirror*, December 31, 2016.

²⁰ Dienst et al., “ISIS Lover Emanuel Lutchman.”

²¹ “NY Bar Owner Calls Accused ISIS Wannabe A Panhandler Who ‘Caused Trouble,’” *World Post*, January 1, 2016.

²² Dienst et al., “ISIS Lover Emanuel Lutchman.” Murphy, “Grandma: FBI wanted terror suspect.”

²³ “Neighbors speak about Emanuel Lutchman,” *RochesterFirst.com*, December 31, 2016.

²⁴ Dienst et al., “ISIS Lover Emanuel Lutchman.”

²⁵ “Suspect in pro-ISIS plot called mentally ill ‘panhandler’ who was ‘manipulated,’” *Guardian*, January 2, 2016.

²⁶ “Suspect in pro-ISIS plot called mentally ill.”

²⁷ Craig and Sharp, “Alleged ISIS sympathizer.”

²⁸ “Suspect in pro-ISIS plot called mentally ill.”

While Lutchman converted to Islam, it appears that he sought out radical Islamic propaganda after being released and became radicalized online. He accessed radical Islamist websites that had information on violent jihad, and he reached out to contact ISIS terrorist Abu Issa Al-Amriki in December of 2015.²⁹ According to Lutchman, he wanted to prove his worth to the Islamic State by carrying out an attack on US soil. He told the FBI informants and his Al-Amriki that he hated the United States and that he needed to begin killing the non-believers.³⁰

After his arrest in December, Lutchman continued to have negative interactions with law enforcement, at one point he needed to be removed from the courtroom because of his behavior towards the judge and a security officer.³¹ While he had been heard in court stating that he did not desire to make a plea, he later entered a guilty plea and faces up to 20 years in a federal prison.³²

3. Motivation

Lutchman's relationship with Islam began during his five-year stint in Attica Correctional Facility. According to his grandmother, Lutchman first sought out the Muslim faith when another inmate targeted him in prison. He hoped to use his conversion as protection from an inmate who had tried to rape him.³³ While he made his newfound faith known to his family, his grandmother said that he had never talked to her about any radical ideas or thoughts.³⁴

After leaving prison and returning home, Lutchman appears to have been radicalized through online violent jihad propaganda.³⁵ Whether or not he sought out this material on his own or found it by chance online is unclear. According to the criminal complaint, it was during December 2015 that Lutchman made contact all of the informant and with Abu Issa Al-Amriki who encouraged him to take action in the United States.³⁶

In the excerpts from Lutchman's conversations with the informants it appears that his end goal was to make hijra, a Muslim pilgrimage, from the United States to Syria in order to join the ranks of ISIS. This decision had occurred after Al-Amriki told Lutchman, on December 25, that being in ISIS was "a dream come true." Al-Amriki proceeded to inform Lutchman that because Syria's borders were closed it would take a lot of effort to enter the country, and therefore Lutchman would need someone to vouch for him or would need to prove his loyalty in order to join the Islamic State. Among other things, part of this proof

²⁹ "Rochester man admits plotting machete attack for ISIS."

³⁰ "FBI charges N.Y. ex-con in terror sting."

³¹ Kevin Tampone, "Man charged in Rochester terror plot removed from court after disruption," Syracuse.com, June 16, 2016.

³² Patrick Lion, "Father pleads guilty to planning a machete attack on a New York restaurant in New Year's Eve ISIS terror plot," DailyMail.com, August 11, 2016.

³³ Murphy, "Grandma: FBI wanted terror suspect."

³⁴ Dienst et al., "ISIS Lover Emanuel Lutchman."

³⁵ Dienst et al., "ISIS Lover Emanuel Lutchman."

