Case 999: Toledo

John Mueller June 4, 2011

This case differs from most others in the set in that it is not about an effort to commit violence in the United States. Rather it is about one to join the fight against the U.S. or its interests overseas.

This appears to have been the goal of three Islamists in Toledo, Ohio, and they worked on it for five years. One of them had actually gone to Jordan in 2003 to try to join the insurgency in neighboring Iraq, but was rejected. They figured they needed training and linked up with another American who could help them with that. He proved, however, to be an FBI informant who stayed with, and surveilled, them for years.

In 2006, when it looked like one of the men might again try to join the insurgency overseas, the FBI arrested the trio. The men never actually ever did anything violent or even came close. But they did think about it, and they received between eight and 20 years for their efforts, even as the informant received $350,000 for his.

If the men were really serious about joining the insurgency, their problem was not in a lack of training, but in a lack of connections that could facilitate their entry into the armed group. The insurgents presumably would be concerned that an American seeking to join might actually be a plant, hence a degree or wariness which, of course, is scarcely tied to the amount of training the prospective recruit has previously undergone.

And how an insurgency consisting of tens of thousands of members would be significantly aided by three amateurs from Toledo is not immediately clear. The same might be said for other such efforts including those in which a few dozen American Somalis have sought to go back to their African homeland to join the fray there.

Cognizant of that argument, authorities in the United States, as Meagan Woodall notes, have voiced concern that Americans fighting overseas for the enemy might eventually filter back to the United States, assuming they are able to survive the foreign battles, to apply their new skills there. Thus far, however, there seem to be hardly any instances to justify such concerns.

Case 999: Toledo

Meagan Woodall June 4, 2011
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1. Overview

In February of 2006, three men, all American citizens, were arrested in Toledo, Ohio, on charges of conspiring to kill, kidnap, maim, or injure people outside of the U.S., to provide material support to terrorism, and to distribute information regarding explosives. All three, Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Wassim I. Mazloum, pled not guilty to the charges.

Motivated by religion, they sought to wage a jihad against the United States for reasons that stemmed from U.S. foreign policy in the Middle East. In fact, in October 2003, Amawi had traveled to Jordan and unsuccessfully attempted to enter into Iraq to wage violent jihad, or "holy war," against the United States and coalition forces.[1] He returned to the United States in March 2004.

The group hooked up with a man who proved to be an FBI informant to provide them with military training and information which they then would pass on to brothers overseas. During the development of the plot—from 2002 until 2006—the men formed a sense of community, and called each other and all overseas members of their plot "brother."

Amawi returned to Jordan in 2006 and the fear that he might carry out his plan to join the insurgency in Iraq alarmed the FBI. They then halted the operation and arrested the men, extraditing Amawi back to the United States. The decision to do so was a difficult one because it meant that the undercover informant would have to be exposed since he was the main witness against the defendants. But they feared that "left to their own devices," the suspects either would have made their way to Iraq to join anti-American insurgents, or plotted mayhem closer to home—or both. It represented "the challenge we face in these cases between prevention and prosecution," according to Frank Figliuzzi, Special Agent in Charge of the FBI's Cleveland office.[2] The trio was found guilty and, on October 21, 2009, Amawi was sentenced to 20 years, El-Hindi to 13 years, and Mazloum to approximately eight years.

2. Nature of the adversary

Amawi was a 26-year-old dual citizen of Jordan and the U.S., El-Hindi was a 42-year-old naturalized U.S. citizen, born in Amman, Jordan, and Mazloum was a 24-year-old legal permanent resident after arriving in the U.S. from Lebanon in 2000.

They came from seemingly normal backgrounds. The three of them came to the United States from the Middle East. One worked at a travel agency, another ran a car dealership with his brother, and the third was a self-employed

[1] Indictment: United States of America v. Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Wassim I. Mazloum; www.justice.gov/opa/documents/indictment_22006.pdf
[2] Michael Isikoff, "The Secret Agent," *Newsweek*, July 3, 2008.

businessman with several kids.[3] All of the codefendants were employed, all were Muslim, and all were men. They did not seem to be socially marginalized or economically-lacking. They, like many terrorists, were family men, involved in their community and in their faith. All three men were active in their local Muslim community and worshipped at the Monroe Street Mosque, a small storefront mosque in Toledo. Mazloum was a student at the University of Toledo.

