

TERRORISM SINCE 9/11

The American Cases

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This book is comprised of a set of studies of cases that have come to light of Islamist extremist terrorism since September 11, 2001, whether based in the United States or abroad, in which the United States itself has been, or apparently has been, targeted. Except for the cases numbered 998 and 999, it does not include cases in which Islamist extremists in the United States have attempted to go abroad to fight for the cause or ones in which they have sent aid or support to such causes. For the most part, it also excludes cases in which Islamist extremists have simply urged others to commit violence in the United States: to be included, they must actually be planning or plotting to do violence themselves within the country.

As listed below, there are 127 such cases, or 129 if one includes the two involving people who sought to go abroad to fight. Of these, 70 have been subjected to full or substantial studies carried out under my direction and editorship by honors students at Ohio State and interns at the Cato Institute in Washington. In the list below, the titles are underlined for the cases for which there are studies.

Each case is identified in this listing by case type:

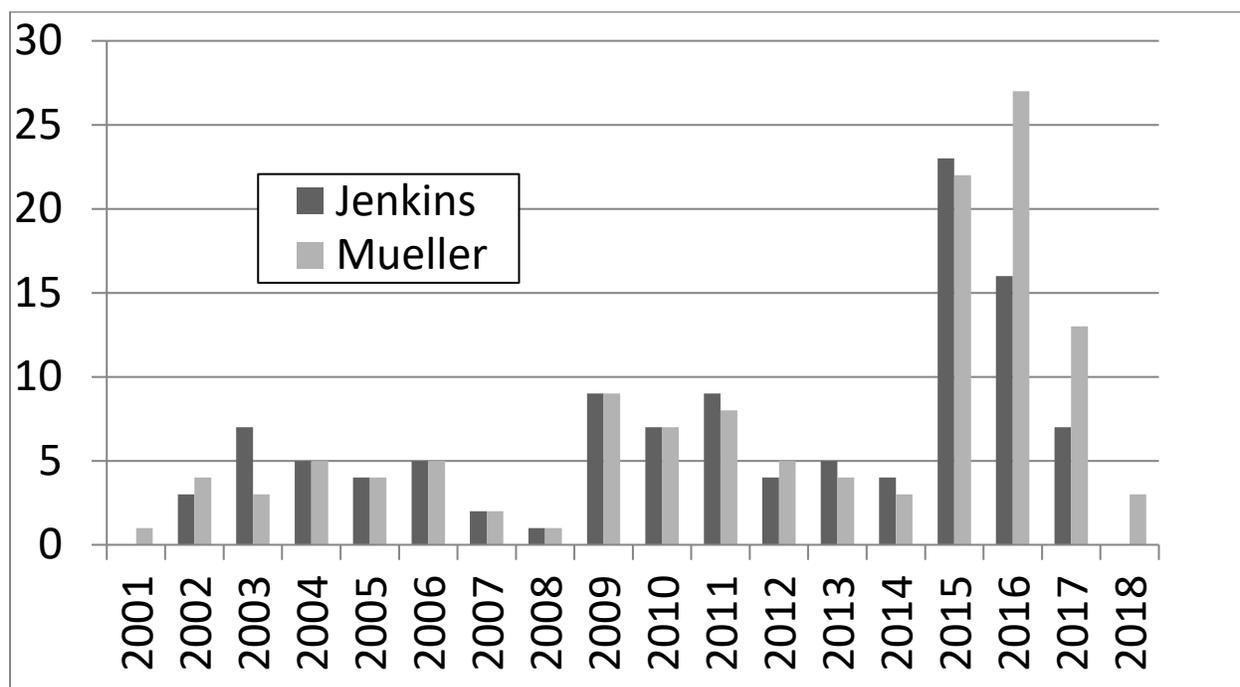
Case types

- 1.** An Islamist extremist conspiracy or connection that, in the view of the authorities, might eventually develop into a plot to commit violence in the United States (4 cases, or 3% of the total of 127)
- 2.** An Islamist extremist terrorist plot to commit violence in the United States, no matter how embryonic, that is disrupted but not by infiltrating a police operative into the plot (27 cases, or 21% of the total of 127)
- 3.** An Islamist extremist plot to commit violence in the United States that is essentially created or facilitated in a major way by the authorities by infiltrating a police operative into the plot and then arresting the plotters when enough evidence is accumulated (69 cases, or 54% of the total of 127)
- 4.** An Islamist extremist terrorist or terrorist group that actually reaches the stage of committing, or trying to commit, violence in the United States (27 cases, or 21% of the total of 127)

As can be seen in the figure below, the cases have not been distributed evenly over time. In particular, there was a very substantial increase in the number of cases after 2014 when the Middle East group calling itself Islamic State, or ISIS, urged supporters abroad, if they could not come to the Middle East to fight for the cause, to commit acts of terrorist violence in their home country. Dozens of people did so over the next three years in the United States: indeed almost half of all the cases noted in this book have occurred in the 2015-2017 period. Most of these were simply inspired by the call from ISIS, but in a few instances (Cases 65, 66, 67, 68, 70, 78, 89), would-be terrorists managed to get in contact with ISIS “cybercoaches” in Syria or Iraq who

directly urged them on and sometimes supplied substantive advice and support.¹ There are no cases to date in which an ISIS fighter in the Middle East has infiltrated or returned to the United States to plot or commit terrorist violence.² The numbers in the figure for 2017 and particularly for 2018 suggest that the influence of ISIS has faded in the United States even as the group itself has been pushed back in the Middle East.³

Number of cases of Islamist terrorism in the United States since 9/11, by year



The entries in this figure that are labelled “Mueller” are taken from the listing below. Those for “Jenkins” are taken from Brian Michael Jenkins, *The Origins of America’s Jihadists* (Santa Monica, CA: RAND Corporation, 2017). Case definitions for these two studies differ somewhat. In particular, for the most part Jenkins does not include efforts by terrorists based abroad to commit violence in the United States—or on airliners flying to it. The listing below does include such cases (in particular, Cases 1, 6, 7, 9, 18, 20, 33, 36, 47, 112 and perhaps 17a, 23, 24, 47, 77, 110). Jenkins’ study was published somewhat before the end of 2017, and for that year a few later cases are added to his count.

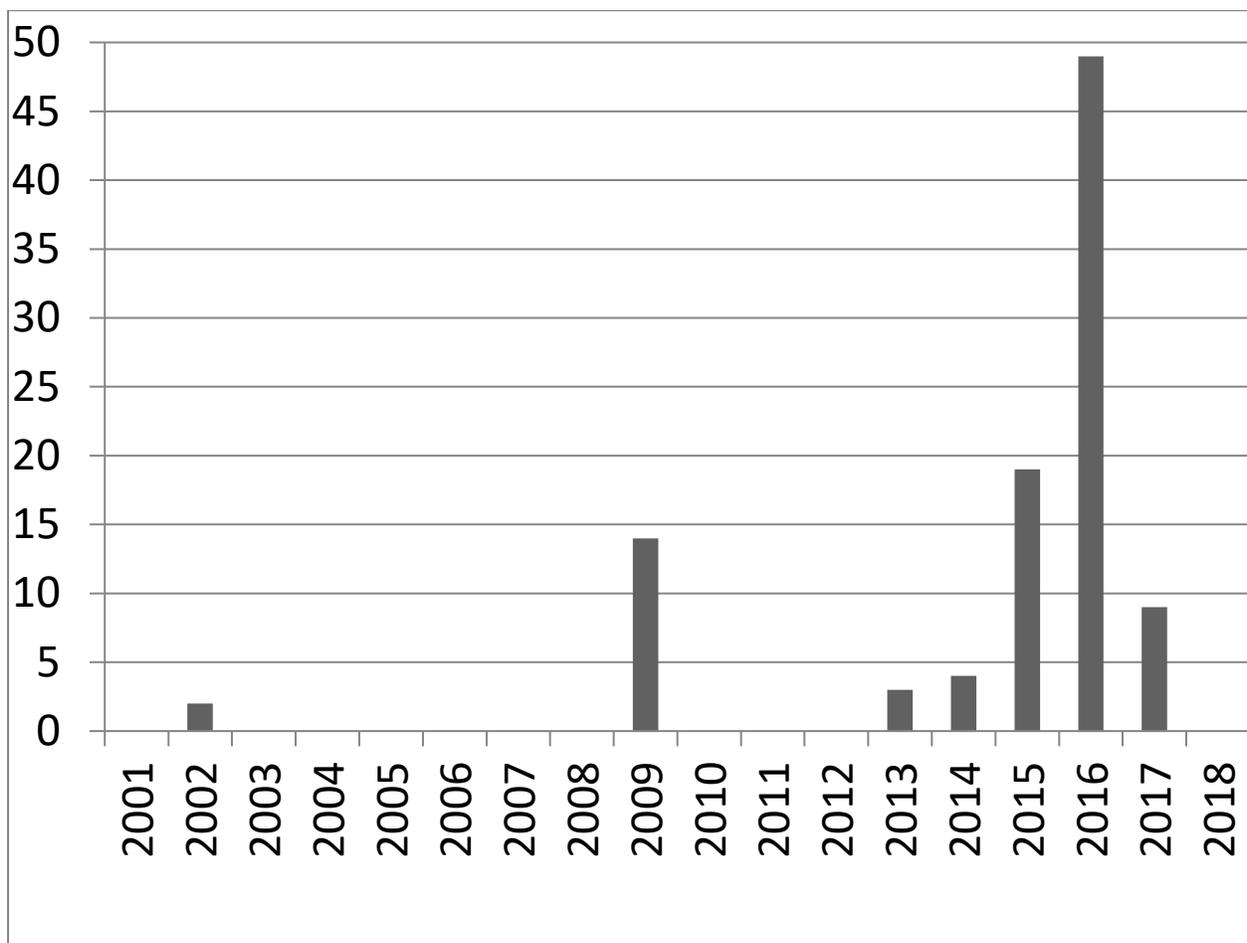
¹ For a study of cybercoaching in the United States and in Europe, concluding that the efforts have not been very significant, see John Mueller, “The Cybercoaching of Terrorists: Cause for Alarm?” *CTC Sentinel* 10(9), October 2017, 29-35, [pdf](#)

² The returnee in Case 60 was associated with another insurgent group in Syria, not with ISIS.

³ On this phenomenon, see John Mueller and Mark G. Stewart, “Misoverestimating ISIS: Comparisons with Al-Qaeda,” *Perspectives on Terrorism* 10(4), August 2016, 32-41, [pdf](#)

The next figure documents the number of people killed by Islamist terrorists in attacks in the United States since 9/11. Overall, it is quite low: about six per year for a total of 100 over 17 years. This means that an American's yearly chance of being killed in an Islamist terrorist attack during that period is less than one in 50 million. Of the 27 cases in which Islamist terrorists in the United States actually committed, or tried to commit, violence (case type 4), they were able to inflict fatalities in 10 instances. The yearly number of fatalities did increase in the years after 2014 when ISIS burst on the scene, and there is one extreme outlier: the rampage in which an ISIS-inspired gunman trained in the use of firearms killed 49 at a nightclub in Orlando, Florida, in 2016 (Case 86). Without that case, the number of deaths would be halved to about three per year.

Number of people killed by Islamist terrorists in attacks in the United States since 9/11, by year



The Cases

The cases are arrayed below. There are full or substantial studies for those cases with underlined titles. Click on the case underline to be taken directly to that case in this book. Click on [separate file](#) to access the individual case as an independent pdf file.

Case number, title, *type*, year, description, author for full case studies

[Introduction](#)—John Mueller [separate file](#)

1 [The shoe bomber](#) 4 2001 A British man tries to blow up a US-bound airliner with explosives in his shoes but is subdued by passengers and crew—Jolie Yang [separate file](#)

2 [Padilla](#) 1 2002 An American connected to al-Qaeda, who had discussed a dirty bomb attack, returns to the US and is arrested—Allison Barbo [separate file](#)

3 [Mt. Rushmore](#) 3 2002 Two men in Florida, one of them possibly connected to an al-Qaeda operative, plot, crucially aided by an informant, to bomb local targets as well as Mt. Rushmore before 9/11, and are arrested and tried the year after.

4 [El Al at LAX](#) 4 2002 A depressed anti-Israel Egyptian national shoots and kills two at the El Al ticket counter at Los Angeles airport in an act later considered to be one of terrorism, and then is killed by a guard—Zachary Zaerr [separate file](#)

5 [Lackawanna](#) 1 2002 Seven Americans in Lackawanna, NY, are induced to travel to an al-Qaeda training camp, but six return disillusioned, all before 9/11, and are arrested the next year for providing support to the group—Blaise Katter [separate file](#)

6 [Kahn and the Parachas](#) 2 2003 A young Pakistani seeks to help an al-Qaeda operative enter the country to attack underground storage tanks at gas stations—Alexander Hitchcock [separate file](#)

7 [Abu Ali in Saudi Arabia](#) 2 2003 A US citizen joins a terrorist cell in Saudi Arabia and plots to hijack a plane in the US and to assassinate President Bush when he is arrested by the Saudis and extradited to the US for trial—Leigh Stephens [separate file](#)

8 [Columbus and the Brooklyn Bridge](#) 2 2003 An American connected to al-Qaeda discusses shooting up a shopping mall in Columbus, Ohio, with two friends, then scouts taking down the Brooklyn Bridge for al-Qaeda, but decides it's too difficult—Drew Herrick [separate file](#)

9 [Barot and the financial buildings](#) 2 2004 Group in London tied to al-Qaeda scouts out financial buildings in the US with an eye to bombing them, but never gets to the issue of explosives—Tessa Reinhart [separate file](#)

10 Albany 3 2004 Two men in Albany, NY, effectively help fund an informant's terror plot—Michael Spinosi separate file

11 Nettles 3 2004 An American with a long history of criminal and mental problems plots under the nickname of "Ben Laden" to blow up a federal courthouse in Chicago and reaches out for help to a Middle Eastern terrorist group, but gets the FBI—Rachel Cohen separate file

12 Herald Square 3 2004 Loud-mouthed jihadist in New York and a schizophrenic friend attract informant who helps them lay plans to bomb Herald Square subway station—Surili Sheth separate file

12a Nashville 3 2004 An immigrant from Iraq, 33, angry about American policy in Iraq, declares he is “going Jihad,” planning to blow up something probably in Nashville, and is arrested when he pays an FBI operative \$1000 for, and takes possession of, two disassembled machine guns, four disassembled hand grenades, and hundreds of rounds of ammunition in the parking lot of a Krispy Kreme doughnut shop.

13 Grecula 3 2005 An American with visions of being an modern day Spartacus agrees to build a bomb to be exploded in the US for undercover agents claiming to be al-Qaeda—Todd Ives separate file

14 Lodi 1 2005 An American in Lodi, California, who may have attended a training camp in Pakistan but with no apparent plan to commit violence is arrested with the aid of an informant—Andrew Ashbrook separate file

15 JIS 2 2005 American in jail masterminds a plot by three others to shoot up military recruitment centers, synagogues, and a non-existent military base in the Los Angeles area but, although close to their first attack, the plans are disrupted when they leave a cell phone behind at a funds-raising robbery—Demetrius Daniels-Hill separate file

16 Pipelines and the terrorist hunter 3 2005 An American offers on the internet to blow up pipelines in Canada as an aid to al-Qaeda, and attracts the attention of free-lance informant—Shannon Buckner separate file

17 U of North Carolina 4 2006 To punish the US government for actions around the world, a former student, after failing to go abroad to fight or to join the Air Force so he could drop a nuclear bomb on Washington, drives a rented SUV onto campus to run over as many Americans as possible and manages to injure nine—Andrew Braun separate file

17a Target surveillance in Washington, DC 2 2006 Two men hailing from South Asia, 21 and 19, apparently linked to Lashkar e-Taiba, a Pakistani terrorist group, make videos, later sending them to an international terrorist contact in London, of potential targets in the Washington, DC, area including the Capitol, the headquarters of the World Bank, a Masonic Temple, and a group of large fuel storage tanks.

- 18 Hudson River tunnels 2 2006 Angered by the US invasion of Iraq, several men plot on the internet to flood railway tunnels under the Hudson river, but are arrested overseas before acquiring bomb materials, before meeting each other in person, and before setting foot in the US—Zachary Karabatak separate file
- 19 Sears Tower 3 2006 Seven men in Miami plot with an informant, whom they claim they were trying to con, to take down the Sears Tower in Chicago, then focus on closer buildings—Lauren Brady separate file
- 20 Bombing transatlantic airliners 2 2006 A small group in London, under intense police surveillance from the beginning, plots to explode liquid bombs on US-bound airliners—Tyler Puhl separate file
- 21 Rockford Mall 3 2006 Loud mouthed jihadist attracts the attention of an informant and together they plot exploding grenades at a shopping mall in Rockford, IL—David Bernstein separate file
- 22 Fort Dix 3 2007 A small group target practices, buys guns, and plots to attack Ft. Dix, NJ, with the aid of an informant who joins the group when the FBI is told they took a jihadist video into a shop to be duplicated—Jovan Galevski separate file
- 23 JFK airport 3 2007 A small group, with informant, plots to blow up fuel lines serving JFK airport in New York—Bryan Staub separate file
- 24 Vinas 2 2008 A New York man travels to Pakistan, is accepted into al-Qaeda, and plots to plant a bomb in the US, but is being watched and talks after being arrested—David Dawson separate file
- 25 Bronx synagogues 3 2009 Four men, with crucial aid from an informant, plot to bomb synagogues in Bronx, NY, and shoot down a plane at a military base—David Bernstein separate file
- 26 Little Rock 4 2009 An American man travels to Middle East to get training, but fails, and on his return, working as a lone wolf, he eventually shoots and kills one soldier at a military recruitment center in Little Rock, AK—Michael Coleman separate file
- 27 Boyd and Quantico 3 2009 A complicated conspiracy in North Carolina including an informant, gathers weapons and may have targeted Quantico Marine Base—Kelly Stritzinger separate file
- 28 Zazi 2 2009 An Afghan-American and two friends travel to Pakistan to join the Taliban, but are recruited by al-Qaeda to plant bombs on New York subways instead, and are under surveillance throughout—Justin Heilmann separate file

- 29 [Springfield](#) 3 2009 A loud mouthed jihadist plots, with informants, to set off a bomb in Springfield, IL—Ronald Lieberman [separate file](#)
- 30 [Dallas skyscraper](#) 3 2009 A Jordanian on a student visa rouses interest from the FBI in internet postings and, together with three agents, tries to detonate a fake bomb in the basement of a Dallas skyscraper—Lauren Brady [separate file](#)
- 31 [Mehanna](#) 2 2009 A well-educated Muslim jihadist may have plotted briefly to shoot up a shopping center in the Boston area and tried to join an insurgency in the Middle East, but is arrested for spreading jihadist propaganda—Malgorzata Mrozek [separate file](#)
- 32 [Killings at Fort Hood](#) 4 2009 Military psychiatrist, acting as a lone wolf, shoots up a military deployment center in Ft. Hood, TX, killing 12 soldiers and one civilian, shortly before he is supposed to be deployed to the war in Afghanistan—Taylor Schmaltz [separate file](#)
- 33 [The underwear bomber](#) 4 2009 A Nigerian man tries to blow up a US-bound airliner with explosives in his underwear but is subdued by passengers and crew—Matthew Spade [separate file](#)
- 34 [Times Square](#) 4 2010 A Pakistani-American gets training in Pakistan and on his own tries, but fails, to set off a car bomb at Times Square in New York—David Tan [separate file](#)
- 35 [Alaska](#) 3 2010 A Muslim convert in a remote Alaska town plots the assassination of 20 with the aid of an informant. [separate file](#)
- 36 [Parcel bombs on cargo planes](#) 2 2010 An effort by al-Qaeda in the Arabian Peninsula to set off parcel bombs implanted in printer cartridges on cargo planes bound for the United States is disrupted by an insider—Ruxton McClure [separate file](#)
- 37 [DC Metro—bomb plot](#) 3 2010 A Pakistani-American aids FBI operatives posing as al-Qaeda in a plot to bomb the DC Metro—Chad Chessin [separate file](#)
- 38 [Oregon](#) 3 2010 A teenaged Somali-American jihadist, unable to go abroad to fight, works with FBI operatives, apparently alerted by his father, to set off a van bomb at a Christmas tree lighting ceremony in Portland, Oregon—David Bernstein [separate file](#)
- 39 [DC Metro—Facebook](#) 2 2010 A Virginia man brags without substance to a female Facebook correspondent that he will bomb the Washington Metro soon, and is quickly arrested for making interstate threats, receiving a light sentence—Lauren Brady [separate file](#)
- 40 [Baltimore](#) 3 2010 A Baltimore man seeks allies on Facebook for violent jihad, and the FBI supplies him with an informant and with a fake SUV bomb with which he tries to blow up a military recruitment center—Lauren Brady [separate file](#)

41 Texas 2 2011 A Saudi student in Texas, flunking out and displaying intense new discontent on his blog and Facebook profile, is arrested after buying bomb-making materials and considering potential targets including crowded streets in distant New York and a local residence of former President George W. Bush—David Bernstein [separate file](#)

42 Manhattan's pair of lone wolves 3 2011 Upset with how the US treats Muslims around the world, a mentally ill American citizen, with an accomplice and an undercover officer, purchases weapons as the first step in a plot to blow up synagogues, the Empire State Building, and other targets in New York and New Jersey. [separate file](#)

43 Pentagon shooter 24 2011 A US marine reservist with jihadist literature shoots at military buildings in the DC area and is arrested as he seeks to desecrate the graves of veterans of the wars in Iraq and Afghanistan—Andrew Braun [separate file](#)

44 Seattle 3 2011 Two financially-destitute men, exercised over US foreign policy, are arrested in Seattle after they purchase an FBI-supplied machine gun that they plan to use to attack a military recruiting center after they save up enough money to purchase bullets and other material. [separate file](#)

45 Abdo 2 2011 A US Army Private, unwilling to wage war on Muslims, is arrested after he buys ammunition and bomb materials to explode in a restaurant popular with soldiers—Nicole Spaetzel [separate file](#)

46 Model planes 3 2011 Seeking to “decapitate” the US “military center,” a mentally-ill hobbyist plots with police operatives to attack the Pentagon with remote-controlled model planes bearing explosives and then to shoot at people as they flee the building—Ruxton McClure [separate file](#)

47 Iran and Scarface 3 2011 An Iranian-American used-car salesman from Texas, nicknamed “Scarface” from the results of an earlier street brawl, is engaged for a promised \$1.5 million by members of the Iranian government to arrange for a Mexican drug cartel to blow up Saudi Arabia's ambassador in a Washington restaurant but is foiled by an undercover Drug Enforcement Agency operative who is wired \$100,000 as a down payment—Zachary Zaerr [separate file](#)

48 Pimentel's pipe bomb 3 2011 A naturalized US citizen and Muslim convert, hostile to US military ventures in the Middle East, seeks to make pipe bombs using match heads to attack various targets. [separate file](#)

49 Tampa 3 2012 Under suspicion after he walked into a store seeking to purchase an al-Qaeda flag, an Albanian-American loner plots in Tampa with a police operative to detonate a car bomb, fire an assault rifle, wear an explosive belt, take hostages, and bomb nightclubs, a police center, several bridges, and a Starbuck's coffee shop in order to avenge wrongs against Muslims and to bring terror to his “victims' hearts”—Nicole Spaetzel [separate file](#)

50 Capitol bomber 3 2012 A Moroccan man who had overstayed his visa for years and had been thrown out of his apartment for non-payment of rent, concludes that the war on terror is a war on Muslims, plots with FBI operatives, and is arrested as he seeks to carry out a suicide bombing at the Capitol—Zachary Karabatak [separate file](#)

51 Chicago bar 3 2012 Drawn by the violent jihadist emails and internet postings composed by an unemployed and apparently retarded 18-year-old Egyptian-American who felt the US was at war with Islam, FBI agents gain his confidence, supply him with a fake bomb which he parks outside a Chicago bar he said was filled with “the evilest people,” and then arrest him when he attempts to detonate it from a nearby alley—Rachel Cohen [separate file](#)

52 Bombing the Federal Reserve Bank 3 2012 A college flunk-out from Bangladesh uses his parents’ life-savings to study in the US and reaches out on Facebook, obtains the help of the FBI to do something that will “shake the whole country,” and is arrested when he tries to set off an FBI-supplied bomb planted at the Federal Reserve Bank building in New York from a nearby hotel room—Todd Ives [separate file](#)

53 The brothers plot 2 2012 Two brothers in Florida plot to set off a bomb in New York in revenge for US drone attacks in Afghanistan, but are arrested before getting very far beyond bicycling around Manhattan looking for targets Oazi November

53a Car bomb at an Oakland bank 3 2013 A mentally disturbed US citizen, 28, in sympathy with the Taliban, tries to set off a car bomb supplied to him by the FBI in front of a bank in Oakland, California, in hopes that the explosion would be blamed on antigovernment militias and prompt a crackdown that would touch off a civil war.

54 Boston Marathon 4 2013 Two Chechen-American brothers, working alone, detonate two homemade bombs in a crowd at the Boston marathon, killing three, and then are killed or captured a few days later after an exhaustive and dramatic manhunt—Chad Chessin [separate file](#)

54a Uzbek bomb plot in Boise 3 2013 A refugee from Uzbekistan gathers materials for a potential bombing of a military base or of a July 4 celebration in Boise, Idaho.

55 Wichita airport 3 2013 A worker at the Wichita, Kansas, airport plots with FBI agents to detonate a car bomb at dawn at the airport—Niko Pittore [separate file](#)

56 Rochester 3 2014 A pizza shop owner in Rochester, in vocal sympathy with Islamic State on social media who had been asked to leave three Mosques for his radical views, seeks to recruit for the group and plots with FBI operatives to shoot and kill returning members of the U.S. military.

57 Killings in Seattle and New Jersey 4 2014 Apparently motivated by hostility to American foreign policy, a man murders three in Washington state and is captured later when he kills another in New Jersey—Alex Iammarino [separate file](#)

- 58 New York axe attack 4 2014 An unemployed recluse and devotee of ISIS and other terrorist groups with a multiple arrest record, 22, attacks four police officers with an axe in Queens, New York, and is shot dead in an altercation that takes seven seconds.
- 59 Cincinnati 3 2015 A young local loner, in sympathy with ISIS, plots with FBI operatives to set off a bomb at the Capitol in Washington, DC—Cassandra Dula separate file
- 59a Carolina 2 2015 Two men, one a teen, plan to rob a gun shop, attack a North Carolina military base, then go to the Middle East to join ISIS.
- 60 Ohio returnee from Syria 2 2015 A Somali-American, actively communicating about his plans with friends on social media, travels to the Middle East, stays about a month, receives some training from an al-Qaeda affiliate, returns, and, as urged by a cleric he met in Syria, may have planned to commit violence—Maria Chabali separate file
- 61 Aurora 3 2015 Unable to travel abroad to fight with ISIS because of a felony conviction for trying to rob a McDonalds, an Illinois man, 23, plots with a cousin, 30, and with FBI operatives to “unleash the lion” by attacking a local National Guard Armory.
- 62 Two women in Queens 3 2015 Protesting that “It’s war” and “Protest don’t work” and “Why can’t we be some real bad bitches?” two women, one in communication with al-Qaeda in Yemen, try to fabricate bombs with the aid of an undercover officer.
- 63 Miami 3 2015 Posting sympathies to ISIS on Facebook, a Florida man is arrested after he seeks to buy arms and ammunition (with plans to emboss “ISIS” on the shell casings) from an FBI operative.
- 64 Fort Riley 3 2015 A young man enthusing on Facebook about being killed in jihad, plots with FBI operatives to explode a 1000-pound bomb at a nearby military base—Alex Rhodes separate file
- 65 Shootings at Cartoon Contest in Garland, Texas 4 2015 Two men with very limited connections to ISIS and other terrorist groups drive from Phoenix to Garland, Texas, wearing body armor and carrying six guns, open fire at an anti-Islamist exhibit, and are gunned down in 15 seconds by a traffic officer armed only with a handgun and then killed by a SWAT team—Sam Zacher separate file
- 66 Abdulkader in Cincinnati 3 2015 Yearning to join ISIS in Syria, a 21-year-old in Cincinnati attracts the attention of the FBI by Tweeting nearly daily about his admiration for the group and about his enthusiasm for beheadings, and then plots with an FBI operative and with an ISIS cybercoach to kill a soldier and to raid a police station.