³⁶ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

would be some kind of operation done in the name of Allah against American unbelievers, or kuffars.³⁷

Lutchman's ultimate goal was to survive the attack, evade arrest, and then travel to Syria in order to formally join the ranks of the Islamic State. Due to this endgame, Lutchman never explicitly stated that he was willing to sacrifice his life for the Islamic State or Islam. However, he did state that he was willing to give up "everything" including his family. He also made it very clear that he was planning on committing these acts of violence against non-believers in the United State in the name of Allah because America was the number one enemy of the Islamic State.³⁸

Lutchman's qualms against the United States were vague at best, and he never mentioned specifically which parts of the United States culture or government he disliked. He did tell one of the FBI informants that he had wanted to join the Islamic State abroad because of the fact that he "hates it in the United States" because it is the "land of the kuffar."³⁹ Other than these general statements of discontent, Lutchman stated no specific reasons for hating the United States or for wanting to target the individuals in that particular bar.

Ultimately it appears that Lutchman's primary motivations were both religious and personal. He wanted to commit violence in the United States for Allah and because of the fact that the United States was the home of non-believers. However, he was also inspired by his conversations with Al-Amriki and wanted to prove to him that he was worthy of joining the ranks of the Islamic State.

4. Goals

Lutchman was interested in traveling abroad and joining the ranks of ISIS overseas. However, when he contacted Abu Issa Al-Amriki about that, he was told that he would first have to prove himself by completing an act of violent jihad on US soil. This was because he was close to the enemy—the United States—and had to prove that he was devoted to Islam and the Islamic State before someone would vouch for him and bring him overseas.

Additionally, Lutchman said that he had wanted to start killing the "kuffars" or non-believers, because it was the will of ISIS and "what [he's] gotta do" in order to make hijra and live under the caliphate.⁴⁰

5. Plans for violence

Lutchman's plans for violence got as far as purchasing the materials he believed he needed—the FBI and the JTTF arrested him immediately after the purchase was completed. Lutchman's plans, which were discussed with all three of the FBI's confidential informants, had been to commit an armed attack against individuals at the Merchants Grill in Rochester, New York. The attack was to occur on New Years Eve and initially involved Lutchman and three informants,

³⁷ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

³⁸ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

³⁹ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁴⁰ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

but was later changed to only include Lutchman and two of the informants because one of them backed out.⁴¹

In the early planning stages, Lutchman wanted to target a club or bar in the area, somewhere where he could kill the largest number of individuals but in a way that was easy and allowed for him to run from the authorities. He had originally intended to use a pressure cooker bomb or some kind of firearm, presumably ideas that came from the jihadist material he had been reading online. Following the suggestion of one of the confidential informants, however, Lutchman ended up deciding that it would be possible for him to complete his operation with knives and a machete.⁴² It was unclear what role the other individuals would play in the operation, and Lutchman's plans, as further detailed below, were generally very vague.

On December 29, 2015, Lutchman and one of the confidential informants went to a Walmart in the area and purchased ski masks, zip ties, knives, a machete, duct tape, ammonia and gloves. The plan had been, loosely, to raid the restaurant and kill as many people as possible. Lutchman wanted it to be quick and quiet so that they could get away and he would not go back to jail, something he had expressed concern over earlier. The zip ties were purchased in case they needed to kidnap someone during the raid.⁴³ As previously mentioned, the plans were extremely vague and, based on what Lutchman said, he was planning on entering the restaurant with his supplies and then just doing whatever he could to kill the largest number of individuals. It was not clear who or how many people he wanted to kidnap, what the purpose of the kidnapping was, what role his accomplices played in the attack, and how many of them would actually participating in the attack.

While the plan had been formulated somewhat in Lutchman's head, it was a vague and disorganized. Due to the involvement of all three confidential informants, the FBI and the JTTF were aware of every step of the plan, which meant that Lutchman would never have been able to actually complete his operation. Additionally, Lutchman didn't even have enough money to purchase the supplies on his own, and told one of the confidential informants once they were checking out at Walmart that he could not afford to make the \$40 purchase on his own. Ultimately the FBI informant who had accompanied him paid the bill.⁴⁴

Lutchman also had no training or information on how to complete this kind of operation. It is not clear why he chose the Merchants Grill in particular. He had panhandled outside and inside of the restaurant in the past, but there was no motivation to attack that specific establishment other than the fact that it was in the United States. Between the rash decision-making that led to the formulation of the plan and the fact that Lutchman had no resources at his disposal, he would

⁴¹ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁴² U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁴³ Benjamin Mueller, "Rochester Man Charged With Planning Attack on Behalf of ISIS," *New York Times*, December 31, 2016.

