

Case 98: New York Stock Exchange

John Mueller

April 4, 2015

At the time of the American invasion of Iraq in 2003, three Muslim men, all naturalized American citizens, one in Kansas City and two in New York, decided they needed to fight for their “faith and community,” in the words of one of them. A few years later, one of the men was able to connect to two apparently experienced al-Qaeda operatives in Yemen. Hoping to join the fight in Iraq, Afghanistan, or Somalia, the American men sent money and equipment to their new friends in Yemen under the impression that these would be set aside for their military training. Over several months they sent around \$93,000 as well as watches, cold-weather gear, some Garmin GPS units, and a remote-controlled toy car. However, the recipients divided the physical loot among themselves and spent the money on (real) cars and as awards to families of Islamic martyrs. In 2008, the scam artists requested further payments of \$45,000 which one of them planned to use to open an appliance store.¹

They also suggested that the Americans were better suited to an operation in the United States and tried to cajole them into casing the New York Stock Exchange for a possible bombing—a “plot” that they never had any intention of carrying out, according to the testimony of one of them. One of the Americans did do a walk around the target, and then, several months later, submitted a one-page report on his adventure consisting of information that could have been gotten from Google maps and from tourist brochures. The gesture, suggests Jake Douglas, an intern at the Cato Institute when he wrote this, was apparently more to prove his seriousness about going abroad to fight than anything else.

In June 2013 testimony before a Congressional Committee, a top FBI official raised interest, and then eyebrows, by dramatically proclaiming the men to be “in the very initial stages of plotting to bomb the New York Stock Exchange.” However, when asked whether the plot was “serious,” he deftly dodged the issue: “I think the jury considered it serious because they were all convicted.” As it happens, there were no jury trials: the three men all pled guilty and then only to providing support to terrorism, not to the NYSE plot (such as it was).

Notes Douglas, an operation was possible but never planned, none of the men ever had any serious interest in committing terrorism in the United States, only one of them was ever directly involved, and any “plot” was abandoned long before they were apprehended.

He goes on to wonder whether a “used auto parts salesman, a computer engineer, and an accountant would have become skilled warriors even if they did receive adequate training.” Relevant to this musing might be the experience of one of the operatives in Yemen who claimed to be a seasoned jihadist who had fought with the mujahidin in Afghanistan against the Soviet Union in the 1980s where he gained skills in explosives technology. However, notes Douglas, he

¹ See also Mark Morris, “Al-Qaeda bunco artist rolls terrorist from KC,” *Kansas City Star*, June 29, 2013.

apparently was incapable of figuring out how to operate the advanced remote control and receiver that had been sent to him at his request.

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1. Overview

Khalid Ouazzani, Wesam El-Hanafi, and Sabirhan Hasanoff were arrested between February and May 2010 for conspiring to provide material support for al-Qaeda. All three were Sunni Muslims and U.S. citizens.

Between 2007 and 2009, the three men provided approximately \$93,000 to two al-Qaeda handlers in Yemen, known as “Suffian” and “the Doctor,” to whom they swore allegiance in early 2008. Their reason for this service and other tasks—as when Hasanoff performed a rudimentary surveillance mission of the New York Stock Exchange (NYSE)—was to prove their bono fides to, and to apply pressure on, the Yemenis to help them travel abroad for jihad. While the Americans were deeply committed to fighting for their faith in a warzone like Afghanistan, Iraq, or Somalia, they lacked any serious interest in domestic terrorism. They broke off their relationship with the Doctor in late 2008 over this issue and over the justified belief that he was stringing them along for their money. The group was probably within weeks of traveling to an al-Qaeda training camp in Pakistan when Suffian and the Doctor were captured in January 2009. Information gleaned from them and from other sources led to the arrest of the Americans the following year.

U.S. authorities first became aware of the Americans’ existence and goals either as a result of the FBI interviewing their Yemeni handlers or the NSA monitoring a known terrorist in Yemen under the FISA Amendment Act Section 702 authority which allows for collecting email and phone content on foreigners located outside of the U.S. Unfortunately, their case was distorted after their arrest, when senior FBI and NSA officials made factually inaccurate and grossly misrepresentative remarks in a highly publicized June 18, 2013 hearing before the House Permanent Select Committee on Intelligence. Despite the fact that none were ever charged with crimes related to the alleged plot to bomb the NYSE, it was used as a signature case marshaled in defense of the NSA surveillance programs following the Edward Snowden leaks.

Ouazzani pled guilty to one count of bank fraud, one count of money laundering, and one count of conspiracy to provide material support to a terrorist organization. He was sentenced to fourteen years in federal prison on October 7, 2013. El-Hanafi and Hasanoff each pled guilty to one count of providing material support to al-Qaeda and one count of conspiring to provide material support to al-Qaeda. Hasanoff was sentenced to eighteen years on September 30, 2013. In January 2015, El-Hanafi was sentenced to fifteen years.

2. Nature of the adversary

Khalid Ouazzani, a naturalized U.S. citizen, was born in Morocco on December 17, 1977.¹ He immigrated to New York in 1999,² listing addresses in Brooklyn; Forest Hills, NY; Cherry Hill, NJ; and St. Louis³ before gaining permanent resident status in Kansas City, Missouri, in 2004.⁴ Ouazzani was naturalized as a U.S. citizen in June 2006.⁵ He and his native Moroccan wife, Fadoua Elouerrassi,⁶ married on December 2, 2006.⁷ They had two children at the time of his arrest in 2010.⁸ Ouazzani may have spent some time in college before dropping out.⁹ He is Sunni Muslim and attended mosque with his family at the Islamic Society of Greater Kansas City (ISGKC), which appears to preach nonviolence despite its criticism of Western culture.¹⁰ Otherwise, little is known about Ouazzani's religiosity, political beliefs, or influences. He expressed shame and regret for "the wrongfulness of his acts" following his conviction.¹¹

Ouazzani's exact income is unknown, but he was not economically destitute. He owned and operated several Cricket cellular telephone stores in the Kansas City area.¹² He had enough independent funds to purchase five real estate properties at tax foreclosure sales in Jack County and St. Louis County, MO, between August 2006 and April 2007.¹³ On October 9, 2006, Ouazzani formed Hafssa LLC in Kansas City as a used automobile business, filed under the fictitious name "Truman Used Auto Parts" the following February.¹⁴ Ouazzani and his wife applied for Missouri Healthnet (Medicaid), Food Stamps, and temporary assistance benefits repeatedly in 2006, 2007, and 2009, falsely claiming that they were unemployed, owned no businesses or real estate, and had no savings.¹⁵

¹ U.S. District Court for the Western District of Missouri, Western Division, U.S.A. v. Ouazzani, "Indictment," February 3, 2010, Criminal Case Cover Sheet, 2. www.investigativeproject.org/documents/case_docs/1251.pdf

² "Court Records Tell Tale of Al-Qaida Supporter," *Kansas City TV5*, May 20, 2010.

³ Bill Draper, "Missouri Auto Dealer Pleads Guilty to Aiding al-Qaida," *Associated Press*, May 20, 2010.

⁴ "Barber Says Ouazzani Seemed Like 'Normal Guy'," *Kansas City TV5*, May 20, 2010.

⁵ Mark Morris, "KC Man Sentenced to 14 Years in Prison for Links to al-Qaida Terrorists," *Kansas City Star*, October 7, 2013.

⁶ "Local Man Pleads Guilty To Sending Al-Qaida," *Kansas City TV5*, May 19, 2010.

⁷ U.S. District Court for the Western District of Missouri, Western Division, U.S.A. v. Ouazzani, "Indictment," February 3, 2010, 25. www.investigativeproject.org/documents/case_docs/1251.pdf

⁸ Morris, "KC Man Sentenced."

⁹ John Shiffman and Mark Hosenball, "U.S. Says Surveillance Thwarted NYSE Attack, Somali Funding," *Reuters*, June 18, 2013. The authors cite Ouazzani's 2010 plea bargain here, but the document itself makes no mention of his time in college. See U.S. District Court, Western District of Missouri, Western Division, U.S.A. v. Ouazzani, "Plea Agreement," May 19, 2010. www.investigativeproject.org/documents/case_docs/2236.pdf

¹⁰ Draper, "Missouri Auto Dealer."

¹¹ Terry Frieden, "U.S. Citizen Pleads Guilty to Sending Funds to al Qaeda," *CNN*, May 20, 2010.

¹² U.S. District Court for the Western District of Missouri, Western Division, U.S.A. v. Ouazzani, "Indictment," February 3, 2010, 21-22. www.investigativeproject.org/documents/case_docs/1251.pdf

¹³ U.S. District Court for the Western District of Missouri, "Indictment," 2.

¹⁴ U.S. District Court for the Western District of Missouri, "Indictment," 6.

¹⁵ U.S. District Court for the Western District of Missouri, "Indictment," 26-27.

Between 2006 and 2010, Ouazzani used these properties and businesses in a partially successful scheme to defraud Bank of America, Union Bank, and a private buyer of Hafssa LLC out of hundreds of thousands of dollars. Excepting his eventual arrest and two failed attempts to win further loans from the State Line branch of Bank Midwest N.A.¹⁶ and the Mazuma Credit Union,¹⁷ Ouazzani exhibited an impressive acumen in bank fraud and money laundering for an amateur. Between December 2006 and April 2007, he obtained \$278,000 in home equity line of credit loans on his new real estate properties from Bank of America under false pretenses¹⁸ and on April 16, 2007 obtained under false pretenses a \$175,000 commercial loan line of credit for “working capital” for his business Hafssa LLC.¹⁹ Between September and November 2007, he sold Hafssa LLC for \$100,000 to a private individual by concealing the company’s debt to Union Bank and overstating the value of its business equipment.²⁰ Over the next two years, Ouazzani illegally sent most of this money to accounts in Morocco, Turkey, and the UAE, a small percentage of which was given to al-Qaeda.²¹ To cover his tracks, Ouazzani consistently diverted funds between Bank of America and Union Bank before sending them abroad, also writing counter checks.²²

Ouazzani made a fairly ordinary impression on most people who knew him. While saying they were only casual acquaintances, ISGKC director Mustafa Hussein maintains Ouazzani seemed “like a normal family man and didn’t show any signs of extremism.”²³ Ouazzani’s barber of one and a half years, Mike Watland, was likewise stunned, claiming Ouazzani “never said anything crazy” and that “he just seemed like a normal guy.”²⁴ Conversely, Dennis Hogan, who rented a salvage yard building to Ouazzani for his auto parts business, called him a “low-life” known among Kansas City creditors for never paying his bills. Hogan’s opinion may not be very credible, however, considering that he accused Ouazzani of being a “terrorist” on their very first meeting.²⁵ It is likely that bigotry was behind this latter allegation. Then again, Hogan and other creditors had more knowledge of Ouazzani’s fraudulent financial activities.