67 New England 4 2015 Three ISIS-inspired men variously plot to carry out terrorist attacks, and one, saying he couldn't wait any longer and has decided to "go after" the "boys in blue" instead, attempts to stab a police officer in Boston and is shot dead.

68 Attempted stabbing of an FBI agent in New York 4 2015 Three ISIS-inspired men in the New York area variously plot attacks, and one tries to stab an FBI agent searching his home.

69 Al-Ghazi in Ohio 3 2015 A drug dealer and convicted felon becomes attracted to ISIS, pledges affiliation, creates propaganda videos for the group, seeks to recruit others to the cause on social media, gets in contact with someone he thinks is an encouraging ISIS member overseas (but is actually an FBI operative), appears to express a desire to commit a terrorist attack, and is arrested when he purchases an AK-47 from an FBI operative.

70 Sullivan 3 2015 Tipped off by his stepfather, the FBI puts an operative on, and eventually arrests, an unstable 19-year-old man in North Carolina with a yearning to kill hundreds of people on behalf of ISIS and who had previously robbed and killed a neighbor apparently to get money for weapons. separate file

71 Ciccolo 3 2015 Turned in by his father, a Boston police captain, a man who advertised his desire to join ISIS on social media and had a long history of mental illness plans to attack a university cafeteria deemed to be "very sinful" and is arrested when an undercover agent supplies him with weapons—Maria Chabali separate file

72 Chattanooga 4 2015 A mentally-ill man with no known terrorist connections, but who possessed some jihadist literature and whose life was on a downward spiral, kills five military personnel in Tennessee and then is killed in a shoot-out with police—Niko Pittore separate file

73 Suarez and Key West 3 2015 After capturing the attention of the FBI with some Facebook posts (including beheading videos), a Florida man, 25, who considers himself to be a member of ISIS and expects the group soon to come to the US to fight, scripts and records a recruitment video for ISIS and plots with some FBI operatives to detonate a buried timer bomb at a Key West beach but is arrested when he takes possession of a bomb created for the purpose by the FBI.

73a Bombs and a Papal assassination attempt in Philadelphia 3 2015 A 15-year-old who had spent a considerable amount of time in a mental hospital puts together ISIS-inspired plots to set off bombs across Philadelphia and also to assassinate the Pope on a visit to the city, but the sniper he seeks to hire is an FBI operative.
ca August 14, 2015

74 UC Merced 4 2015 After visiting ISIS websites and after being kicked out of a study group, a student at the University of California, Merced, stabs four people on campus and then is killed by police—Niko Pittore separate file

75 Akron 2 2015 An ardent ISIS supporter in Akron, Ohio, 24 years old, is arrested for solicitation to commit violent crime when he posts “kill lists” on social media, comprised of the names and addresses of 100 military people he thinks should be killed, and declares that he would be proud when he sheds American blood.

76 San Bernardino 4 2015 A husband and wife, professing loyalty to ISIS, fire guns at a holiday party, killing 14, and then are killed in a battle with police in a subsequent chase—Alex Iammarino separate file

77 ISIS fund transfer 2 2015 A Baltimore man, tracked for months, is arrested when he receives at least \$8700 from Islamic State operatives in Egypt to fund a terrorist attack in the US, although he claims he was merely seeking to scam the money from the group.

78 Rochester panhandler 3 2015 Deemed an “aggressive panhandler” by a local restaurant/bar owner, a mentally-unstable man, part of a four-man terrorist cell or cluster (the other three are FBI operatives), becomes “ready to give up everything” to join ISIS in Syria and, to show ISIS that he is serious, plots to attack the restaurant/bar with a machete that one of the FBI operatives purchases for him at Walmart—Cassandra Dula separate file

78a Houston mall 3 2016 An Iraqi refugee in Texas, 24, confides to an FBI operative that he would like to join ISIS and plots to bomb a Houston shopping mall.

79 Philadelphia 4 2016 A man, 30, attempts to kill a Philadelphia police officer with a stolen handgun and says, “I pledge my allegiance to the Islamic State, and that’s why I did what I did.”

80 Masonic temple in Milwaukee 3 2016 A fitness trainer and US citizen in Milwaukee, 23, abandoning plans to kill Israelis in the West Bank as impractical, plots with two FBI operatives to shoot up a local Masonic temple (“if this hit is executed, it will be known all over the world...If I got out after killing thirty people, I will be...100% happy, because these 30 will terrify the world. The mother fuckers will know that nobody can play with Muslims”), and is arrested after FBI operatives sell him fully automatic weapons and one silencer.

81 Detroit church 3 2016 A US-born citizen, 21, makes increasingly violent statements on Twitter about conducting an attack on behalf of ISIS and, after communicating with an FBI operative, focuses on a Detroit church and then is arrested for possession of a firearm by an unlawful user of a controlled substance and is sentenced to 5 years.

82 Franey in Montesano 3 2016 A vocal ISIS supporter in Montesano, Washington, 34, accepts guns for a potential attack from an FBI operative.

83 Ranting in Minnesota 2 2016 A 23-year-old Minnesota man, in contact with ISIS members in Syria, is arrested for communicating threats by saying during a drunken rant that he was going to “kill everyone” at a local Walgreens, but is ultimately charged only with falsely telling the FBI that the contacts had ended.

84 Bombings and shootings in New York 3 2016 Three men abroad, one of them an orthopedic surgeon in the Philippines and another a mentally-disturbed teenager in Canada, plot with an FBI informant to shoot up and detonate bombs in New York City in support of ISIS.

85 Florida synagogue 3 2016 A U.S.-born convert to Islam, aged 40, with mental health problems (including a cyst in his brain) plots to bomb a synagogue in Florida, crediting the deed to ISIS following an FBI informant's suggestion and inspiring other Muslims ("It's a war, man, and like it's time to strike back here in America"), but is arrested when he buys the requisite explosive from the operative and attempts to place in near the synagogue—David Isaly [separate file](#)

86 [Orlando](#) 4 2016 A gunman trained in the use of firearms, professing allegiance to ISIS and demanding that US airstrikes be halted in the Middle East, kills 49 at a gay nightclub in Orlando, Florida, and is killed by police after a three-hour standoff—Alex Rhodes; later appendix by Xiangrong Kong [separate file](#)

87 Gregerson in Michigan 3 2016 Following a tip that he is amassing an arsenal, the FBI investigates a U.S.-born Muslim convert, 29, in Michigan, a vocal ISIS sympathizer who "fantasizes" about committing terrorism, and arrests him when he buys explosives from an FBI operative.

88 Phoenix 3 2016 An 18 year old Arizona man, mentally-ill, corresponds with a federal agent he believes to be an ISIS fighter about attacking a motor vehicle office in Phoenix.

89 Former national guardsman in Virginia 3 2016 A former national guardsman in Virginia, 27, hooks up with an ISIS cybercoach in Libya who then inadvertently connects him with an FBI informant, and the three begin to plot to kill a couple of soldiers in the United States, following this up with a larger ISIS attack.

90 Wehelie 3 2016 A Virginia man, arrested and charged with illegal gun possession, gets a long sentence because he made "dangerous statements" to an FBI operatives about how he would love to join ISIS abroad but would settle for attacking a U.S. military recruitment station.

91 Recruiter for an ISIS attack in North Carolina 3 2016 A North Carolina man seeks to recruit people over social media, including an undercover FBI agent, to carry out ISIS attacks in the United States.

92 Roanoke 4 2016 A man, apparently inspired by ISIS and possibly mentally ill, attacks two people with a knife after hearing voices in Roanoke, Virginia.

93 Southern Illinois 1 2016 An 18-year old with a history of mental illness who once used a rock to scratch a pickup truck is charged with making a verbal threat to commit a "mass casualty event" and providing material support to a terrorist organization.

94 Minnesota mall stabbings 4 2016 An unassuming Somali-American student and part-time security guard, with little evidence of terrorist intent (but afterwards proclaimed a “soldier” by ISIS), goes on a stabbing spree, injuring ten people in a shopping mall in St. Cloud, Minnesota, before being killed by an off-duty police officer—Niko Pittore [separate file](#)

95 Chelsea bomber 4 2016 A 28-year-old Afghan-American, apparently inspired by al-Qaeda, plants several homemade bombs in the New York area, two of which explode, killing no one, and the bombmaker is later arrested after a shootout with police—Niko Pittore [separate file](#)

96 ISIS assassination plot in Maryland 3 2016 A legal permanent resident who came to the US from Bangladesh at the age of three (and was now 24), expresses support on social media for ISIS and then enthusiastically plots (“That’s like my goal in life”) with an FBI operative to murder a US military member on an ISIS hit list (they gathered 100 rounds of ammunition for the job) under the belief, suggested by the operative, that they would receive \$80,000 from ISIS for the venture.

97 Houston 3 2016 A 24-year-old Iraqi refugee who wants to join ISIS, plots with an FBI informant to set off bombs at two Houston shopping malls.

98 Bomb plot in an Arizona prison 2 2016 Following a tip, police disrupt a plot by a 38-year old Muslim convert, ISIS supporter, and lifer at an Arizona prison to use “radicalized materials” and bombmaking information mailed to him by his wife to murder the warden or blow up a vending machine in the visitors section.

99 Indiana 3 2016 An Indiana man, 30, communicates with police operatives indicating that he wants to join ISIS and sends information about making and using explosives.

100 Oakland 3 2016 A man in California, 22, opens social media accounts for ISIS and plots attacks with FBI operatives.

101 Garbage truck at Times Square 3 2016 A 37-year-old Yemen-born Uber driver in Brooklyn avidly supports ISIS on Facebook, tries and fails to join the group, and then discusses driving a garbage truck into a crowd at Times Square with an FBI informant he met through his Facebook posts.

102 Ohio State University 4 2016 A Somali refugee, a student at Ohio State, apparently outraged at the persecution of Muslims around the world particularly in Burma, injures thirteen people by driving his car into a crowd on campus and by leaping from the car and stabbing at people with a butcher knife and then is shot dead by a campus police officer—Niko Pittore [separate file](#)

103 Thompson in Arizona 2 2016 A 30 year old felon in Arizona who nearly two years earlier may have tried to buy a pistol online, is arrested after he conducts hundreds of suspicious Google

searches and posts on social media such comments as “Islamic State is officially in America. The war has begun” and “Right, we need to get down with this ISIS shit.”

104 Suffolk 3 2016 After the FBI is informed that a Suffolk, Virginia, man, 26, had voiced support for ISIS on his Facebook page and had purchased an AK-47 rifle, they have an agent contact him posing as an ISIS member and arrest him after he requests ammunition, gives the agent \$250 to support the terrorist group, and says he is ready to “go forth.”

105 Denver killing 4 2017 A former Army sergeant and martial arts instructor, 37, about whose apparent radicalism police had been warned more than once by the Muslim community, abruptly shoots and kills a transit officer and is apprehended shortly thereafter without further incident by the police.

106 ISIS supporter in Missouri 3 2017. A Missouri man plots to bomb Kansas City in collaboration with FBI agents who pose as ISIS members and who had been alerted by his social media posts supporting violent jihad.

107 Lepsky of New Jersey 2 2017 After police responded to what they called an “incident” taking place in a Point Pleasant, NJ, home in which a 20-year-old man had stabbed the family’s dog because it was “dirty” in the view of Islam and was apparently going to do the same to his mother, they discovered that the man was an ISIS supporter who was planning to create and detonate a pressure cooker bomb in New York City “to kill as many people as possible” and to die in the process.

108 Threats in North Carolina 2 2017 Garrett Grimsley, 27, is charged with making online threats “in interstate commerce” to “non-Muslims,” and a subsequent search of his apartment uncovers an assault rifle and 340 bullets while discovering that he had been reading an ISIS magazine—though Grimsley said he only was looking at the pictures.

109 Calloway in DC 3 2017 A felon and former Marine, 38, who advertises his admiration for ISIS on Facebook (complete with flag) and discusses with an FBI operative the killing of DC police officers (but not ones who are Muslim) and the need to prepare for a “race war” against whites, is arrested when he buys an AK-47 rifle and ammunition from the informant.

110 Surveilling for Hizballah 2 2017. Two men, one from New York City and one from Dearborn, Michigan, both naturalized citizens, are arrested for being undercover agents for Hizballah, surveilling potential targets in the United States and in the Panama Canal zone and for “possessing extensive bomb making training.”

111 Alabama 2 2017 A Huntsville man, 22, who swore allegiance to ISIS and may have been planning to bomb a public building, is arrested by local police, following a tip, for soliciting or providing support for terrorism.

112 Ftouhi in Flint 4 2017 A 49-year-old Tunisian-Canadian comes to Flint, Michigan, attempts to stab a police officer at the airport and, after being taken into custody, explains, “You have killed people in Syria, Iraq, and Afghanistan, and we are all going to die.”

113 Casey Spain 3 2017 A Virginia felon, who had himself tattooed in prison with “Cop Killa” on his face and an ISIS flag on his back and who talks repeatedly to fellow inmates of working for ISIS, is arrested 20 days after his release when an FBI operative sells him a handgun.

114 Shopping Mall in Miami 3 2017 A Florida man records pro-ISIS videos and works with FBI operatives to build a bomb to be detonated in the food court of the Sweetwater mall in Miami.

115 Truck attack on Manhattan bike path 4 2017 A Florida man, originally from Uzbekistan and vowing allegiance to ISIS, plows a rented truck down a bike path in Manhattan, killing 8, and then, armed with toy guns, is shot and subdued by police.

116 Homemade bomb in New York pedestrian tunnel 4 2017 A 2011 immigrant from Bangladesh, 27, angered by US foreign policy and inspired by ISIS, detonates a crude strapped-on pipe bomb in a pedestrian tunnel in New York, suffering burns and cuts himself and inflicting minor injuries on three others.

117 San Francisco 3 2017. A depressed tow-truck driver who completed basic training in the Marines, advertises his ISIS sympathies online noting, in particular, that he “loved” an ISIS poster showing Santa Claus in New York with a box of dynamite over the caption, “We meet at Christmas in New York . . . soon,” and is arrested when he considers, but then apparently abandons, a suicide plan to shoot up and perhaps bomb a popular tourist attraction in San Francisco on Christmas in coordination with the other members of his cell, all of whom are FBI operatives—Jolie Radunich [separate file](#)

118 Plano 3 2018 A high school student, inspired by ISIS, plots with FBI operatives to shoot up a mall in Texas as revenge for US military actions in the Middle East and sends them \$1490 to obtain weaponry to do so.

119 Cleveland 3 2018 A mentally-disturbed 48-year-old with a criminal record, determined to fight back against US military actions in the Middle East, receives a bus pass from an FBI operative to travel to downtown Cleveland to surveil the location for a potential 4th of July bombing.

120 Synagogue shooter 3 2018 An Ohio man, 21, plots to shoot up a synagogue in the Toledo area in the name of ISIS with weapons to be supplied by the FBI.

There are also two case studies concerning efforts by Islamist extremists to go abroad to inflict damage on US interests there:

998 New York Stock Exchange 2010 Three men seek to join the fight against the US in the Middle East and find a couple of operatives in Yemen who agree to help them (and after being arrested, identify them), but only after the men send over tens of thousands of dollars and case the New York Stock Exchange for a possible attack—Jake A. Douglas separate file

999 Toledo 2006 Three men in Toledo, OH, seek to join the fight against the US in the Middle East but fail to get in while attracting the attention of an informant who trains them—Meagan Woodall separate file

Introduction

December 31, 2017: Material from this Introduction has been used in three places.

1. John Mueller and Mark G. Stewart, “Terrorism and Counterterrorism Since 9/11,” a paper presented at the National Convention of the International Studies Association, San Diego, California, April 3, 2012, using the first 50 cases as in this book. politicalscience.osu.edu/faculty/jmueller/ISA12ter.pdf
2. John Mueller and Mark G. Stewart, “The Terrorism Delusion: America's Overwrought Response to September 11,” *International Security* 37(1) Summer 2012: 81-110, also using the first 50 cases as in this book. politicalscience.osu.edu/faculty/jmueller/absisfin.pdf
3. John Mueller and Mark G. Stewart, *Chasing Ghosts: The Policing of Terrorism* (New York: Oxford University Press, 2016), using the first 65 cases as in this book.

Since these publications, the number of cases has doubled—particularly due to the inspiration, and to a much lesser extent the efforts, of the Islamic State or ISIS, which burst on the scene in 2014 in the Middle East, gained widespread publicity, and generated a considerable number of cases especially in 2015 and 2016. In addition, a few earlier cases have been added to the array. Rather than renumber the cases, the new entries (none of them currently with full case studies) have been inserted in this book as Cases 12a, 17a, 53a, etc. However, the case numbers referenced in the three publications and in the Introduction below will correspond to those in this book except for a few numbering differences with the last few cases in the *Chasing Ghosts* series. Although the material in this Introduction overlaps considerably with the other three publications, it includes some material contained in none of them.

John Mueller

June 2, 2011
revised July 22, 2011
revised June 17, 2012

This book is comprised of studies of all the cases that have come to light of Islamist extremist terrorism since 9/11, whether based in the United States or abroad, in which the United States itself has been, or apparently has been, targeted.

It springs from set of papers generated in an honors seminar I conducted in the autumn quarter of 2010 at Ohio State University. After a few weeks of examining the literature on terrorism, each student was assigned to do a case study of an American post-9/11 terrorism plot following as much as possible an outline I worked out during the quarter to frame their reports. After the course was over, many of the students voluntarily revised their papers taking into account (but not necessarily agreeing with) the comments I made on their original papers when I graded them. These papers, both those revised and those unrevised, were then edited by me, particularly to enhance comparability across the cases, to

reduce repetition, and to clean up at least some of the rough edges, and they were then sent to the students for their final approval.

Several case studies were added later by Lauren Brady and David Bernstein so that the present set includes a couple of terrorism cases that were initially omitted in the seminar as well as a few that have taken place since it was conducted. I have added a headnote for each case, some of which take a somewhat different tack, or interpret the evidence somewhat differently, than the detailed papers. More cases have been added later as I examined more fully the set of potential cases and as new arrests were made; these are not yet represented by full case studies though I have included extended headnotes for some of them. There has also been some subsequent copy editing by Judy Mueller.

The results should be taken, perhaps, to be something of a work in progress: we plan to update, revise, and correct, and then re-post from time to time. Accordingly, each case study and each headnote is dated and carries its own individual pagination.

Case selection

These terrorism cases—ones targeting or apparently targeting the United States itself—comprise (or generate) the chief terrorism fear for Americans, of course. Yet information on them is remarkably far-flung. Only one case, Lackawanna (Case 5), has thus far inspired a book (an excellent one, however), and the scholarly literature has focused far more detailed attention on terrorism cases abroad than on ones within the United States.

Fortunately, quite a bit of information, however far-flung, is available, particularly on the internet, generated by various organizations (particularly the NEFA Foundation) and by the media. I have been something of a critic of the way the media has often dealt with the terrorism issue.¹ I have not fully abandoned my prejudices, but I must admit I have been impressed that in virtually every case there has been reporting in the national or local media that has been absolutely first rate. For each case, I asked the students to evaluate the media coverage and, as will be seen, they generally give it high marks—though I sometimes harbor the dark suspicion that this came about partly because, in their sensible quest for information on their case, the students quickly brushed past the weak stuff to concentrate on the good.

Included in this study, then, are cases of four types:

- 1) Islamist extremist conspiracies or connections that, in the view of the authorities, might eventually develop into plots to commit violence in the United States,
- 2) Islamist extremist terrorist plots to commit violence in the United States, no matter how embryonic, that have been disrupted,
- 3) Islamist extremist plots to commit violence in the United States that were essentially created or facilitated in a major way by the authorities and then

¹ For example, in John Mueller, *Overblown*. New York: Free Press, 2006, 39-41. For a thoughtful and perceptive discussion of this issue by a journalist, see Daniel Gardner, *The Science of Fear: Why We Fear the Things We Shouldn't--and Put Ourselves in Greater Danger*. New York: Dutton, 2008, ch. 8.

rolled up by arrest when enough evidence was accumulated—including in some cases having the would-be perpetrator actually push the button that he mistakenly believed would set off an explosion, and

4) cases in which an Islamist extremist terrorist or terrorist group actually commits, or tried to commit, violence in the United States.

One case, however, does not fit any of those categories. The set does not include cases in which people from the United States have sought, or have been recruited, to commit violence abroad, including efforts to join the insurgencies fighting American troops in Iraq or Afghanistan or to venture to Somalia to help the side there that U.S. authorities have determined to be terrorist in nature. The exception is the Toledo case (Case 99). It is included, I have to admit, mainly because it took place in Ohio. Some of the lessons drawn from it may have broader relevance, but this study does not systematically deal with terrorism cases like that—and there have been quite a few, particularly lately. However, all cases are included in which a would-be terrorist went abroad to join al-Qaeda or the Taliban or whatever but then sought to plan or execute an attack in the United States (Cases 24, 26, and 28).

If may be of interest, and instructive, to take note of another case, excluded here because it did not involve Muslim extremism. In 2003 William J. Krar and his common-law wife were arrested in Texas and were in possession of 78 firearms, 3 machine guns, 100,000 rounds of ammunition, 60 pipe bombs, a fabricated landmine, grenades, 67 pounds of ammonium nitrate explosive, 66 tubes of liquid nitromethane explosive, military detonators, blasting caps, and atropine syringes as well as sodium cyanide and hydrochloric acid, the ingredients for chemical weapons some of which had been assembled as a bomb. As one government attorney working on the case helpfully suggested, “I don’t think you possess these weapons for defensive purposes.” The case stirred some interest in Texas, but very little in the national media perhaps because Krar was merely a white supremacist, not a Muslim extremist.²

The plots to commit violence in this book include only these that have “have come to light.” In practice what this means is “have resulted in arrests”—and on fairly clear terrorism charges. There may be other plots out there that were abandoned before they caught the attention of the authorities or before they got far enough along to reach the point where arrests were likely to lead to conviction. Indeed, some of the plots detailed in this book seem to have been in the process of disintegration when arrests were made and might have faded into oblivion had the police waited longer (see especially Cases 12 and 19).

Over the years there have also been quite a few arrests of people who, it was thought, might be or might become terrorists but, due to a lack of evidence on terrorism, were charged with other violations, particularly immigration ones. These, too, are excluded from the set. These cases, suggests the FBI, are about three times as numerous as ones in which terrorism charges are actually pressed.³

² Michael Barkun, *Chasing Phantoms: Reality, Imagination, and Homeland Security*. Chapel Hill, NC: University of North Carolina Press, 2011, 114-15.

³ Garrett M. Graff, *The Threat Matrix: The FBI at War in the Age of Terror*. New York: Little, Brown, 2011, 557. For the suggestion that the authorities may have become more capable in

However, any terrorism plots in these cases are presumably even more embryonic than the ones discussed in this book, and even less likely ever to be put into effect. Moreover, many of these cases involve support for terrorism abroad, not in the United States, and all are based simply on suspicions—in some cases, perhaps, quite justified ones—about terrorist inclinations, not on information that would hold up in court.

It seems implausible, however, that there exist out there much in the way of “sleeper cells,” fully trained and constituted, that are plotting away and ready to leap into action at any moment. Fear of these, as will be discussed more fully later, was quite common in the years immediately following 9/11, but concern this has now substantially dissipated.⁴ The logic for sleeper cells is not to sleep forever, of course, but actually to *do* something because the longer they wait the more likely they are to be found out. And surely, with the American wars in Iraq and Afghanistan and with its bombings in Pakistan, they hardly need more provocation.

Although there is no study that arrays in one place an extensive discussion of all the American cases, there are several that systematically survey them, providing in the process brief descriptions of each. The selection in each case, not surprisingly, overlaps considerably with the one used in this book. However, because their criteria for inclusion are slightly different from the ones used here, the set of cases examined varies somewhat.

1. In a 2010 Occasional Paper for RAND, Brian Jenkins assesses 46 cases of jihadist activity that resulted in arrest in the United States between 9/11 and the end of 2009. He excludes efforts based abroad, but includes those involving people in America seeking to do damage or to aid terrorists abroad or to go abroad to fight there.⁵ Of his 46 cases, 26 are included in this book.

2. In a 2010 Honors Thesis at Stanford, Ashley Lohmann assesses each Muslim extremist plot or attack that has targeted the American homeland between 9/11 and May 2010. All but three of her 26 cases are included in the set in this book.⁶

3. In a 2010 compilation, the NYU Center on Law and Security provided a “bare minimum” list of the “Top Twenty Plots to Know” that involved

recent years of working some of these cases up enough so that terrorism charges can be filed, see Risa A. Brooks, “Muslim ‘Homegrown’ Terrorism in the United States: How Serious is the Threat?” *International Security*, Fall 2011, 17.

⁴ Nonetheless, as late as 2009 newly-retired CIA Director George Tenet disclosed on CBS’ “60 Minutes” that his “operational intuition” was telling him that al-Qaeda had “infiltrated a second wave or a third wave into the United States at the time of 9/11,” though he added, “Can I prove it to you? No” (April 29, 2009). Tenet’s alarming assertion—based by his own admission essentially on nothing—is strongly contradicted by the testimony of the chief 9/11 planner: “Substitution for the Testimony of Khalid Sheikh Mohammed,”

www.law.umkc.edu/faculty/projects/ftrials/moussaoui/sheikhstmt.pdf

⁵ Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010.

⁶ Ashley Lohmann, “Jihad on Main Street: Explaining the Threat of Jihadist Terrorism to the American Homeland Since 9/11,” Stanford University: Center for International Security and Cooperation, Honors Program for International Security Studies, May 18, 2010.

indictments from 2001 to July 2010. Of these, 14 are included in the set in this book; most of the other six involved efforts to do, or to support, violence abroad.⁷

4. In a 2010 study conducted by the Congressional Research Service, Jerome P. Bjelopera and Mark A. Randol examine 44 “homegrown violent jihadist plots” through November 2010, none of them originating abroad.⁸ Of these, 27 are included in the set in this book while 16 of the others involve efforts to commit violence abroad or to travel there to fight.

5. In a 2011 article, Louis Klarevas examines 105 instances of terrorist attacks within the United States after 9/11 through 2010. He includes only actual attacks, whether successes or failures, not ones that never went beyond the planning stages. Only nine cases included in this book make his list: 25, 26, 29, 30, 32, 33, 34, 37, 39. The rest of his cases include ones perpetrated by such non-Islamic terrorists as the anthrax bomber of 2001, Christian extremists, environmental and animal rights advocates, nationalists, and white supremacists.⁹

6. In an article, Risa Brooks assesses 19 operational plots aimed at “some defined, actionable targets” with some concrete activities in support of the plot in the United States from 9/11 through the end of 2010. She does not include plots originating abroad.¹⁰ All 19 of her cases are included in the present set.

The nature of the “adversary”

In 2009, the Department of Homeland Security issued a lengthy report on protecting the homeland. Key to such a consideration, it would seem, would be a careful assessment of the character, capacities, and desires of potential terrorists within that homeland.

The report does have a section dealing with what it calls “The Nature of the Terrorist Adversary,” but it spends only two paragraphs on the concern, and both are decidedly one-dimensional and fully preoccupied with the dire end of the spectrum of the terrorist threat.