⁴⁴ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

have gotten even less far along in the planning stages if the FBI had not been involved and facilitating.

The outcome of the plan was that the FBI and JTTF intervened before any violence could actually occur. The police arrested Lutchman immediately and charged him with attempting to provide material support to a terrorist organization in December 2015. On August 11, 2016, Lutchman pled guilty to conspiracy to provide material support to a foreign terrorist organization, a charge that has a maximum sentence of 20 years in a federal prison. He was due to be sentenced on November 15 by a US District Court in Rochester.⁴⁵

6. Role of informants

Without the FBI informants there would essentially be no case against Lutchman. Three informants were involved during the investigation, one of whom ended up “backing out” of the plan at the direction of the Bureau. The first was a paid informant of the FBI and had been working with them for over a year. The second had been working with the FBI since 2013 and had previously worked for payment as well as preferential treatment in previous criminal convictions. All of the information provided through these informants had been corroborated by the FBI, by the JTTF, by recorded conversations between the sources and Lutchman, as well as by several other law enforcement agencies and independent investigative endeavors. Both informants continue to work with the FBI in return for monetary compensation. Information about the third, the one who had backed out of the plan before the materials had been purchased, is limited and the Criminal Complaint did not indicate how he was compensated or how long he had been working with the FBI.⁴⁶

Although Lutchman’s initial interest in radical jihadist ideas and rhetoric had been self-starting, the informants played a critical role in his development of a plan and the purchase of the materials. The FBI placed the three informants on Lutchman after he posted radical materials on social media, presumably just before November 2015. He communicated with the first in November and December of 2015, expressing his interest in joining ISIS and his disdain for the United States. After communicating with Abu Issa Al-Amriki in late December, Lutchman reached out to the first informant again to tell him about the conversation, and on December 27 to the third with an audio clip in which he professed his allegiance to ISIS and to its leader, al-Baghdadi. Shortly after that, he met with the second for the first time on December 28, a meeting that had been arranged by the first. It was during this meeting that Lutchman began to create a solid plan and discussed the particulars citing the conversations that he had had in the past with Al-Amriki and the other two informants. Lutchman had another meeting with the second that same evening, where they continued to discuss logistics of the operation including the location of the attack.⁴⁷

On December 29, Lutchman had another phone call with the first informant in which he was informed that the third had backed out of the

⁴⁵ “Rochester man admits plotting machete attack for ISIS.”

⁴⁶ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁴⁷ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

operation. Lutchman told the second informant that he was thinking about stopping the operation because someone who he had trusted was no longer helping. The second responded by telling Lutchman to not let the other informant's decision "upset him," and so Lutchman continued on with the operation.⁴⁸ It was after this phone call that Lutchman and the second informant went to pick up the materials for the attack, and the next day Lutchman filmed a video in a car with the second in which he swore allegiance to the Islamic State.⁴⁹

Several different sources have criticized the FBI and the JTTF for their use of informants in this case, mostly because of Lutchman's history of mental illness and because of his clear inability to afford materials and plan a viable operation. Coupled with the fact that several family members have stated how impressionable Lutchman is, the question is whether the notion that the informants led Lutchman into the plan is valid. However, it does appear that it was Lutchman's conversations with the Al-Amriki that led to his desire to create a plan, and he had stated that he had alternatives to buying the materials, such as borrowing them from people that he knew.⁵⁰

Whether or not Lutchman would have actually carried out the plan without the informants is unknown, but it is clear that they did assist in solidifying his plan as well as providing him with the resources to make the purchase. His motivations may have been his own, and his desire to complete an operation in the name of the Islamic State was clear, but whether or not he was capable of actually doing so on his own is undetermined.