Wesam El-Hanafi, an American citizen, was born in Brooklyn, New York, in 1976 or 1977.²⁶ His Egyptian-born family immigrated to the United States sometime before his birth.²⁷ El-Hanafi spent most of his life in the city, attending Public School 200, Lafayette High School, and later CUNY Baruch College,²⁸

¹⁶ U.S. District Court for the Western District of Missouri, “Indictment,” 21-22.

¹⁷ U.S. District Court for the Western District of Missouri, “Indictment,” 23-24.

¹⁸ U.S. District Court for the Western District of Missouri, “Indictment,” 2-4.

¹⁹ U.S. District Court for the Western District of Missouri, “Indictment,” 7.

²⁰ U.S. District Court for the Western District of Missouri, “Indictment,” 18-20.

²¹ U.S. District Court for the Western District of Missouri, “Indictment,” 2, 6-7, 10, 12, 14, 20.

²² U.S. District Court for the Western District of Missouri, “Indictment,” 12, 16.

²³ Draper, “Missouri Auto Dealer.”

²⁴ “Barber Says Ouazzani.”

²⁵ “Feds: Kansas City Car and Auto Parts Dealer Pleads Guilty to Giving Money, Support to al-Qaeda,” *Associated Press*, May 19, 2010.

²⁶ James Gordon Meek, Kerry Burke, and Alison Gendar, “Two Brooklynites Accused of Plotting to Aid Al Qaeda by Modernizing a Cell in Yemen,” *New York Daily News*, May 1, 2010.

²⁷ Meek et al., “Two Brooklynites.”

²⁸ Meek et al., “Two Brooklynites.”

where he graduated in 1998.²⁹ He was a basketball fan, playing on the Baruch team³⁰ and regularly training neighborhood kids and his younger brothers at a local park.³¹ After getting his degree, El-Hanafi worked at the Lehman Brothers investment bank as a computer engineer for a number of years before moving to Dubai, UAE, in 2005.³² He had a wife and three children at that time.³³ It is unclear how long they lived with him in Dubai, if at all, or whether they stayed behind at the home El-Hanafi retained in Bath Beach, Brooklyn.³⁴ He earned a handsome salary of \$175,000 in Dubai working as an information technology security specialist for the government.³⁵ El-Hanafi made good use of this technical expertise in his criminal activities. When he traveled to Yemen in February 2008 to meet two al-Qaeda operatives known as “Suffian” and “the Doctor,” he instructed the latter in how to communicate covertly over the internet.³⁶ In March 2008, he purchased a subscription for encryption software that he seems to have used to communicate with his co-conspirators, also using a coded language to avoid detection.³⁷

El-Hanafi’s gentle, calm personality gave little reason to suspect any interest in terrorism. The consistent response of his family and friends to news of his arrest was shock and disbelief. His wife avowed his innocence, saying “he’s a good man. He’s a perfect man.” El-Hanafi’s brother, Achmed, also claimed the charges were false, that he had “nothing to do with Al Qaeda,” and at most donated money to Islamic charities. A longtime neighbor said he was just “a regular, assimilated-into-society guy.”

Yet sometime after the 2003 invasion of Iraq, El-Hanafi began devoting himself to a different interpretation of Islam, growing a long beard and changing demeanor. It is unclear what specific religious or political views he might have held. When friends asked about his appearance, he brushed off their concerns by saying, “I’m just getting into my religion.”³⁸

El-Hanafi changed heart again after his arrest. Now professing deep regret for his thoughts and actions, he said he had adopted an ideology “that slowly took

²⁹ Daniel Beekman, “Al Qaeda Supporter from Brooklyn Sues U.S., Says Mistreatment Gave Him Deep-Vein Thrombosis,” *New York Daily News*, September 29, 2013.

³⁰ Robert Gearty, “Brooklyn Computer Engineer Wesam El-Hanafi Pleads Guilty to Providing Material Support to Al Qaeda,” *New York Daily News*, June 18, 2012.

³¹ Beekman, “Al Qaeda Supporter.”

³² Mark Morris, “Al-Qaeda Bunco Artist Rolls Terrorist from KC,” *Kansas City Star*, June 29, 2013.

³³ Beekman, “Al Qaeda Supporter.”

³⁴ Meek et al., “Two Brooklynites.”

³⁵ Tom Hays, “Wesam El-Hanafi, New Yorker Accused of Aiding Al-Qaeda, Pleads Guilty to Terror Charges,” *Huffington Post*, June 18, 2012.

³⁶ U.S. District Court, Southern District of New York, U.S.A. v. Sabirhan Hasanoff, “The Government Sentencing Memorandum for Sabirhan Hasanoff,” May 31, 2013, 9-10. www.wired.com/images_blogs/threatlevel/2013/06/bombplot.pdf

³⁷ U.S. District Court, Southern District of New York, U.S.A. v. El-Hanafi and Hasanoff, “Indictment,” May 13, 2013, 3. www.investigativeproject.org/documents/case_docs/1948.pdf

³⁸ Meek et al., “Two Brooklynites.”

away my sense of reason and replaced it with blind following” and wondered aloud how he would ever find a job again.³⁹

Sabirhan Hasanoff, a dual citizen of the U.S. and Australia, was born in Yining City (Kuldja), China, sometime around 1976. During his sentencing hearing, he claimed his family was part of the Muslim ethnic minority in western China, the Uighurs.⁴⁰ However, the World Uyghur Congress rejected this statement, citing concerns that his “false” inclusion would “tarnish the good reputation of the Uyghur-American community” and provide more fodder for Chinese government repression.⁴¹ His parents were originally Uzbek and immigrated to the Chinese province of Xinjiang sometime before Hasanoff’s birth. They claimed to have faced persecution in both countries.⁴²

In 1980, Hasanoff and his immediate family moved to Australia under the United Nations Refugee program.⁴³ His extended family came sometime later.⁴⁴ He grew up in Adelaide, South Australia, where he went to school, adopted the local culture and lifestyle, and became a naturalized Australian citizen.⁴⁵ He still has relatives in Adelaide and Melbourne.⁴⁶ Hasanoff’s family immigrated again when he was 17, this time to Brooklyn, New York.⁴⁷ His parents made a “meager” income operating a newsstand in the city.⁴⁸ Maybe partly because of this, Hasanoff studied hard at Abraham Lincoln High School⁴⁹ and attended CUNY Baruch College, where he led the Alpha Gamma fraternity⁵⁰ and earned a bachelor’s degree in business administration.⁵¹ They were enrolled at the same time, but it is unclear if El-Hanafi and Hasanoff ever met at Baruch.

Hasanoff had a very successful career in New York as an accountant following graduation. He raked in large salaries as a senior manager at top firms like KPMG and PricewaterhouseCoopers⁵² and owned a \$750,000 home with a small mortgage in either Brooklyn⁵³ or Queens.⁵⁴ In 2007, he relocated to Dubai,

³⁹ Morris, “Al-Qaeda Bunco Artist.”

⁴⁰ Mike Gribble and Tory Shepherd, “Adelaide-Raised Sabirhan Hasanoff Jailed in the US for 18 Years for Supporting Al-Qaeda,” *The Advertiser*, October 1, 2013.

⁴¹ World Uyghur Congress, “Recently Convicted Terrorist, Sabirhan Hasanoff, Not Uyghur,” press release, October 3, 2013.

⁴² “Sabirhan Hasanoff, the Aussie Accountant Who Turned to Terror,” *Australian Associated Press*, October 1, 2013.

⁴³ Peter Mitchell, “Australian Accountant Sabirhan Hasanoff Turned to Al-Qaeda,” *Australian Associated Press*, June 18, 2013.

⁴⁴ Gribble and Shepherd, “Adelaide-Raised.”

⁴⁵ “Australian Sabirhan Hasanoff Jailed for 18 Years in US for Helping Al Qaeda,” *Australian Broadcasting Corporation News*, October 1, 2013.

⁴⁶ Gribble and Shepherd, “Adelaide-Raised.”

⁴⁷ Larry Neumeister, “Accountant Held without Bail in NYC in Terror Case,” *Associated Press*, May 17, 2010.

⁴⁸ “Sabirhan Hasanoff, the Aussie Accountant.”

⁴⁹ Daniel Beekman, “New York-Raised Jihadist Sabirhan Hasanoff Gets 18 Years in Prison,” *New York Daily News*, September 30, 2013.

⁵⁰ Meek et al., “Two Brooklynites.”

⁵¹ “Sabirhan Hasanoff, the Aussie Accountant.”

⁵² “Sabirhan Hasanoff, the Aussie Accountant.”

⁵³ Neumeister, “Accountant Held without Bail.”

⁵⁴ Meek et al., “Two Brooklynites.”

UAE,⁵⁵ to work as a group chief financial officer for a Dubai-based firm,⁵⁶ visiting Yemen, Syria, Oman, Saudi Arabia, Turkey, and other countries.⁵⁷

Hasanoff has an Afghan wife⁵⁸ and three children: a son born around 2004, a daughter born around 2007, and a second daughter born in 2010.⁵⁹ His family seems to have moved with him to Dubai. The last child was almost lost, born prematurely at seven months when Hasanoff's wife flew from UAE to New York to support her husband after his extradition in 2010. The impression Hasanoff gave was that of a loving and caring husband, father, and friend who never shirked to offer emotional or financial support.⁶⁰ The crowd of friends and family who filled rows of benches at his guilty plea is testimony to this.⁶¹ His South Australian cousin called him "quite nice, a good family man—nothing out of the ordinary."⁶² Susan Naya, related to Hasanoff by marriage, expressed disbelief at his arrest, saying he had never spoken ill of American government policies.⁶³ Even his judge, Kimba Wood of the Manhattan Federal Court, agreed that he had a "charitable, loving" life and was a "hard-working, good family man" before turning to terrorism.⁶⁴ According to the U.S. Attorney's office, Hasanoff had no prior criminal history.⁶⁵

Sometime in 2007, however, Hasanoff reached a turning point in his faith and political beliefs⁶⁶ and became "psychologically lured" towards al-Qaeda, in the words of his defense lawyer.⁶⁷ Hasanoff began adopting a more orthodox and severe form of Islam. He was filled with guilt at his privileged life and made up his mind to fight injustices committed against Muslims. In his own words, "As best I can explain it, a sense of guilt at living a comfortable life, and not someone acting on my beliefs and standing up for fellow Muslims, led me, step by step, to start making plans to go and fight for my faith and my community."⁶⁸ Hasanoff admits he was "certainly influenced by radical clerics and sermons by people such as the American, Anwar al-Awlaki in making this choice."⁶⁹ His religious and political views shifted radically again following his arrest in 2010. In her sentencing statement, Judge Wood cited this malleability as a reason for the court

⁵⁵ Morris, "Al-Qaeda Bunco Artist."