3. Motivation

At one point El-Hindi released a statement about his feelings about America: "I became American by choice. I love this country more than any country in the world…If I disagree with the government, that does not mean I want any harm to this country."[4] Terrorists often claim patriotism for America as a country, but not patriotism for the American government.

The start of the War in Iraq in March of 2003 could have served as the impetus for the group's actions. With American soldiers fighting abroad in the Middle East, the homeland of all three of these terrorists, it is not unreasonable to make the connection between American imperialism and jihad.

The men were not seeking an outlet through which to express themselves specifically. Rather, they sought to fight for what they believed in and against that which they did not. In that regard, the motivation for the Toledo trio was brought on by the War in Iraq. The men wanted to enact revenge for their brothers abroad, and, to do so, began to make the plan to kill U.S. soldiers in Iraq.

4. Goals

The ultimate goal of the Toledo Terror Plot was to kill U.S. soldiers in Iraq and in the process to defend Islam against a foreign attack.

5. Plans for violence

In 2002 the informant was approached by El-Hindi who was seeking bodyguard training. Then in June 2004, El-Hindi approached the informant and told him that he and two brothers wanted to train with him to learn about firearms and about surveillance techniques. The group had worked together from as early as November 2004 and it was at that point that the informant began recording their conversations.

At that time, Amawi and the informant engaged in an instructional session on the construction and use of IEDs and timing devices, and Amawi stated that his aim was to target U.S. military assets. While they viewed a video

[3] "New Information Emerges about Terrorism Suspects," WTol11. www.wtol.com/global/Story.asp?s=4537992

[4] "3 men in Toledo terrorism case are sentenced." WTol.com, October 22, 2009, www.wtol.com/global/story.asp?s=11356307

on a computer, Amawi sang along in a foreign language words to the effect of: "Blow them up! Blow them up! Blow them up!"[5]

In February 2005, Amawi, El-Hindi, and Mazloum debated about what the Iraqi insurgency needed most: money, weapons, or manpower. They also discussed the effectiveness of snipers against the U.S. military. In order to achieve their goals, they began to develop a gameplan, one that took years and was never accomplished. They accessed at least one jihadist internet website and discussed the use of plastic explosives and rockets while viewing online material. El-Hindi and Amawi also discussed the manufacturing of explosives and the government's ability to monitor their internet activity if they entered jihadist websites.[6] Vulnerabilities were taken into consideration, but ultimately all that mattered to the group was training toward their ultimate goal of killing American soldiers.

The men were self-recuited, but they also planned to recruit others to train for the "violent jihad against the United States and its allies in Iraq," and proposed potential training sites for use in providing ongoing firearms, hand-to-hand combat, explosives, and other paramilitary training to potential new recruits.[7] Amawi communicated with co-conspirators, including one in the Middle East, using code words to disguise and conceal the true subject and purpose of the communications. Moreover, Amawi, El-Hindi, and Mazloum attempted to identify, locate, and provide various resources and materials requested by co-conspirators overseas for use in waging jihad against the United States military and coalition forces in Iraq and elsewhere. These resources and materials included money, training, explosives, communications equipment, computers or personnel, including the plotters themselves.

They would watch training videos—found on the internet—and download these materials and distribute them for use in jihad training sessions. Moreover, some of the training materials included videos on the production and use of improvised explosive devices (IEDs), and suicide bomb vests, among others.[8] There was a potential for suicide in the group's plans. Amawi knowingly distributed a guide describing the step-by-step process for manufacturing chemical explosive compounds as well as a video entitled, "Martyrdom Operation Vest Preparation," which described the step-by-step construction and use of a suicide bomb vest.[9] It appears that the three men were

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[5] Superseding Indictment in the case United States of America v. Mohammad Zaki Amawi, Marwan Othman El-Hindi, and Wassim I. Mazloum, www.investigativeproject.org/documents/case_docs/377.pdf

[6] Superseding Indictment in the case United States of America v. Mohammad Zaki Amawi, Marwan Othaman El-Hindi, and Wassim I. Mazloum.