In addition, it is obviously necessary to consider the issue of entrapment when discussing the FBI's use of informants. There were two primary concerns. The first was that Lutchman did have a history of mental illness which some argued made him susceptible to coercion and persuasion. The second was the fact that, after he was told the third informant was no longer planning on participating in the operation, Lutchman told the second informant that he was considering abandoning the attack and was told not to get upset because of that fact, successfully urging Lutchman to continue with his plan.⁵¹

While both of these issues may be problematic, it does not appear that Lutchman was entrapped as much as facilitated by the informants. Lutchman was the one who planned the attack while the informants simply listened and commented as necessary. In addition, he had been radicalized independent of the informants and was convinced, and urged, to commit an attack on US soil by al-Amriki, not by any of the individuals hired by the FBI. This suggests that the FBI and the informants were not the ones responsible for planting the idea of an operation into Lutchman's head.

7. Connections

While he did create a video and audio clip declaring his allegiance to ISIS, it is made clear in Lutchman's communications that he was not invited into the

⁴⁸ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

⁴⁹ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁵⁰ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

⁵¹ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

organization or officially recognized as a member.⁵² However, he did communicate online with a member of the organization who was overseas, the now deceased Abu Issa Al-Amriki.⁵³ Their conversations were centered mainly on having Lutchman complete missions within the United States on his own without the assistance of the Islamic State or their resources. Only then would he *potentially* be permitted to join the organization.⁵⁴

Overall it appears that Al-Amriki's conversations with Lutchman may have pushed him to finalize his plans and take action, but Lutchman had sought out radical Islamic propaganda on his own and was willing to concoct and then enact a plan independent of the ISIS in order to make hijra to join the group.

8. Relation to the Muslim community

While there has not been any information about Lutchman's involvement in the Rochester Muslim community, it can be inferred that he was a part of a Muslim community in Attica Correctional Facility. According to his grandmother, he converted to Islam in prison because another prisoner had attempted to rape him and he had needed the protection. This implies that there was some kind of community within the prison.

He told his grandmother on the morning of his arrest that he was planning on going to the mosque with a friend, but this was clearly not the truth. It is unknown whether or not he ever actually attended services in Rochester or anywhere else.⁵⁵

9. Depiction by the authorities

Based on interviews with the press and on the official releases by the Department of Justice, the authorities overall seemed to have handled this case competently. Their confidence in the fact that Lutchman would not be able to actually commit acts of violence was mainly based on the fact that there were three informants cooperating with the FBI throughout the entire time that Lutchman was planning his attack.⁵⁶

In both of the Department of Justice's press releases, it was stressed that internet radicalization of individuals within the United States is a persisting concern of law enforcement, and that it is important to remember that cases such as Lutchman's can occur anywhere. Due to this fact, they also stressed that it was important for people in all communities to "remain vigilant" in order to assist law enforcement in keeping everyone safe.⁵⁷

That being said, authorities did depict Lutchman as a capable individual with a concrete plan that was a real threat to the community and, although a threat may have been present, it is hard to believe that it would have been nearly as real

⁵² U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁵³ "Rochester man admits plotting machete attack for ISIS."

⁵⁴ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁵⁵ Murphy, "Grandma: FBI wanted terror suspect."

⁵⁶ "New York Man Pleads Guilty to Conspiracy to Provide Material Support to ISIL in Connection with Planned New Year's Eve Attack," Department of Justice Press Release, August 11, 2016.

⁵⁷ "Rochester Man Charged with Attempting."

or large as the FBI and the JTTF would have the public think.⁵⁸ Lutchman would not have had money to purchase materials had it not been for FBI informants, he contemplated canceling the entire plot as soon as one person expressed intent to back out, and he had a history of mental illness that had made him susceptible to making rash decisions.⁵⁹ Taking all of these facts into account, it cannot be confidently stated that Lutchman even would have continued with the plot had one of the confidential sources not kept him from getting upset.

Ultimately, the FBI and the JTTF both underlined the idea that the threat of radicalized United States citizens was real and that although law enforcement is well prepared to counteract this recent trend in terrorism, it is important that the public reports suspicious activity and looks out for one another.⁶⁰ However, to include Lutchman in this description of a dangerous homegrown terrorist who had concrete plans and was ready to execute them is a bit extreme.