⁵⁶ Colin Moynihan, "A Guilty Plea to Giving Aid to Al Qaeda since 2007," *New York Times*, June 4, 2012.

⁵⁷ Basil Katz, "Corrected: NY Man Said to Use Computer Skills to Aid al Qaeda," *Reuters*, May 17, 2010.

⁵⁸ Meek et al., "Two Brooklynites."

⁵⁹ "Sabirhan Hasanoff, the Aussie Accountant."

⁶⁰ "Sabirhan Hasanoff, the Aussie Accountant."

⁶¹ Moynihan, "A Guilty Plea."

⁶² Gribble and Shepherd, "Adelaide-Raised."

⁶³ Meek et al., "Two Brooklynites."

⁶⁴ Beekman, "New York-Raised."

⁶⁵ U.S. District Court, Southern District of New York, U.S.A. v. Hasanoff, "Plea Agreement and Order of Forfeiture," June 4, 2012, Plea Agreement, 3.

www.investigativeproject.org/documents/case_docs/1991.pdf

⁶⁶ Mitchell, "Australian Accountant."

⁶⁷ Beekman, "New York-Raised."

⁶⁸ Morris, "Al-Qaeda Bunco Artist."

⁶⁹ Mitchell, "Australian Accountant."

to refuse leniency.⁷⁰ Hasanoff now “reject[s] violence and any interpretation of Islam that could condone or approve of violent or terrorist acts.”⁷¹ He expressed remorse at his “stupidity,” loss of freedom, and abandonment of his family, as well as relief at the fact that he was caught before being killed.⁷²

Most of the group’s decisions appear to have been made organically or by consensus. El-Hanafī and Hasanoff seem to have met in Dubai after Hasanoff moved to the country in 2007. These two look to have closely coordinated their activities after meeting Ouazzani, probably on the internet, although there is no information publicly available about how or when they first met. When they communicated with the latter, for example, El-Hanafī and Hasanoff often used the same physical computer terminal and instant messaging account, making it difficult to tell who is speaking at any one time in court records.⁷³ Ouazzani, on the other hand, mostly stayed in the U.S., although he visited the others once in UAE for three weeks in June 2008 and may have visited them again in Mecca in June 2009.⁷⁴ However, the cell did have something like an official leadership structure. When El-Hanafī visited Yemen in February 2008, he swore an oath of allegiance, called *bayat*, to al-Qaeda through the Doctor. After he returned to the UAE, El-Hanafī accepted the same oath from both Hasanoff and Ouazzani on behalf of the Doctor around June 2008.⁷⁵ This created a formal hierarchy between the Doctor and El-Hanafī, Hasanoff, and Ouazzani, at least in eyes of the Doctor.⁷⁶ Furthermore, financial issues occasionally created tension between the members of the group. Hasanoff pestered Ouazzani in late 2007 to make good on his promises of payment to al-Qaeda which Hasanoff himself had covered for Ouazzani.⁷⁷

3. Motivation

It is obvious that all three members of the group followed an ideology that condoned killing and dying in the name of Islam. Beyond that, the story gets considerably murkier. For example, there is little direct evidence of Khalid Ouazzani’s religious or political beliefs. The mosque he attended with his family, the Islamic Society of Greater Kansas City (ISGKC), seems to advocate nonviolence alongside criticism of Western culture, but it is unknown how closely he mirrored its views. Despite embezzling over \$500,000 from Bank of America, Union Bank, and the private buyer of his used auto parts business and sending most of it to overseas accounts, Ouazzani only ever actually gave about \$23,000 to al-Qaeda between 2007 and 2008.⁷⁸ It is not clear what he intended to do with the rest of the money, and it seems to remain unaccounted for. His numerous acts of financial fraud over a period of years suggest a personal pecuniary motive.

⁷⁰ Beekman, “New York-Raised.”

⁷¹ Morris, “Al-Qaeda Bunco Artist.”

⁷² Gribble and Shepherd, “Adelaide-Raised.”

⁷³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 22.

⁷⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 9 and 24.

⁷⁵ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 10.

⁷⁶ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 16.

⁷⁷ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 6-7.

⁷⁸ U.S.A. v. Ouazzani, “Plea Agreement,” 5.

However, it is possible he hoped to use these funds to finance his plans for violent jihad.

Religion seems to have been Wesam El-Hanafi's primary motivation. After the 2003 American invasion of Iraq, he began to adopt a stricter interpretation of Islam, changing both his demeanor and appearance.⁷⁹ Money was certainly not an incentive; El-Hanafi and Sabirhan Hasanoff both contributed significant shares of their large salaries in monthly donations to al-Qaeda starting in 2007.⁸⁰ Following his conviction, El-Hanafi admitted to a "blind following" of a violent religious ideology.⁸¹ El-Hanafi himself appears confused about his motivations, wondering aloud in a letter to his judge, "What ideology was I after?"⁸²

Thanks to his testimony, substantial evidence exists for Sabirhan Hasanoff's motives. In the words of his defense lawyer, Hasanoff was "guilt-tripped" into supporting al-Qaeda.⁸³ Sometime in 2007, he became "psychologically lured" toward the group and adopted a more radical view of Islam.⁸⁴ Listening to the sermons of militant clerics like al-Awlaki filled him with guilt at his comfortable life.⁸⁵ He was convinced to seek out opportunities to struggle against atrocities committed against Muslims in the larger world, particularly those committed by the American government. In his own words, "As best I can explain it, a sense of guilt at living a comfortable life, and not someone acting on my beliefs and standing up for fellow Muslims, led me, step by step, to start making plans to go and fight for my faith and my community."⁸⁶ This shift to a perspective that tolerated or even celebrated violence and martyrdom is remarkable given his personal experience with terrorism. On the day of the 9/11 attacks, he had gone on a "frantic search" for a friend's daughter in Manhattan hospitals and later found out that she had been killed in the World Trade Center where she worked.⁸⁷ However, it is unclear what effect this event had on his views.

The specific conspiracy to bomb the New York Stock Exchange would suggest that the group considered civilians, especially American civilians, to be legitimate targets. The case evidence indicates otherwise. There is no record that Ouazzani, El-Hanafi, or Hasanoff ever seriously considered staging attacks on civilians, if they considered it at all. Rather than "terrorists" per se, it is more likely that they considered themselves to be soldiers. In Hasanoff's words, "There was no way I was ever going to assist or become involved in an act of terrorism—my goal, misguided as it was, was to fight in a war zone and, perhaps, die in the process."⁸⁸ Court documents repeatedly show that the primary interest of the

⁷⁹ Meek et al., "Two Brooklynites."

⁸⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 6-7.

⁸¹ Morris, "Al-Qaeda Bunco Artist."

⁸² Beekman, "Al Qaeda Supporter."

⁸³ Beekman, "New York-Raised."

⁸⁴ Beekman, "New York-Raised."

⁸⁵ Mitchell, "Australian Accountant."

⁸⁶ Morris, "Al-Qaeda Bunco Artist."

⁸⁷ "Sabirhan Hasanoff, the Aussie Accountant."

⁸⁸ Mitchell, "Australian Accountant."

group was to travel abroad for jihad and join the mujahidin in regions like Iraq, Afghanistan, and Somalia, not launch or help launch attacks in the U.S.⁸⁹ Here they no doubt hoped to kill American soldiers. Yet their intended violence indicates their target was the U.S. military and perhaps the U.S. government, not the U.S. population at large. This view distinguishes them from al-Qaeda core and their al-Qaeda handlers.

4. Goals

The group's main objective was to travel abroad to a place like Pakistan for military-style training and go on jihad in Iraq, Afghanistan, or Somalia. Court documents consistently demonstrate that the group had a serious interest in joining mujahidin fighting American forces outside of the U.S, whether on behalf of al-Qaeda or another organization. By mid-2007, Wesam El-Hanafi had made contact with two al-Qaeda operatives in Yemen known as "Suffian" and "the Doctor" and had expressed to them the group's desire to become foreign fighters.⁹⁰ When El-Hanafi visited Yemen in February 2008, he told the Doctor he had already tried to travel to Iraq through Syria but was unsuccessful.⁹¹ El-Hanafi and Hasanoff may have actually visited Syria and Turkey in this attempt.⁹² The two seem to have met face-to-face in UAE frequently throughout the period. After leaving Yemen, El-Hanafi told Hasanoff and Ouazzani that these "brothers" would help them travel for jihad.⁹³ Suffian did not believe El-Hanafi, and by extension the other Americans, would "make a good jihadi," but he did believe El-Hanafi was determined. He based this judgment on the evidence that the three American intended to sell their properties and belongings, meaning they did not expect to return home.⁹⁴

To this end of receiving training and going on jihad, the group was willing to provide substantial financial assistance to al-Qaeda through their handlers. In total, El-Hanafi sent Suffian and the Doctor about \$67,000 between 2007 and 2008, mostly through monthly \$500 wire transfers and money exchanges, funds that typically came directly from their salaries.⁹⁵ The prosecution estimated that El-Hanafi and Hasanoff were jointly responsible for sending about \$70,000 to Yemen once other items are included.⁹⁶ In addition to the \$6,500 he donated from the fraudulent sale of his used auto parts company, Hafssa LLC, in November 2007,⁹⁷ Ouazzani also agreed in June or August 2008 to contribute the \$17,000 he and another member of the group had made in profits

⁸⁹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 1.

⁹⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 15.

⁹¹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 16.

⁹² U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 22.

⁹³ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 16.

⁹⁴ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 12.

⁹⁵ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 12, 6-7, 17.

⁹⁶ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 32.