Terrorist capacities

The first part of the DHS description deals with terrorist capacities:

The number and high profile of international and domestic terrorist attacks and disrupted plots during the last two decades underscore the determination and persistence of terrorist organizations. Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.¹¹

In the initial assignments, I asked the students to explain upfront what the nature of the terrorist “adversary” in their case was like. There were cases in

⁷ “Top Twenty Plots to Know,” NYU School of Law, Center on Law and Security, July 6, 2010.

⁸ Jerome P. Bjelopera and Mark A. Randol, *American Jihadist Terrorism: Combating a Complex Threat*. Washington, DC: Congressional Research Service, December 7, 2010.

⁹ Louis Klarevas, “Trends in Terrorism Since 9/11: Is terrorism still a threat to the United States?” *Georgetown Journal of International Affairs*, Winter/Spring 2011.

¹⁰ Brooks, “Muslim ‘Homegrown’ Terrorism.”

¹¹ Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009, 11.

which words like determination, persistence, relentless, patient, opportunistic, and flexible were appropriate. Far more common, however, as can be seen in a perusal of the resulting case studies, were words like incompetent, ineffective, unintelligent, idiotic, ignorant, inadequate, unorganized, misguided, muddled amateurish, dopey, unrealistic, moronic, irrational, and foolish.¹² And for just about all of the cases where an FBI informant was plying his often well-compensated trade (case type 3), the most appropriate descriptor would be “gullible.” In many cases, however, it may perhaps be a bit better to view the perpetrators or would-be perpetrators not so much as stupid or foolish as underdeveloped or incompetent or inadequate emotionally. But, as Jenkins summarizes, “their numbers remain small, their determination limp, and their competence poor.”¹³

Suggestive of their capacities is the rather impressive inability of the terrorists in these cases to create and set off a bomb. In many instances, the only explosive on the scene was a fake one supplied by the FBI, and it is clear that the would-be terrorists totally lacked the capacity to create or acquire one on their own (see, in particular, cases 21, 22, 25, 29, 30, 38, 40, 42, 44, 46, 49, 50). In the cases in which the terrorists did try to create a bomb after extensive training abroad, or were actually given one by a terrorist group abroad, the plot was disrupted or the bomb failed (Cases 1, 20, 28, 33, 34). In result, the only method by which Islamic terrorists have managed to kill anyone at all in the United States since 9/11 has been through the firing of guns—in the El Al, Little Rock, and Fort Hood cases (4, 26, and 32).¹⁴

This incapacity is impressive because small-scale terrorists in the past in the United States have been able to set off quite a few bombs. Noting that the scale of the September 11, 2001, attacks has “tended to obliterate America’s memory of pre-9/11 terrorism,” Brian Jenkins reminds us (and we clearly do need reminding) that

measured by the number of terrorist attacks, the volume of domestic terrorist activity was much greater in the 1970s. That tumultuous decade saw 60 to 70 terrorist incidents, mostly bombings, on U.S. soil every year—a level of terrorist activity 15 to 20 times that seen in the years since 9/11, even when foiled plots are counted as incidents. And in the nine-year period from 1970 to 1978, 72 people died in terrorist incidents, more than five times the number killed by jihadist terrorists in the United States in the almost nine years since 9/11.

In the 1970s, terrorists, on behalf of a variety of causes, hijacked airliners; held hostages in Washington, New York, Chicago, and San Francisco; bombed embassies, corporate headquarters, and government buildings; robbed banks; murdered diplomats; and blew up power

¹² See also Bruce Schneier, “Portrait of the Modern Terrorist as an Idiot,” *schneier.com*, June 14, 2007; Daniel Byman and Christine Fair, “The Case for Calling Them Nitwits,” *Atlantic*, July/August 2010.

¹³ Brian Michael Jenkins, *Stray Dogs and Virtual Armies: Radicalization and Recruitment to Jihadist Terrorism in the United States Since 9/11*. Santa Monica, CA: RAND Corporation, 2011, 1.

¹⁴ See also Jenkins, *Stray Dogs and Virtual Armies*, 20.

transformers, causing widespread blackouts. These were not one-off attacks but sustained campaigns by terrorist gangs that were able to avoid capture for years. The Weather Underground was responsible for 45 bombings between 1970 and 1977, the date of its last action, while the New World Liberation Front claimed responsibility for approximately 70 bombings in the San Francisco Bay area between 1974 and 1978 and was believed to be responsible for another 26 bombings in other Northern California cities. Anti-Castro Cuban exile groups claimed responsibility for nearly 100 bombings. Continuing an armed campaign that dated back to the 1930s, Puerto Rican separatists, reorganized in 1974 as the Armed Front for National Liberation (FALN), claimed credit for more than 60 bombings. The Jewish Defense League and similar groups protesting the plight of Jews in the Soviet Union claimed responsibility for more than 50 bombings during the decade. Croatian and Serbian émigrés also carried out sporadic terrorist attacks in the United States, as did remnants of the Ku Klux Klan.¹⁵

As this documents, terrorists in the United States (as well, of course, as those in other places in the developed world like Northern Ireland and Spain) have been fully able to create and set off bombs. Since 2001, however, no Islamic extremist terrorist has been able thus far to do so in the United States.

In all, as Shikha Dalmia has put it, would-be terrorists need to be “radicalized enough to die for their cause; Westernized enough to move around without raising red flags; ingenious enough to exploit loopholes in the security apparatus; meticulous enough to attend to the myriad logistical details that could torpedo the operation; self-sufficient enough to make all the preparations without enlisting outsiders who might give them away; disciplined enough to maintain complete secrecy, and—above all—psychologically tough enough to keep functioning at a high level without cracking in the face of their own impending death.”¹⁶ The case studies certainly do not abound with people like that.

The situation seems scarcely different in Europe and other Western locations. Michael Kenney has interviewed dozens of officials and intelligence agents and analyzed court documents. He finds that, in sharp contrast with the boilerplate characterizations favored by the DHS and with the imperatives listed by Dalmia, Islamic militants there are operationally unsophisticated, short on know-how, prone to make mistakes, poor at planning, and limited in their capacity to learn.¹⁷ Not incidentally, except for the attacks of July 7, 2005, on the

¹⁵ Jenkins, *Would-Be Warriors*, 8-9.

¹⁶ Shikha Dalmia, “What Islamist Terrorist Threat?” *reason.com*, February 15, 2011.

¹⁷ Michael Kenney, “‘Dumb’ Yet Deadly: Local Knowledge and Poor Tradecraft Among Islamist Militants in Britain and Spain,” *Studies in Conflict & Terrorism* 33(10) October: 911-22. See also Brooks, “Muslim ‘Homegrown’ Terrorism.” To demonstrate how we face “a thinking enemy that is constantly adapting to defeat our countermeasures” former deputy secretary of homeland security James Loy argues that when cockpit doors were hardened to prevent hijackings, the terrorists moved to shoe bombs (Case 1) to “penetrate our defenses.” However, the hardened doors (which anyway were not much in place in late 2001 when the shoe bomber made his move) were in no sense a defense against bombings, only, as Loy admits, against hijacking. “Al-Qaeda’s undimmed threat,” *Washington Post*, November 7, 2010.

London Underground, Muslim extremist have not been able to get any bombs to explode in Britain in the last 10 years. Another study documents the difficulties of network coordination that continually threaten operational unity, trust, cohesion, and the ability to act collectively.¹⁸

Moreover, it is not all that clear that even the bombers in Afghanistan and Pakistan, where explosives assemblers and operations managers operate in a permissive environment, are all that competent either. According the Daniel Byman and Christine Fair, in Afghanistan, half of the suicide bombers manage to kill only themselves, and bomb-bearing warriors rather frequently blow each up in manly embraces as they are about to set off on their missions.¹⁹

Terrorist targets

After devoting two sentences in its description of “The Nature of Terrorist Adversary” to an almost absurdly one-sided assessment of that nature, the DHS report concludes its discussion by shifting course and spinning out several sentences on terrorist targets:

Analysis of terrorist goals and motivations points to domestic and international CIKR [critical infrastructure and key resources] as potentially prime targets for terrorist attacks. As security measures around more predictable targets increase, terrorists are likely to shift their focus to less protected targets. Enhancing countermeasures to address any one terrorist tactic or target may increase the likelihood that terrorists will shift to another, which underscores the necessity for a balanced, comparative approach that focuses on managing risk commensurately across all sectors and scenarios of concern. Terrorist organizations have shown an understanding of the potential consequences of carefully planned attacks on economic, transportation, and symbolic targets, both within the United States and abroad. Future terrorist attacks against CIKR located inside the United States and those located abroad could seriously threaten national security, result in mass casualties, weaken the economy, and damage public morale and confidence.

The concepts of "critical infrastructure" and "key resources" do not seem to be completely felicitous ones.

Applying common sense English about what “critical infrastructure” could be taken to mean, it should be an empty category. If any element in the

¹⁸ Mette Eilstrup-Sangiovanni and Calvert Jones, “Assessing the Dangers of Illicit Networks,” *International Security*, Fall 2008.

¹⁹ Byman and Fair, "The Case for Calling them Nitwits." In his book, *Mastermind: The Many Faces of the 9/11 Architect, Khalid Shaikh Mohammed* (New York: Sentinel, 2011), Richard Minitzer begins by listing his subject’s admitted involvement with terrorist efforts in addition to 9/11. These include the 1993 World Trade Center and 2002 Bali bombings; plots on Heathrow airport, Big Ben, the Empire State Building, the Panama Canal, and buildings in Los Angeles, Seattle, and Chicago; plans to assassinate Bill Clinton, the Pope, and several prime ministers of Pakistan; and two efforts to infiltrate agents into the United States (p. 2). Except for the Bali bombings, all of these failed or never even began to approach fruition, and KSM’s role in the Bali case, according to Minitzer, was simply to supply some money (p. 157). For other KSM activity, see Case 8.

infrastructure is truly "critical" to the operation of the country, steps should be taken immediately to provide redundancies or backup systems so that it is no longer so. An official definition designates "critical infrastructure" to include "the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety, or any combination thereof."²⁰ Yet vast sums of money are spent under the program to protect elements of the infrastructure whose incapacitation would scarcely be "debilitating" and would at most impose minor inconvenience and quite limited costs.

And the same essentially holds for what DHS designates as "key resources." These are defined to be those that are "essential to the minimal operations of the economy or government."²¹ It is difficult to imagine what a terrorist group armed with anything less than a massive thermonuclear arsenal could do to hamper such "minimal operations." The terrorist attacks of 9/11 were by far the most damaging in history, yet, even though several major commercial buildings were demolished, both the economy and government continued to function at considerably above the "minimal" level.²²

Be that as it may, the observation in the report that improving security at one target "may increase the likelihood that terrorists will shift to another" is certainly an apt one.²³ And in at least some of the cases examined some terrorists were indeed "opportunistic" in that they did seek out targets that are relatively easy to attack—though it is not clear that they usually gave it a great deal of thought.

However, in many of the cases it is a great stretch to suggest they showed much "understanding of the potential consequences of carefully planned attacks on economic, transportation, and symbolic targets," or that they could "seriously threaten national security, result in mass casualties, weaken the economy, and damage public morale and confidence." To be sure, some of the plotters did harbor visions of toppling large buildings, destroying airports, setting off dirty bombs, or bringing down the Brooklyn Bridge (Cases 2, 9, 12, 19, 23, 30, 42, 49), but these were all wild fantasies, far beyond their capacities however much they may have been encouraged in some instances by FBI informants.

Moreover, in many cases, target-selection is effectively a random process, not one worked out with guile and careful planning. Often, it seems, targets are selected almost capriciously and simply for their convenience. Thus, a would-be

²⁰ Office of Management and Budget, *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2011*, Washington, DC, 381.

²¹ Department of Homeland Security, *National Infrastructure Protection Plan*, 15n.

²² The very phrase, "homeland security," contains aspects of a similar inflation in its suggestion that that the essential security of the entire country is at stake. In Canada, the comparable department is labeled with more accuracy and less drama simply as "public safety." Given the actual magnitude of the terrorist hazard, the homeland is, as it happens, really quite secure, though there may be justifiable concerns about the public's safety under some conditions.

²³ However, the practical import of this conclusion is certainly far from clear as when the report rather opaquely says there is a consequent "necessity for a balanced, comparative approach that focuses on managing risk commensurately across all sectors and scenarios of concern."

bomber targeted a mall in Rockford, Illinois because it was nearby (Case 21). Terrorist plotters in Los Angeles in 2005 drew up a list of targets that were all within a 20 mile radius of their shared apartment, some of which didn't exist (Case 14). Or there was the terrorist who, after several failed efforts, went home and, with no plan at all, shot at a military recruiting center three miles from his apartment, killing one (Case 26). Or there is the neo-Nazi terrorist in Norway who, on his way to bomb a synagogue, took a tram going the wrong way and ended up dynamiting a mosque instead.²⁴

Motivations: It's the foreign policy, stupid

In setting up the outline for the case studies, I specifically asked the students to assess the motivations driving the people in their case. I was somewhat surprised by the results, not so much qualitatively as quantitatively.

There were a few cases in which it could probably be said there was no notable motivation at all (Cases 5, 10, 19). However, in almost all the other cases, the overwhelming driving force was simmering, and more commonly boiling, outrage at American foreign policy—the wars in Iraq and Afghanistan in particular and also the country's support for Israel in the Palestinian conflict. Religion was a key part of the consideration for most, but it was not that they had a burning urge to spread Islam and Sharia law or to establish caliphates. Rather it was the desire to protect the religion against what was commonly seen to be a concentrated war upon it in the Middle East by the United States government and military.²⁵ None seems to remember (or perhaps in many cases ever knew) that the United States strongly favored the Muslim side in Bosnia and in Kosovo in the 1990s—as well as, of course, in the Afghan war against the Soviet Union on the 1980s.

In stark contrast, there is remarkably little hostility to American culture or society or to its values or, certainly, to democracy. This is particularly impressive because many of the people under examination (though certainly not all) were misfits, suffered from personal identity crises, were friendless, came from broken homes, were often desperate for money, had difficulty holding jobs, were on drugs, were petty criminals, experienced various forms of discrimination, and were, to use a word that pops up in quite a few of the case studies and fits even

²⁴ John Horgan, *Walking Away from Terrorism: Accounts of Disengagement from Radical and Extremist Movements*. London and New York: Routledge, 44.

²⁵ See also Robert A. Pape and James K. Feldman, *Cutting the Fuse: The Explosion of Global Suicide Terrorism and How to Stop It*. Chicago: University of Chicago Press, 2010, 76-79; Stephen M. Walt, "Why they hate us (II): How many Muslims has the U.S. killed in the past 30 years?" *foreignpolicy.com*, November 30, 2009; Peter Bergen, "Five myths about Osama bin Laden," *washingtonpost.com*, May 6, 2011; James Fallows, *Blind into Baghdad: America's War in Iraq* (New York: Vintage, 2006), 142; John J. Mearsheimer, "Imperial by Design," *National Interest*, January/February 2011, 24. Marc Sageman has provided an arresting comparison with Jewish youths who felt called upon to go abroad to fight for besieged Israel in wars in 1948, 1967, and 1973. *Leaderless Jihad*, 74-75. There is little direct parallel with the Jewish example in the cases detailed in this book because these mainly involve people who, rather than seeking to defend Islam against American invaders abroad, have plotted to visit violence at home by committing acts of terrorism. However, even in these cases, there is something of a parallel in the sense of alarm and urgency at U.S. military actions in the Middle East.

more of them, “losers.” Indeed, in all the cases, there may be only one person, Tarek Mehanna (an apparently genial and gracious guy who, with his PhD in pharmacy, was decidedly not a misfit or loser) who was substantially motivated by hostility toward, or at least discomfort with, American society (Case 31). However, he, too, was deeply concerned about the country’s Middle East policy and, insofar as he disliked America, it was because he was uncomfortable being surrounded by unbelievers and was thinking of moving to an Islamic country.

As a result, military installations within the country were fairly common targets even though they are not very good ones if one is seeking to do maximum damage and inflict maximum shock. The easiest military targets to find are recruitment centers and it is at these, as it happens, that all of the 16 deaths caused by Islamic extremists since 9/11 have been inflicted—and only three of those killed were civilians (Cases 4, 26, and 32).²⁶ Military targets were explicitly considered in Cases 15, 22, 25, 26, 27, 32, 35, 40, 43, 44, 45, 46, and 48.

As noted, with one exception (Case 99), the set does not include those dealing with people seeking to go abroad to fight against American interests there—to join the insurgencies in Iraq and Afghanistan or to defend Somalia against Ethiopian invaders. However, hostility to American foreign is obviously the primarily motivator for those.

It should be stressed that there is a problem of what is often called “selection bias” in this book.²⁷ Although hostility toward American policy is a primary motivator in these cases, there are a huge number of people (Muslim and non-Muslim) who have also been strongly opposed to American policy in the Middle East—including for most of the time a very large percentage of the Americans who identify themselves as Democrats.²⁸ Although the tiny number of people plotting terrorism in the United States display passionate hostility to American foreign policy, there is a far, far greater number of people who share much of the same hostility, but are in no sense inspired to commit terrorism to express their deeply-held views.

Rethinking “radicalization”

It is common in the literature and in the case studies that follow to assess the process by which potential terrorists become “radicalized.” But now examining the cases as a group, it is not at all clear to me that this is a good way to look at the phenomenon.²⁹ The concept tends to imply that there is an ideological motivation to the violence, but what chiefly sets these guys off is not anything particularly theoretical but rather intense outrage at American and Israeli actions in the Middle East and a burning desire to seek revenge, to get back, to defend, and/or to make a violent statement expressing their hostility to what they see as a war on Islam.

²⁶ For the suggestion that Case 4, the El Al case, should not be considered terrorism, see Jenkins, *Stray Dogs and Virtual Armies*, 20. See also Charles Feldman, “Federal investigators: L.A. Airport shooting a terrorist act,” *cnn.com*, September 4, 2002.

²⁷ See also Brooks, “Muslim ‘Homegrown’ Terrorism.”

²⁸ See, in particular, Gary C. Jacobson, *A Divider, Not a Uniter*. New York: Pearson, 2006.

²⁹ See also Mark Sedgwick, “The Concept of Radicalization as a Source of Confusion, *Terrorism and Political Violence*, 2010, 479-94; Brooks, “Muslim ‘Homegrown’ Terrorism.”

An object lesson on the issue is supplied by early information put out when two men were picked up in Seattle for planning to machine gun, and lob grenades at, a local military processing center (Case 44). According to news reports, the perpetrators said that they sought to retaliate for crimes by US soldiers in Afghanistan and that they wanted to kill military personnel to prevent them from going to Islamic lands to kill Muslims. The official Department of Justice press release on the case, however, merely says that the men were “driven by a violent, extreme ideology.”³⁰

Although many of the people discussed in the cases were not terribly religious, some of them did become increasingly steeped in, and devoted to, Islam. However, what seems primarily to have driven them to contemplate violence is not an increasing religiosity, but an increasing desire to protect the religion and its attendant way of life against what they saw as a systematic attack upon it abroad.

Missing, or nearly missing, elements in the cases

There are quite a few elements, often discussed in highly alarmist tones, that do not come up, or only scarcely come up, in this array of cases.

Goals

The authors of the case studies did not characteristically have difficulty sorting out what chiefly motivated their subjects along the path to terrorist violence, nor was it usually difficult to describe their apparent plans and methods for committing violence—though for many there was a notable disconnect, sometimes even a preposterous one, between plans and capacities.

Far more elusive was tying down what the would-be terrorists thought they would accomplish by their acts. Beyond expressing outrage, the actions very often seemed to have no purpose—that is, goal—whatever. In a few cases, they muttered something about how their act might somehow be a catalyst or trigger that would unleash an Islamic revolution or “wake the Muslims up” (Cases 28 and 44), but the process by which this would come about characteristically went unexamined.

Suicide

Although there was sometimes talk of “martyrdom” or of a willingness to “die for jihad,” and although all the people examined in the cases certainly knew they were following a path that entailed considerable danger, in only four cases was the plot clearly suicidal.³¹ Moreover, two of these—the shoe and underwear bombers (Cases 1 and 33)—were hatched and carried out by foreigners. The suicidal plots from within concerned Zazi and his friends (Case 28), who, trained and motivated in an overseas camp, apparently planned to go up with the

³⁰ For sources and context, see Case 44.

³¹ See also Jenkins, *Stray Dogs and Virtual Armies*, 22; Bjelopera and Randol, *American Jihadist Terrorism*, 33-34.

explosions they were planning to set off in New York subway stations, and a sting in which a man was seeking to blow himself up at the Capitol Building (Case 50). With one exception, all the other plots involved remote controlled explosions (mostly in the FBI stings) or shootings followed by hasty, if inadequately planned for, getaways. The exception is Case 44 where the plotters appear to have anticipated that they would be “going down” in the process of shooting up a military recruiting center.

Prison radicalization

Despite quite a bit of alarmed commentary to the contrary, prisons do not seem to be hotbeds of recruitment. Very often prisoners do shop for religion as a way to get their lives back in order, and traditionally Islam has had its attractions. But the vast majority of people who convert to Islam in prison do not become violent extremists. And for the few who do, it is not at all clear that the prison experience was a necessary part of their journey—they probably would have found their destiny in some other way.

As a Congressional Research Service report concludes about what it calls “jailhouse jihadism,” the “threat emanating from prisons does not seem as substantial as some experts may fear.”³² And a criminologist who has intensely studied the issue both in the United States and abroad says he’s found “spectacularly few” instances in which an inmate was radicalized and then led toward terrorism while in prison.³³

Connections

There are few connections between the cases. Though often inspired by the violent jihadist movement, almost all were essentially planned in isolation from the others.³⁴

The few interrelations are generally quite tenuous. The subjects in Case 8 and Case 26 may have bumped up against each other in a mosque in Columbus, Ohio, while there are some interconnection between the potential terrorists detailed in Case 8. In addition, two of the plots were serviced by the same informant (Cases 10 and 25), and some of them have had, or appear to have had, some connections to the radical American cleric Anwar al-Awlaki, who hid out in Yemen since 2002 (Cases 32 and 33). Several more were impressed by his writings—especially Case 48.

Recruitment

Although there are instances of tactical manipulation by informants, there do not seem to be very many instances of ideological manipulation by Muslim extremists. In almost all cases, potential terrorists were self-motivated—or, if you

³² Bjelopera and Randol, *American Jihadist Terrorism*, 22. For a similar conclusion, see Daveed Gartenstein-Ross and Laura Grossman, *Homegrown Terrorists in the U.S. and U.K.: An Empirical Examination of the Radicalization Process*. Washington, DC: Center for Terrorism Research, Foundation for the Defense of Democracies, April 2009, 58-59.

³³ Jason Ukman, “Are Muslim Americans being radicalized in U.S. prisons?” washingtonpost.com, June 14, 2011.

³⁴ See also Jenkins, *Stray Dogs and Virtual Armies*, 21.

will, “self-radicalized.” They sometimes sought out ever more radical companions, but their path was primarily chosen by themselves.

Interesting in this respect is the observation by Marc Sageman that in cases abroad the move toward terrorist violence was facilitated by an older man who took motivated and impressionable younger men and channeled their emotions.³⁵ The only American case in which this pattern is found is the pre-9/11 efforts in Lackawanna, New York, by al-Qaeda recruiter Kamel Derwish (Case 5).

However, there is an interesting parallel with many of the seducing informants who have often been considerably older than their charges, and who are, almost by definition, smooth talkers. Over weeks or months these men in many cases showered flattering attention on essentially trivial, insecure, inadequate, and unformed young men who had previously never really been taken seriously by anyone at all (variously, for example, in Cases 12, 14, 21, 22, 25, 38, 40, 48).

Central leadership

Only a few of the cases had much in the way of direction from al-Qaeda or similar overseas groups, and many of these were the ones actually based abroad: Cases 1, 9, 20, and 33. Three of the cases in the early days (2, 5, and 8) involved people who had had pre-9/11 connections to al-Qaeda, though none of these cases developed into anything that could be called a plot. In three more recent cases—those involving Vinas, Zazi, and the Times Square bomber (24, 28, 34)—Americans went abroad and were encouraged to become involved in plots directed against American targets.

For quite some time after 9/11—especially when it was thought that there were many sleeper cells imbedded in the country—authorities worried intensely that open messages sent by al-Qaeda central might include coded signals to its operatives. The worry, it turns out, was not required. However in the Sears Tower case of 2006 (Case 19), the inventive informant cleverly used for his purposes a fortuitous message to the world by Osama bin Laden. The statement said in part, “As for the delay in carrying out similar operations in America, this was not due to failure to breach your security measures. Operations are under preparation, and you will see them on your own ground once they are finished, God willing.”³⁶ To nudge his buddies along, the informant told them bin Laden was talking about them.

Infiltration from Canada and Mexico

Since 9/11 quite a bit of effort has been made to shore up the border with Mexico. Much of this, of course, has been dictated by concerns over illegal emigration by people who want to work in the United States or to deal with those

³⁵ Sageman, *Leaderless Jihad*, 78-79. See also Graff, *Threat Matrix*, 570.

³⁶ BBC News, “Text: Bin-Laden tape,” news.bbc.co.uk, January 19, 2006. For a catalogue of such explicitly threatening, and thus far empty, threats that have been promulgated by al-Qaeda over the years, see Mueller and Stewart, *Terror, Security, and Money*, ch. 2.

who want to bring in drugs which would then be willingly purchased by Americans. However, counter-terrorism has supplied an additional impetus. More directly related to terrorism concerns have been the tightening of crossing points from Canada and the institution of the costly requirement that Americans must have passports to enter and return from Canada.

There is no evidence in any of the cases that any of this has been relevant. However, in one instance (Case 16), an American offered in a chat room to go to Canada to blow up pipelines there to aid al-Qaeda, so it is perhaps the Canadians who should be alarmed. The primary danger for Canada, however, is not threats to their pipelines, but hysteria within the elephant next door leading to a closing of the border, something that would be exceedingly costly to the United States, but an utter catastrophe for Canada.

Security cameras

Although a great deal of money has been spent on security cameras since (and before) 9/11, they appear to have been relevant to none of the cases.³⁷ Police did look at what had been recorded on Times Square after a bombing attempt was made there in 2010 (Case 34), but information from the cameras does not seem to have been used in, or necessary for, affecting the arrest of the perpetrator.

If you see something, say something

After 9/11, the entire population made itself into something of a surveillance force, and tips have frequently played an important role in police terrorism investigations. Thus a specific tip was crucial in Lackawanna (Case 5), one from a Yemeni grocer eventually led to terrorism arrests in Miami (Case 19), and one from a clerk in a video-duplicating establishment set an investigation going into a potential plot to raid Ft. Dix in New Jersey (Case 22). Sometimes people have even effectively made themselves into an active policing force: both the shoe bomber of 2001 (Case 1) and the underwear bomber of 2009 (Case 33) were forcibly and effectively interfered with by crew and passengers when they tried to set off their bombs on airliners. One study conducted by a six-person research team surveyed 68 terrorist plots (both Islamist and non-Islamist) that were foiled in the United States between 1999 and 2009 and found that in 29 percent of them (19 or 20) the “initial clues” were supplied by the public.³⁸

This surveillance force certainly (and especially) includes the Muslim community. Although the 9/11 conspirators wisely mostly avoided the Muslim community, homegrown terrorists or would-be terrorists, have often foolishly failed to do so. Often they have come out of it—and have been exposed in consequence. In fact, for 48 of the 120 instances in which Muslim-American have been arrested for terrorism and in which the initial source of information has been disclosed, the initiating tip came from the Muslim-American community. Indeed, reports Charles Kurzman, “in some communities, Muslim-American have been so

³⁷ Barkun, *Chasing Phantoms*, 45.