10. Coverage by the media

The media highlighted both Lutchman's history with mental health issues and the issues that arose as a result of the FBI's use of informants. Early media releases admitted to there not being a lot of information available on Lutchman and his personal life, mostly due to the fact that he had been distancing himself from his family—indeed, the only family member he was close to lived in Florida.⁶¹

As more information about Lutchman's history became available, the media stressed his prior involvement with law enforcement. While it may be initially assumed that this may make it seem that the media was targeting Lutchman from the start, the emphasis on his record actually put more of the focus on his mental hygiene arrests and the fact that he had struggled with controlling his mental health from a young age. Much of the information on this struggle and his record came from conversations from the family members that the media was able to get in touch with, including his father, former stepmother, and grandmother.⁶²

As stated earlier, the FBI's use of informants was questioned often in the media, mostly in reference to whether or not someone as mentally unstable as Lutchman was capable of planning an operation without the guidance and assistance of other individuals. The *New Yorker* in particular released an article that was exceptionally critical of the FBI's use of informants in this case and others over the past few years. The article utilized Lutchman as an example of the blurred line between coercion and intelligence gathering.⁶³ While other articles discussed this as well, it was usually in reference to statements made by Lutchman's grandmother who did not believe he was capable of creating an operation like the one he was arrested for on his own.⁶⁴

⁵⁸ "Rochester Man Charged with Attempting."

⁵⁹ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁶⁰ "Rochester Man Charged with Attempting."

⁶¹ Craig and Sharp, "Alleged ISIS sympathizer."

⁶² "Suspect in pro-ISIS plot called mentally ill."

⁶³ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

⁶⁴ Craig and Sharp, "Alleged ISIS sympathizer."

The majority of the reporting that was done on Lutchman's case occurred immediately after his arrest, following the information that was released from his family and the JTTF regarding the investigation and his potential charges. However, after the initial burst of media coverage, Lutchman's case received far less attention. As far as coverage of the court proceedings is concerned, there was only one article that chose to cover the fact that at one point Lutchman had to be removed from court.⁶⁵ Several articles covered the fact that he had pled guilty to the charge against him.⁶⁶ Additionally, the fact that the court proceedings have been fairly straightforward has failed to encourage the media from covering it extensively.

The media overall did a good job of reporting on the case as it unfolded, providing the public with consistent information on Lutchman's record, the charges being brought against him, his family's views, and the way in which the investigation occurred. This was certainly due in part to the transparency of the government in Lutchman's Criminal Complaint and the fact that the media did not have many questions to ask because of the plethora of information that was eventually released.⁶⁷

11. Policing costs

The total policing costs for Lutchman's case have not been explicitly totaled or stated anywhere. However, between the collaboration on the part of the JTTF and the monetary payment to the three informants, it can be inferred that the policing costs for this case would have been high.⁶⁸ Lutchman was detained from December 30, 2015, and was scheduled to be sentenced on November 15, 2016, making his detention period almost a year long. Assistant US Attorney Brett Harvey and Trial Attorney Lawrence Schneider were both assigned to the case once it made its way to the court system, and there was one FBI Special Agent in Charge, Adam Cohen, who had been working on Lutchman's case from the Buffalo office.⁶⁹

Within the Criminal Complaint, the FBI did state specifically that both of the first two informants were paid. While it is unclear whether they had also been assisting the FBI in additional cases, it was stated that as of December 2015 the first had been paid approximately \$19,784 and the second approximately \$7,400. Both of these individuals had been working with the FBI for considerable amounts of time, which implies that part of this monetary payment had come from other cases in which they had assisted the Bureau.⁷⁰

The JTTF, run by the FBI out of the Rochester office, was the supervising agency on this case, and they worked in conjunction with local law enforcement, the general agents in the FBI Buffalo office, as well as additional agents and

⁶⁵ Tampone, "Man charged in Rochester terror plot."

⁶⁶ "Rochester man admits plotting machete attack for ISIS." Phil Helsel, "Man Who Planned New Year's Eve ISIS Attack Pleads Guilty," NBC News, August 11, 2016. Lion, "Father pleads guilty to planning a machete attack." "New York Man Pleads Guilty to Conspiracy."