⁹⁷ U.S. District Court for the Western District of Missouri, Western Division, U.S.A v. Ouazzani, "Information," May 19, 2010, 2. www.investigativeproject.org/documents/case_docs/1252.pdf
U.S.A. v. Ouazzani, "Plea Agreement," 6.

from the sale of an apartment in UAE.⁹⁸ Ouazzani had originally co-purchased this real estate in May 2007 with funds fraudulently taken from his Union Bank commercial loan line of credit.⁹⁹ While visiting Suffian and the Doctor in 2008, El-Hanafi provided a laptop computer, an Atlas electronic translation device, and technical instructions on how to communicate covertly over the internet.¹⁰⁰ Hasanoff later sent a remote-controlled toy car as cover, a separate “advanced remote control,” and a receiver, which Suffian forwarded along to Somalia sometime between October and December 2008 for use in explosive devices by mujahidin there.¹⁰¹ He also bought Visa gifts cards for the Doctor on one of his trips to New York.¹⁰² El-Hanafi further sent three pairs of boots, three heavy Columbia brand winter jackets, three Garmin GPS units, and a pair of binoculars.¹⁰³ It is uncertain what the exact purpose of the other items was, but El-Hanafi intended the jackets and boots to be used by the group itself for their planned trip into Afghanistan.¹⁰⁴ Ouazzani was also asked to provide a camcorder that could record tactical operations, but he never purchased it.¹⁰⁵

Despite or because of this focus on fighting abroad, none of the Americans ever displayed a serious interest in domestic terrorism. The New York Stock Exchange case is revealing in this regard. The most generous interpretation for the prosecution that the case evidence can support is that the group was willing to provide intelligence and technical and financial resources for their Yemeni al-Qaeda handlers, who were interested in staging attacks in the U.S. So at most, supporting a future bombing of the NYSE was an auxiliary goal for the three Americans. More realistically, we should probably take the group at its word: it was a very limited, instrumental scheme to prove their bona fides and apply pressure on their handlers to help them go fight overseas, and only Hasanoff was ever directly involved in the scheme.

The assignment to conduct surveillance on the NYSE was handed down to him by El-Hanafi from the Doctor following the February 2008 trip to Yemen.¹⁰⁶ The Doctor may have been trying to groom them for staging attacks on American soil. He is said to have believed that Hasanoff, El-Hanafi, and Ouazzani were ideal candidates for possible plans to bomb sites in the U.S.¹⁰⁷ With this in mind, Ouazzani and the others were instructed in June 2008 not fill their American passports with stamps because doing so would decrease the passports’ value to al-Qaeda.¹⁰⁸ When the group pressed for details on their purportedly imminent trip abroad, the Doctor regularly responded that “their path to travel

⁹⁸ U.S.A. v. Ouazzani, “Information,” 2-3; U.S.A. v. Ouazzani, “Plea Agreement,” 6.

⁹⁹ U.S.A. v. Ouazzani, “Plea Agreement,” 5-6; U.S.A. v. Ouazzani, “Indictment,” 16.

¹⁰⁰ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 9-10.

¹⁰¹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 13.

¹⁰² U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 11.

¹⁰³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 13.

¹⁰⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 16.

¹⁰⁵ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 11.

¹⁰⁶ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 19.

¹⁰⁷ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum.”

¹⁰⁸ U.S.A. v. El-Hanafi and Hasanoff, “Indictment,” 3. U.S. District Court, Southern District of New York, U.S.A. v. El-Hanafi and Hasanoff, “Superseding Indictment,” May 13, 2013, 2. www.investigativeproject.org/documents/case_docs/1949.pdf

was not [yet] clear.”¹⁰⁹ Suffian began to suspect that the Doctor was pulling the Americans along to make them believe they would fight overseas soon while keeping their money flowing.¹¹⁰

Indeed, some independent American analysts have interpreted this as meaning that the Doctor was a “bunco artist” and not actually seriously interested in terrorist operations.¹¹¹ For his part, the Doctor still maintained in December 2008 that he had long-term plans for them “concerning something in the future in America.”¹¹² The Americans, however, had already made clear to Suffian that while they wanted to join the mujahidin in Afghanistan, Iraq, or Somalia, they were not willing to conduct martyrdom operations.¹¹³

A rift quickly developed between the group and their handlers over these issues. Hasanoff flew from Dubai to John F. Kennedy Airport in New York City on July 29, 2008 and flew back to Dubai on August 15, 2008.¹¹⁴ He probably visited the New York Stock Exchange at some point during this time. Soon after, Hasanoff sent a one-page report on his “surveillance mission” to Suffian, who translated it into Arabic and printed it out for the Doctor.¹¹⁵ The report was rudimentary, and the Doctor threw away the report in frustration. Suffian later joked in an FBI interview that the Doctor probably burned it and “warmed his hands with it.”¹¹⁶ After admitting that the report provided little in the way of useful information for an actual operation, the U.S. Government’s 2013 sentencing memorandum for Hasanoff argued that his “willingness to conduct surveillance of a densely-populated and high-profile domestic target in the heart of Manhattan makes clear his commitment to terrorism and his support for the anti-American agenda for which al Qaeda stands.”¹¹⁷ While this is true strictly speaking, the characterization lends more credibility to the plot than the evidence actually justifies and deemphasizes their real goals. In a six-page letter to his judge, Kimba Wood of the Manhattan Federal Court, Hasanoff maintained that he never had any intention of becoming “involved in an act of terrorism,” saying that his report “deliberately provided nothing beyond what anyone could have learned from Google Earth, a tourist map or a brochure.”¹¹⁸ In November 2008, Suffian told Hasanoff, El-Hanafi, and Ouazzani that the Doctor was “the hindrance to their path to jihad,” and in December, Suffian and the Americans officially broke from the Doctor.¹¹⁹

5. Plans for violence

¹⁰⁹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 18.

¹¹⁰ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 14.

¹¹¹ Morris, “Al-Qaeda Bunco Artist.”

¹¹² U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 19.

¹¹³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 13.

¹¹⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 20.

¹¹⁵ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 21.

¹¹⁶ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-1, 12.

¹¹⁷ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 3.

¹¹⁸ Mitchell, “Australian Accountant.”

¹¹⁹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 18-19.

Before the capture of their Yemeni al-Qaeda handlers in 2009 and themselves in 2010, the American group had well-developed plans to travel to Pakistan for military-style training before entering Afghanistan for jihad. These plans were serious and consistent, and they were disrupted by the arrest of their handlers and eventually themselves. As noted, the New York Stock Exchange issue, never seems to have held the serious interest of any of the three, never progressed beyond a rudimentary intelligence gathering stage, and was effectively abandoned long before their arrests. It therefore cannot be said that U.S. or any other authorities thwarted a terrorist plot on American soil.

During El-Hanafi's February 2008 visit to Yemen, the Doctor told El-Hanafi to assign Hasanoff the task of casing the NYSE, as well as the United States' "biggest dam." The Yemenis never specified precisely which dam they were interested in, and neither El-Hanafi nor Hasanoff ever visited or provided information on any dam.¹²⁰ The Doctor had expressed an interest in staging a bombing of the NYSE "because it represented the world's economy"¹²¹ and targets in the U.S. generally, but said he lacked information about the site's location, size, and security.¹²²

In an effort to ingratiate himself, Ouazzani, and El-Hanafi with the Doctor and Suffian, who the Americans hoped would help them travel abroad for jihad, Hasanoff accordingly visited New York between July 29, 2008 and August 15, 2008.¹²³ Before returning to Dubai, Hasanoff sent Suffian a message stating that he had completed the surveillance mission.¹²⁴ There is no specific evidence that he was lying, but the rudimentary nature of his report offers no reason to think he actually visited the site either. Hasanoff claimed he never had any intention of becoming "involved in an act of terrorism," saying his report "deliberately provided nothing beyond what anyone could have learned from Google Earth, a tourist map or a brochure."¹²⁵ This latter claim, at the very least, is true. Sent via email, the one-page write-up contained only basic and, in Suffian's words, "silly" information like the fact that the NYSE's immediate vicinity was closed to vehicular parking and that police conducted guard dog patrols in the area.¹²⁶ In Hasanoff's sentencing hearing, Manhattan Federal Court Judge Kimba Wood admitted that Hasanoff's surveillance report was "too skimpy to be useful" for any plausible attack.¹²⁷

The Doctor maintained into December 2008 that he was grooming Hasanoff, Ouazzani, and El-Hanafi for long-term plans "concerning something in the future in America,"¹²⁸ but it is also possible that he never considered this to be a serious possibility. Suffian suspected that he was only pulling the Americans

¹²⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 11.

¹²¹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-2, 9.

¹²² U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Ibid., 19.

¹²³ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 20.

¹²⁴ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 20.

¹²⁵ Mitchell, "Australian Accountant."

¹²⁶ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 11.

¹²⁷ Beekman, "New York-Raised."

¹²⁸ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 19.

along to keep their money coming in.¹²⁹ Hasanoff and El-Hanafi knew the assignment was for a possible operation in the U.S., but when asked in an FBI interview if any operation was actually planned, Suffian “responded with a definitive ‘No.’ ” Both Suffian and the Doctor held that al-Qaeda was interested in having operatives in the U.S. Yet they knew that at least for the time being the Americans had no operational skills for and no serious interest in domestic terrorism.¹³⁰ When the group pressed the Doctor for details on their supposedly imminent trip abroad, the regular response that “their path to travel was not [yet] clear.”¹³¹ Indeed, some American writers have interpreted this to mean the Doctor was a “bunco artist” and not seriously interested in actual terrorist operations.¹³² Such analysis is bolstered by the fact that many of the funds and resources the group sent to Yemen sent for the mujahidin and for their own future training were misappropriated. For example, the Doctor spent \$16,000 on two cars for himself in November and December 2008 and \$1,500 on his friend’s cancer treatment. The three heavy winter jackets and three pairs of boots El-Hanafi sent for their planned trip to Afghanistan were also simply distributed among the Doctor, Suffian, and another individual.¹³³ It is unknown what happened to the rest of the money, although the Doctor supposedly hoped to use \$45,000 of it to open an appliance store.¹³⁴

Aside from Hasanoff’s plausible trip to the NYSE and his rudimentary report, the group had no further involvement in any such plot. El-Hanafi obviously knew of its existence because he handed down the intelligence gathering assignment from the Doctor, but there is no definitive evidence that Ouazzani did. His lawyer, Robin Fowler, argued that Ouazzani had “nothing to do with the stock exchange” plot,¹³⁵ and the prosecutors concur.¹³⁶

When the Americans and Suffian broke with the Doctor between November and December 2008 over the belief that he was delaying their hopes to travel abroad for jihad.¹³⁷ Suffian and the three Americans quickly established a working plan and almost put it into practice. Suffian would travel to an al-Qaeda training camp in Pakistan in January 2009 and prepare the groundwork for the Americans’ arrival. After they followed and received appropriate instruction, Hasanoff, Ouazzani, El-Hanafi, and possibly Suffian as well would wait in Pakistan “until al Qaeda secured a route to Afghanistan” and then join fighters in the country.¹³⁸ It would be very difficult for the Americans to return home at this point because they planned to sell their belongings before coming. Their families and perhaps government authorities would have become suspicious.¹³⁹ Part of

¹²⁹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 14.