[7] United States Department of Justice, Three Convicted of Conspiring to Commit Terrorist Acts Against Americans Overseas. June 13, 2008. www.justice.gov/opa/pr/2008/June/08-nsd-535.html

[8] Liza Porteus, "Three Charged in Plan to Attack U.S. Military in Iraq," Fox News, February 22, 2006. www.foxnews.com/story/0,2933,185551,00.html

[9] United States. Dept. of Justice, Three Convicted of Conspiring to Commit Terrorist Acts Against Americans Overseas.

extremely invested and dedicated to carrying out this plan, but were arrested before they could fully implement it.

They also attempted to set up a non-profit organization through which they could funnel funds.

If there had emerged a leader among the group, prosecutors would claim that El-Hindi was that leader. His part in the pact, according to federal prosecutor Thomas Getz, was to recruit new brothers and to teach them how to flourish, to grow in their new roles. The judge in the Toledo Terror Plot case, Judge James G. Carr, determined that El-Hindi tried to recruit two Chicago-area cousins into the group's plot.[10] As a matter of fact, it was El-Hindi who distributed materials with the intent that they be used for training others to commit a crime of violence, including the group's main plot of killing U.S. soldiers abroad in Iraq.

6. Role of informants

The group's plan for violence directly hinged upon their training efforts gained from the informant—the man known as the "trainer." Darren Griffin, a U.S. citizen with a U.S. military background, posed as a former soldier who had grown disenchanted with U.S. foreign policy and was intent on violence against America.[11] Griffin, who spoke Farsi and some Arabic, altered his appearance and lifestyle to accommodate his new role.

Initially he was tasked by the FBI to look at persons of interest for them. He eventually met El-Hindi, and began his work as the trainer for the terrorists and informant for the FBI. During his work, he secretly recorded conversations with the men for about three years and twice traveled to Jordan with Amawi. He testified in trial that he also taught Amawi and Mazloum how to shoot guns.[12]

The defense contended during the trial that Griffin had invented the plot in order to justify the $350,000 he was paid during the course of his investigation. However, based on audio as well as visual evidence brought forth in trial, those allegations seem false. The defense, furthermore, did not argue entrapment in trial. Even without Griffin, the group could arguably have received training elsewhere. However, it seems unlikely that someone with a similar background would be as readily available as Griffin.

7. Connections

After the men were arrested and indicted, the U.S. government ordered a freeze on the assets of KindHearts, a Toledo-based group suspected of funneling money to the militant organization Hamas. Law enforcement officials, speaking on condition of anonymity, said the arrests of the three men spurred the decision to freeze the assets of KindHearts.[13] An actual connection between the two organizations was never made clear, however.

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[10] "3 men in Toledo terrorism case are sentenced."
[11] Tim Andrassy, "Informant: Terror Suspects Sought Him," foxtoledo.com, May 10, 2008.
[12] Federal Bureau of Investigation, "Made in the U.S.A. The Case of the Toledo Terror Cell," July 22, 2010, www.fbi.gov/news/stories/2010/july/toledo-terror/toledo-terror
[13] Porteus, "Three Charged in Plan to Attack U.S. Military in Iraq."