⁶⁷ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁶⁸ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁶⁹ "Rochester Man Charged with Attempting."

⁷⁰ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

analysts throughout the FBI.⁷¹ The FBI utilized various types of surveillance throughout the investigation as well, including video and audio recordings.⁷²

The court costs of the case should be fairly limited, because, although there were several general hearings, Lutchman ultimately pled guilty to providing material support to an overseas terrorist organization.⁷³

12. Relevance of the internet

The internet played a large role in both the radicalization of Lutchman and in connecting him with all three of the informants.

Lutchman used social media in order to express his support for the Islamic State and his disdain for the United States, and he posted images, videos, and documents that explained his support and related to violent jihad. Independently, Lutchman downloaded issues of the al-Qaeda magazine *Inspire* as well as other documents that were meant to provide guidance to individuals who wanted to support ISIS by traveling overseas or by completing their own operations abroad.⁷⁴

During December 2015 Lutchman acquired a document created by a member of the Islamic State that outlined how to join ISIS by traveling overseas and how to connect with current members of the Islamic State in order to gain more information about planning operations abroad and making hijra. With this document Lutchman was able to obtain the contact information for Abu Issa Al-Amriki, the Islamic State member who coached him through the planning of his operation. Lutchman's conversations with Al-Amriki all occurred online and in them he was told explicitly to complete an operation within the United States, killing as many "nonbelievers" as possible, in order to join the Islamic State in Syria.⁷⁵

Because of the information Lutchman posted online, the FBI was able to begin collecting intelligence on him leading eventually to the use of three informants. Initial contact was made between Lutchman and the three informants on the internet, and this continued as the three separately planned with Lutchman. Information Lutchman shared with the three informants indicate that also used the internet—either before creating his plan or while doing so—to research bomb-making and other weapons.⁷⁶

13. Are we safer?

It is unclear just how large a risk Lutchman posed to the general public. While he did have a criminal background, his mental health clearly played a large role in that, and the community saw him as more a nuisance than as a threat.⁷⁷ Additionally he did not have the resources to actually complete an operation on his own: an informant had to purchase the materials at Walmart because

⁷¹ "Rochester Man Charged with Attempting."

⁷² U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁷³ "New York Man Pleads Guilty to Conspiracy."

⁷⁴ "New York Man Pleads Guilty to Conspiracy."

⁷⁵ "New York Man Pleads Guilty to Conspiracy."

⁷⁶ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁷⁷ "Neighbors speak about Emanuel Lutchman."

Lutchman had no money, no job, and no resources.⁷⁸ While his radicalization was quick and extreme, it happened so fast that it could be argued that it was more of a passing interest than something that he was truly interested in completing because he believed what he had heard from the radical information he had accessed.⁷⁹

However, Lutchman's father did make it clear that he was extraordinarily impressionable and susceptible to coercion by others.⁸⁰ While in this case he ended up making plans with individuals who were FBI informants, Lutchman might have reached out instead to individuals who were capable of creating a plan and who were only in need of additional manpower, the type of situation in which he would have served as an asset rather than a detriment. In that case, Lutchman could have posed a much larger threat to the community. It is certainly not a crime to be a follower, but when your interests lead you to violent jihad, you inherently become a threat to the community. Additionally, Lutchman's mental instability and his obsession with the idea of violent jihad could have led him down a path of violence even if he was incapable of creating a concrete plan and gathering an assortment of resources. He certainly knew what he was doing was wrong seeing as he expressed concern over being put back in prison, and he was willing to kill in the name of the Islamic State anyway because he wanted to leave the United States so badly.⁸¹

Preventing Lutchman from potentially acting as additional manpower for another group of radical Islamists or from acting out rashly on his own, even on a small scale, ultimately suggests that public safety was improved because of his arrest. While the plan he was arrested him for may not have been the most coherent or realistic, it was still fueled by an intent to kill innocent US citizens in the name of the ISIS. He was willing to lose his family and to risk his freedom in order to serve an international terrorist organization, and that willingness alone made him a threat to the American public, regardless of whether he would have been successful in completing a large scale operation.