¹³⁰ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-1, 12.

¹³¹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 18.

¹³² Morris, “Al-Qaeda Bunco Artist.”

¹³³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2, 23.

¹³⁴ Morris, “Al-Qaeda Bunco Artist.”

¹³⁵ Morris, “Al-Qaeda Bunco Artist.”

¹³⁶ Morris, “KC Man Sentenced.”

¹³⁷ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 18-19.

¹³⁸ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 22.

¹³⁹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-1, 11.

Suffian's desire to go on jihad so quickly was the fear that the Doctor would turn him into a scapegoat if he were ever caught.¹⁴⁰

Unhappily for the scheme, however, Suffian was arrested days before he was scheduled to leave for Pakistan. He had been actively communicating with individuals in Pakistan over phone and email in the previous weeks.¹⁴¹ Perhaps this is what led to his detection and arrest on January 1, 2009, five or six days before he planned on obtaining a visa and leaving Yemen.¹⁴² There is little information available publicly about what led to his arrest, what transpired afterwards, and how directly this might have led to the eventual arrest of the other members of the group. By March 2009, however, Suffian did provide detailed information about himself, the Doctor, and the Americans as a cooperating witness with the FBI.¹⁴³ The Doctor was also arrested in January 2009 and cooperated in FBI interviews in March even a few days before Suffian did so.¹⁴⁴ The Doctor only met face-to-face with El-Hanafi and never knew the American's names,¹⁴⁵ but Suffian may have. The evidence used in Hasanoff's 2013 sentencing memorandum relies heavily on the testimony Suffian and the Doctor provided in these interviews.¹⁴⁶

Hasanoff, El-Hanafi, and Ouazzani quickly realized what had happened once they lost contact with Suffian and the Doctor. By January 24, 2009, they had already guessed that their Yemeni handlers had been imprisoned, and they began discussing alternative plans. Three options were considered. First, they could go to Yemen and seek out additional al-Qaeda contacts. Second, they could travel to Afghanistan or another country and try to join al-Qaeda there. Third, they could depart for Somalia and link up with al-Shabaab. The Americans decided to go with the third option but wait until the al-Shabaab gained control of the Mogadishu International Airport. At this time, they still intended it to be a one-way trip.¹⁴⁷ In June 2009, Hasanoff and El-Hanafi and perhaps Ouazzani went on an *Umrah* trip together to Mecca in Saudi Arabia.¹⁴⁸ The three again discussed the possibility of seeking out additional contacts within al-Qaeda in August 2009.¹⁴⁹

Sometime around March 2009, Hasanoff and El-Hanafi reinitiated contact with a Danish-born jihadist. Knowing this man was currently "involved in facilitating travel for al Qaeda fighters," they hoped he could help them get in touch with al-Qaeda.¹⁵⁰ His name remains unknown to the public. However, Hasanoff's 2013 sentencing memorandum notes that the U.S. government knows his identity, so likely he is already dead or in captivity. Hasanoff and El-Hanafi

¹⁴⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 13.

¹⁴¹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 6.

¹⁴² U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 11.

¹⁴³ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1.

¹⁴⁴ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-2.

¹⁴⁵ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-2, 10.

¹⁴⁶ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum."

¹⁴⁷ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 23.

¹⁴⁸ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 24.

¹⁴⁹ U.S.A. v. El-Hanafi and Hasanoff, "Indictment," 4; U.S.A. v. El-Hanafi and Hasanoff, "Superseding Indictment," 4.

¹⁵⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 24.

had met this terrorist in UAE sometime after 2006, and he quickly introduced the two to Suffian and thereby to the Doctor in Yemen.¹⁵¹ In his February 2008 trip to Yemen, El-Hanafi was instructed to cease all communication with the Dane because he was too “prominent” and “a security risk.”¹⁵² Nevertheless, they got back in touch with him in 2009.

This decision may also have contributed directly or indirectly to the group’s arrest. In the House Permanent Select Committee on Intelligence’s June 18, 2013 hearing on “How Disclosed NSA Programs Protect Americans, and Why Disclosure Aids Our Adversaries” following the Edward Snowden leaks, it was revealed that Ouazzani was identified by the NSA using its FISA Amendment Act Section 702 authority for collecting email and phone content on foreigners located outside of the U.S. Under “Operation Wifi,” the NSA was monitoring a “known extremist” in Yemen who it was discovered was in contact an American citizen, Ouazzani. This “known extremist” may have been the Danish terrorist. The NSA then tipped the case to the FBI, who “served legal process to fully identify Ouazzani,” set up electronic surveillance, and “were able to identify two additional co-conspirators.”¹⁵³ It is unclear whether this meant that the FBI was able to establish El-Hanafi and Hasanoff’s identities or merely their existence through this surveillance.

It is also not obvious how essential the 702 authority was in this case. The general question arose in the hearing. Director of the NSA General Keith Alexander claimed that Section 702 as well as the Patriot Act Section 215 authority for the collection of telephone “metadata” within the United States had led to the disruption of “over fifty” terrorist attacks on the United States. Representative James Himes (D-CT) pressed the general on this point both in the hearing and previously at a closed session, saying, “I don’t think it’s adequate to say that 702 and 215 contributed to our preventing 50 episodes. I think it’s really essential that you grade the importance of that contribution.” He asked Alexander, “How many of those 50 episodes would have occurred but for your ability to use the Section 215 [and 702] authorities?” The general responded vaguely that the 702 authority was “critical” in 50 percent of the cases. Adding to the general’s comments, FBI Deputy Director Sean Joyce helpfully offered, “I think you ask an almost impossible question to say how important each dot was.”¹⁵⁴

On February 3, 2010, Ouazzani was indicted on 33 counts of bank fraud, money laundering, interstate fraud, and providing false statements to a government agency.¹⁵⁵ He was further charged with one count of material support to a terrorist organization on May 19, 2010.¹⁵⁶ On the same day, Ouazzani entered

¹⁵¹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 5.

¹⁵² U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 16.

¹⁵³ *Hearing of the House Permanent Select Committee on Intelligence on How Disclosed NSA Programs Protect Americans, and Why Disclosure Aids Our Adversaries*, Washington, DC: IC on the Record, Office of the Director of National Intelligence, June 18, 2013. icontherecord.tumblr.com/post/57812486681/hearing-of-the-house-permanent-select-committee-on

¹⁵⁴ *Hearing of the House*.

¹⁵⁵ U.S.A. v. Ouazzani, “Indictment,” 1.

¹⁵⁶ U.S.A. v. Ouazzani, “Information,” 1.

into a plea agreement with the U.S. Attorney's Office for the Western District of Missouri, pleading guilty to one count of bank fraud against Union Bank, one count of laundering Union Bank funds, and one count of conspiracy to provide material support to a terrorist organization. In doing so, he waived his right to a jury trial.¹⁵⁷ Nowhere in his court documents is there any mention of his participation in a plot against the NYSE. Moreover, he was convicted of conspiring to provide support to al-Qaeda, not of conspiring to commit an act of terrorism. On October 7, 2013, Ouazzani was sentenced to fourteen years in federal prison. Following his arrest, he began "a long period of heavy cooperation" with the FBI, which may or may not have already been investigating El-Hanafi and Hasanoff.¹⁵⁸ It is clear from Hasanoff's 2013 sentencing memorandum that Ouazzani provided a great deal of information.¹⁵⁹ In fact, during Ouazzani's own sentencing hearing, his attorney maintained that "without him, [Hasanoff and El-Hanafi] would not have been arrested or charged."¹⁶⁰ The veracity of this particular statement is unknown.

On May 13, 2010, El-Hanafi and Hasanoff were indicted on one count of conspiracy to provide support to a foreign terrorist organization.¹⁶¹ In a superseding indictment, they were indicted on one count of conspiracy to provide support or resources to a foreign terrorist organization, one count of providing or attempting to provide support or resources to a foreign terrorist organization, one count of conspiracy to make and receive a contribution of funds, goods, or services to, and for the benefit of, al-Qaeda, and one count of making and receiving a contribution of funds, goods, or services to, and for the benefit of, al-Qaeda.¹⁶² During the 2013 hearing, Joyce claimed that the FBI had somehow "lured" them back to the U.S. before arresting them.¹⁶³ This may be false, however, because it seems that both El-Hanafi and Hasanoff initially spent time in UAE custody in 2010.¹⁶⁴ On June 6, 2012, Hasanoff was charged with and pursuant to a plea agreement pleaded guilty to one charge of providing material support to al-Qaeda and one count of conspiring to provide material support to al-Qaeda.¹⁶⁵ On June 18, 2012, El-Hanafi was charged with and pursuant to a plea agreement pleaded guilty to one charge of providing material support to al-Qaeda and one count of conspiring to provide material support to al-Qaeda.¹⁶⁶ On September 30, 2013, Hasanoff was sentenced to eighteen years in prison.¹⁶⁷ In January 2015, El-Hanafi was sentenced to fifteen years. Aside from Hasanoff's May 31, 2013 sentencing memorandum, the New York Stock Exchange plot is

¹⁵⁷ U.S.A. v. Ouazzani, "Plea Agreement," 1-2, 17.

¹⁵⁸ Morris, "KC Man Sentenced."

¹⁵⁹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum."

¹⁶⁰ Morris, "KC Man Sentenced."

¹⁶¹ U.S.A. v. El-Hanafi and Hasanoff, "Indictment," 1-2.

¹⁶² U.S.A. v. El-Hanafi and Hasanoff, "Superseding Indictment," 1, 4-6, 10.

¹⁶³ *Hearing of the House*.