³⁸ Kevin Strom, John Hollywood, Mark Pope, Garth Weintraub, Crystal Daye, Don Gemeinhardt, *Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999-2009*, Institute for Homeland Security Solutions, October 2010, 12.

concerned about extremists in their midst that they have turned in people who turned out to be undercover informants.”³⁹

However, although informants and tips are important in many cases, there is a huge amount of unproductive effort. There are rather significant attendant costs of sorting through the haystack of tips, all of which need to be processed in one way or another. (In fact maybe the common metaphor should be advanced: with enough hay, you won’t even be able to find the haystack.) In particular, it does not appear that the prominent “If You See Something, Say Something” counterterrorism hot line run by the New York City police has made any contribution at all. It generates thousands of calls each year—8,999 in 2006 and more than 13,473 in 2007—but not one of these led to a terrorism arrest.⁴⁰ This could be taken to suggest that the tipster campaign has been something of a failure. Or perhaps it could be taken to suggest that there isn’t all that much out there to be found. Undeterred by repeated failure, the number of calls then reportedly skyrocketed to 27,127 in 2008 before settling down some in 2009 to 16,191. That comes to 44 each day for the year, more than twice a decade’s worth of success stories trumpeted in the six-person survey.⁴¹ For its part, the FBI celebrated the receipt of its 2 millionth terrorism tip from the public in August 2008, though there seem to be no public information on whether these tips proved in general to be more useful than those supplied to the New York police.⁴²

The internet

The internet played a considerable role in many of the cases in allowing people to communicate with each other, including ones in which the would-be perpetrator used chat rooms or Facebook to seek out potential collaborators—and usually simply got connected to the FBI (Cases 16, 30, 39, 40).

It could also be useful in obtaining information about potential targets and other aspects of the plots. But it clearly didn’t convey enough information to build

³⁹ Charles Kurzman, *Muslim-American Terrorist Since 9/11: An Accounting*, Triangle Center on Terrorism and Homeland Security, February 2, 2011.

⁴⁰ William Neuman, “In Response to M.T.A.’s ‘Say Something’ Ads, a Glimpse of Modern Fears,” *New York Times*, January 7, 2008.

⁴¹ Manny Fernandez, “A Phrase for Safety After 9/11 Goes Global,” *New York Times*, May 10, 2010. As Fernandez discusses, it turns out that New York has received a trademark on its snappy slogan from the U.S. Patent and Trademark Office, and it has been willing to grant permission for its use by other organizations. However, it has refused permission sometimes because, according to a spokesman, “The intent of the slogan is to focus on terrorism activity, not crime, and we felt that use in other spheres would water down its effectiveness.” Since it appears that the slogan has been *completely* ineffective at dealing with its supposed focus, terrorism, any watering down would appear, not to put too fine a point on it, impossible. In consequence, the irreverent may be led to wondering whether the \$2 million to \$3 million New York pays each year (much of it coming from grants from the federal government) to promote and publicize the hotline is perhaps not the wisest investment of taxpayer dollars. Those grants are likely to keep coming: in one of her early public announcements after becoming Secretary of Homeland Security in 2009, Janet Napolitano indicated that she wanted to inspire even *more* participation by the public in the quest to ferret out terrorists (Spencer S. Hsu, “Security Chief Urges ‘Collective Fight’ Against Terrorism,” *Washington Post*, July 29, 2009). See also John Mueller, “Terror Tipsters,” The Skeptics blog, nationalinterest.org, January 24, 2012.

⁴² Donna Leinwand, “Psst--Leads from Public to FBI Rise,” *USA Today*, August 15, 2008.

a successful bomb since none of the people in these cases was able to do so—though, as discussed in Case 41, one potential perpetrator seemed to think he had acquired the relevant knowledge.

Nor does the internet seem to be necessary the process of stoking outrage. In many of the cases, it seems, the internet simply supplied information that in earlier days might have been furnished by incendiary paper pamphlets—a relatively minor change. It is the message that is vital, not the medium.

As Jenkins concludes, al-Qaeda’s virtual army in the United States has remained exactly that: virtual. “Talking about jihad, boasting of what one will do, and offering diabolical schemes egging each other on is usually as far as it goes.” This “may provide psychological satisfaction” and “win accolades from other pretend warriors, but it is primarily an outlet for verbal expression, not an anteroom to violence.”⁴³

CAIR

The Council on American-Islamic Relations (CAIR) is viewed very suspiciously in some quarters.⁴⁴ In the cases in this book, however, it played almost no role whatever except for commenting on the cases after arrests were made.

The authorship of the 9/11 attacks

The belief is common around the world, especially within the Islamic world, that the 9/11 attacks were actually carried out by the United States government, Israeli intelligence, or both. However, with perhaps one or two exceptions, the terrorists or proto-terrorists populating the cases in this book accept that al-Qaeda was the source of the attack—some, in fact, are quite proud of the achievement.

WMD and cyberterrorism

If the miscreants discussed in this book were unable to create and set off even the most simple forms of conventional bombs (not including, of course, the fake bombs dutifully supplied many of them by the FBI), it stands to reason that none of them were very close to creating, or having anything to do with, nuclear, biological, radiological, or chemical weapons. In fact, with one exception, none ever even seems to have dreamed of the prospect. And the exception is Jose Padilla who apparently mused at one point about creating a dirty bomb—a device that would disperse radiation—or even possibly an atomic one (Case 2). His idea about isotope separation was to put uranium into a pail and then make himself into a human centrifuge by swinging the pail around in great arcs.⁴⁵

Concerns about terrorists with atomic bombs or other “weapons of mass destruction” escalated greatly after the September 11 attacks even though the terrorists used weapons no more sophisticated than box-cutters on that terrible

⁴³ See also Jenkins, *Stray Dogs and Virtual Armies*, 17.

⁴⁴ In particular: P. David Gaubatz and Paul Sperry, *Muslim Mafia: Inside the Secret Underworld That's Conspiring to Islamize America*. Los Angeles, CA: WND, 2009.

⁴⁵ Graff, *Threat Matrix*, 366.

day. Brian Jenkins has run an internet search to discover how often variants of the term *al-Qaeda* appeared within ten words of *nuclear*. There were only seven hits in 1999 and eleven in 2000, but this soared to 1,742 in 2001 and to 2,931 in 2002.⁴⁶

By 2003, John Negroponte, the American ambassador to the United Nations, had come to the conclusion that “There is a high probability that within two years al-Qaeda will attempt an attack using a nuclear or other weapon of mass destruction.”⁴⁷ And in 2008, Defense Secretary Robert Gates was assuring a Congressional committee that what keeps every senior government leader awake at night is “the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.”⁴⁸

Evidence from the cases in this book suggests people in Washington should sleep a bit better. None of the people discussed on these pages were remotely capable of creating those kinds of weapons. And even if the weapons were made abroad and then imported, their detonation would require that there be people in-country with the capacity to receive and handle the complicated weapons and then set them off. Thus far at least, the talent pool appears to be, to put mildly, very shallow.

The same goes for the increasingly popular concerns about cyberterrorism.⁴⁹ Many of the people in this book did use the internet for communication and for information, but none showed much ability at, or interest in, committing cyberterrorism, or even of being able to spell it.

Al-Qaeda’s American recruitment problems

Many of the cases give evidence of the difficulty al-Qaeda and like-minded groups have in recruiting American agents. In the early days, even before 9/11, there was some effort specifically to send recruiters to the United States to sign people up. The most important, and perhaps the only, instance of this is the Lackawanna experience (Case 5) when a smooth-talking agent returned to the upstate New York town in early 2000 and tried to convert young Yemini-

⁴⁶ Jenkins, *Will Terrorists Go Nuclear?* 250-51.

⁴⁷ www.globalsecurity.org/security/library/report/2003/n0335167.pdf. For similar expressions of alarm, see Graham T. Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe*. New York: Times Books, 2004, 15; Michael Scheuer on *60 Minutes* (CBS), November 14, 2004: “probably a near thing.” For earlier concerns, see Graham T. Allison, “Must We Wait for the Nuclear Morning After?” *Washington Post*, April 30, 1995. For the extended argument that the likelihood of atomic terrorism is vanishingly small, see John Mueller, *Atomic Obsession: Nuclear Alarmism from Hiroshima to Al Qaeda*. New York: Oxford University Press, 2010, chs. 12-15. See also Brian Michael Jenkins, *Will Terrorists Go Nuclear?* Amherst, NY: Prometheus, 2008.

⁴⁸ Mueller, *Atomic Obsession*, xi.

⁴⁹ In early 2005, Richard Clarke, counterterrorism coordinator from the Clinton administration, issued a scenario that appeared as a cover story in the *Atlantic*. In it he darkly envisioned shootings at casinos, campgrounds, theme parks, and malls in 2005, bombings in subways and railroads in 2006, missile attacks on airliners in 2007, and devastating cyberattacks in 2008: “Ten Years Later,” *Atlantic* January/February, 61-77. With that perfect record, he has now become an energetic figure in the escalating concern about cyberterrorism: Richard A. Clarke and Robert K. Knake, *Cyber War: The Next Threat to National Security and What to Do About It*. New York: Ecco, 2010.

American men to join the cause. In the summer of 2001, seven agreed to go to an al-Qaeda training camp with him and several more were apparently planning to go later. However, appalled at what they found there, six of the seven returned home and helped to waylay the plans of the next contingent. The total gain to al-Qaeda from this enterprise, then, was one man—who is apparently now in a Yemeni jail as his captors squabble over the reward money they will receive if they turn him over to the United States.

After 9/11, al-Qaeda and other such groups became exceedingly wary of taking on American recruits even if they seem to be genuinely devoted. This is presumably in sensible concern that the recruits might actually be agents of the CIA or other such forces. Also, it is not clear how an occasional American added to the mix would be of all that much benefit—this is surely the case with the Taliban in Afghanistan and with the much-feared al-Shabab in Somalia (now in decline), each of which has tens of thousand of combatants and military adherents already.⁵⁰ The Toledo case (Case 99) is an instance: despite several efforts, the would-be recruits were never able to find out how to join the fray overseas.

It does not seem, incidentally, that the CIA has ever been able to infiltrate an operator into the ranks of al-Qaeda. This is rather interestingly impressive, given the amount of effort the agency presumably has devoted to the effort.

But maybe it isn't necessary. In the Vinas and the Zazi cases (24 and 28), Americans acting on their own and genuinely dedicated to the Muslim extremist cause, have been able to do what the CIA has apparently been unable to do: join up with, and be accepted by, the organization. From al-Qaeda's perspective, however, the experience has been disastrous. Both were eventually captured and, although previously "radicalized," once in captivity they almost immediately abandoned their former comrades and talked a blue streak—just as if they had been CIA plants from the beginning. "Radicalization," one would think, should be made of firmer stuff.

The same process holds for a non-American, the underwear bomber (Case 33). A Nigerian educated in the United Kingdom, he apparently was (inadequately) trained by the al-Qaeda associate in Yemen. But when his bomb failed, he was captured alive—if very badly burned—and he was soon persuaded to sing.

The policing context and the "rise" of the homegrown

Looking at things from the standpoint not of the terrorists, but of the counterterrorists, there have been certain changes over time.⁵¹

In the early years after 9/11 the context for the authorities was one of massive, even overwhelming, alarm. As Rudy Guiliani, mayor of New York in September of 2001, recalled in 2005, "Anybody, any one of these security experts, including myself, would have told you on September 11, 2001, we're looking at dozens and dozens and multiyears of attacks like this." Meanwhile, intelligence agencies were estimating, based on something or other, that the

⁵⁰ For a similar conclusion by Israelis about foreign Jews who came to join the fight, see Sageman, *Leaderless Jihad*, 74.

⁵¹ See also Brooks, "Muslim 'Homegrown' Terrorism."

number of trained al-Qaeda operatives in the United States was between 2,000 and 5,000.⁵² Cells, they told rapt reporters, were "embedded in most U.S. cities with sizable Islamic communities," usually in the "run-down sections," and were "up and active" since electronic intercepts had found some to be "talking to each other."⁵³

It was on February 11, 2003 that FBI Director Robert Mueller assured a Senate committee that, although his agency had yet actually to identify an al-Qaeda cell in the US, he somehow still knew that such unidentified entities presented "the greatest threat," had "developed a support infrastructure" in the country, and had achieved both the "ability" and the "intent" to inflict "significant casualties in the US with little warning."⁵⁴ Late in the year Homeland Security Secretary Tom Ridge divined that "extremists abroad are anticipating near-term attacks that they believe will either rival, or exceed" those of 2001.⁵⁵ And in 2004, Attorney General John Ashcroft, with FBI Director Mueller at his side, announced that "credible intelligence from multiple sources indicates that al Qaeda plans to attempt an attack on the United States in the next few months," that its "specific intention" was to hit us "hard," and that the "arrangements" for that attack were already 90 percent complete.⁵⁶ (Oddly enough, Ashcroft fails to mention this memorable headline-grabbing episode in *Never Again*, his 2006 memoir of the period.)

The alarm of the early years is perhaps best illustrated in the saga of Cofer Black, head of the CIA's Counterterrorism Center who insisted that unless his staff was increased by hundreds or even thousands, "people are going to die," and that Western civilization hung in the balance. When he went home, according to his wife, he would turn off the lights and sit in the dark with a drink and a cigar, sunk in an apocalyptic gloom.⁵⁷

In that atmosphere, authorities were looking high and low, often with considerable imagination, to locate and break up all those sleeper cells that they were convinced must be there somewhere. That is certainly the experience of former Assistant United States Attorney Christine Biederman who was in the fray in the years after 9/11. When the PBS Frontline series telecast in 2006 an assessment of the Lodi episode (Case 14), she wrote the program recalling, "I cannot begin to describe the pressure prosecutors face to produce convictions to justify the massive expenditures in the 'war on terror.' Most AUSAs are, like the one interviewed, good soldiers who believe in the 'war' the way they believe in God and family and apple pie—because they were raised that way and always have, because these form the core of their belief system and because questioning

⁵² Giuliani: CNN, July 22, 2005. Operatives: Bill Gertz, "5,000 in U.S. Suspected of Ties to al Qaeda; Groups Nationwide Under Surveillance," *Washington Times*, July 11, 2002; Richard Sale, "US al Qaeda Cells Attacked," UPI, October 31, 2002. See also the reflections Ross Douthat: "Death of a Failure," *New York Times*, May 1, 2011.

⁵³ Sale, "US al Qaeda Cells."

⁵⁴ Testimony by Mueller can be found through www.fbi.gov/congress/congress.htm.

⁵⁵ Press Office release, Department of Homeland Security, December 21, 2003

⁵⁶ Mueller, *Overblown*, 162. For an array of such predictions, see polisci.osu.edu/faculty/jmueller/PREDICT.PDF

⁵⁷ Jane Mayer, *The Dark Side*. New York: Doubleday, 2008, 179-80.

the mission would trigger all kinds of crises: moral, political, professional and, in the end, financial.”⁵⁸

In his 2005 reflections, Guiliani added “It hasn't been quite that bad,” a bit of an understatement since not only had there not been “dozens and dozens” of attacks like 9/11, but there hadn't been any successful attacks of any magnitude at all in the United States. In a 2005 report that was kept secret for some reason, the FBI and other investigative agencies noted that, after years of well-funded sleuthing, they had been unable to uncover a single true al-Qaeda sleeper cell anywhere in the United States.⁵⁹ Director Mueller, however, continued ominously to ruminate, “I remain very concerned about what we are not seeing.”⁶⁰ In 2006, a poll of more than 100 of “America's top foreign-policy experts”—nearly 80 percent of whom had worked in the government—found 86 opining that the world was becoming “more dangerous for the United States and the American people,” while more than 80 percent darkly expected “an attack on the scale of 9/11 within a decade.”⁶¹

In 2007, however, the perspective changed. To begin with, the FBI's 2005 finding (or non-finding) was publicly acknowledged in a press conference and when the officer who drafted that year's National Intelligence Estimate told the press “we do not see” al-Qaeda operatives functioning inside the United States.⁶² And, on January 11, Director Mueller, while maintaining that “we believe al-Qaeda is still seeking to infiltrate operatives into the U.S. from overseas,” testified that his chief concern within the United States had now become homegrown groups.

Over the ensuing years, the fear of the homegrown has become standard. It was endorsed by Obama's Homeland Security Secretary Janet Napolitano in 2009.⁶³ And by 2010, two top terrorism analysts, Peter Bergen and Bruce Hoffman, were concluding that, although the terrorists appeared to be incapable of launching a mass-casualty attack in the U.S., local terrorists would still be able to carry out “less sophisticated operations,” a “trend” they somehow deemed to be “worrisome.”⁶⁴

⁵⁸ Frontline, *The enemy within*, pbs.org, October 10, 2006.

⁵⁹ Brian Ross, “Secret FBI Report Questions Al Qaeda Capabilities: No 'True' Al Qaeda Sleeper Agents Have Been Found in U.S.,” ABC News, March 9, 2005.

⁶⁰ Mueller testimony: February 16, 2005; the line is printed in bold in his prepared text. In 2005, Director Mueller testified that, although his top concern was “the threat from covert operatives who may be inside the U.S.” and although he considered finding them to be his top priority, the Bureau had been unable to find any (Dana Priest and Josh White, “War Helps Recruit Terrorists, Hill Told; Intelligence Officials Talk Of Growing Insurgency,” *Washington Post*, February 17, 2005).

⁶¹ “The Terrorism Index,” *Foreign Policy*, July/August 2006. See also John Mueller, “New Year Brings Good News on Terrorism: Experts Wrong Again,” The Skeptics blog, nationalinterest.org, January 4, 2012.

⁶² Press conference: Michael Isikoff and Mark Hosenball, “The Flip Side of the NIE,” Newsweek.com, August 15, 2007. Officer: Bill Gertz, “Al Qaeda Seen In Search of Nukes: Defense Official Warns U.S. Still Group's Target,” *Washington Times*, July 26, 2007.

⁶³ Spencer S. Hsu, “Homeland Security chief warns of threat from al-Qaeda sympathizers in U.S.,” *Washington Post*, 3 December 2009.

⁶⁴ Peter Bergen and Bruce Hoffman, *Assessing the Terrorist Threat: A Report of the Bipartisan Policy Center's National Security Preparedness Group*, Washington, DC Bipartisan Policy Center, September 10, 2010, 4 (mass-casualty), 32 (less sophisticated operations, worrisome trend). See

But even a very quick assessment of the cases in this book suggests that this is hardly new—there has scarcely been anything like a “trend.” Although there were a few, a very few, al-Qaeda operatives working in the country in the first years after 9/11 (see Cases 2, 5, and 8) and although there have been a few instances of terrorists abroad planning attacks in—or mostly on airplanes bound for—the United States (Cases 1, 9, 20, 24, 33, 36), any real or imagined threat from terrorism within the country has been almost entirely “homegrown” from the beginning.⁶⁵ What is changed is not a new appearance of the homegrown, but the evaporation, or the discrediting, of the notion that there are a bunch of non-homegrown terrorists abroad in the land.

Going even further, public officials have also publicly expressed alarm that the “greatest concern” has now become the “lone wolf” terrorist. As CIA Director Leon Panetta put it, “It’s the lone wolf strategy that I think we have to pay attention to as the main threat.” This concern may be a valid one—and, indeed, it is only lone wolves who have managed to kill anyone at all in the United States since 9/11 (Cases 4, 26, and 32). However, those who find this “worrisome” should also note the observation by Max Abrahms that “lone wolves have carried out just two of the 1,900 most deadly terrorist incidents over the last four decades.”⁶⁶

The curious (or impressive) persistence of fear

In his assessment of the post-9/11 domestic terrorism situation, Jenkins concludes that what is to be anticipated is “tiny conspiracies, lone gunmen, one-off attacks rather than sustained terrorist campaigns.”⁶⁷ This not at all new (nor does Jenkins say it is), but by any standard—except those embraced by those in charge—it is logically far less threatening than the large conspiracies and sustained attacks once envisioned, or anticipated, to be the norm.

Jenkins also stresses that the number of homegrown Islamist terrorists is “tiny,” representing, in his collection of 46 cases, 125 people, or one out of every 30,000 Muslims in the United States. (The total number of Muslim extremists involved in the cases in this book is about 113). This “very low level” of recruitment, continues Jenkins, finds very little support in the Muslim community at large: “they are not Mao’s guerrillas swimming in a friendly sea.”⁶⁸ Indeed, as

also Philip Mudd, “Evaluating the Al-Qa’ida Threat to the Homeland,” *CTC Sentinel*, August 2010, 1-4. For additional argument on the unlikelihood of a major attack on the U.S., see “Biden: Major terror attack on U.S. unlikely,” *cnn.com*, February 11, 2010.

⁶⁵ See also Joshua L. Dratel, “Nothing New about Homegrown Terrorism,” *centerlineblog.org*, July 27, 2010; Romesh Ratnesar, “The Myth of Homegrown Islamic Terrorism,” *Time*, January 24, 2011; Brooks, “Muslim ‘Homegrown’ Terrorism.”

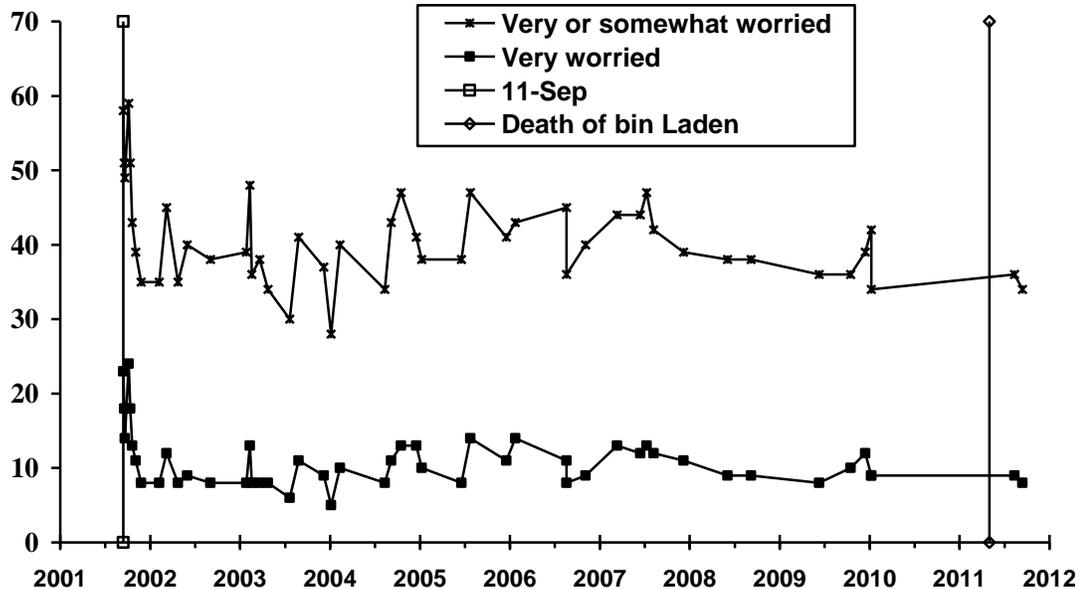
⁶⁶ Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011. It could be taken to be a crisp example of the “managing by inbox” that the Department of Homeland Security has been accused of (James A. Thomson, “DHS AWOL? Tough Questions About Homeland Security Have Gone Missing,” *RAND Review*, Spring 2007), but a department assessment of May 31, 2011, concludes “Our review of attempted attacks during the last two years suggests that lone offenders currently present the greatest threat.” Associated Press, “Suspect in Seattle terror plot intent on attacking a recruiting station to ‘wake the Muslims up,’” *oregonlive.com*, June 23, 2011.

⁶⁷ Jenkins, *Would-Be Warriors*, 13.

⁶⁸ Jenkins, *Would-Be Warriors*, 4-5. See also Jenkins, *Stray Dogs and Virtual Armies*, 1.

noted earlier, the Muslim community has acted as an extensive anti-terrorism surveillance force. In the meantime, other researchers calculated in early 2010, Muslim extremists have been responsible for one fiftieth of one percent of the homicides committed in the United States since 9/11.⁶⁹

Yet, although there has been something of a tapering-off of official alarmism, at least with respect to a large-scale, well-organized attack like 9/11, concern and fear within the public did not really decline in the years after 9/11, as the figure documents.⁷⁰



Worry since 9/11 about becoming a victim of terrorism

How worried are you that you or someone in your family will become a victim of terrorism? Very worried, somewhat worried, not too worried, or not worried at all?

US Today/Gallup and CNN/Opinion Research Corporation

Sources: "Terrorism in the United States," gallup.com, May 5, 2012, and pollingreport.com.

Some of this may be due to the fact that officials have rolled with the punch and have been quite adept at stoking fear despite the fact that almost no Islamist extremist attacks have taken place. Putting the best face on things, top officials in 2011 announced at a press conference that, although the "likelihood of a large-scale organized attack" had been reduced, this meant that al-Qaeda

⁶⁹ David Schanzer, Charles Kurzman, and Ebrahim Mooza, *Anti-Terror Lessons of Muslim-Americans*. Triangle Center on Terrorism and Homeland Security, January 6, 2010, 16.

⁷⁰ For additional poll data on this issue, see polisci.osu.edu/faculty/jmueller/terrorpolls.pdf.

franchises were now able “to innovate on their own” (presumably developing small-scale disorganized attacks) with the result that that threat was now the highest since 9/11.⁷¹ This essentially preposterous assertion—that danger is heightened when a big problem goes away but a smaller one continues—seems to have generated no skeptical commentary in the media at all. Actually, as Heather Mac Donald notes, media reports of the press conference in the *New York Times* and the *Wall Street Journal* solved the quantitative dilemma by failing to mention the announcement about the reduced likelihood of large-scale organized attacks.⁷²

Moreover, failed plots can seem, or can be made to seem, scarier than successful ones because the emphasis is on what the terrorist plotters hoped to do or might have been able to do, not with what they were likely to do—including, in particular, screwing up completely.⁷³ Thus, would-be terrorist Zazi planned in 2008 to set off four suicide bombs on the New York subway (Case 28). Various experts, including the Attorney General of the United States, opined that the attack, if successfully pulled off, might kill between 200 and 500.⁷⁴ They seem to have been little troubled by the experience in July 2005 when two sets of terrorists each attempted to set off four bombs on the crowded transit system in London. The first set killed 52, while the second killed none because the bombs were ill-constructed. Presumably, the London bombers could potentially have killed more if, in the first case, the bombs had been placed differently or, in the second, if the bombs had been constructed properly. However, since we know how many they actually killed, it is that number, not an imagined one, that ought to be the basis of comparison. For an assessment of the often extravagant death tallies imagined for the transatlantic airliner plot of 2006, see Case 20.

Interestingly, however, the plot dreamed up since 9/11 that could potentially have caused the most damage was the one that aspired to topple the Sears Tower in Chicago (Case 19). Even if the toppling failed to create the planners’ hoped-for tsunami, thousands would have died—perhaps even tens of thousands—and the damage in the neighborhood would have been as monumental as that to the building. However, the plotters had no capacity whatever to carry out this colossal deed (though, I suppose, they could have tried to kick the tower down with the new boots they had been recently issued by the ever-helpful FBI), and so this desire is not taken seriously even though the plot is generally known as the Sears Tower case. That sort of reasonable reticence should be applied more broadly for aborted or foiled plots of destruction.

Part of the persistent alarm, particularly as compared to that generated by other terrorist groups, stems from the perception that, unlike those terrorists who seem mainly out to draw attention to their cause (in Jenkins’ tally, only 72 people perished in the hundreds of bombings of the 1970s), Muslim extremist terrorists,

⁷¹ Richard A. Serrano, “U.S. faces ‘heightened’ threat level,” *Los Angeles Times*, February 10, 2011.

⁷² Heather Mac Donald, “The ever-renewing terror threat,” secularright.org, February 13, 2011. See also Brooks, “Muslim ‘Homegrown’ Terrorism,” 43-44.