14. Conclusions

The spread of radical rhetoric online is becoming more and more of an issue for law enforcement.⁸² Individuals who have otherwise had no contact with radical Islam are able to gain access to hundreds of resources and contacts that can teach them about radical Islam, jihad, and how to join the ranks of terrorist organizations. This broadens the population that terrorist organizations can draw from, and makes operations possible without the use of sleeper cells or the movement of members from one country to another. Through the internet, terrorist organizations can take advantage of individuals who are looking to get involved and are already in nations that the organization identifies as the enemy.

⁷⁸ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁷⁹ "Suspect in pro-ISIS plot called mentally ill."

⁸⁰ "Suspect in pro-ISIS plot called mentally ill."

⁸¹ U.S. v. Emanuel L. Lutchman, Criminal Complaint.

⁸² Hanna Rogan, "Jihadism Online - A study of how al-Qaida and radical Islamist groups use the Internet for terrorist purposes," *Jane's Intelligence Review*, January, 2006.

How can we prevent individuals like Emanuel Lutchman from gaining access to the propaganda of the ISIS and other international terrorist organizations without violating the rights of United States citizens? This is a question that has been frequently asked by US lawmakers, American social media companies, and law enforcement agencies. This can be an expressly difficult question to answer considering that law enforcement often utilizes these social media and internet postings in order to identify potential terrorists. But limiting access to digital radical Islamist rhetoric could serve to limit the number of individuals radicalized online.

It is also notable that nothing happened in Lutchman's life that would have indicated his eventual path to radical Islam and terrorism. He certainly struggled as a child and perhaps lacked the structure that would have led him to a successful adulthood, but this could have also led him to drug use or to criminal behavior, not terrorism. Perhaps it could have been predicted that he would not be the most well adjusted adult, but poor mental health and poor mental health treatment does not suggest an eventual road to domestic terrorism. No members of his family identified with the Muslim faith, and he never traveled to the Middle East or met with any members of ISIS. All of this evidence points away from the eventual route to radicalism and only goes to show just how powerful the internet can be in the radicalization of vulnerable Americans that would otherwise have no exposure to the kind of rhetoric being distributed online: the physical distribution of radical Islamist propaganda is far more limited in the United States.

Lutchman's case also poses the question of where a line should be drawn for FBI informants. While they have served as valuable investigative tools for law enforcement agencies focused on apprehending domestic terrorists, some believe that the FBI has overstepped its boundaries in terms of what a confidential informant is able to do and how often they should be used. Since 2014 the number of ISIS related convictions involving an informant have nearly doubled, and, while the FBI claims that this is not a deliberate strategy change on their part, it appears that, with the recent success of this method, the number will only continue to rise.⁸³

Determining where to draw the line in regards to the use of informants can be difficult, seeing as plans and investigations can take turns that no one is expecting, and the actions required of the informant may border on coercion. However, in the case of Lutchman, how much enabling could have been used before the informants were essentially just convincing a mental ill man to commit an act of violence for his religion? There is no clear answer, and his eventual guilty plea means that in his case there will probably be no answer. Nevertheless, the larger implication is that the use of these informants may cause problems when it comes to the convictions of radicalized individuals regardless of whether or not they were actually coerced.

Ultimately the Lutchman case demonstrates two growing issues for the government's fight against domestic terrorism. First, the increasing use of radical rhetoric online, and the increasing breadth of this information, means that vulnerable individuals can gain access to the kinds of resources that can radicalize

⁸³ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"

them.⁸⁴ People who would otherwise never know about ISIS or how to plan an operation are given the opportunity to use this information as they see fit. Second, the use of informants to investigate and arrest such individuals is becoming more and more of an issue for law enforcement.⁸⁵ Finding the balance between a comprehensive investigation and entrapping a vulnerable individual can be difficult and is bound to cause problems for agencies like the FBI in the future.

⁸⁴ Rogan, "Jihadism Online."

⁸⁵ Osnos, "Do F.B.I. Stings Help The Fight Against ISIS?"