¹⁶⁴ Beekman, "Al Qaeda Supporter"; "Sabirhan Hasanoff, the Aussie Accountant."

¹⁶⁵ U.S.A. v. Hasanoff, "Plea Agreement and Order of Forfeiture," Consent Order of Forfeiture, 1-2.

¹⁶⁶ U.S. District Court, Southern District of New York, U.S.A. v. El-Hanafi, "Consent Order of Forfeiture," June 18, 2012, 1-2. www.investigativeproject.org/documents/case_docs/1997.pdf

¹⁶⁷ Beekman, "New York-Raised."

also not mentioned in any of their case documents. Moreover, these two also were convicted of providing support to al-Qaeda, not of conspiring to actually commit an act of terrorism.

6. Role of informants

There are no known informants in this case. Neither court documents nor the media make any mention of informants, paid or unpaid.

7. Connections

This case is one of the few in which Americans citizens acted within a legitimate al-Qaeda network, and the connections are worth reviewing.

Sometime after El-Hanafi and Hasanoff linked up in Dubai, UAE, in 2007, they met a Danish-born convert to Islam whose identity remains unknown to the public.¹⁶⁸ They apparently expressed to him their interest in going overseas to wage jihad against the American military. This man soon introduced El-Hanafi to another al-Qaeda supporter based in Yemen known as “Suffian,” who was also working with another, more senior, al-Qaeda member who went by the alias “the Doctor.” At this time, the Doctor was “responsible for facilitating the travel of mujahidin.”¹⁶⁹ Starting in 2007, the Americans began provide financial, technical, other material support for these Yemeni handlers, believing it would help convince them to assist their intended travel for jihad.¹⁷⁰ Between 2007 and 2009, El-Hanafi, Hasanoff, and Ouazzani delivered a total of roughly \$93,000 to al-Qaeda.¹⁷¹

In February 2008, El-Hanafi accepted an invitation to travel to Yemen to meet Suffian and the Doctor. He flew from Dubai to Sana’a, Yemen, on February 8 and returned on February 14. After meeting at a previously agreed upon location, Suffian placed a hood over El-Hanafi’s head and drove him to the home of the Doctor, where he stayed for two or three days.¹⁷² While there, El-Hanafi swore *bayat*, or an oath of allegiance, to al-Qaeda through the Doctor. El-Hanafi accepted the same oath from both Hasanoff and Ouazzani on behalf of the Doctor around June 2008 after he returned to the UAE.¹⁷³ This created a formal hierarchy between the three Americans, at least in eyes of the Doctor.¹⁷⁴ Suffian, however, was the main channel through which the Americans and the Yemen group communicated, primarily over email.¹⁷⁵ The Doctor also charged El-Hanafi and by extension Hasanoff and Ouazzani with several assignments, such as procuring various items useful to the mujahidin and casing the New York Stock Exchange for a possible future operation.¹⁷⁶ The Americans completed most of these tasks,

¹⁶⁸ Beekman, “New York-Raised.”

¹⁶⁹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 5-6.

¹⁷⁰ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 6.

¹⁷¹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 32. U.S.A. v. Ouazzani, “Plea Agreement,” 5.

¹⁷² U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 9.

¹⁷³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 10.

¹⁷⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 16.

¹⁷⁵ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 13.

¹⁷⁶ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 10-11.

although Hasanoff's August 2008 NYSE surveillance mission proved to be useless.¹⁷⁷ El-Hanafi was also instructed to cease all communication with the Danish jihadist because he was too "prominent" and "a security risk."¹⁷⁸

By October 2008, however, the Americans began speaking of "the problem," with reference to the Doctor.¹⁷⁹ When pressed by the group for details on their supposedly imminent trip abroad for jihad, the Doctor regularly responded that "their path to travel was not [yet] clear."¹⁸⁰ Suffian began to suspect that the Doctor was pulling the Americans along to make them believe they would fight overseas soon while keeping their money flowing.¹⁸¹ For his part, the Doctor still maintained in December 2008 that he had long-term plans for them "concerning something in the future in America."¹⁸² In November 2008, Suffian told Hasanoff, El-Hanafi, and Ouazzani that the Doctor was "the hindrance to their path to jihad," and in December, Suffian and the Americans officially broke from the Doctor.¹⁸³ Suffian and the Doctor had a verbal argument that ended with the Doctor swearing at Suffian. Aside from his distrust of the Doctor's intentions, Suffian also apparently felt like the Doctor treated him like his "servant" and worried that if he was ever caught, the Doctor would turn Suffian into a "scapegoat."¹⁸⁴

The new network quickly established a working plan for Suffian to travel to an al-Qaeda training camp in Pakistan in January 2009 and prepare the groundwork for the Americans' arrival. After they followed and received appropriate instruction, Hasanoff, Ouazzani, El-Hanafi, and possibly Suffian as well would wait in Pakistan "until al Qaeda secured a route to Afghanistan," and then they would join fighters in the country.¹⁸⁵ Unhappily for the scheme, however, Suffian was arrested days before he was scheduled to leave for Pakistan. The Doctor was also arrested, and both cooperated with their interrogators. Hasanoff, El-Hanafi, and Ouazzani quickly realized what had happened once they lost contact with Suffian and the Doctor.¹⁸⁶ Around March 2009, Hasanoff and El-Hanafi reinitiated contact with a Danish jihadist. Knowing this man was currently "involved in facilitating travel for al Qaeda fighters," they hoped he could help them get in touch with other al-Qaeda operatives.¹⁸⁷ All this led to their arrest in 2010.

It is possible to piece together a limited profile of the Doctor and Suffian thanks to declassified FBI interviews. The Doctor was an Egyptian citizen and had a wife and four children. He claimed to have sworn *bayat* in the early to mid-

¹⁷⁷ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 12.

¹⁷⁸ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 16.

¹⁷⁹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 12.

¹⁸⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 18.

¹⁸¹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 14.

¹⁸² U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 19.

¹⁸³ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 18-19.

¹⁸⁴ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 13.

¹⁸⁵ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 22.

¹⁸⁶ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-2.

¹⁸⁷ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 24.

1990s to a man who at that time was the leader of Egyptian Islamic Jihad.¹⁸⁸ This would be Ayman al-Zawahiri, the current leader of al-Qaeda core. Technically if not practically speaking, this would mean that the Americans were only one level of *bayat* away from the head of al-Qaeda. The Doctor asserted he was a seasoned jihadist who had fought with the mujahidin in Afghanistan against the Soviet Union in the 1980s. There, he claimed, he had acquired skills in explosives technology.¹⁸⁹ However, he apparently could not figure out how to operate the advanced remote control and receiver Hasanoff sent at his request.¹⁹⁰ In terms of his ideology, the Doctor avowed that the September 11, 2001 attacks were a “warning,” that Americans must “oppose [their] politicians and have mercy on the Muslims,” and that more violence was forthcoming.¹⁹¹ The Doctor claimed he was always looking for an opportunity to stage an attack on U.S. soil, believing that “all of the mistreatment of Muslims worldwide is the result of US policy and imperialism and that it is his clear duty to destroy US interests.” Although disappointed that his NYSE operation never came to fruition, the Doctor expressed pleasure that “Allah is already destroying the US economy.”¹⁹² It is unclear how extensive and reliable his network of al-Qaeda contacts actually was. He seems to have had connections to individuals in Somalia and Yemen at least and possibly Pakistan, Afghanistan, or Egypt.

Whatever his political ideals, the Doctor seemed to feel little guilt about misappropriating funds the Americans sent for the mujahidin and for their own future training. He spent \$16,000 on two cars for himself in November and December 2008 and \$1,500 on his friend’s cancer treatment. The three heavy winter jackets and three pairs of boots El-Hanafi sent for their planned trip to Afghanistan were also simply distributed among the Doctor, Suffian, and another individual.¹⁹³ It is unknown what happened to the rest of the money, although the Doctor supposedly hoped to use \$45,000 of it to open an appliance store.¹⁹⁴ This behavior has led some American analysts to believe the Doctor was a “bunco artist” not seriously interested in actual terrorist operations. Indeed, in a 2013 letter to Sabirhan Hasanoff’s judge, his lawyer claimed the group had been “victims of a rudimentary fraud.”¹⁹⁵ However, it is difficult to dismiss the Doctor’s stated interest in terrorism on account of his greed alone. It is likely he truly believed the Americans or their passports could be of use to al-Qaeda for operations within the United States. If the Doctor was not going to direct these missions himself, perhaps other al-Qaeda operatives would, and he would be rewarded accordingly. He probably took his job of “facilitating the travel of mujahidin” seriously even while dishonestly making a profit doing so.¹⁹⁶

¹⁸⁸ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2, 7.

¹⁸⁹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 18.

¹⁹⁰ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2, 23.

¹⁹¹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2, 26.

¹⁹² U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2, 8.

¹⁹³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2, 23.

¹⁹⁴ Morris, “Al-Qaeda Bunco Artist.”

¹⁹⁵ Morris, “Al-Qaeda Bunco Artist.”

¹⁹⁶ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 5-6.

Little is known about Suffian besides his religious and political beliefs. In his FBI interviews, he stated, “every day I want to die and to be killed by Americans during battle would be best.” He condoned the 9/11 attacks, citing an Egyptian cleric who claimed the operation was “our destiny.” Suffian argued that there are three main schools of thought in the Muslim world on martyrdom missions. He aligned himself with the third, believing that while Islam forbids the killing of women, children, and innocents, they can be accepted as collateral damage if they “happened to be in the way of an appropriate target.” He also told his FBI interviewer that if he had met him in another setting, “only one of them would survive the meeting.”¹⁹⁷ It is likely these sentiments were partly true belief, partly bluster and bravado. Suffian’s al-Qaeda connections included individuals in Yemen and Pakistan at least and possibly Somalia as well.