⁷³ See also Schneier, “Portrait of the Modern Terrorist.”

⁷⁴ For sources, see Case 28.

it seems, are out simply to kill, and to kill as many people as possible. This clearly is the lesson primarily drawn from the traumatic experience of 9/11.

Fear has also been notably maintained since 9/11 by the popularity and the often knee-jerk acceptance of the notion that terrorists will eventually (or even soon) get weapons that can kill massively and then gleefully set them off in an American city, an issue discussed earlier.

The creation of witches and terrorists

The police seem increasingly to be getting better at—but also more careful about—creating terrorists.⁷⁵ The process involves finding some Muslim hothead and linking him up with an informant who encourages the hotheadedness and eventually reveals that he just happens to have a unused truck bomb available in his garage. When the hothead takes possession of the weapon or, more commonly of late, plants it near his target and then presses a phony detonator button, he is arrested (see, in particular, Cases 21, 22, 25, 29, 30, 38, 40, 42, 44). Some of the gulled would-be terrorists—often hate-filled, but generally pretty lost and incompetent—might eventually have done something violent on their own. But it seems likely that most would never have gotten around to much of anything without the inventive, elaborate, and costly sting efforts of the police. As Jenkins notes, “while America’s jihadist terrorists have lethal intentions, they have trouble getting their act together on their own,” and the stings sometimes seem to have acted as a “psychological accelerant” for would-be terrorists.⁷⁶

An interesting, if not entirely fair, comparison is with the creation of witches in Europe.⁷⁷ Between about 1480 and 1680, hundreds of thousands of people, the vast majority of them women, were executed, mostly by being burned at the stake, after they had confessed, generally under torture, to such crimes as, in Steven Pinker’s enumeration, “eating babies, wrecking ships, destroying crops, flying on broomsticks on the Sabbath, copulating with devils, transforming their demon lovers into cats and dogs, and making ordinary men impotent by convincing them that they had lost their penises.”⁷⁸ For example, notes Hugh Trevor-Roper, one square in a German town “looked like a little forest, so crowded were the stakes,” and during an eight year reign one prince-bishop “burnt 900 persons, including his own nephew, nineteen Catholic priests, and children of seven who were said to have had intercourse with demons.”⁷⁹

A few people tried to debunk the process—and some were tortured and executed themselves because of such heresy. However, one who succeeded in changing at least some minds was, as Pinker continues, an Italian judge who

⁷⁵ See also Brooks, “Muslim ‘Homegrown’ Terrorism;” Schneier, “Portrait of the Modern Terrorist.”

⁷⁶ See also Jenkins, *Stray Dogs and Virtual Armies*, 19, 23.

⁷⁷ On this issue, see also John Mueller and Mark G. Stewart, “Witches, Communists, and Terrorists: Evaluating the Risks and Tallying the Costs,” *ABA Human Rights Magazine*, Vol. 38, No. 1, Winter 2011, 18-20

⁷⁸ Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined*. New York: Viking, 2011, 138-39.

⁷⁹ Hugh R. Trevor-Roper, *The European Witch-Craze of the Sixteenth and Seventeenth Centuries and Other Essays*. New York, Harper & Row, 1960, 154, 156.

“killed his mule, accused his servant of the misdeed, and had him subjected to torture, whereupon the man confessed to the crime and refused to recant on the gallows for fear of being tortured again.”⁸⁰

In Scotland, 50 witches were created and executed per year, whereas in England the number was only five.⁸¹ The usual explanation for this discrepancy is that torture was used in Scotland and not in England, though there are those who might be inclined to think that Scotland (the setting for Shakespeare’s witch-play, “Macbeth”) simply attracted more witches because its climate is more conducive to broomstick riding and cauldron bubbling and dark orgies.

Although this suggests contemporary police would be able to create more terrorists if they had torture in their bag of tricks, it is impressive that in England, without using torture at all, authorities were able to get five people a year to confess, at the known consequent loss of their own lives, to the usual litany of impossible crimes.

There are no accusations in any of the cases in this book that the authorities used torture to create terrorists (though, in Case 2 it was used to obtain information deemed consequential from one al-Qaeda operative).⁸² However, the self-interested efforts of the FBI informants did clearly have a seductive effect in some cases. Most of these men were trained and experienced in such matters, and often the process seems to be one in which an able con man was set among the gullible.⁸³ Interestingly, as noted earlier, the informant usually seems to have been considerably older than the informed-upon, and there is a pattern in which the informant becomes something of a father-like figure to young, insecure men, many of whom grew up mostly without one.

Left to their own devices, some of the gulled would-be terrorists—often hate-filled but generally pretty lost and incompetent—might eventually have done something violent on their own. It seems likely, however, that most (as in cases 3, 10, 11, 12, 14, 16, 19, 21, 22, 23, 25, 29, 30, 35, 37, 38, 39, 40, 41, 42, 44, 46, 48, 49, 50) would never have become operationally engaged in terrorism plotting without the creative, elaborate, and costly sting efforts of the police.⁸⁴ And, given

⁸⁰ Pinker, *Better Angels of Our Nature*, 138.

⁸¹ Trevor-Roper, *European Witch-Craze*, 162n2.

⁸² However, sleep-deprivation is not usually considered torture, but it was a common, and most successful, method applied during the witch craze. Notes Trevor-Roper, “nothing was so effective as the *tormentum insomniae*, the torture or artificial sleeplessness which has been revived in our own day. Even those who were stout enough to resist the *estrapade* [‘a pulley which jerked the body violently in mid-air’] would yield to a resolute application of this slower but more certain torture, and confess themselves to be witches.” *European Witch-Craze*, 120-21.

⁸³ On the easing of restrictions on domestic intelligence-gathering that occurred in late 2008 and that made such operations easier and more frequent, see Brooks, “Muslim ‘Homegrown’ Terrorists,” 17; and Charlie Savage, “F.B.I. Casts Wide Net Under Relaxed Rules for Terror Inquiries, Data Show,” *New York Times*, March 26, 2011.

⁸⁴ In imposing the minimum sentence allowed by law (25 years) on those convicted in the Bronx synagogues plot (case 25), the judge, while acknowledging that the men were “prepared to do real violence,” also noted that they were “utterly inept” and on a “fantasy terror operation” and that “only the government could have made a ‘terrorist’” out of the plot’s leader, “whose buffoonery is positively Shakespearean in its scope.” Benjamin Weiser, “3 Men Draw 25-Year Terms In Synagogue Bomb Plot,” *New York Times*, June 29, 2011. She also said, “I believe beyond a shadow of a doubt that there would have been no crime here except the government instigated, it,

their natural incapacities, even those who did attempt to inflict violence on their own were likely either to fail in their efforts or to commit destruction of quite limited scope.

Plea bargaining is not, technically speaking, a form of torture. But with the vagueness of such central concerns as “material support for terrorism” and with the huge sentences that can be imposed for plotting, or envisioning, terrorism, the police are in a good position to exact confessions and guilty pleas.⁸⁵ Also on their side are judges who, in fear of terrorism, are anxious to set deterring examples. Moreover, as Jenkins puts it, “juries comprised of frightened citizens do not always reach unbiased verdicts.”⁸⁶

Terrorism as dark comedy

Looking over the cases as a whole, it is possible, I think, to see the post-9/11 era in the United States in comedic—if darkly comedic—terms.

Appearing finally in 2010 after considerable difficulty obtaining funding, the British film, “The Four Lions,” is a dark comedy—if ultimately a desperately sad one—that looks at a set of Muslim would-be terrorists in the United Kingdom. It is entirely fictional, although the leader of the terrorist cell seems to have been modeled on Abdullah Ahmed Ali, the leader of London’s transatlantic airliner plot (Case 20). Although ringleaders as sharp as Ali appear in few, if any, of the other plots detailed in this book, a similar perspective on the American terrorism enterprise finds resonance with other aspects of this film, even though none of the plots were (intentionally) comedic.

For example, when the terrorists in “The Four Lions” accidentally kill a sheep, they justify it as an attack on the food infrastructure. But when their counterparts in the actual JIS plot (Case 15) robbed gas stations in order to obtain funds to buy a gun, they envisioned the venture as a sort of mini-jihad against big oil as a political symbol of U.S. oppression. That they accidently left a cell phone behind in their last robbery, allowing them to be found, and that their target list included a military base that didn’t exist, is also the stuff of comedy.

And the extravagant plans of one of the fictional British terrorists to trigger a Muslim uprising with a few explosions (they rise up “and it all kicks off”) are surely no more ludicrously fanciful than those of the real-life one who believed that setting off a bomb in the middle of Illinois would be the “first domino,” triggering a set of further attacks from Muslims that would ultimately lead to the fall of the government (Case 29). Or than those earnestly hatched by a man in jail who orchestrated a plot by three men on the outside, one of them a confirmed schizophrenic, to lead a revolution to establish a caliphate by shooting up a few army recruitment centers (Case 15).

planned it and brought it to fruition,” adding, however, “that does not mean there is no crime.” Peter Finn, “Documents Provide Rare Insight into FBI’s Terrorism Stings,” *Washington Post*, April 13, 2012.

⁸⁵ The law defines “weapons of mass destruction” is very broadly as will be discussed below, and it has heavy penalties associated with it. Since it can be applied even in cases in which defendants have imagined the use of hand grenades, it has greatly added to the prosecution’s plea bargaining arsenal in many cases.

⁸⁶ Jenkins, *Would-Be Warriors*, 10.

And there is the preposterous anticipation of the real-life plotter that, if dressed “like a Jew,” he planted a small bomb in the Herald Square subway station, it would destroy a major office and shopping building over it even while killing few (except for the homeless sleeping in the station) if it was set off in the morning (Case 12). Or even more so, there is the wild fantasy of the leader of the Sears Tower plot (Case 19) that toppling the structure into Lake Michigan would create a tsunami allowing him to liberate prisoners from a Chicago jail from which he would form a vanguard for the establishment of a new Moorish nation.

We also have the adventure of the extremist who 1) tried to kill a Rabbi with a Molotov cocktail only to go to the wrong house and, regardless, have the explosive bounce off the house’s window and fail to explode; 2) tried to shoot up a military recruitment center only to find that the office was closed; and 3) after actually firing at another recruiting center, made a wrong turn in his getaway car and was captured by police within 12 minutes (Case 26).

Or there is the clever plotter who thought that if his men carried pornographic magazines and condoms in their luggage they would be less suspicious (Case 20).

Or the several plotters who divulged their violent plans (or fantasies) and tried to pick up co-conspirators in FBI-haunted internet chat rooms or on Facebook (Cases 16, 30, 39, 40).

And there is a resonance with the common finding in the cases in this book that few terrorists could scarcely be said to have figured out a credible goal to be serviced by their plot. This phenomenon is reflected in “The Four Lions” by the response of one of the terrorists to a police query that he detail his demands: “I don’t have any,” he says dumbfoundedly.

In the film even the more clever terrorists almost never actually explain what they are seeking, but at one point the leader does say that they are striking out at the materialism and “spiritual void” that characterizes western society. As noted earlier, almost none of the terrorist characters in this book had any problem with western society, but plenty of outrage at foreign policy in the middle east—and this includes most decidedly the transatlantic airliner bombers plotting away in London in 2006 (Case 20).

Although the terrorism efforts documented in this book often demonstrate the would-be perpetrators, like those in “The Four Lions,” to be pathetic, even comical, the comedy remains a dark one. With a few possible exceptions (for example, Case 10), left to their own devices at least some of the often inept and almost always self-deluded people under consideration might have been able to do some serious, if decidedly less than cosmic, damage. Even those in “The Four Lions” do manage to pull off at least some lethal mayhem (though the fact that all of their bombs actually explode, albeit usually in the wrong place, strains credulity).

It is worth remembering as well that Lee Harvey Oswald, the assassin of President John Kennedy, was pathetic and deluded in many ways. And so, as the FBI’s John Miller points out, were the two snipers who terrorized the Washington, DC, area for three weeks in 2002 and killed 10 people.⁸⁷

⁸⁷ John J. Miller, “FBI Response to Rolling Stone Magazine Article,” *Rolling Stone*, February 22,

Counterterrorism as dark comedy

Comedy is suggested not only in the actions of some of the would-be terrorist perpetrators, but also by the exercises of authorities, many of which often resemble self-parody.

Readers of the case studies will note, perhaps at times with a bit of bewilderment, that many of those arrested have been charged with planning to use “weapons of mass destruction” even though they were working, at most, on small explosives or contemplating planting a hand grenade or two in a trash bin. This is the result of a legal expansion of the concept of “weapons of mass destruction” that is simply preposterous.⁸⁸

The concept had once been taken to be simply a dramatic synonym for nuclear weapons or to mean nuclear weapons as well as weapons yet to be developed that might have similar destructive capacity. The phrase came increasingly into vogue after the Cold War, at which point it was expanded to embrace chemical, biological, and radiological weapons even though those weapons for the most part are simply incapable of committing destruction that could reasonably be considered to be “massive,” particularly in comparison with nuclear ones.⁸⁹

Then in 1992, the phrase was explicitly rendered into American law to include those weapons, but in the process of codification the definition was extended far further to include any bomb, grenade, or mine; any rocket having a propellant charge of more than four ounces; any missile having an explosive or incendiary charge of more than one-quarter ounce; and any projectile-spewing weapon that has a barrel with a bore of more than a half inch in diameter. Included as well, as far as I can see, would be a maliciously-designed toy rocket even if it doesn't have a warhead and also a missile-propelled firecracker if its detonators intended it to be a weapon.

It turns out then, that Francis Scott Key was exultantly, if innocently, witnessing a WMD attack in 1814, that the “shot heard round the world” by revolutionary war muskets was the firing of a WMD, and that Iraq was chock full of WMD when the U.S. invaded—and *still* is, just like virtually every other country in the world.

Actually, however, the fact that the “weapons of mass destruction” supplied to would-be terrorists in several cases were essentially “redesigned” to be something other than a weapon—i.e. a fake—might make them non-WMDs. The law specifically excludes from the category “any device, although originally

2008.

⁸⁸ On the history of “WMD” and for data on the use of the term, see W. Seth Carus, *Defining “Weapons of Mass Destruction,”* Washington, DC: National Defense University Press, Center for the Study of Weapons of Mass Destruction Occasional Paper 42006, 2006. See also John Mueller and Karl Mueller, “The Rockets' Red Glare: Just what are ‘weapons of mass destruction,’ anyway?” www.foreignpolicy.com, July 7, 2009; David C. Rapoport, “Terrorists and Weapons of the Apocalypse,” *National Security Studies Quarterly*, 5(1) Summer 1999: 49–67; Peter Bergen, “WMD terrorism fears are overblown,” cnn.com, December 5, 2008; Mueller, *Atomic Obsession*, 11-15.

⁸⁹ On this issue, see Mueller, *Atomic Obsession*, 11-13.

designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.” If defense lawyers have tried to exploit this potential loophole, it apparently hasn’t worked.

There is definitional comedy as well in the pompous concepts of “critical infrastructure” and “key resources” that, as noted earlier, are constantly applied to elements that, by any sensible criterion, are neither. Also in the childish way terrorists have been portentously labeled “The Universal Adversary” in their counterterrorism plans and games.

Or in Secretary Napolitano’s remarkable notion that, although the likelihood of a large-scale organized attack is diminished, the continued danger of a small-scale disorganized attack means that the terrorist threat is higher than at any time since 9/11.⁹⁰

Or there is the continual chant, or cant, holding that terrorism presents an “existential” threat to the United States. This was raised to a special level by Napolitano’s predecessor, Michael Chertoff, in 2008 when he uttered the bizarre, if exquisitely nuanced, observation to a couple of rapt, unquestioning reporters that the threat from terrorism is actually “a significant existential” one.⁹¹

Comedy is also suggested when authorities—and the media—soberly take seriously the ridiculous fulminations of pathetic schemers about how they want to launch “a full ground war” against the United States (Case 19), or when they uncritically relay the childish jihadist drivel of Mohamad Shnewer in the Fort Dix episode (Case 22), or when they exultantly tally the number of tips they have received on their terrorism hot lines without disclosing that none of these has led to a terrorist arrest.

It is also ludicrous that, as seen in the figure above, a great many Americans profess that they worry about becoming a victim of terrorism when the likelihood is almost vanishingly small, or that authorities have almost *never* relayed that prosaic fact to the public. Or that no one ever answers the perennial query, “Are we safer?” with: “At present rates, your yearly chance of being killed by a terrorist is one in 3.5 million; how much safer do you want to be and how much money do you want to spend to achieve that level of safety?”⁹²

Perhaps the ultimate black (or in this case red) joke, however, is the one played on the taxpayers. Since 9/11, expenditures on domestic homeland security have expanded by a total of over \$1 trillion even though a reasonable assessment of the cases and of the capacities of the small number of would-be terrorists detailed in this book would suggest that the problem or threat presented by domestic terrorism scarcely justifies such great alarm and such massive expenditure. Indeed, one study applies standard risk and cost-benefit analysis to the issue and concludes that the enhanced expenditures can only be justified if they can be held to have deterred, prevented, foiled, or protected against four

⁹⁰ Serrano, “U.S. faces ‘heightened’ threat level.”

⁹¹ Shane Harris and Stuart Taylor Jr., “Homeland Security Chief Looks Back, and Forward,” *GovernmentExecutive.com*, March 17, 2008.

⁹² For an extended discussion, see Mueller and Stewart, *Terror, Security, and Money*.

otherwise successful attacks roughly like the one attempted at Times-Square in 2010 (Case 34) *per day*.⁹³

Compounding this absurdity, is the fact that, according to a careful assessment by a committee of the National Academy of Sciences in 2010, these funds have been expended without any serious analysis of the sort routinely required in other areas of the government. The committee could not find “*any* DHS risk analysis capabilities and methods” adequate for supporting the decisions made, noted that “little effective attention” was paid to issues that are “fundamental,” was (with one exception) never shown “*any* document” that could explain “exactly how the risk analyses are conducted,” and looked over reports in which it was not clear “what problem is being addressed.”⁹⁴

As part of this, a sort of bitter comedy is present when the authorities, joined by legions of terrorism experts, continually proclaim there to be thousands of terrorists afoot and predict imminent disaster, but are never countered when they make their proclamations or held to account later when these prove to have been so much hot air. However ironic the phenomenon, it is a deeply serious issue, as suggested elegantly by Brian Jenkins:

Needless alarm, exaggerated portrayals of the terrorist threat, unrealistic expectations of a risk-free society, and unreasonable demands for absolute protection will only encourage terrorists’ ambitions to make America fibrillate in fear and bankrupt itself with security.⁹⁵

In the end, the cases in this book seem to suggest, at least to me, that a *New York Times* article in 2009 was engaging in considerable understatement when it observed, “Since the terrorist attacks of Sept. 11, 2001 senior government officials have announced dozens of terrorism cases that on close examination seemed to diminish as legitimate threats.”⁹⁶ However, I wouldn’t want to exclude the media from blame for the fundamentally absurd process of hype and threat-exaggeration. It was on the fifth anniversary of 9/11 that Charles Gibson intoned on ABC television, “Now putting your child on a school bus or driving across a bridge or just going to the mall—each of these things is a small act of courage. And peril is a part of everyday life.” Duly informed, I have since avoided malls. I can’t stand being surrounded by all those heroes.

⁹³ Mueller and Stewart, *Terror, Security, and Money*, ch. 4.

⁹⁴ National Research Council of the National Academies, *Review of the Department of Homeland Security's Approach to Risk Analysis*. Washington, DC: National Academies Press, 2010; emphasis added. See also Mueller and Stewart, *Terror, Security, and Money*, Introduction.

⁹⁵ Jenkins, *Would-Be Warriors*, 13.

⁹⁶ David Johnston and Scott Shane, “Terror Case Is Called One of the Most Serious in Years,” *New York Times*, September 25, 2009.

Case 1: The Shoe Bomber

John Mueller

June 3, 2011

Richard Reid failed when, a few months after 9/11, he attempted to detonate the bomb in his shoe on a transatlantic airliner headed for Miami. He was subdued by passengers and crew as he kept lighting matches seeking to ignite a fuse protruding from his shoe.

As Jolie Yang points out, Reid had spent two years in training camps in Afghanistan and Pakistan between 1998 and 2000, and he had specifically received bomb training by Midhat Mursi who is often billed as al-Qaeda's "master bomb-maker." That, it appears, was not enough.

A major problem with Reid's bomb is that its chemical explosive, PETN, is fairly stable and difficult to detonate. The best detonators are metallic, like blasting caps, and these are likely to be spotted by the metal detectors passengers and their carry-on baggage were subjected to well before 9/11.¹ Consequently, the bomb needs to be well designed—indeed, fool-proof. Moreover, the bomber, closely surrounded by people likely—particularly in the wake of 9/11—to be suspicious of odd behavior, needs not only to be highly skilled at the tricky task of detonation, but fully capable as well of improvising wisely to unforeseen technical problems like, in this case, damp shoelaces. Another problem is that the carefully (and therefore expensively) trained bomber is almost certain to be killed or captured in the attempt, and he is therefore lost for further missions.

Whether Reid's bomb would have downed the airplane if he had been able to detonate it, is open to question. Explosions do not necessarily breach the fuselage, and airplanes with breached fuselages may still be able to land safely.² Reid's bomb contained 50 grams of PETN. However, a similar bomb with 100 grams of the explosive, hidden on, or in, the body of a suicide bomber and detonated in 2009 in the presence of his intended victim, a Saudi prince, killed the bomber but only slightly wounded his target a few feet away.³ For more on this issue, see the discussion of the underwear bomber of 2009, Case 33.

¹ Bryan Walsh, "Why It's Not Easy to Detonate a Bomb on Board," *Time*, December 28, 2009.

² John Mueller and Mark Stewart, *Terror, Security, and Money: Balancing the Risks, Costs, and Benefits of Homeland Security* (New York: Oxford University Press, 2011), ch. 7.

³ Peter Bergen and Bruce Hoffman, *Assessing the Terrorist Threat*, Bipartisan Policy Center, Washington, DC, September 10, 2010, 9.

Case 1: The Shoe Bomber

Jolie Yang

June 3, 2011

typographical and other minor corrections November 16, 2011

1. Overview

On December 22, 2001, Richard Reid, a British citizen, boarded an American Airlines flight from Paris to Miami with the intention of blowing up the plane. Passengers and flight attendants subdued Reid before he could successfully light the fuse protruding from his sneaker. Two French doctors on the flight injected sedatives into Reid, and the plane was diverted to Boston. Reid was sentenced to life in prison for attempted use of a weapon of mass destruction against U.S. nationals outside the United States and interference with flight crew and attendants using a dangerous weapon. He was also sentenced to 20 years in prison on four counts: attempted homicide of U.S. nationals outside the United States, placing an explosive device on an aircraft, attempted murder of people on board the flight, and the attempted destruction of an aircraft. To this, 30 years were for using a destructive device in a crime of violence. On top of the sentences, Reid is required to pay a fine of \$2 million.¹

2. The nature of the adversary

When looking back to the shoe-bomber's past, one can trace how his youth made him prone to convert to Islam and susceptible to radicalism. Richard Reid was born to Colvin Robin Reid who was of mixed-race and Lesley Hughes who was white, in London in 1973 and thus is of Anglo-Jamaican heritage. When he was born, his father was in jail for car theft. His parents divorced when he was 11. Reid's father was never in the picture for long, and he was raised by his mother and her partner—brought up, then, in a white family as a mixed-race child. At 16, the earliest age possible, Reid dropped out of school and gravitated toward gangs and crime in London.

The two main themes that arise from his childhood are his continuous search for his identity and the niche he found in the crime world. As a mixed-race child, Reid faced a lot of identity issues and comments from his peers. According to Reid's close friend in school, he was trying to "sort out where he was from, his roots. He wanted to find out an identity—but he's got two white parents."² Jane Green, a teacher from his school remarked that Reid seemed to have trouble identifying with the kids due to his mixed race. He would identify with the other black kids but did not seem to fit in with them. However, Green mentioned that Reid, despite being a social outcast, was never rude or disruptive. After dropping out of school, Reid had to support himself when his mother and her partner moved to West Country. He aligned himself with local gangs in London but was at first reluctant to practice crime and robbed houses only when held at knifepoint. However, he soon became integrated in the crime world and his friend remarked that Reid was quick to follow the crowd if it would give him status. At age 17, he

¹ "Exchange between Reid, judge follows life sentence," CNN, January 30, 2003.

² "At school with the shoe bomber," *The Guardian*, February 28, 2002.

was jailed for the first time for mugging a senior citizen. He was in and out of prison ever after.

Reid converted to Islam in prison. The idea was first presented by his father who himself had converted to Islam in prison in the 1980s. His father remarked that the Muslims “treat you like a human being” and get better food in prison.³ Since the 1980s, Bangladeshi and Pakistani imams targeted prisons where they spread the importance of jihad and distributed anti-American leaflets. Abdul Ghani Qureshi, an imam at the jail at the time, said, the mosque offered an “escape in many ways—spiritual and practical” to black prisoners in a notoriously racist institution.⁴ Upon leaving jail, Reid joined the Brixton Mosque and Islamic Cultural Center which is known for its moderate message. The chairman of the mosque, Abdul Haqq Baker, said that at the time, Reid seemed at ease with himself and his identity, quite different from his teen years. Most likely, the sense of self came from the conversion to Islam. Ziauddin Saradar, a British scholar of Islam once remarked that, “Islam is a sort of natural religion for underdogs and that’s one reason why Afro-Caribbean people have found its message very attractive.”⁵ Converting to Islam helped Reid identify a sense of identity and community that he was lacking.

The source of Reid’s sudden radicalization is not entirely clear, but the discrimination he faced may have had a significant effect. Reid said that he was heavily influenced by the imams and by radical sermons, but it was through his own readings and experience that he gained the understanding of how violence can be justified in his faith and how Islam was treated by the west.⁶ Brixton Mosque was attended at the same time by some notorious terrorists such as Zacarias Moussaoui and Djamel Behal. Reid also attended the Islamic Cultural center, and then attended the Finsbury Park Mosque, known for its radical messages and attendance by suspected terrorists. Despite the radical message, it attracts a sizable number for its prayers. According to Sardar, the mosque attracts “younger, more disaffected Muslims, mainly from working-class backgrounds, mostly unemployed, unmarried. These guys see themselves as totally under siege. For them, jihad is a salvation.”⁷ Reid also practiced a conservative form of Islam, Wahhabism. According to Mehmood Naqshbandi, author of the City of London’s guide to Islam for non-Muslims, Wahhabism is especially attractive for modern British Muslims because it rejects old traditions/ethics and provides a new identity.⁸ Through the combination of the radical message of Finsbury Park Mosque and the nature of Wahhabism, Reid was eventually radicalized from the moderate Muslim he had been before.

3. Motivation

³ “The Shoe Bomber’s World,” *Time*, February 16, 2002.

⁴ “At school with the shoe bomber,” *The Guardian*, February 28, 2002.

⁵ “The Shoe Bomber’s World,” *Time*, February 16, 2002.

⁶ Peter Herbert, “I knew exactly what I was doing,” *The Guardian*, August 23, 2006.

⁷ “The Shoe Bomber’s World,” *Time*, February 16, 2002.

⁸ “Wahhabism: A deadly scripture,” *The Independent*, November 1, 2007.

The main motivation for Reid is the notion of justice. In response to America's involvement in the Middle East, he sees his actions as necessary and justifiable. At a hearing, Richard Reid detailed his motivation for his attempt to blow up the plane with explosives.