Although the men wanted to spread brotherhood in Jordan and in the Middle East, they were self-motivated and not working for terrorist organizations such as Hamas or al-Qaeda. During the trial, possible associations with other terrorist organizations were suggested. According to court documents, "The defendant claims the 'government paraded in front of the jury a long list of terrorists and terrorist organizations which it knew had no contact with [the defendants].' Among these organizations is the Islamic Army of Iraq. [El-Hindi] was on an internet mailing list for the organization, which the defendant stipulated was "a group formed in or around 2003 that focuses on committing terrorist attacks in Iraq's western province of Anbar."[14] While no official or formal connections with any Middle Eastern terrorist organizations were established, one manual downloaded from the internet was linked to a Saudi Arabian website linked to al-Qaeda.[15]

8. Relation to the Muslim community

The three men worshipped together at a small storefront mosque in Toledo.[16] After the indictments occurred, leaders of multiple religious faiths came together to discuss the significance of the indictments on the community. Rabbi Barr Leff commented: "These indictments don't indict an entire community. They indict certain individuals. This should not be an occasion to be prejudiced against or cause bias against Muslims or people of Arab descent."[17] Some worried that Toledo Muslims would be targeted because of the group and some Toledo Muslims report feeling targeted or racially profiled as a result of the media attention. However, this fear was not widespread or frequently dealt with specifically in the media.

9. Depiction by the authorities

The authorities invariably depicted the terrorists as terrorists, working towards killing U.S. nationals—soldiers—in Iraq as part of their jihad for the Middle East. The depiction of the case by the authorities did not appear to be alarmist, but rather fairly factual and competent.

10. Coverage by the media

There appeared to be a considerable amount of media coverage of the threat after the indictment by grand jury occurred. More often than not, stories and threats are overblown, with key sound bites leading the stories, effectively skewing the information.

One television news station, FOX Toledo, covered the entire trial proceedings in 2008, detailing key witnesses and key testimony asserted during direct and cross examinations, and one of its reporters, Heather Miller, was in

[14] United States v. El-Hindi, 3:06CR719, 2009 WL 1373268 (N.D. Ohio May 15, 2009) [Doc. 926, at 9].
[15] Isikoff, "The Secret Agent."
[16] "Terrorism Suspects Worshipped at Monroe Street Mosque," wtol.com, www.wtol.com/global/Story.asp?s=4544771
[17] "Religious Leaders Talk about Terror Arrests," wtol.com, www.wtol.com/global/Story.asp?s=4546628

court for most of the federal trial. The station provided sketches of trial proceedings for its viewers, which it detailed on its website as well. Additionally, the local nightly news relayed the events of the day during the trial process, which witnesses were called and how the jury seemed to react to key pieces of evidence or for how long the members of the jury deliberated. Another local source was Toledo's newspaper, *The Toledo Blade*, which followed the story from arrest to sentencing, focusing on the role that the men played within the plot and within the community.

Nothing found in this coverage seems to contradict the facts of the case as outlined in the court documents. The local media seemed to have reported accurately and not in too much of a sensationalized manner.

National media attention was also paid to the case, even on national morning talk shows. The U.S. Attorney General and many FBI agents and other national figures commented on the case, signifying the importance it held within the justice and intelligence community. Nothing in this media coverage was extraordinarily incorrect. Only one lead, that of the Toledo KindHearts connection, was later found to have been unfounded.

11. Policing costs

In this case, the government needed to employ many FISA (Foreign Intelligence Surveillance Act) warrants in order to extract and record crucial pieces of evidence. As noted, the informant was paid close to $350,000 for his work. The FBI also had to work with international governmental institutions in Jordan, where much of the training occurred, to investigate as well as to extradite Amawi in 2006. The total number of investigators, both federal and local, on this case is unknown. However, the FBI was involved in this case for over five years. After the indictment of February 2006, the case played out in Judge Carr's courtroom for two-and-a-half months, from April 1 to June 13, 2008. The sentencing occurred on October 21, 2009. All in all, the total amount of time spent on this particular plot, from inception to end was around five years.