8. Relation to the Muslim community

Khalid Ouazzani is Sunni Muslim and attended mosque with his family at the Islamic Society of Greater Kansas City (ISGKC), although he seems to have had only a casual relationship with the director.¹⁹⁸ The center itself appears to preach tolerance and nonaggression. Following the 2012 killing of U.S. Ambassador Christopher Stevens and members of his staff in Libya, the board of directors wrote that the attackers “cannot possibly call themselves devout Muslims” because “violence of any sort is prohibited in our religion.”¹⁹⁹ However, the ISGKC did host the controversial American sheikh Khalid Yasin in 2010 for a lecture on how Muslims “can safeguard themselves against the social evils that the western world offers.”²⁰⁰

There is no reason to believe the mosque played any role in Ouazzani’s activities, however. Director Mustafa Hussein refused Ouazzani’s wife’s plea for help following her husband’s arrest, saying, “if he’s guilty, there’s nothing we can do.”²⁰¹

El-Hanafi is also Sunni Muslim.²⁰² It is unclear what, if any, connection he had to the Muslim community. Hasanoff is probably Sunni Muslim. Hasanoff admits to being at least partly inspired by radical clerics like Anwar al-Awlaki.²⁰³

9. Depiction by the authorities

Unfortunately for the public’s understanding, several prominent U.S. authorities made factually inaccurate and grossly misrepresentative remarks in a highly publicized manner about the New York Stock Exchange case. Following the Edward Snowden leaks about the NSA’s surveillance programs in early June 2013, the House Permanent Select Committee on Intelligence quickly pulled

¹⁹⁷ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-1, 7-8.

¹⁹⁸ Draper, “Missouri Auto Dealer.”

¹⁹⁹ Mahbubur Rahman, “To Sponsor a Bill that Outlaws Any Action that May Insult One’s Religion,” Change.org.

²⁰⁰ Imran Hassan, “ICNA Kansas City Hosts Sh. Khalid Yasin,” Islamic Circle of North America, June 6, 2010.

²⁰¹ Draper, “Missouri Auto Dealer.”

²⁰² Meek et al., “Two Brooklynites.”

²⁰³ Mitchell, “Australian Accountant.”

together a hearing. It was given a helpful push by the demand of Senators Mark Udall (D-CO) and Ron Wyden (D-OR) that NSA Director General Keith Alexander clarify his claim that the NSA had already thwarted “dozens of terrorist events.”²⁰⁴ Instead the senators asserted, “We have not yet seen any evidence showing that the NSA’s dragnet collection of Americans’ phone records has produced any uniquely valuable intelligence.”²⁰⁵

Held on June 18, the hearing was titled “How Disclosed NSA Programs Protect Americans, and Why Disclosure Aids Our Adversaries.” Michael Rogers (R-MI) chaired, and General Alexander, Deputy Attorney General James Cole, NSA Deputy Director John Chris Inglis, FBI Deputy Director Sean Joyce, and General Counsel of the Office of the DNI Robert Litt testified as witnesses.

During the course of the hearing, Alexander, Joyce, and others argued that the FISA Amendment Act Section 702 authority for collecting email and phone content on foreigners located outside of the U.S. and the Patriot Act Section 215 authority for telephone “metadata” collection within the United States are critical to America’s national security. Speaking in specifics about the programs for the first time, Alexander claimed they had led to the disruption of “over fifty” terrorist attacks on the United States. Four such cases were singled out. Among them was the New York Stock Exchange plot which had not been previously known to the public. Joyce spoke about the NYSE case four separate times in his testimony, once in introducing all four cases, once prompted by Representative Mac Thornberry (R-TX), once unprompted, and once prompted by Representative Peter King (R-NY). In comparison, none of the other three cases were explained in great detail or even mentioned again after their initial introduction. The focus on this case appears to have been intended to jolt legislators and the public with a highly symbolic target.

Joyce argued that the use of the 702 authority had led to the disruption of a “nascent plotting” to bomb the New York Stock Exchange by Khalid Ouazzani and two unnamed co-conspirators. Under what was called “Operation Wifi,” the NSA was monitoring a “known extremist” in Yemen when it was discovered he was in contact an American citizen, Ouazzani. The NSA then tipped the case to the FBI, who “served legal process to fully identify Ouazzani,” set up electronic surveillance, and “were able to identify two additional co-conspirators.” Here, investigators found a conspiracy to bomb the NYSE that “was in the very initial stages.” The FBI was then able to “disrupt” the plot. Joyce further noted that “Ouazzani had been providing information and support to this plot.”

Representative Thornberry questioned Joyce about whether the NSYE case actually involved a “serious plot.” Specifically, he wanted to know if it was “their intention to blow up the New York Stock Exchange” or if it was just “something they kind of dreamed about, you know, talking among their buddies.” Joyce answered by saying, “I think the jury considered it serious, since they were

²⁰⁴ Peter Bergen and David Serman, “Did NSA Snooping Stop ‘Dozens’ of Terrorist Attacks?” *CNN*, June 18, 2013.

²⁰⁵ Office of U.S. Senator Ron Wyden, “Udall, Wyden Call on National Security Agency Director to Clarify Comments on Effectiveness of Phone Data Collection Program,” press release, June 13, 2013.

all convicted.” Facing a previously unknown case and an authority figure, Thornberry seemed to accept Joyce’s answer, muttering, “Okay,” before moving on.²⁰⁶ After the hearing concluded, General Alexander was caught on an open microphone instructing Joyce to “tell your boss [FBI Director Robert Mueller] I owe him another friggin’ beer.”²⁰⁷

At least as far as the NYSE case is concerned, this testimony was riddled with false and misleading statements.

First, Ouazzani was not involved. El-Hanafi may have handed down the surveillance assignment to Hasanoff from the Doctor, but there is no direct evidence that Ouazzani even knew about it. Ouazzani’s attorney, Robin Fowler, disputed Joyce’s testimony the following day, stating in a phone interview with *Wired* that “Ouazzani was not involved in any plot to bomb the New York Stock Exchange.”²⁰⁸ Moreover, *ABC* quoted Don Ledford, a spokesman for the U.S. Attorney’s office in Kansas City where Ouazzani was tried, as saying the office “would still stand by” its previous conclusion that “he posed no imminent threat to the public” and that there is “no evidence that Ouazzani engaged in any specific plot against the United States government.”²⁰⁹

Second, the FBI did not “disrupt” any “nascent plotting.” The plot had already been effectively abandoned after August 2008, one and a half years before Ouazzani, El-Hanafi, and Hasanoff were arrested.

Third, no jury “considered the plot serious.” All three Americans entered plea agreements and waived their right to jury trial, so there were no juries at all.²¹⁰ *ABC* quoted an unnamed U.S. official familiar with the case as saying Joyce “misspoke” here.²¹¹

Fourth, no one was convicted on charges related to the New York Stock Exchange plot. Ouazzani pled guilty to bank fraud, money laundering, and conspiracy to provide material support to a terrorist organization.²¹² El-Hanafi and Hasanoff pled guilty to providing and conspiring to provide material support to al-Qaeda.²¹³ The NYSE plot is not mentioned in any court document other than Hasanoff’s 2013 sentencing memorandum.²¹⁴

In this hearing, therefore, Alexander and Joyce either deliberately misled the public and Congress or are responsible for tremendously sloppy testimony.

10. Coverage by the media

²⁰⁶ *Hearing of the House.*

²⁰⁷ Philip Bump, “After an Easy Hearing, the NSA and FBI are Ready for a Drink,” *The Wire*, June 18, 2013.

²⁰⁸ David Kravets, “NSA Disruption of Stock Exchange Bomb Plot Disputed,” *Wired*, June 18, 2013.

²⁰⁹ Brian Ross, Aaron Katersky, James Gordon Meek, Josh Margolin, and Lee Ferran, “NSA Claim of Thwarted NYSE Plot Contradicted by Court Documents,” *ABC News*, June 19, 2013.

²¹⁰ U.S.A. v. Ouazzani, “Plea Agreement”; U.S.A. v. Hasanoff, “Plea Agreement and Order of Forfeiture,” Plea Agreement; U.S.A. v. El-Hanafi, “Consent Order of Forfeiture.”

²¹¹ Ross et al., “NSA Claim.”

²¹² U.S.A. v. Ouazzani, “Plea Agreement,” 1-2, 17.

²¹³ U.S.A. v. Hasanoff, “Plea Agreement and Order of Forfeiture,” Consent Order of Forfeiture, 1-2; U.S.A. v. El-Hanafi, “Consent Order of Forfeiture,” 1-2.

²¹⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum.”

The media's coverage of the case over its long run through the court system was generally well researched and balanced. However, its most important contribution was made following the House Permanent Select Committee on Intelligence's June 18, 2013 hearing at which Alexander and Joyce testified.²¹⁵

If Joyce's intent in his testimony on the NYSE plot was to shock legislators and the public with a discussion about a terrorist attack on a highly symbolic target, he succeeded, but only momentarily. Major news organizations like Reuters, Bloomberg, CNN, and NBC all carried headlines naming the NYSE plot.²¹⁶

However, several other prominent newspapers immediately challenged the claims in the hearing. The *New York Times* ran an article the same night that, while sympathetic to the testimony, noted that none of the three Americans were charged with the NYSE plot, that Hasanoff's surveillance report was too rudimentary to be useful, and that there actually were no jury trials.²¹⁷ *Wired* reported that "according to interviews and court records, the 2008 plot failed, not because the authorities broke it up, but because the alleged attackers decided against it."²¹⁸ *ABC* described the plot as "abandoned" and emphasized that court documents contradicted NSA and FBI claims.²¹⁹ Much to their credit, the media thus quickly provided a strong counterweight to official misrepresentations of the case.

11. Policing costs

Policing costs for this case were probably moderate. It was high-profile, involving three American citizens accused of conspiring with al-Qaeda. In the June 2013 hearing, NSA Director General Keith Alexander and FBI Deputy Director Sean Joyce claimed that U.S. authorities first became aware of Khalid Ouazzani and his al-Qaeda connections during the course of "Operation Wifi." This NSA surveillance mission involved the monitoring of at least one "known extremist" in Yemen under the FISA Amendment Act Section 702 authority for collecting email and phone content on foreigners located outside of the U.S. Since this operation was already ongoing, any surveillance costs here incurred would have been shared among the NSA's other suspects and targets. Once aware that a U.S. citizen was involved with this Yemeni terrorist, whose identify is not public knowledge, the NSA gave the case to the FBI. The Bureau then "served legal

²¹⁵ *Hearing of the House.*

²¹⁶ "FBI Official Says NSA Programs Helped Foil NYSE Bombing Plot," *Reuters*, June 18, 2013. Timothy R. Homan and Chris Strohm, "NYSE Attack Said Prevented by U.S. Surveillance Program," *Bloomberg*, June 19, 2013. James O'Toole, "Gov't Claims Spying Programs Stopped Plot to Bomb New York Stock Exchange," *CNN Money*, June 18, 2013. Erin McClam, "Surveillance Helped Stop Plots against NYSE and New York Subway, Official Says," *NBC News*, June 18, 2013.