"I'm at war with your country. I'm at war with them not for personal reasons but because they have murdered...so many children and they have oppressed my religion and they have oppressed people for no reason except that they say we believe in Allah."⁹

Reid testifies that his response is due to America's foreign policy in Muslim affairs. He also mentions the innocent deaths caused by Americans and the government-sanctioned violence against Muslims in the prisons of Egypt, Turkey, Syria, and Jordan. Furthermore, he states that the "United States should not be involved in Muslim affairs such as supporting Israel," and that he "switched his target from Israel to America after America began bombing the Taliban."¹⁰ All of these comments point to an anger directed towards America's foreign policy actions. However, it is interesting to note that Reid also believes that the war he was fighting is between Islam and democracy suggesting a possible belief among radicalized Muslims that there is an inherent incompatibility between democracy and Islam:

"What I am doing is part of the ongoing war between Islam and disbelief...I see it as a duty upon me to remove oppressive American forces from Muslim lands...we are ready to die defending the true Islam rather to just sit back and allow the American government to dictate to us what we should believe and how we should behave...this is a war between Islam and democracy..."¹¹

Despite this comment, his motivation is mainly based on the fact that America is interfering in what Reid sees as Muslim affairs. When interviewed, Reid seems to show genuine sorrow that his actions might kill innocent people but a lack of remorse because of his belief that it was right.¹² He believed that Allah in heaven would justly reward him for his actions if he succeeded.

4. Goals

To achieve his main goal to remove American forces from Muslim lands and for America to not meddle with Muslim affairs, Reid aimed for an overreaction from America's public. He targeted an airline "especially during the holiday season" because he wanted to the American public to "lose confidence in airline security and stop traveling, leading to a substantial loss of revenue which would in turn hurt the American economy."¹³ This strategy of targeting areas of

⁹ "Reid: 'I am at war with your country'," CNN, January 31, 2003.

¹⁰ U.S. v. Reid, (D.C. MA.), 02-CR-10013-WGY, Government's Sentencing Memorandum, Filed January 17, 2003

¹¹ U.S. v. Reid, (D.C. MA.), 02-CR-10013-WGY.

¹² "I knew exactly what I was doing," *The Guardian*, August 24, 2006.

¹³ U.S. v. Reid, (D.C. MA.), 02-CR-10013-WGY.

economic significance is partially motivated by the belief that the Soviet forces were driven out of Afghanistan and led the collapse of the Russian Empire by Bin Laden's efforts in bankrupting the Soviet Union.¹⁴ This sentiment is reflected in the al-Qaeda publication *Sawt al-Jihad*,

“If the enemy has used his economy to rule the world and hire collaborators, then we need to strike his economy with harsh attacks to bring it down on the heads of its owners. If the enemy has built his economy on the basis of open markets and free trade by getting the monies of investors, then we have to prove to these investors that the enemy's land is not safe for them, that his economy is not capable of guarding their monies, so they would abandon him to suffer alone the fall of his economy.”¹⁵

A bankrupt America would worry primarily about its own economy rather than foreign affairs.

5. Plans for violence

Reid's plans developed as he started to become more radicalized within the Muslim community. It is through the connections developed through his interactions with people that led him to obtain the supplies needed to carry out his plan.

By 1998, Reid has chosen jihad as his path and spent the next two years in Pakistan and Afghanistan training camps.¹⁶ According to French officials, Reid's passport showed that he has traveled to Egypt, Israel, Turkey, Pakistan, Belgium, Netherlands, and France. Furthermore, it is believed that he trained at the same camp as Zacarias Moussaoui, a terrorist associated with the September 11 attacks, in a camp called Khalden.¹⁷ At Khalden, he was trained by al-Qaeda “master bomb maker” Midhat Mursi, also known as Abu Khabab al-Masri.¹⁸

It was on a flight to Tel Aviv, Israel, on El Al Airlines on July 12, 2001, that Reid got the idea for the shoe bomb. He noticed that El Al security personnel did not check the inside of his shoes.¹⁹ On August 9, Reid went to Amsterdam and was able to send e-mails to addresses in Pakistan from internet cafes without much suspicion. Furthermore, according to Rohan Gunaratna, an expert on terrorism at the University of St. Andrews in Scotland, the Netherlands has become a center of al-Qaeda activity. This was further supported by the fact that Jerome Courtailler, a French convert to Islam, may have helped Reid find temporary employment in Rotterdam.²⁰ It is believed that during this time, Reid planned the attack on America.

According to a French court document, “Reid claimed to have found the information required to make the explosives on the internet, to have bought the

¹⁴ Transcript of Usama Bin Laden Tape, November 2, 2005.

¹⁵ Akhu Man Ta'a Allah, “What Else is There to Say About September 11,” *Sawt al-Jihad*, Volume 26.

¹⁶ “The Shoe Bomber's World.” *Time*, February 16, 2002.

¹⁷ Herbert, “I knew exactly what I was doing.”

¹⁸ “Sources: Reid is al Qaeda Operative,” *CNN*, December 6, 2003.

¹⁹ U.S. v. Reid, (D.C. MA.), 02-CR-10013-WGY.

²⁰ “The Shoe Bomber's World.” *Time*, February 16, 2002.

ingredients in Amsterdam for 1,500 dollars, to have set up the device and placed it in the soles of his shoes. Then, he stated, he had the shoe stitched up by a professional and wore them uneventfully for one month.” Despite this testimony, authorities still believe that the Reid did not possess enough technical knowledge and that the device was assembled in France.²¹

Accompanying Reid in his plot was Saajid Badat. Originally, Badat believed that he would find paradise by carrying out a violent jihad, and both went to the same training camp and kept constant communication afterwards. However, Badat got cold feet days before the intended attack. In an e-mail, he said he had “big problems...having trouble playing any sport whatsoever,” and remarked that “you will have tell Van Damme that he could be on his own.”²² However, although he never actually did anything, Badat was sentenced to 13 years in jail. Badat’s bomb was similar in chemical composition as Reid’s and Badat also remarked that they were supplied the bombs from an external source. This suggests that both Badat and Reid did not act completely separately from other terrorists.

To obtain new passports to board American flights, both Badat and Reid used the same tactic, falsely claiming to have lost their passports, at the British Embassy in Brussels.²³ On December 21, 2001, Reid first attempted to board American Airlines Flight 63 but was subjected to extra searches and questioning that caused him to miss his original flight. Although he was eventually allowed to fly the next day, French court documents revealed that

“the thirteen witnesses interviewed regarding this inspection procedure—policemen, security agents and agents of American Airlines—indicated that they have been troubled, indeed perplexed, by the personality and the behavior of Richard Reid, described as filthy, very unkempt, emotionless, and not attempting to find out why he was being subjected to an inspection. He did not appear at all anxious.”²⁴

On the American Airlines Flight the next day, Reid attempted to ignite the fuse by using a match but was noticed before he was successful at doing so. Water was quickly thrown on him, and he was subdued by multiple passengers and flight attendants. It is speculated that his shoe did not detonate because he had worn his shoes for more than a day and the fuse was too damp to ignite.²⁵

The shoe contained stabilized Triacetoneperoxide (TATP), a highly volatile and explosive compound made from easily attainable chemicals, and Pentaerthritol Tetranitrate (PETN), an explosive component used in military-grade plastic explosive. Due to its volatile nature, it is precarious to handle and construct TATP. At terrorist training courses, terrorists were taught how to stabilize their mixtures with certain chemical compounds.²⁶ Both TATP and

²¹ Republic of France v. Rama, Magistrates’ Court of Paris, File number 0413839059, Judgment, Filed June 16, 2005.

²² “Gloucester shoebomber jailed for 13 years,” *Times Online*, April 22, 2005.

²³ U.S. v. Badat, (D.C. MA>) 04-10223-GAO, Superseding Indictment, Filed October 4, 2004.

²⁴ Republic of France v. Rama, Magistrates’ Court of Paris.

²⁵ “JTIC Briefing: Terrorist Use of TATP Explosive,” OSINFO, July 25, 2005.

²⁶ “JTIC Briefing: Terrorist Use of TATP Explosive,” OSINFO, July 25, 2005.

PETN are fairly hard to detect by conventional screening technologies. Reid's bomb had a thread of TATP running through 100 grams of PETN that ran through his shoelace.²⁷

It would be a mistake to assume that the failure of detonation was mainly due to Reid's incompetence. Due to the delay in his flight by French airport authorities on December 21, Reid was not able to board the flight until the next day which means he had to wear the shoe for an extra day resulting in natural perspiration causing the fuse to become too damp to ignite properly.²⁸

However, the nature of Reid's bomb also suggests there would have been difficulty in effectively detonating the bomb regardless. Although PETN is powerful even in small quantities, it is fairly stable and therefore not easy to ignite. It requires an initial explosion, which usually requires a metallic device that is hard to pass through security without detection, such as a blasting cap.²⁹ Explosive experts remark that dropping PETN or setting it on fire is usually not enough to detonate it.³⁰ The underwear bomber of 2009, Umar Farouk Abdulmutallab, used the same combination of PETN and TATP, and also failed to ignite the PETN due to its stable nature (Case 33).

Furthermore, even if Reid had been successful at detonating his explosive, it is unclear whether this would have resulted in significant deaths. Abdulmutallab had more PETN in his bomb, and a test explosion on a Boeing airplane showed that the plane's fuselage would not break open and that the flight would have landed safely even if that bomb had been detonated. However, the bomber and the passenger next to him would have been killed.³¹

Although Reid was unsuccessful in detonating the bomb, it is important to note that this is mainly due to the nature of the bomb. It is hard to detonate a PETN bomb, and it is even harder for terrorists to carry detonators that will not be detected.

6. Role of informants

There were no informants involved with the case.

7. Connections

After Reid was captured, both American and French authorities tracked down more information about him. They uncovered e-mail exchanges between Reid and Badat, Reid and other al-Qaeda operatives. And as more terrorists were captured, more information regarding the nature of Reid's operation was unveiled.

It is clear that he had a support structure in place. A French court document mentioned that, "he was not able to explain how, since he did not have any funds... he had been able to purchase the [explosive] substances and to pay for his travels."³²

²⁷ "TATP is suicide bombers' weapon of choice," Times Online, July 15, 2005.

²⁸ "JTIC Briefing: Terrorist Use of TATP Explosive," OSINFO, July 25, 2005.

²⁹ "Why It's Not Easy to Detonate a Bomb on Board," *Time*, December 28, 2009.

³⁰ "Explosive on Flight 253 Is Among Most Powerful," *New York Times*, December 27, 2009.

³¹ "PETN: the explosive of choice," *The Guardian*, October 30, 2010.

³² Republic of France v. Rama, Magistrates' Court of Paris.

There was another person's palm print and hair residue on the bomb, suggesting that Reid did not act alone. His direct support for his mission is his handler, Nizar Trabelsi, and his partner, Badat. Although Badat did not carry through the plan in the end, authorities revealed information between Reid and Badat. And according to the Department of Justice, in December 2001, "Badat and Reid communicated directly and indirectly through...electronic mail accounts to coordinate their activities with respect to detonating their shoe bombs to be used to attack American interests."³³ Furthermore, French authorities have discovered an e-mail exchange between an interlocutor in Pakistan and Reid after Reid had been detained in France urging him to try again the next day. As time progressed, authorities discovered that the September 11 attacks, the Paris plot, and Flight 63 all shared a common cast of characters. There is also evidence that Reid knew Moussaoui, Beghal, and Travelsi. The speculation is that all of these radical Islamists have at some point crossed paths in camps or in London.³⁴

Authorities believe that Reid's contacts resulted from Rama, an owner of a halal butcher shop. According to the French intelligence, he was the president of a Pakistani terrorist group called Lashkar-e-Tayyiba. Given the fact that his butcher shop is known for "being a place of proselytizing in favor of Jihad in Kashmir," Rama is believed to have been part of a larger network of terrorists.³⁵ Rama did acknowledge meeting with Reid but did not claim to have introduced him to other contacts, but it is believed that Rama wanted to cover for someone more important who put him in touch with Reid.³⁶

7. Relation to the Muslim community

As noted, most of Reid's connections resulted not only from the training camps but from his attendance at the Finsbury Park Mosque where he was influenced by the preacher, Mustafa Kamel Mustafa. Mustafa is now sentenced to seven years in a British prison for soliciting murder in his sermons, and he has been indicted in New York for providing material support to al-Qaeda.³⁷ Another spiritual advisor that had a significant influence on Reid was Abu Qatada who according to British Home Department, was "a leading spiritual advisor with extensive links to and influence over, extreme Islamists in the UK and overseas." Qatada is reported to have given spiritual and religious advice to extreme Islamists and groups that include the Al Qaeda network, the Armed Islamic Group, and the Salafist Group for Call and Combat.³⁸

9. Depiction by the authorities

³³ U.S. v Badat, (D.C. MA.), 04-10223-GAO, Superseding Indictment, Filed October 4, 2004.

³⁴ "The Shoe Bomber's World," *Time*, February 16, 2002.

³⁵ Republic of France v. Rama, Magistrates' Court of Paris.

³⁶ "French Police Investigate 'Shoe Bomber' Richard Reid's Connections," *Le Figaro*, April 9, 2005.

³⁷ "Abu Hamza Jailed for Seven Years," Metropolitan Police Service Press Release, February 8, 2006.

³⁸ Special Immigration Appeal Commission, Oma Othman and Secretary of State for the Home Department, Judgment, Filed February 26, 2007.

Originally, it was believed that Reid might be a lone terrorist, one who felt alienated from society and turned to extremism as a solution. However, this attitude slowly changed with the increasing amount of information gained of Reid's contacts and connections. Furthermore, Reid was originally portrayed as an incompetent bomber due to his failure in detonating the bomb, but it was soon discovered that his education regarding bomb making was extensive and that the failure is due to the weather conditions and to chance. Reid has represented himself as someone who has, "passed through the state education system and then supplemented his knowledge with a large amount of self-teaching through reading books." Thus the view, common at the beginning, that Reid was educationally impaired has been abandoned. As Reid puts it, "I am not crazy as they suggest, but I knew exactly what I was going. Of course I would have been sad to have those people die, but I knew that my cause was just and righteous. It was the will of Allah that I did not succeed."³⁹

10. Depiction by the media

Almost all the articles in major newspapers, were fairly descriptive of the situation. Most focused on Reid's background and how passengers cooperated to stop Reid from carrying through his plan. Even three years later, most articles only revealed more information about Reid's associates and the network of terrorists he may have been a part of.

The articles were not more alarming perhaps because 9/11 was still fresh in people's minds and employing alarmist rhetoric might only cause further panic. Also, the government was fairly quick in responding to the shoe bomber plot by enacting laws such as screening shoes during airport security.

11. Policing costs

After the arrest, there has been extensive investigation both in the United States and in Europe. In France, investigators traced Reid's flight plans prior to his flight to Miami where they discovered his extensive travels throughout the Middle East. French investigators also traced his prepaid calls to known terrorists providing a bigger picture of the network Reid was part of. In the United States, previously captured terrorists detained in Guantanamo Bay identified Reid as a student at Khalden and the network of operatives he was part of. As more information regarding Reid's involvement unravels, the big picture slowly comes to light. Connections between the September 11 plot and the Flight 63 plot were made, leading officials to believe that Reid and other 9/11 terrorists knew each other and crossed paths at camps and/or in London.

12. Relevance of the internet

Reid primarily used the internet for communication purposes with his handler, Nizar Trabelsi, and other contacts. Many e-mails were traced to places such as Peshawar, Pakistan, and to contacts in Europe.⁴⁰ Reid also used the internet as a source for obtaining information on constructing a bomb, though he

³⁹ Herbert, "I knew exactly what I was doing."

⁴⁰ "A Shoe Bomber's World," *Time*, February 16, 2002.

also had had extensive training as well as contacts with others on bomb construction.

13. Are we safer?

Immediately following the incident, TSA mandated airport security to screen shoes. This has resulted in inefficiency, lawsuits, and grumblings from passengers. However, it is questionable whether this extra screening will lead to a safer flying experience. According to Sgt. Dave Thompson of the Massachusetts State Police, explosives can be made from a toy to a bottle of cologne. Almost anything made of plastic could potentially become a powerful plastic explosive. But, there is evidence that trace detectors would have stopped the shoe bomber if they had been implemented in 2001. Furthermore, the implementation of full body scans is aimed to detect traces of PETN unless it is hidden in a body cavity, and new technologies that can detect individual explosive molecules are being used as part of the airport security process.⁴¹ Although current measures may reduce the chances of another shoe bomb—or deter further attempts—they only close one door open to terrorists to effectively create and detonate an explosive.

14. Conclusions

What is most notable about Reid's case is his conviction about his Jihad. Reid viewed himself as a warrior, fighting a war against the West due to its hostility towards Islam. His abstract goal of forcing America out of the Middle East through terrorism is common. But it is this type of conviction among terrorists of fighting injustice that makes it hard for America to successfully combat terrorism since the root of the problem is based on abstract ideals.

As America continues to fight the war on terrorism, it is important to understand how the problem is changing. Simply focusing on military interventions in the Middle East is not enough as is shown by the Reid case. Feeling oppressed and marginalized by society, Reid converted to Islam only to become progressively more extreme. Foreign policy advisors need to focus on strategies that also address the terrorist networks that exist in their allies' countries.

⁴¹ "Stopping explosive powder PETN main goal of new airport screening rules," *Los Angeles Times*, November 23, 2010.

Case 2: Padilla

John Mueller

June 3, 2011

In March 2002, early in George W. Bush's War on Terror, the CIA managed to capture in Pakistan al-Qaeda's Abu Zubaydah. By April 9, Bush was trumpeting him as "chief of operations" for the group and "one of the top operatives plotting and planning death and destruction in the United States." The capture was, he claimed, an important step in his effort "to secure the world and this civilization as we know it from these evil people." The al-Qaeda hunters at the CIA, however, concluded that Zubaydah was not only "insane," "certifiable," and "mentally defective," but a low-level operative who served as the terrorist group's expendable "greeter" or "hotel clerk," hardly somebody anyone would trust with major secrets. When this information was conveyed to Bush, he said to CIA Director George Tenet, "I said he was important. You're not going let me lose face on this, are you?" "No sir, Mr. President," was the reply.¹

Captured injured, Zubaydah was carefully and meticulously nursed back to health to permit his captors productively to torture him. He proved to have little knowledge of much of anything, though under duress he did suggest that al-Qaeda's target list included shopping malls, banks, supermarkets, water systems, nuclear plants, apartment buildings, the Statue of Liberty, and the Brooklyn Bridge.²

Zubaydah did come up with at least one name: Jose Padilla, a converted Muslim American who had spent time at al-Qaeda camps in 2000 and had met with Zubaydah to discuss the potential for setting off a nuclear weapon or a dirty bomb in the United States. Spotted in Pakistan, Padilla was arrested on May 8 when he returned to the United States.³

Padilla may have harbored plans to do violence on his return to the United States, and al-Qaeda may have been seeking to use its singular American recruit to hit the far enemy somehow. However, as Allison Barbo makes clear, although he was dedicated to the cause and violence-prone, it seems highly unlikely that the slow-witted Padilla could ever gain the skills necessary to put together a dirty bomb—or a clean one for that matter.

Padilla lived in something of a legal limbo for years, presumably due in part to the fact that at least some of the evidence against him from Zubaydah could not be used in court because it was obtained through torture. Eventually, after a lengthy trial in 2007, he was convicted of "conspiring to murder, kidnap and maim" people overseas.

¹ Ron Suskind, *The One Percent Doctrine: Deep Inside America's Pursuit of Its Enemies Since 9/11*. New York: Simon & Schuster, 2006, 99-100. Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals*. New York: Doubleday, 2008, 178-79.

² Suskind, *One Percent*, 100, 111, 115, 121. Mayer, *Dark Side*, 179.

³ Suskind, *One Percent*, 117. Mayer, *Dark Side*, 155-56.

It is often claimed that Zubaydah's torture led to "actionable intelligence."⁴ The warnings that apparently led to the posting of guards at least at some of the members of the vast array of targets the operative spewed out while undergoing "enhanced interrogation" seem, at least on the record, to have been the extent of the "action." It appears that he spilled the information about the pathetic Padilla before he was tortured.⁵

⁴ John Kiriakou, *The Reluctant Spy: My Secret Life in the CIA's War on Terror*. New York: Bantam, 188.

⁵ Mayer, *Dark Side*, 155-56, 176.

Case 2: Padilla

Allison Barbo

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1. Overview

Jose Padilla, a U.S. citizen, was arrested on May 8, 2002 at the O'Hare Airport in Chicago. He was returning from Pakistan after an international trip and had over ten thousand dollars cash, a cell phone with phone numbers to al-Qaeda members, and e-mail address contact information for al-Qaeda members. The government's cause for arrest was information they had concerning Padilla's involvement with al-Qaeda operatives and with a plot to release a radiation dispersal device, or "dirty bomb," in the United States. Padilla was held as a material witness pursuant to a New York warrant from the attacks of September 11, 2001.

Padilla spent a month in detainment as a material witness before his status changed. Then, President Bush issued an order to Secretary of Defense Donald Rumsfeld and, on June 9, 2002, Padilla was classified as a detainee with the status of an enemy combatant rather than a material witness. When his defense lawyer, Donna Newman, received the phone call from a fellow defense attorney that her client had attracted the attention of the President and been classified as an enemy combatant, she was incredulous, saying, "I had no idea what he was talking about. I thought he was making a joke."¹ The timing of the presidential order was crucial for the federal government to maintain control over Padilla's case. This presidential order came only two days prior to District Court Judge Michael Mukasey's scheduled ruling on the validity of Padilla's detainment as a material witness.

The change of Padilla's status from a material witness to an enemy combatant put him under the control of the Department of Defense, and this led to his transfer from a civilian prison to a military brig in South Carolina. Padilla was transferred without any notification to his attorney or family. The U.S. Court of Appeals for the Second Circuit legitimized Padilla's detention as an enemy combatant. Their decision was based on four supporting reasons: (1) Padilla was "closely associated with al-Qaeda," a designation for loosely knit insurgent groups sharing common ideals and tactics, "with which the United States is at war"; (2) he had engaged in "war-like acts, including conduct in preparation for acts of international terrorism"; (3) he had intelligence that could assist the United States in warding off future terrorist attacks; and (4) he was a continuing threat to American security.² His arrest was followed by years of detainment; because of his prolonged imprisonment, many domestic issues were raised on the legitimacy of the federal government's ability to detain accused terrorists.

¹ Greg Sargent, "Jose Padilla: Overdue Process," *Mother Jones*, June 2006.

² White House Memorandum to the Secretary of Defense, <http://f11.findlaw.com/news.findlaw.com/hdocs/docs/padilla/padillabush60902det.pdf>

About a year and a half later, on December 18, 2003, the Second Circuit ordered Padilla's release from military custody within thirty days. This ruling also stipulated that the government could try Padilla in civilian courts. The Bush administration threatened to appeal the ruling to the Supreme Court and on January 22, of the following year, the Second Circuit suspended its ruling. Padilla's first meeting with lawyers came a year and nine months after his classification as an enemy combatant. On March 3, 2004 Padilla met with his defense attorney, Donna Newman.

Padilla sued the federal government on the grounds that he was being denied his right of habeas corpus. The Supreme Court ruled in a narrow 5-4 decision that Padilla's case had been filed incorrectly.³ The Court ruled that his appeal should have been filed in federal court in Charleston, South Carolina rather than New York because he was being held in a South Carolina Navy brig. This procedural complication left the merits of the case undecided. On October 25, 2005, Padilla appealed that ruling, and the Bush administration was given a November 28th deadline for filing arguments.

However, this appeal process abruptly halted when Padilla was formally indicted on November 22, 2005. The official charge issued by the government was conspiring with Islamic terrorist groups. The timing of Padilla's indictment was called into question during his subsequent trial. The defense attorney claimed the timing was critical because the government was unwilling to let the judicial branch rule on the legality of Padilla's detainment. If the Second Circuit had conducted the retrial, Padilla's detainment may have been overturned as an illegal deprivation of habeas corpus. Regarding the timing of Padilla's formal indictment, his defense attorney commented that, "...the [Bush] administration is seeking to avoid a Supreme Court showdown over the issue."⁴

On January 4, 2006 the Supreme Court granted authorization for Padilla's transfer to Miami to face criminal charges. This order overruled the Fourth Circuit, which was to conduct Padilla's second appeal. On April 3, 2006, the Supreme Court dismissed Padilla's third appeal. In October, Padilla claimed that he was tortured during his imprisonment, and moved to dismiss his federal criminal charges. On January 22, 2007, a federal hearing was conducted to determine Padilla's mental competency. Allegations that military torture made Padilla incompetent for trial were debated. On February 22, 2007, Angela Hegarty, Padilla's defense psychiatrist, testified that Padilla was mentally unfit for trial. She cited his, "facial tic, problems with social contact, lack of concentration and a form of Stockholm syndrome."⁵ However, discrepancies with her testimony nullified it, and Padilla was determined mentally competent for trial.

Padilla's criminal trial in federal court began on May 15, 2007. He pled not guilty to all three of his charges. The charges were conspiracy to murder

³ *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

⁴ Fred Barbash, "Padilla's Lawyers Suggest Indictment Helps Government Avoid Court Fight," *Washington Post*, November 22, 2005.

⁵ "Padilla 'Not Fit to Stand Trial,'" *BBC*, February 22, 2007. Stockholm syndrome is a psychological phenomenon where prisoners empathize with their captors, even to the point of defending their captors. "Understanding Stockholm Syndrome," Federal Bureau of Investigation Law Enforcement Newsletter, July 2007, Volume 76, Number 7.

maim and kidnap, conspiracy to materially aid terrorists, and providing material support to terrorists. These charges fell under Title 18 of the United States Code sections 371 and 2339.⁶ Combined, the charges held a maximum sentence of life imprisonment.

The criminal proceedings lasted three months; the prosecution rested its case on July 13, 2007. The jury delivered its verdict after only a day and a half of deliberation. On August 16, 2007, that court announced that Padilla was guilty of “conspiring to murder, kidnap and maim” people overseas.⁷ On January 22, 2008, Padilla was sentenced to seventeen years and four months in prison. His mother was relieved, as the ruling was less than the maximum sentence. “You have to understand that the government was asking for 30 years to life sentence in prison. We have a chance to appeal, and in the appeal we're gonna do better.”⁸

On June 12, 2009, Padilla filed a civil suit against John Yoo, a U.S. Department of Justice lawyer and chief legal theorist under the Bush administration. Yoo authored legal documents legitimizing various methods of interrogation that some deemed torturous. In response to accusations that the executive branch overstepping its power, Yoo responded that, “We are used to a peacetime system in which Congress enacts the laws, the president enforces them, and the courts interpret them. In wartime, the gravity shifts to the executive branch.”⁹

2. Nature of the adversary

Jose Padilla was born in New York City on October 18, 1970. He moved to Chicago at the age of four. His youth was riddled with juvenile charges. Padilla was arrested five times between 1985 and 1991. He eventually joined a violent gang, the Maniac Latin Disciples, or the Latin Kings. He graduated from high school, but was a poor student. Court records indicate Padilla held hourly jobs at Taco Bell and a local golf course. He was described by neighbor Nelly Ojeda as “...a very nice person ... a very sweet person . . . I have nothing bad to say about him . . . nothing at all.”¹⁰ However, his repeated violent offenses and intense gang inclusion contrast strongly with that opinion.

Padilla served his first prison term in 1991 for a shooting incident resulting from road rage. He then served a probation sentence for aggravated assault in 1993.¹¹ Padilla was convicted of manslaughter after fatally kicking a gang member. While incarcerated, Padilla physically attacked a deputy.¹²

Also during that jail term, he converted to Islam, marking his turning point from domestic criminal activity to international terrorist interests. He rejected his Puerto Rican name and took on the Muslim name, Abdullah al-Muhajir, or

⁶ 18 U.S.C. §§ 371, 2339(a) (2002).

⁷ Abby Goodnough and Scott Shane, “Padilla is Guilty on all Charges in Terror Trial,” *New York Times*, August 17, 2007.

⁸ “Padilla Given Long Jail Sentence,” *BBC*, January 23, 2008.