12. Relevance of the internet

The internet played no role in recruitment, but it was involved in the case in other ways. El-Hindi, Amawi, and Mazloum were charged with planning to wage holy war on U.S. soldiers in Iraq using skills they learned on the internet, and El-Hindi was also charged with downloading an e-mail that showed a pictorial sequence on how to place and detonate a roadside bomb. During the trial, the FBI presented a chart which marked the files downloaded by Amawi. An agent testified about the variety of downloaded files demonstrating "improvised explosive attacks and rocket attacks and missile attacks" along with numerous training sessions, showing weapons training and self-defense.[18] The jury was shown multiple videos, primarily downloaded by Amawi, from various websites showing "acts of violence and death, including the deaths, or likely

[18] "Toledo Terror Trial: FBI agent testifies about arrest interview, evidence collection," *Toledo Blade*, May 14, 2008.

deaths of American soldiers in Iraq. There were beheadings, sniper shootings, roadside bombs, suicide bombings at checkpoints and similarly violent events."[19] Some of the pamphlets and manuals were downloaded from a Saudi Arabian website linked to al-Qaeda. The manual read: "O Mujahid brother, in order to join the great training camps, you don't have to travel to other lands…in your home or with a group of your brothers, you too can begin to execute the training."[20]

Moreover, Amawi and El-Hindi also are charged with using the internet to distribute information regarding explosives. Further evidence that was revealed during the trial were the videos the terrorists had distributed to their brothers abroad; the images contained within the videos were disturbing and demonstrated clearly what the intended outcome of distributing the materials would be.

Clearly, the internet played a monumental role in connecting the terrorists in America with their brothers in Jordan and in disseminating the materials. Without the internet, the training for the plot arguably could not and would not have occurred.

13. Are we safer?

One view on this particular terror plot was that of then-U.S. Attorney General Alberto Gonzalez who said during a Washington press conference, "I think America is safer today."[21] Whether or not that is the case, terrorist cases like this one could serve as inspiration, or lesson, for others interested in carrying out a jihad against the United States. Are these men in prison now? Yes. Does that mean that we, as a whole, are safer? Yes. However, the knowledge and training that these men provided to others overseas still is available to others. None of the internet sites they had accessed are necessarily down; new internet jihadist sites spring up every day, serving as an inspiration to homegrown terrorists in the country. Plainly, we are safer due to the fact that these three men are behind bars, but the threat of terrorism obviously still exists. We cannot contain terrorism as much as we would like to nor can we stop it altogether. However, to the extent that American soldiers in Iraq safer now than they were while Amawi, El-Hindi and Mazloum were free and planning out their jihad against Americans we definitely are safer now.

14. Conclusions

The Toledo Terror plot represents a case where terrorism failed in the United States—but surely not because of a lack of motivation. It failed because of the FBI's role in the investigation and because of the informant, Darren Griffin. What this case demonstrates and what has become an increasing phenomenon in homegrown terrorism cases, is an increased use of informants to find and expose homegrown terrorist plots. While this use of informants

[19] United States v. El-Hindi, 3:06CR719, 2009 WL 1373268 (N.D. Ohio May 15, 2009).
[20] Isikoff, "The Secret Agent."
[21] Mike Wilkinson and Christina Hall, "3 charged in terror plot; local suspects planned attacks in Iraq, U.S. says," *Toledo Blade*, February 22, 2006.

working for the government could be controversial, it clearly does help the government in its quest to fight terrorism.

Amawi, El-Hindi, and Mazloum demonstrate the normality of terrorists. What may seem most surprising to the American public is that terrorists more often than not live seemingly normal, mundane lives. They work, they have families, they have hobbies. One cannot walk down the street and pinpoint a homegrown terrorist on sight. Perhaps this is something that proves most alarming: terrorists blend in to the crowd. They could be anyone. They could work in your workplace; they could worship in your church, your temple, or your mosque; they could have children who play with your children. As in other terror cases, terrorists are not easily identifiable by physical appearance.

What the Toledo case also proves is that being proactive in intelligence efforts produces results. Without the role of the informant, the organization could have found a new trainer not affiliated with the government and could have potentially carried out its mission of killing U.S. soldiers in Iraq as a part of their jihad against America. With the advent of the internet, the world of technology and knowledge available to terrorists has much increased. Terrorists, with the click of a button, can access videos, instructional guides, and pamphlets on weapons and bomb production and on martial arts. Together, these guides present an issue for the government: due to the internet, more homegrown terrorists could receive information they otherwise would not have been able readily to access.