²¹⁷ Charlie Savage, "NSA Chief Says Surveillance Has Stopped Dozens of Plots," *New York Times*, June 18, 2013.

²¹⁸ Kravets, "NSA Disruption."

²¹⁹ Aaron Katersky, James Gordon Meek, Josh Margolin and Brian Ross, "Al Qaeda's Abandoned NY Stock Exchange Plot Revealed," *ABC News*, June 18, 2013. Ross et al., "NSA Claim."

process to fully identify Ouazzani,” set up electronic surveillance, and was “able to identify two additional co-conspirators.”²²⁰

It is unknown when the NSA first became aware of Ouazzani and how long it took the FBI to discover the identifies of him and of El-Hanafi and Hasanoff. Nevertheless, Ouazzani was arrested and indicted on February 3, 2010.²²¹ Some time around when he entered a plea bargain on May 19, 2010,²²² Ouazzani began “a long period of heavy cooperation” with the FBI, which may or may not have already been investigating El-Hanafi and Hasanoff. According to his attorney, Robin Fowler, Ouazzani met with investigators up to twenty times, and without his help, El-Hanafi and Hasanoff “would not have been arrested or charged.”²²³ Hasanoff’s 2013 sentencing memorandum relies on a great deal of evidence that Ouazzani is said to have provided.²²⁴

This account seems to contradict Joyce and Alexander’s testimony in the House hearing when they implied that FBI electronic surveillance was responsible for identifying the other two Americans. Moreover, Joyce also claimed the FBI had somehow “lured” them back to the U.S. before arresting them.²²⁵ This may be false, however, because it seems both El-Hanafi and Hasanoff initially spent time in UAE custody in 2010.²²⁶ Regardless, El-Hanafi and Hasanoff were indicted on May 13, 2010.²²⁷ All three Americans entered plea agreements and waived their right to jury trial, so court costs were more limited than they could have otherwise been.²²⁸

Ouazzani was sentenced to fourteen years in federal prison on October 7, 2013 after more than three years in the court system.²²⁹ His plea agreement lists one U.S. Attorney, one First Assistant U.S. Attorney, and three Assistant U.S. Attorneys from the Western District of Missouri in the prosecution.²³⁰ Hasanoff’s sentencing memorandum lists one U.S. Attorney and four Assistant U.S. Attorneys from the Southern District of New York in the prosecution.²³¹ El-Hanafi’s June 2012 consent order of forfeiture lists one U.S. Attorney and three Assistant U.S. Attorneys from the Southern District of New York in the prosecution.²³²

Following their arrests in Yemen in early 2009, the FBI also conducted several interviews each with Suffian²³³ and the Doctor,²³⁴ the American group’s

²²⁰ *Hearing of the House.*

²²¹ U.S.A. v. Ouazzani, “Indictment,” 1.

²²² U.S.A. v. Ouazzani, “Information,” 1.

²²³ Morris, “KC Man Sentenced.”

²²⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum.”

²²⁵ *Hearing of the House.*

²²⁶ Beekman, “Al Qaeda Supporter”; “Sabirhan Hasanoff, the Aussie Accountant.”

²²⁷ U.S.A. v. El-Hanafi and Hasanoff, “Indictment,” 1-2.

²²⁸ U.S.A. v. Ouazzani, “Plea Agreement”; U.S.A. v. Hasanoff, “Plea Agreement and Order of Forfeiture,” Plea Agreement; U.S.A. v. El-Hanafi, “Consent Order of Forfeiture.”

²²⁹ Morris, “KC Man Sentenced.”

²³⁰ U.S.A. v. Ouazzani, “Plea Agreement,” 20.

²³¹ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 44.

²³² U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” 5.

²³³ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-1.

²³⁴ U.S.A. v. Sabirhan Hasanoff, “Government Sentencing Memorandum,” Document 126-2.

al-Qaeda handlers. It is unknown what specifically led to their capture. Suffian had been actively communicating with individuals in Pakistan over phone and email in the previous weeks about his scheduled trip there to lay the groundwork for the Americans' entry into Afghanistan.²³⁵ It is also not clear where the FBI interviews took place, but Suffian and the Doctor were probably being held in Yemeni custody. What ultimately happened to the two is also unknown. While there is little information available publicly about how directly this might have led to the eventual arrest of the other members of the group, the evidence used in Hasanoff's 2013 sentencing memorandum relies heavily on the testimony Suffian and the Doctor provided in these interviews.²³⁶

12. Relevance of the internet

The Americans and their al-Qaeda handlers in Yemen demonstrated a fairly high degree of awareness and skill for the need to conceal their identities, code their communications, and avoid detection. Aside from El-Hanafi and Hasanoff, all the members of the network lived separately in places as far from each other as Dubai, Yemen, and Kansas City, MO. They therefore primarily used the internet to communicate and strove to take proper precautions. In their communications, Ouazzani, El-Hanafi, and Hasanoff used the term "clothing business" in their emails to refer to the al-Qaeda causes they were supporting. They also called the Yemeni operatives "the brothers" and used various codenames for each other.²³⁷ When Hasanoff staked out the New York Stock Exchange in August 2008, he used the phrase "tourist location."²³⁸ They also said the Doctor and Suffian had been "hospitalized" when they began to suspect they had been imprisoned.²³⁹ In a June 12, 2009 conversation, Suffian was referred to as "the communicator," the Doctor as "the manager," and the Danish jihadist who had introduced them to the two Yemenis as "Sammy."²⁴⁰ When El-Hanafi traveled to Yemen in February 2008 to meet Suffian and the Doctor, he instructed the latter in how to communicate covertly over the internet.²⁴¹ In March 2008, he purchased a subscription for encryption software that he seems to have used to communicate with his co-conspirators.²⁴² As for email addresses themselves, Hasanoff and El-Hanafi's communications with Suffian were written from email accounts that incorporated "andcompany@yahoo.com." Different letter combinations were used before and after the word "and" to indicate the participant's identity.²⁴³

13. Are we safer?

²³⁵ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," Document 126-1, 6.

²³⁶ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum."

²³⁷ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 7.

²³⁸ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 20.

²³⁹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 22.

²⁴⁰ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 24.

²⁴¹ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 9-10.

²⁴² U.S.A. v. El-Hanafi and Hasanoff, "Indictment," 3.

²⁴³ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 20.

Khalid Ouazzani, Wesam El-Hanafi, and Sabirhan Hasanoff were seriously dedicated to traveling to Afghanistan or another active American warzone to wage jihad against U.S. military forces. Their handlers in Yemen, Suffian and the Doctor, were devoted members of al-Qaeda, in contact with al-Qaeda operatives at least in Pakistan and Somalia, and they were probably interested themselves in attacking U.S. civilians and soldiers in the United States and the Middle East. Ouazzani, El-Hanafi, Hasanoff, and Suffian were actively following plans for a one-way trip to Pakistan and Afghanistan before Suffian's arrest. Even after his arrest, the Americans kept trying to find a path to violent jihad, this time in Somalia. In this important sense, the U.S. may be somewhat safer as a result of their capture.

Yet it is hard to believe that a used auto parts salesman, a computer engineer, and an accountant would have become skilled warriors even if they did receive adequate training in Pakistan. Moreover, neither Yemeni operative seems to have participated or even been aware of any attacks on U.S. military or civilian targets during the period when the Americans knew them. The Doctor may have been playing the part of a bunco artist, stringing along the group with talk of actual operations in order to keep their money flowing in.

More importantly, Ouazzani, El-Hanafi, and Hasanoff themselves never presented a serious threat to American citizens in the United States. They did wish to become mujahidin, fight the U.S. military, and possibly be killed in an American warzone. However, they only seem to have had an interest in assisting a plot to attack the New York Stock Exchange to the extent that it proved their bona fides to their Yemeni handlers. Hasanoff says he deliberately only provided information about his NYSE surveillance mission that would be useless for an actual operation. Even if one does not believe this explanation which his prosecutors called "self-serving,"²⁴⁴ the most unfavorable conclusion one could draw is that Hasanoff got cold feet once he saw that the perimeter of the NYSE was patrolled and blocked to vehicular traffic. More realistically, an operation was possible but never planned, Hasanoff never had any serious interest, Ouazzani and El-Hanafi were never directly involved, and any "plot" was abandoned long before the Americans were apprehended.

14. Conclusions

Three interesting conclusions can be drawn from the case. The first is the malleability of individuals in general. Before the 2003 invasion of Iraq, Ouazzani, El-Hanafi, and Hasanoff led fairly ordinary lives as American Muslims. They had families, children, and stable, well-paying careers in legitimate enterprises, except perhaps in the case of Ouazzani. By the end of the decade, however, their place in American society had been uprooted, and they were devoted to radically different political beliefs that called for killing and dying in the service of Islam halfway around the world. Thus it seems that, once arrested, many of their beliefs were genuinely transformed once again.

Second, the structure of a "terrorist network" seems to be more elastic than is commonly assumed. This also gets at the dynamic nature of radicalization or self-

²⁴⁴ U.S.A. v. Sabirhan Hasanoff, "Government Sentencing Memorandum," 40.

radicalization. Hasanoff, at least, admitted to being influenced by the sermons of radical clerics like al-Awlaki, but the Americans were more responsible themselves for the creation and maintenance of their network of al-Qaeda contacts than their Yemeni handlers were. They managed to ignore or alter assignments, such as the casing of the New York Stock Exchange, when they did not advance or fit into their larger goals. Despite the official hierarchy between the Yemenis and the Americans, the latter eventually found it necessary and possible to drop their leader, the Doctor, and establish new plans within a reorganized cell. Even after Suffian's arrest, El-Hanafi and Hasanoff managed to establish new relationships with other al-Qaeda contacts relatively easily.

Third, U.S. government authorities and the public at large find cases of domestic terrorism more compelling than terrorism abroad or attacks directed against the U.S. military. The narrative America remembers is that three of its own citizens plotted to bomb the New York Stock Exchange in the heart of Manhattan. This is an unfortunate distortion of the actual facts of the case. It is difficult to say whether the FBI and the NSA willfully misrepresented the goals and planned operations of Ouazzani, El-Hanafi, and Hasanoff in the June 18, 2013 congressional hearing. Nevertheless, and despite the fact that much of media saw through the inaccuracies of their testimony, the effect of such a symbolic averted attack on the public mind was undoubtedly stronger than if U.S. authorities had stressed the group's ambition to travel to Afghanistan.