⁹ Bob Egelko, “9/11: Five Years Later Bush Continues to Wield Power,” *San Francisco Chronicle*, September 10, 2006.

¹⁰ “‘Dirty Bomb’ Suspect’s Criminal Record,” *CNN*, June 11, 2002.

¹¹ “Profile: Jose Padilla,” *BBC*, 17 August 2007.

¹² “‘Dirty Bomb’ Suspect’s Criminal Record,” *CNN*.

“Abdullah the immigrant.”¹³ Padilla met other Islamic converts; one was also eventually charged with conspiracy. Padilla’s new identity signaled strong association to the Muslim faith.¹⁴ Prior to changing his name to Abdullah al-Muhajir, Padilla had gone by many different aliases. Padilla’s personal insecurities and desperate need to belong are evident in his alias-donning tendencies. Padilla was indubitably psychologically imbalanced and prone to aggressive violence. No conclusive evidence was available as to whether or not Padilla was ever suicidal.

One of Padilla’s mentors was Adham Amin Hassoun, a Palestinian activist in Florida. Padilla and Hassoun reportedly attended the Masjid Al-Iman mosque together in Fort Lauderdale.¹⁵ Hassoun opened a branch of the Benevolence International Foundation (BIF) in Plantation, Florida. This office was within five minutes of Padilla’s job at Taco Bell. The group’s extremist views influenced the malleable Padilla. The U.S. government now designates BIF as a terrorist organization. BIF’s front is an Islamic charity organization. The U.S. and United Nations have revealed conclusive evidence that BIF serves as a front for money laundering for al-Qaeda.¹⁶ Hassoun was convicted of many charges, ranging from providing material support to terrorists to perjury, and other offenses concerning weapons and assault.¹⁷ Hassoun’s colleague, Kifah Wael Jayyousi was also charged and convicted during the trial.

Padilla left the U.S. in 1998 to travel abroad and study Arabic. He spent a year and a half in Cairo, then went on a hajj, or religious pilgrimage, in March of 2000 to Saudi Arabia. During this trip he met an al-Qaeda recruiter. After this initial meeting, Padilla was sent to the infamous Al Farouq terrorist training camp in Afghanistan from September to October of 2000. During those two months, he received technical training on the “AK-47, G-3, M-16, Uzi and other machine guns...topography; communications; camouflage; clandestine surveillance; explosives, including C-4 plastic explosives, dynamite and mines; as well as physical fitness and religious training.”¹⁸

Padilla admitted to this training during U.S. interrogations. However, no conclusive evidence was found as to his actual capabilities or proficiency at any of these technical tactics.

His lack of technical education and his poor performance during high school suggests that his actual proficiency was questionable. While he received bomb-making training from al-Qaeda, the technical complexities of such an intricate and detailed task reasonably outreached his mental capacity. Even tasking him with

¹³ “Padilla Gets 17 Years in Conspiracy Case,” *New York Times*, January 23, 2008.

¹⁴ His conversion to radical Islam during incarceration was not uncommon. Recently, American prisons have been even been called, “terrorist breeding grounds.” Theodore Dalrymple, “Islam’s Captive Audience,” *The Claremont Institute*, April 5, 2010.

¹⁵ Susan Candiotti, “Feds Arrest Man Linked to ‘Dirty Bomb’ Suspect,” *CNN*, January 25, 2007.

¹⁶ “UN List of Affiliates of al-Qaeda and the Taliban,” United Nations, October 17, 2007.

¹⁷ “Two Defendants Charged in Florida with Providing Material Support to Terrorists,” United States Department of Justice.

¹⁸ Steven Emerson, *Jihad Incorporated: A Guide to Islam in the U.S.* Amherst, New York: Prometheus Books, 2006, 72.

identifying vulnerable radiological materials would be a difficult stretch considering his meager intellectual and employment history.

During 2001 Padilla met with Abu Zabaydah, an al-Qaeda operative, and received explosive training in Lahore, Pakistan. Padilla was probably recruited by al-Qaeda because of his disgruntled attitude towards the U.S., his adherence to radical Islam, and his extremely high malleability. Al-Qaeda was attractive to Padilla because, as with his membership in the Latin Kings, the organization provided the inclusive in-group identity he sought to maintain throughout his life.

3. Motivation

Padilla's motivation stemmed from personal grievances rather than abstract anger with American culture. While religious conversion was Padilla's first step toward terrorist involvement, his personal history and malleable character were likely stronger factors. Padilla strived for group involvement and acceptance his entire life. A comment by Brian Jenkins of the RAND Corporation is applicable to Padilla's pathway to terrorism: "few of America's accused terrorists seem to have arrived at jihadism through a process of profound spiritual discernment. We have no metric for measuring faith, but the attraction of the jihadists' extremist ideology for these individuals appears to have had more to do with participating in action than with religious instruction."¹⁹ Padilla's motivation was personal; it derived from his insecure need for inclusion and from his imprisonment frustrations.

4. Goals

Padilla voiced no intended goals, nor did the federal investigation discover any overall objective goals. His arrest was preemptive. Once again, Jenkins: "Most of the plots could be described as more aspirational than operational."²⁰

5. Plans for Violence

Padilla's first plan for violence with al-Qaeda involved bombing apartment buildings with natural gas. His second plan was to create a dirty bomb by wrapping uranium with explosives to detonate in U.S. high-rise buildings.²¹

The likelihood of success of such plans is undeterminable due to lack of relevant information. Details of Padilla's admitted plot were revealed during his interrogations, and this information has not been made public. Consequently, dirty bomb accusations were dismissed because the information was obtained through interrogations, making it impermissible. While determining the exact effectiveness of the plot is unfeasible, Padilla's poor education and intellectual background did not present an encouraging outcome for al-Qaeda. His brief technical training could not reverse a lifetime of unintelligence. Padilla's inexperience correlates to Michael Kenney's commentary on preemptive terrorist arrests. "Terrorists' poor tradecraft provides alert law enforcers with critical leads

¹⁹ Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 23.

²⁰ Jenkins, *Would-Be Warriors*, 20.

²¹ Emerson, *Jihad*, 73.

they can use to identify their attackers, unravel their plots, and—sometimes—disrupt their operations before they cause additional harm.”²²

Abu Zubaydah, a captured al-Qaeda lieutenant, cooperated with American officials and surrendered information regarding Padilla’s training in Afghanistan. Zubaydah reported working with Padilla at a terrorist training camp. He stated that Padilla had been assigned the job of finding useful radioactive material within America. That material would then be incorporated into a dirty bomb.²³

6. Role of informants

Padilla was accosted without the use of any U.S. informants. Presumably the testimony of Abu Zubaydah was important.

7. Connections

As Jenkins stated of Padilla, “there is no question of his al-Qaeda connection.”²⁴ Padilla was connected to many influential al-Qaeda operatives. He was chosen by 9/11 master planner Khalid Shaikh Mohammed (KSM) in March of 2002 for involvement on a plot within the United States that involved detonating a radiological dirty bomb in three high-rise buildings. Padilla also met with Mohammed Atef, another al-Qaeda military commander in early 2001. Atef financially supported Padilla, even funding a trip for him and his wife to Egypt. Padilla also received money from Ammar Al Baluchi and KSM, and further training under Ammar al Baluchi.²⁵ In Pakistan Padilla had produced the most incriminating evidence of his trial: a fingerprinted al-Qaeda document which, it was claimed, served as an application.²⁶

Padilla’s value to al-Qaeda is undeterminable. His unintelligence may have been countered by his willingness to please those he considered superior. His background as a U.S. citizen and familiarity with the nation added to his value in the terrorists’ eyes. His propensity for violence was another factor contributing to Padilla’s attractiveness.

8. Relation to the Muslim community

Padilla was not an active participant of the Muslim community in America. After his conversion, he maintained relationships with only a few members of the community. He largely remained an outlier from the Muslim community until he traveled internationally and attended the terrorist training camp in Pakistan. Padilla’s social marginalization continued even after his religious conversion, which contributed in major ways to his radicalization. It has been argued that “[t]he creation of robust Muslim-American communities may serve as a preventative measure against radicalization by reducing social isolation of individuals who may be at risk of becoming radicalized. The stronger such

²² Michael Kenney, “‘Dumb’ Yet Deadly: Local Knowledge and Poor Tradecraft Among Islamist Militants in Britain and Spain,” *Studies in Conflict & Terrorism*, October 2010.

²³ “Backgrounder: Jose Padilla,” *IntelWire*, April 2004.

²⁴ Jenkins, *Would-Be Warriors*, 27.

²⁵ Emerson, *Jihad*, 73.

²⁶ James Jay Carafano, *Backgrounder: U.S. Thwarts 19 Terrorist Attacks Against America Since 9/11*, Heritage Foundation 13 November 2007

communities are, in terms of social networks, educational programs, and provision of social services, the more likely they are to identify individuals who are prone to radicalization and intervene appropriately.”²⁷ Had Padilla been embraced by a peaceful Muslim community and found group inclusion there, his international travel may not have led to such extremist ties.

9. Depiction by the authorities

Most U.S. authorities involved in Padilla’s case depicted him as a threatening terrorist capable of detonating a dirty bomb to devastating effect. In May of 2002, Attorney General John Ashcroft announced that the government had thwarted a dirty bomb plot, and that Padilla had been extensively involved. Padilla’s classification as an enemy combatant further demonized him. The Authorization for Use of Military Force (AUMF) significantly expanded Presidential power over detainees. This expansion of power was justified by concerns for protecting homeland security, stemming from the terrorist attacks of September 11, 2001. The AUMF reasoned that the attacks “. . . render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad.”²⁸

A month after Padilla’s formal indictment, the U.S. Court of Appeals for the Fourth Circuit expressed its opinion on the matter. Circuit Judge J. Michael Luttig wrote the opinion, and it starkly contrasted with the executive branch’s view of the case. Luttig’s opinion criticized Padilla’s treatment for two reasons. The first was that Padilla was detained for such a prolonged period of time without indictment. The second criticism was that the Bush administration convinced a Florida grand jury to issue Padilla’s indictment conveniently a few days before his retrial in appellate court. Luttig stated that the administration thus compromised its credibility before the courts.²⁹ The timely indictment was viewed as demeaning to the judicial system by side-stepping adjudicatory authority on Padilla’s prolonged detainment.

On April 3, 2006, Padilla’s third appeal attempt was rejected by the Supreme Court. Chief Justice John Roberts stated that he and the other justices would be monitoring Padilla’s trial to make sure that he received the protections, “guaranteed to all federal criminal defendants.”³⁰ The Supreme Court’s role in the case was less biased than the Bush administration’s role.

10. Coverage by the media

Media coverage of Padilla’s arrest, indictment and trial falls under one of two staggeringly different viewpoints. On the one hand, conservative media sources and supporters of the Bush administration portrayed Padilla as a menacing terror threat bent on detonating a dirty bomb and killing innocent

²⁷ Charles Kurzman, Ebrahim Moosa and David Schanzer, “Anti-Terror Lessons of Muslim-Americans,” National Institute of Justice, January 6, 2010.

²⁸ “Authorization for Use of Military Force,” Public Law 107-40, September 18, 2001.

²⁹ Michael McGough, “How Do You Solve a Problem Like Padilla?” *Pittsburgh Post-Gazette*, January 2, 2006.

³⁰ “Judge Roberts, Meet Jose Padilla,” *St. Petersburg Times*, September 25, 2005.

American civilians. On the other, civil rights organizations and liberal media sources depicted Padilla as a tortured victim of the overbearing rights-abolishing administration.

During the initial media coverage of Padilla's arrest, the dirty bomb plot was sensationalized in the media. His arrest was only eight months after September 11th and the nation was still fascinated by alarmist publicity of suspected terrorist arrests. Although Padilla was originally arrested for plotting to detonate a dirty bomb, charges corresponding to that arrest never surfaced. No reference to a dirty bomb was used during his lengthy criminal trial. Nonetheless, "dirty bomb" was widespread during media coverage. Bruce Schneier, an expert on security and intelligence commented in 2006 on Padilla's plot to release a dirty bomb: "it seems that the charges were severely overstated."³¹

In addition to media commentary that the dirty bomb threat was inflated, discrepancies over Padilla's classification and detainment as an enemy combatant emerged. Conservative sources continued to emphasize his role as a threatening terrorist, while liberal media sources expressed outrage at Padilla's status and imprisonment. *Mother Jones*, a liberal media publication, described Padilla's experience after being named an enemy combatant, "[a] military plane whisked him to a Navy brig in South Carolina—and into a legal black hole where he would be held indefinitely without being charged with a crime."³²

Donna Newman was Padilla's primary defense attorney. The liberal media reflected her frustrations with the administration's use of power concerning enemy combatants. "This is just another example of the strategy that the administration is using...rather than proceed with a trial—Mr. Padilla's version of the events would be heard at a public trial—the government has taken the cause of secrecy and determined what and when they will release information without giving Mr. Padilla an opportunity to be heard."³³

The liberal media emphasized Padilla's alleged torture as grotesque human rights abuses. The *Christian Science Monitor* reported that, "Padilla's cell measured nine feet by seven feet. The windows were covered over... He had no pillow. No sheet. No clock. No calendar. No radio. No television. No telephone calls. No visitors. Even Padilla's lawyer was prevented from seeing him for nearly two years."³⁴ Not only did the media claim human rights abuses, but news also circulated about violations of basic constitutional rights. It was claimed that LSD and PCP drugs were used during his imprisonment to break Padilla's determination to remain silent. If true, his right against forceful self-incrimination would have been clearly violated. Documents and memorandums from the Naval Consolidated Brig in Charleston, South Carolina, were leaked in October of 2008. These documents included information regarding officers' concerns over the ill treatment of their prisoners. Padilla was mentioned as being incarcerated in

³¹ Bruce Schneier, *Beyond Fear, Thinking Sensibly About Security in an Uncertain World*. New York: Copernicus, 2003, 165.

³² Sargent, "Jose Padilla."

³³ "Attorney: U.S. Won't Give Padilla Forum to Defend Himself," CNN Justice, June 1, 2004.

³⁴ Warren Richey, "U.S. Government Broke Padilla Through Intense Isolation," *Christian Science Monitor*, August 14, 2007.

similar conditions to fellow prisoner, Yasser Hamdi, who underwent harsh isolation and lack of stimuli.

11. Policing costs

The policing costs of Padilla were immense. Padilla spent nearly six years in prison before even beginning his seventeen-year sentence. Twenty-three incarcerated years would cost over \$600,000, according to fiscal year 2007-2008 Florida inmate statistics.³⁵ That estimate is considerably low since it excludes any special medical necessities or treatments. Padilla's detainment warranted many more expenses as skilled interrogators paid him frequent visits. The extensive investigative work on Padilla prior to and after his arrest furnished exorbitant additional costs. Finally, Padilla's court costs were extremely expensive because of the multiple appeals and lengthy proceedings.

12. Relevance of the internet

There is no conclusive information that Padilla used the internet to facilitate his recruitment to al-Qaeda, although it is very plausible that the internet assisted his communication with terrorists. There is evidence that Padilla used the internet to research a "nuclear improvised bomb."³⁶ It is doubtful that his internet self-training was effective.

The internet also played a role in Padilla's case by serving as a medium by which the opposing views on his case voiced their opinions. Some praised the government for foiling a terrorist plot before its execution, and they adamantly supported harsh sentencing. Others were appalled by the Bush administration's suspension of habeas corpus, amongst other rights and liberties.

13. Are we safer?

As a result of Padilla's arrest and imprisonment, the general public is safer. Padilla's violent and aggressive history posed a threat to society, even without his association with al-Qaeda. That Padilla could have fabricated and set off a radiologically laced bomb is highly doubtful, but his personal insecurities, his desire for inclusion, and his violent tendencies made him a prime candidate for a less technical terrorist plan. If Padilla had not been apprehended, his involvement with al-Qaeda would have increased and he could have been an easily manipulated tool to cause harm according to their agenda.

Imprisoning Padilla may have improved safety, but the media outrage at his improper treatment instigated contrasting effects to that safety. Resentment for detainment without charges, claims of civil liberties' encroachment, and disgust at alleged racist government actions undoubtedly provided motivation for other borderline extremists. Additionally, the trial and sentencing only planted more resentment in Padilla, a man already prone to violent behavior. His release from the ADX Florence "Supermax" prison in Colorado is projected for March 28, 2021. He will be fifty-one years old and may be enraged at the American judicial system. Padilla's extreme frustration coupled with his aggressive history and

³⁵ *Cost of Imprisonment*, Florida Department of Corrections, June 2009.

³⁶ Emerson, *Jihad*, 73.

possible disillusionment from alleged torture poses a threat to American safety upon his release.

14. Conclusions

Jessica Stern explains that efficient terrorist organizations excel at creating the terrorist “product.” Padilla effectively fits the mold of a terrorist “product”: he was a well-manipulated follower with an extremely impressionable mindset and a propensity for violence. Stern characterizes terrorists as targeting non-combatants and using violence for dramatic purposes. Padilla would have no hesitation to contribute to dramatic violent attacks on civilians; he independently acted with dramatic violence on civilians prior to his terrorist involvement.³⁷

Jose Padilla’s conviction of “conspiring to murder, kidnap and maim” adequately fit his criminal activity and propensity for aggressive violence. Had Padilla not been arrested, he likely would have continued with his violent tendencies. His involvement with al-Qaeda may have amplified any independent meager acts he would have committed into better executed plans of attack.

The five years between Padilla’s initial arrest and final sentencing were riddled with controversy. The main discrepancy was whether or not Padilla and other detainees could be categorized as enemy combatants. If so, it was debated whether or not it was constitutional for the President to use the Authorization for the Use of Military Force to suspend the writ of habeas corpus for enemy combatants. Further controversy ensued when documents describing instances of mistreatment and torture were leaked. Padilla’s mental incompetency was his strongest line of defense at the final trial, but discrepancies in the testifying psychologist’s reports lead the jury to dismiss those claims.

The U.S. is safer with the incarceration of Padilla. His extensive al-Qaeda involvement posed a threat to the American public. However, Padilla’s extensive detainment without respect to his right of habeas corpus and with allegations of severe interrogation tactics detract from the efficiency of the administration’s investigation, and may serve as motivation to more radical terrorists.

Many lessons can be drawn from Padilla’s experience in the American judicial system. The executive branch must maintain a better balance of power with its judicial counterpart. The Bush administration strongly angered many unbiased judicial officials with its executive orders and control on Padilla’s case. Also, the administration did a haphazard and untimely job of detailing legitimacy for detainment. Padilla spent years as a detainee without any formal charges, which arguably violated his right as a U.S. citizen.

The administration also learned valuable lessons regarding its interrogation techniques. Because Padilla’s most valuable confessions were obtained during severe interrogation, they were inadmissible in court. Had the administration allowed the courts to try Padilla in civilian court, or had it used acceptable forms of questioning, his incriminating dirty bomb evidence would have produced a much harsher sentence. Jose Padilla’s role as an early case of modern jihadist terrorism served as a learning experience for the Bush administration and for the judicial system.

³⁷ Jessica Stern, *Terror in the Name of God*. New York: Harper Collins, 2003.

Case 4: El Al at LAX

John Mueller

January 16, 2014

Less than a year after 9/11, on the fourth of July (his birthday) a 52-year-old legal immigrant from Egypt who had grievances about the treatment of Palestinians by Israel, walked into the Los Angeles airport, reached the El Al counter, and fired with two pistols, killing two. He was then gunned down and killed by an El Al security guard.

The attack occurred at a time when, as Jane Meyer puts it, that “the only certainty shared by virtually the entire American intelligence community was that a second wave of even more devastating terrorist attacks on America was imminent.”¹ The Los Angeles attack scarcely fit that frame, and it was initially labeled a hate crime rather than terrorism. Supporting this judgment was the fact, that there was, as Zachary Zaerr notes, “no network to trace, no manifesto to discover, no understandable method to the madness.” The man generally seemed well-adjusted and did not appear to be terribly ideological or religious. He was having difficulties in his business, and may have been emotionally depressed. Months later, both the FBI and the Department of Justice decided, however, that the attack did indeed “fit the definition of terrorism” particularly because the shooter bypassed so many other ticket counters to target El Al.

¹ Jane Mayer, *The Dark Side* (New York: Doubleday, 2008), p. 3

Case 4: El Al at LAX

Zachary Zaerr

February 21, 2014

1. Overview

Shortly after 11:00am on July 4, 2002, 52 year old Egyptian immigrant Hesham Mohamed Hadayet parked his Mercedes in an airport parking lot near Los Angeles International Airport.¹ By approximately 11:30am he had made his way to the El Al ticket counter.² Moments later he opened fire on those near the ticket area with a .45 caliber Glock handgun.³ Less than a minute after he opened fire, Hadayet lay dying from an El Al security guard's gunshot, having killed two—25 year old El Al ticket agent Victoria Hen and 46 year old Yaakov Aminov, who had just dropped off a friend who was flying out—and injured three more.⁴ The whole ordeal lasted but a few minutes, though it took a full nine months until the FBI was able to gather the information it felt necessary to release a full report on the incident.

2. Nature of the adversary

The son of a retired Egyptian Air Force General, Hesham Mohamed Hadayet was born into a comfortable life in an upper-class Egyptian family, but chose to immigrate to the United States in 1992 with his wife and 2 year old son.⁵ His family said he had come to the United States with great excitement. Emad al Abd, Hadayet's Cairo-based cousin, said, "Since he was 13 or 14 he wanted to go to America... He used to say, 'It's a beautiful country.' He was like any young man, dreaming of a good life in the States."⁶ A few years after getting married, he left a successful banking career in Egypt to take a chance at the American dream.⁷ He seemed to embrace the essence of the American dream as soon as he arrived in the United States. His reaction to paying a large taxi cab bill was not distaste, but a desire to start a taxi company of his own. Bob Milstead, an American acquaintance of Hadayet, said, "He told me how he landed at LAX to begin his new life... He took a cab, and it was expensive, and he thought, wow! I'm going to get into this. You can make a lot of money."⁸ Mr. Milstead contradicted Hadayet's cousin's claim, saying that Hadayet had made the trip to the United States to escape trouble he faced for "some accounting thing he did... [Hadayet] said he was framed."⁹

¹ Frank Buckley, "LAX victims buried in Los Angeles," CNN.com, July 7, 2002.

² Judy Muller, "FBI: Gunman Went to LAX to Kill," abcnews.com, July 5, 2002.

³ Muller, "FBI: Gunman Went to LAX to Kill."

⁴ Rick Lyman and Nick Madigan, "Los Angeles Airport Gunman Slays 2 and Is Killed by Guard," NYTimes.com, July 05, 2002.

⁵ Robyn Dixon, Jack Leonard, and Rich Connell, "Those Who Knew LAX Killer Say Personal Agenda Died With Him," LATimes.com, July 14, 2002.

⁶ Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

⁷ Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

⁸ Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

⁹ Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

After his six month visa expired, Hadayet sought asylum under the claim that he would face persecution in Egypt for being inaccurately accused of being a radical Islamist by the Egyptian government. Around this time he worked part time for a branch of Bank of America, as well as working as a taxi driver.¹⁰ He was robbed during his first week of working as a taxi driver—at which point he was advised by a fellow cab driver to arm himself for defensive purposes. At some point between the robbery and summer 2002 Hadayet legally purchased the two handguns that he used during the LAX attack.¹¹

He applied for asylum in 1992, telling the Department of Justice and the Office of the Inspector General of the Immigration and Naturalization Service that “Egyptian authorities falsely accused and arrested him for being a member of the Islamic Group Gama'a al-Islamiyya, which is on the U.S. Department of State's Foreign Terrorist Organizations list.” The INS denied the request and placed him in removal proceedings. However, because he failed to “receive the notice of his immigration hearing date due to an incorrect mailing address,” the proceeding was terminated.¹²

Although his asylum request was denied, he was able to avoid deportation through his wife, who won a US State Department “Diversity Visa Program” lottery. This allowed her to gain permanent residency, and granted her husband a green card as well. The controversial program “makes available up to 55,000 diversity visas annually, drawn from random selection among all entries to persons who meet strict eligibility requirements from countries with low rates of immigration to the United States.”¹³ The testimony of William Yates, Department of Justice, to the House Subcommittee on Immigration, Border Security, and Claims, House Committee on the Judiciary, regarding how Hadayet had been allowed to legally stay in the United States is furnished in an Appendix below. It also includes a detailed account of Hadayet’s immigration proceedings.

The entrepreneurial spirit that led him to work as a cab driver later influenced his decision to open his own limousine service in 1997 out of his home in Irvine, California. For a period of time he even employed another driver, but at the time of his death the limousine business had been operating at a much slower pace.¹⁴ He was distressed over the lack of business he had following 9/11, which caused a decrease in business travel for a time, and his liability insurance was dropped in November 2011 when he failed to pay the monthly bills.¹⁵

Hadayet had two young boys, aged 12 and 7 at the time of his death. Neighbors knew his children well and described the boys as typical American kids who enjoyed collecting baseball paraphernalia and comic books.¹⁶ Hadayet’s wife Hala was considered the more outgoing of the two, and one neighbor family

¹⁰ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

¹¹ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

¹² Report Number I-2003-004, “The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders,” Justice.gov, February 2003.

¹³ US State Department, “Diversity Visa (DV) Program,” travel.state.gov.

¹⁴ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

¹⁵ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

¹⁶ Chuck Squatriglia and Bill Wallace, “Airport gunman jolted by Sept. 11 / Authorities find no link to terror groups,” sfgate.com, July 6, 2002.

recalled her as a very polite, yet quiet, woman. Hesham Hadayet was more known for his attention to his limousine company, with neighbors commonly seeing him detailing either his limousine or one of his two Mercedes-Benz sedans.¹⁷ The family had been involved in one domestic dispute, but police declined to file charges as there were no signs of physical harm to either Hesham or Hala.¹⁸ While family and neighbors expressed disbelief that he could engage in the LAX attack, a former employee of Hadayet said that he had heard Hadayet complain that he hated all Israelis.¹⁹ Another former employee recalled previous conversations with Hadayet, mentioning that he watched Al Jazeera Network at home, and saying, “He blamed Israel for what was going on [in the Middle East]... He had nothing against Americans.... He's not hateful for the American people on the street.... He loved this country. He loved freedom of speech. He told me, 'I'd like to be a U.S. citizen. I like to pay my taxes. I want to raise my children here.’”²⁰

Hesham Hadayet came from a moderate religious family in Egypt, but his religious attitude seems to have undergone a radicalizing shift while in the United States.²¹ His wife was thought to be the most devout of the family; often proselytizing to a neighbor teen and always seen wearing a traditional head covering.²² Hadayet had a good natured conversation with an acquaintance at a Garden Grove, California mosque the evening before the LAX attack, joking that he knew it had to have been another Egyptian who accidentally turned off the lamp he was using to read the Koran.²³ So far as can be known, no indication was given to those at the mosque of any intent to do harm to others. The Los Angeles Muslim Public Affairs Council reached out to mosques in the LA area, but Hadayet was a relative unknown to the Muslim community.²⁴

3. Motivation

Hadayet was motivated by a handful of grievances and quite possibly depression. The attack occurred on his 41st birthday, July 4, 2002, while his wife and two young sons were on vacation in his native country, Egypt. He was enduring a time of serious financial difficulty with the recession and post 9/11 travel slowdown, remarking to a then-employee that it cost him \$1,800 a month just to keep his limousine running and on the streets.²⁵ The combination of having his family out of the country on his birthday and struggling financially took an obvious toll on his morale. He did call his father and wife early on his birthday to speak to them, and seemed to be in good spirits—his wife said that his voice sounded “very beautiful”—leaving no indication of worry on their part.²⁶

¹⁷ Squatriglia and Wallace, “Airport gunman jolted by Sept. 11.”

¹⁸ AP, “LA Airport Shooter Drew Little Attention,” foxnews.com, July 7, 2002.

¹⁹ AP, “INS: Airport Gunman Almost Deported,” foxnews.com, July 7, 2002.

²⁰ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

²¹ Greg Krikorian, “No Link to Extremists in LAX Shootings,” LATimes.com, April 12, 2003.

²² Squatriglia and Wallace, “Airport gunman jolted by Sept. 11.”

²³ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

²⁴ AP, “INS: Airport Gunman Almost Deported.”

²⁵ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

²⁶ Holguin, “LAX Gunman's Wife Blames US,” cbsnews.com, February 11, 2009.

The 9/11 terror attacks heavily impacted his attitude toward the people around him, leaving him more reserved than before and aware of what he perceived as others' disdain for Muslims. Perhaps contributing to this feeling was an small interaction he had with a neighborhood family. He offered a Jewish neighbor's daughter a good price on a limousine ride to her prom, but the father refused, saying he was uncomfortable doing business with Hadayet since he was a Jew and Hadayet was a devout Muslim.²⁷ An intense anti-Israeli view seemed to develop over his time in the United States, much more so than the casual, cultural anti-Israeli perspective on Mideast politics that a former employee thought Hadayet displayed.²⁸ Another former employee mentioned an outlandish claim that Hadayet once alleged, "Israelis tried to destroy the Egyptian nation and the Egyptian population by sending prostitutes with AIDS to Egypt."²⁹ Despite this, we have no indication that this attitude toward Israel fostered significant anti-American sentiment. The Hadayet family had an American flag hanging from their front door for several months after the 9/11 attacks.³⁰ It appears his anger was only aimed at Israel and their relations with their neighboring countries.

4. Goals

Hadayet's goals are difficult to determine. With no manifesto or accomplices, we are forced to piece together what could be his possible objectives when he attempted a very limited attack. We do know that he passed up multiple ticket counters, heading directly for the Israeli government-owned airline, El Al.³¹ If Hadayet had the objective of killing random civilians, he could have headed to any other ticket counter. Since he bypassed other counters, the US and Israel deemed his act to be an effort to sway opinion in favor of the Palestinians.³² Yuval Rotem, Israel's consul general in Los Angeles, said, "[The] gunman skipped dozens of other foreign airline counters to target El Al..."³³ The decision to target the El Al airline ticket counter shows a desire to explicitly kill Israeli nationals, or even those who were visiting the Jewish state, as El Al deals exclusively with flights to and from Israel, as they are owned and run by the Israeli government. Some of his previous statements recorded in the previous section indicate he also held the view that Israeli policy was harmful to his native Egypt. As for the goal of his attack itself, the information available points only to his desire to kill what he must have deemed representatives of Israel itself.

5. Plans for violence

On the day of the attack Hesham Hadayet put on a dark suit, armed himself with a .45 caliber Glock handgun, a 9mm Glock handgun, and a 6 inch

²⁷ AP, "Neighbor's American Flag Angered Gunman," foxnews.com, July 5, 2002.

²⁸ Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

²⁹ Tom Tugend, "Lives cut short: mourning the victims of LAX attack," jweekly.com, July 12, 2002.

³⁰ Squatriglia and Wallace, "Airport gunman jolted by Sept. 11."

³¹ Tom Tugend, "Isolated Shooting or Terror Attack? U.S., Israel Have Different Answers," jewishfederations.org, July 7, 2002.

³² CNN, "FBI, Justice: El Al attack was terrorism," CNN.com, April 12, 2003.

³³ Tugend, "Isolated Shooting or Terror Attack? U.S., Israel Have Different Answers."

hunting knife, drove his Mercedes to the parking lot of the LAX airport, walked inside, made his way to the El Al ticket counter, drew his .45 caliber handgun and began firing.³⁴ It is clear that Hadayet went to the airport with the intent to carry out a violent attack. Because of previous incidents involving terrorist attacks against El Al, the US and Israel formerly negotiated to allow Israeli armed guards in El Al terminals.³⁵ Haim Sapil, an El Al security guard, managed to shoot and kill Hadayet, despite having been both stabbed by Hadayet's six inch hunting knife and shot in the lower body by Hadayet's powerful .45 caliber Glock handgun.³⁶

6. Role of informants

There were no informants involved in this case.

7. Connections

Despite Hadayet's original claim for asylum, which was submitted on the grounds of being a falsely accused member of Gama'a al-Islamiyya, a FBI investigation found no link to any extremist groups. There appears to be no one else involved in any stage of the attack—his wife vehemently denied any possibility that he had played any part in the attack, claiming that he must be being framed due to American citizen's hatred of Muslims after the terror attacks of 9/11.³⁷ More discussion with Hadayet's wife revealed a very sorrowful response, "I came here for two months, just for the summer. It has been the worst two months of my life. If I had been with Hesham in the U.S., this might never have happened."³⁸ The attack seems, then, to have been carried out without any form of outside consultation.

8. Relation to the Muslim community

As noted earlier, Hadayet was an unknown in the Muslim community. During the funeral for one of the victims, Israeli-American Yaakov Aminov, a rabbi criticized the Muslim community for not being outspoken enough against terror attacks. It should be noted, however, that multiple LA-based Arab and Muslim groups had already stated their sorrow over this particular attack and disavowed violence in general.³⁹ If Hadayet was radicalized, this appears to have been an individual change, rather than one impacted by mosque attendance or by membership to any community group.

9. Depiction by the authorities

The FBI was extremely careful in how they responded publically to the incident--so careful, in fact, that Israeli government representatives very publically disagreed with the FBI over its failure to classify the attack as a terror

³⁴ Lyman and Madigan, "Los Angeles Airport Gunman Slays 2 and Is Killed by Guard."

³⁵ Ted Rohrlich, "U.S. Pact Allows Use of Armed El Al Guards," LATimes.com, July 6, 2002.

³⁶ Lyman and Madigan, "Los Angeles Airport Gunman Slays 2 and Is Killed by Guard."

³⁷ Holguin, "LAX Gunman's Wife Blames US."

³⁸ Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

³⁹ Holguin, "LAX Gunman's Wife Blames US."

attack for an extended period of time.⁴⁰ The spat between US and Israeli officials arose over differing definitions of what constitutes a terror attack. US officials weren't keen to call it a terror attack, seemingly because they would want to play down any panic less than a year after 9/11. US officials originally considered the potential for the attack to be a hate crime, which the FBI defines as a "...criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, ethnic origin or sexual orientation." The FBI defines a terrorist attack as one that "is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct..." The understandably difficult determination has to be made as to whether this attack was made simply out of hate for Jewish people, or if there was an attempt to influence or respond to a government policy. The FBI and Justice Department eventually came to the conclusion that Hadayet's shooting action at LAX was indeed a terror attack.⁴¹ They deduced that the attack was terror based on the clearly premeditated targeting of the El Al terminal over a multitude of closer, more accessible options.

10. Coverage by the media

Less than a year after the largest terror attack in US history, on the fourth of July, any shooting would have certainly been very closely covered by all media outlets—and this incident was. The *Los Angeles Times* had a phenomenal article with a very detailed account of Hadayet's life only ten days after the shooting.⁴² The overall depiction in the media was speculative, yet responsible. Jewish media, such as JWeekly and Jewish Federations, had understandably negative reactions to the FBI's inability to quickly classify the attack as terrorism—although they also pointed out that the semantics did not matter nearly as much as the pain inflicted upon the victim's families.⁴³ Certain articles mentioned that Hadayet's family had left the country the week just before the shooting, but after the initial reports this misunderstanding was cleaned up.⁴⁴

The only substantial rumor that wasn't totally cleared up was a belief that Hadayet had complained about his neighbor hanging a large American flag above his door.⁴⁵ The overall narrative of this story, which was an AP report, implied that Hadayet had an implicitly anti-American sentiment which he had expressed to his apartment complex. A subsequent AP article clarified that no record of a report on Hadayet complaining about an American flag could be found, although a neighbor had mentioned it in an interview (the neighbor whose flag was in question declined to comment).⁴⁶

⁴⁰ Tugend, "Isolated Shooting or Terror Attack? U.S., Israel Have Different Answers."

⁴¹ CNN, "FBI, Justice: El Al attack was terrorism."

⁴² Dixon, Leonard, and Connell, "Those Who Knew LAX Killer."

⁴³ Tugend, "Lives cut short: mourning the victims of LAX attack."

⁴⁴ Krikorian, "No Link to Extremists in LAX Shootings."

⁴⁵ AP, "Neighbor's American Flag Angered Gunman."

⁴⁶ AP, "LA Airport Shooter Drew Little Attention."

11. Policing costs

The perpetrator was killed by undercover Israeli police shortly after he opened fire in LAX, therefore no trial occurred. An FBI review of the situation lasted approximately 9 months after the attack, with a report being issued on April 12, 2003 almost fully confirming earlier reports and suspicions of the case and officially calling the attack a terror attack rather than just a hate crime.⁴⁷

12. Relevance of the internet

Since Hadayet was the only individual involved in the attack, the internet has very little relevance in the case. A former employee of his limousine company mentioned that “Hadayet watched Arabic news on the satellite television station Al Jazeera and was upset about turmoil in the Middle East.”⁴⁸ After the attack, Hadayet’s computer was taken, but nothing substantial was found outside of confirming the belief that he acted alone without any terror network.⁴⁹

13. Are we safer?

As rare as they are, this incident was a true “lone wolf” attack. Hadayet was not a part of a terror network, nor was he likely to join one—in fact, he was not even a part of the Los Angeles Muslim community.⁵⁰ If we choose to believe the statements made by his family, this must have been some sort of random, depression-fueled rage he took out on a group of people he had animosity toward. If we choose to believe some statements gathered from a former employee, he was a ticking time bomb waiting to go off. My opinion tends to lean toward the former: he seems to have held radicalized views against the US and Israeli foreign policy, but he was not known to have expressed any statements advocating violence against ordinary citizens. It is fortunate that the El Al security guards were attentive and able to kill Hadayet before he was able to kill more than the two he did. Public safety at LAX and around the country has improved significantly since the attack, and likely some changes have been based on this attack itself.

14. Conclusions

Overall I feel very mixed emotions about this case. There are few lessons to be gleaned from it, other than airport security has to be attentive and secure to protect travelers. El Al already spends 16 times more on security than the average airline, and it is with good reason considering they have been the target of multiple attacks in the past few decades.⁵¹ A lesson we can take away from this case is that terrorism can manifest itself in many ways, irrespective of the body count. In a case like this, there is no network to trace, no manifesto to discover, no understandable method to the madness. Outside of beefing up airport security, there is no policy change that can prevent this type of event from occurring. All

⁴⁷ CNN, “FBI, Justice: El Al attack was terrorism.”

⁴⁸ Dixon, Leonard, and Connell, “Those Who Knew LAX Killer.”

⁴⁹ CNN, “FBI, Justice: El Al attack was terrorism.”

⁵⁰ AP, “INS: Airport Gunman Almost Deported.”

⁵¹ Rohrlisch, “U.S. Pact Allows Use of Armed El Al Guards.”

we can hope is that the leaders of individual community groups, religious groups, and political groups loudly advocate for peaceful movements toward change they desire, hopefully dissuading those who hope to commit acts of terror.

Appendix

STATEMENT

OF

**WILLIAM YATES
DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER
IMMIGRATION SERVICES DIVISION
IMMIGRATION AND NATURALIZATION SERVICE
DEPARTMENT OF JUSTICE**

REGARDING

HESHAM MOHAMED ALI HEDAYET

BEFORE THE

**HOUSE SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS
HOUSE COMMITTEE ON THE JUDICIARY**

**WEDNESDAY, OCTOBER 9, 2002
3:00PM
2141 RAYBURN HOUSE OFFICE BUILDING**

Mr. Chairman and Members of the Committee:

Thank you for this opportunity to share with you information resulting from the Immigration and Naturalization Service's (INS') review of its interactions with Hesham Mohamed Ali Hedayet, the Egyptian immigrant who shot and killed two people at Los Angeles International Airport on July 4, 2002. At the time of this tragedy, Mr. Hedayet was a lawful permanent resident of the United States. In December 1992, Mr. Hedayet filed an asylum application with INS. That application was denied in October 1995. Later, after his wife won a visa through the annual diversity visa lottery, Mr. Hedayet filed an adjustment of status application with INS. The INS interviewed him on this application and approved it in August 1997.

Particular attention to the INS role in this case was prompted by reports that Mr. Hedayet claimed in an asylum interview with INS that he had been falsely accused of belonging to Gama'a al-Islamiyya. The Department of State designated Gama'a al-Islamiyya as a terrorist organization in 1997, almost two years after INS denied his asylum application. Before I begin an overview of Mr. Hedayet's interaction with INS, I want to assure you a thorough review of all information available to INS about Mr. Hedayet's background reveals no enforcement or intelligence information that he was ever associated with a terrorist organization, or had engaged in any criminal activity prior to July 4, 2002. In addition, based on a thorough review of Mr. Hedayet's alien file, computer system records, and relating receipt files, INS has concluded that its decisions in connection with the asylum and adjustment of status applications were appropriate under the laws, regulations, policies and procedures in existence at the time.

My testimony will outline how INS followed regulations and procedures in place at the time Mr. Hedayet's applications were processed, and how INS has both improved processing procedures and strengthened security measures since then. However, it is important to understand that, even had Mr. Hedayet's applications been processed under the improved procedures in existence today, the outcome may have been the same. The current procedures, however, provide for a more thorough investigation and more opportunities to scrutinize potentially problematic cases.

As I noted, there was no evidence that Mr. Hedayet was ever associated with a terrorist organization or had engaged in criminal activity. The only indication that Mr. Hedayet could pose a threat to others in the United States was his own assertion that he was falsely accused of being a member of an organization that committed terrorist activities and that these allegations were used as a pretext to persecute him because of his religious beliefs. His asylum claim was found not entirely credible and was denied. There is no evidence that the alleged false accusation of his membership in the terrorist organization was true or that he was actually a member of such an organization.

A brief chronology of INS interaction with Mr. Hedayet is as follows:

On July 31, 1992, he was admitted to the United States as a visitor with permission to remain in the United States until January 25, 1993. The multiple entry B-2 visa, valid for one year, was issued on July 13, 1992 at the American Embassy in Cairo, Egypt. On December 29, 1992, Mr. Hedayet filed an asylum application claiming discrimination and police harassment due to his religious beliefs. An application for employment authorization accompanied the asylum application. The employment authorization application was approved on March 8, 1993, and an employment authorization document (EAD) was issued. Mr. Hedayet was interviewed regarding his asylum claim on March 30, 1993. He testified that he had been arrested and tortured multiple times, and was also made to sign documents admitting his membership in Gama'a al-Islamiyya. He states that he is not a member of Gama'a al-Islamiyya but of Assad Eben Furat Mosque Association, an organization that advocates the application of Islamic laws in Egypt.

On March 18, 1994, Mr. Hedayet applies to renew his EAD based on the pending asylum application. His application is approved and a new EAD is issued. On March 7, 1995, INS issues a Notice of Intent to Deny the asylum application. On April 27, 1995, the INS approves another renewal of Mr. Hedayet's EAD based on the pending asylum application.

The notice of denial on Mr. Hedayet's asylum application is dated October 19, 1995. In addition, the INS issued an Order to Show Cause charging him as a deportable alien based on his overstay of his visitor visa. These are returned to INS as undeliverable mail on January 30, 1996. In June 1996, INS renews Mr. Hedayet's employment authorization after reviewing his file and determining that he was not in deportation proceedings and therefore entitled to the EAD based on his pending asylum application.

Mr. Hedayet files an adjustment of status application in January 1997 as the spouse of a diversity visa recipient, and his fingerprints are submitted to the FBI for a criminal history check. In May 1997, the INS initiates name checks for derogatory information on Hedayet with the FBI and CIA. Mr. Hedayet is interviewed and his application is approved for adjustment of status on August 29, 1997.

Improvements to Asylum Processing

It is important to acknowledge that numerous improvements have taken place in the years since Mr. Hedayet first filed his asylum application. I would like to use the remainder of my statement to highlight these improvements in processing both asylum and adjustment of status applications.

First, it is likely Mr. Hedayet would have received personal service of charging documents placing him in removal proceedings two weeks after his asylum interview.

Second, if he failed to appear for his hearing before the Immigration Judge, it is likely he would have been ordered removed in absentia if the INS could prove he was served with the charging document. He would also have been ineligible for employment authorization because of his failure to appear.

Third, if he had appeared for his hearing before the Immigration Judge, he still would not have been eligible for employment authorization, unless his asylum application was granted by the Immigration Judge or was pending more than 180 days.

Fourth, as soon as INS received his application, it would have automatically sent his biographical information electronically to the Central Intelligence Agency (CIA) and Federal Bureau of Investigation (FBI) for background checks, and scheduled him to have his fingerprints taken at an Application Support Center.

Finally, his allegation of being accused of membership in a terrorist organization would have triggered referral of his case to Asylum Headquarters (HQASY), which would then consult with the National Security Unit and the National Security Law Division, for further scrutiny.

These distinctions are a result both of asylum reform and security measures INS has continued to strengthen over the past six years. In 1995, asylum reform streamlined the asylum process and created a seamless referral process, giving asylum offices access to the Immigration Courts' calendars to directly schedule referred applicants for hearing in Immigration Court. The requirement that most applicants return to be served with a decision ensures timely decision-making and clear evidence of service of charging documents.

Under asylum reform procedures, it is likely Mr. Hedayet would have been scheduled for an interview within 43 days from the date he filed his application. Importantly, he would have been scheduled to return to the asylum office two weeks after his interview to be served with the decision on his application. As he was found ineligible for asylum and was not in valid status, the asylum office would have personally served him with charging documents within 60 days from the date he applied for asylum, thereby placing him in deportation proceedings. The charging documents would have contained a time and date for his first hearing with the Immigration Judge. Because Immigration Judges are required by statute to complete most asylum cases within 180 days, in all likelihood, Mr. Hedayet would have received a final determination on his asylum application and, if found ineligible, received an order of deportation or voluntary departure, within 180 days from the date he applied for asylum. If he failed to appear for his hearing before the Immigration Judge, the Immigration Judge would likely have ordered him removed in

absentia, rather than have administratively closed the case, because INS would have been able to present proof of service of the charging documents.

Additionally, Mr. Hedayet would not have been eligible to apply for employment authorization until 150 days from the date he filed his asylum application. Further, he would not have been eligible for a grant of employment authorization, unless his application remained pending 180 days after the date of filing or was granted by the Immigration Judge. If Mr. Hedayet had not shown up to pick-up his decision two weeks after the interview, he would have been ineligible to apply for employment authorization. If he failed to appear for the hearing before the Immigration Judge, he would have been ineligible for employment authorization unless he could establish exceptional circumstances for the failure to appear.

Current directives require Asylum Offices to notify Asylum Headquarters (HQASM) of asylum claims involving potential terrorists, including any case in which an applicant claims he or she has been accused of terrorist activities or terrorist associations. However, at the time that INS denied Mr. Hedayet's asylum claim in April 1995, specific notification requirements for any asylum applicant who admitted to having been accused of being a member of a terrorist organization were not yet established. Moreover, the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) had not yet been enacted, so the current list of organizations designated as terrorist organizations by the Secretary of State pursuant to section 219 of the INA was not yet in existence. The Department of State published its first list of 30 terrorist organizations on October 8, 1997. It included the Gama'a al-Islamiyya.

At the time of the decision on Mr. Hedayet's asylum application, procedures required biographical information to be sent to the CIA by sending the CIA a copy of the Form G-325, Biographic Information, only if the case was recommended for approval. Also, at that time, a fingerprint card submitted by the applicant was sent to the FBI only if the case was recommended for approval. Under current procedures, electronic tapes with biographical information on all asylum applicants are sent to the CIA and the FBI. If those agencies have any adverse information on the applicant, that information is transmitted to INS' National Security Unit (NSU). All applicants are routinely scheduled to have their fingerprints taken electronically at an Application Support Center and the asylum application cannot be approved until INS receives the results of the FBI fingerprint check. In addition, background checks are conducted against the Interagency Border Information System (IBIS) on all asylum applicants at the time of filing and before a decision is made if the last check was done more than 35 days prior to the decision. The application itself is sent to the Department of State for an opportunity to provide any comments or information. Records indicate that Mr. Hedayet's asylum application, along with the asylum officer's assessment, were sent to the Department of State on January 30, 1995. No response was received which was standard procedure when the Department of State either had no interest in the case or no additional information to add to the case.

Improvements to Adjustment of Status Processing

The record of Mr. Hedayet's adjustment processing indicates that INS received his application on or before January 6, 1997, and that his fingerprints were forwarded to the FBI for a criminal history check on that date. In addition, Mr. Hedayet's adjustment of status application was filed with payment of the additional penalty sum, as required under section 245 (l) of the Immigration and Nationality Act (INA).

The INS Los Angeles District Office had jurisdiction to adjudicate the application despite the fact that an Order to Show Cause (OSC) had previously been filed with the Immigration Court. The controlling regulation at that time was found in 8 CFR 245.2(a)(1) as in effect on January 1, 1997, and states, "After an alien has been served with an order to show cause or warrant of arrest, his application for adjustment of status under section 245 of the Act or section 1 of the Act of November 2, 1966 shall be made and considered only in proceedings under part 242 of this chapter." Former Part 242 referred to deportation proceedings within the purview of the Immigration Court. In this case, the record clearly established that the OSC had not been served upon the Mr. Hedayet and, therefore, that INS had jurisdiction over the application.

At the time Mr. Hedayet filed his adjustment of status application, INS had discretion to serve him

with a copy of the OSC, or to adjudicate the application. If INS had decided to serve him with the charging document, the Immigration Court would then have had jurisdiction to adjudicate the adjustment of status application. As a general matter, INS exercises favorable discretion as early in its processes as possible in recognition of the government's and the alien's interest in avoiding unnecessary legal proceedings. Although Mr. Hedayet's record does not reflect the decision process not to serve him with the charging document, it would have been considered an unnecessary step to do so when he was prima facie eligible to adjust his status.

Improvements to Application Processing

Since INS adjudicated Mr. Hedayet's adjustment of status application, INS has made several improvements to application processing, particularly in the area of background checks. These improvements include:

- Electronic transmission of applicant fingerprint checks directly to the FBI after verification of applicant's identity by INS personnel;
- Confirmed FBI responses to fingerprint checks and review of criminal record, if applicable, before scheduling an applicant for interview;
- Electronic data exchanges with the FBI and CIA on biographic information;
- Adverse information revealed by FBI or CIA biographic information checks is transmitted to NSU and adjudication of the application withheld until the information is resolved;
- IBIS ("look out") checks on all applications and petitions at the time of filing and again before adjudication if the first check was conducted more than 35 days prior to adjudication; and
- A national Standard Operating Procedure governing all adjustment of status applications and a Quality Assurance program to ensure compliance with the standard procedures.

Conclusion

This concludes my testimony and I look forward to responding to any questions that you may have.

Case 5: Lackawanna

John Mueller

June 3, 2011

According to its chief planner, Khalid Sheikh Mohammed, the greatest difficulty the 9/11 plotters faced was getting their band of terrorists into the United States.¹ Obviously, finding like-minded Americans to help with the task would have been most useful and, accordingly, in the days, or years, before 9/11, al-Qaeda seems to have tried to recruit Americans to the cause. The fact that there were no Americans among the 9/11 hijackers may say something about the success of these efforts.

Far the best known, and perhaps the only truly systematic attempt to recruit Americans was conducted by Kamel Derwish, an American and an al-Qaeda operative who hailed from the Yemeni community in Lackawanna, New York, near Buffalo. An attractive and subtle propagandist, Derwish returned home and over several months collected a following of young Yemeni men. In the summer of 2001, he persuaded seven of them to go with him to al-Qaeda training camps in Afghanistan. Appalled at what they found, six of the seven returned home as quickly as they could. There was apparently another contingent of seven planning to go to the camps as well, but when they heard from the returning six about what the adventure entailed, they backed out. If they had actually gone, they would likely have undergone the same disillusioning process as the returnees. Then, after 9/11, the training camps were closed down by the American war in Afghanistan, and the issue became moot.²

This means that the extended efforts of Derwish and of his sometime collaborator, Juma al-Dosari (“the closer”), resulted in the recruitment of exactly one person—Jaber Elbaneh—and his value to the organization, it would seem, has been of very limited value. He was later arrested by, or turned himself in to, Yemeni authorities, and his further fate has been on hold as Yemeni authorities squabble over who will receive, or bargain to increase, the \$5 million reward the United States has been offering for Elbaneh and his extradition.³

The mesmerizing Derwish apparently retained standing in al-Qaeda despite his almost complete failure, but he was murdered, or summarily executed, along with a few other people by an American missile while driving through the Yemeni desert in 2002.⁴

In his excellent analysis of Muslim extremist terrorism in the United States since 9/11, Brian Jenkins warns that many cases “may rest heavily on an interpretation of the ultimate intentions of the accused. That puts the American justice system perilously close to prosecuting people solely on the basis of what is

¹ Terry McDermott, “The Mastermind: Khalid Sheikh Mohammed and the making of 9/11,” *New Yorker*, September 13, 2010.

² Temple-Raston, *Jihad Next Door*, 201-2.

³ Temple-Raston, *Jihad Next Door*, 206-10, 254.

⁴ Temple-Raston, *Jihad Next Door*, 195-98

in their hearts and on their minds.”⁵ However, arrests in the Lackawanna case were made for thoughts that *weren't* in the minds of any of the arrested—none was even *thinking* of doing anything violent. In true comic opera fashion, the arrests were triggered by some intercepted communications sent from one of the group, Muktar al-Bakri, who was in Bahrain to be married to a teenage girl selected by his parents. He mentioned something about the “next meal” being “very huge” and about the “big wedding,” and the FBI, inventively interpreting this to mean an attack was imminent, staged the arrests, even yanking the overly voluble al-Bakri from his wedding bed before he could consummate his marriage.⁶

This bizarre development stemmed from the FBI's notion that, although the members of the group were under constant surveillance, they needed to be arrested even before they got around to planning—that is, thinking about—an attack. As the much-decorated agent in charge put it, “We just couldn't take the chance. We just can't afford another al-Qaeda-type attack, and we have to intercept and prosecute the people who could strike out against us. Do I think they were going to do that? Probably not. But what if I was wrong? What would happen if they had a bad day? What would they do if some al-Qaeda member called them from the airport and asked them for a place to stay or a ride from the airport? Are we really sure they wouldn't help with that? I wasn't.”⁷ The logic is at best a bit opaque, but it seems to suggest that the FBI should arrest anybody who could commit violence whether they were prepared to do so, or were planning to do so, or were thinking about planning to do so, or might someday decide to house somebody who might think about doing so, or not—even if they thought their fears that any or all of this would ever come about were likely to be unjustified. And his suggestion that the Lackawanna boys could have pulled off something like 9/11 is pure fantasy.

FBI Director Robert Mueller's comment on the case is equally strange: “If you wait until the fuse is lit, you're waiting too long.”⁸ Or, “Should we take the chance where we believe we have intelligence, we have information, we have evidence, that they're poised to commit an attack, and we just should let it go and wait for the attack, and then conduct our investigation after the fact? I think not. I think the American people expect us to investigate, to develop the intelligence, and to prevent the next attack.”⁹

In this case, there was no fuse and no thought of fuses, much less of any explosives that might be connected to them. And the only evidence the group was “poised to commit an attack” was the Bureau's misinterpretation of some childish emails and phone messages. Moreover, since the Lackawanna men were under constant watch, they could likely have been stopped well before they lit the fuse or even seriously sought to procure one—Mueller in fact had assured the

⁵ Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 10.

⁶ Temple-Raston, *Jihad Next Door*, 1-9, 146-47

⁷ Temple-Raston, *Jihad Next Door*, 216

⁸ Temple-Raston, *Jihad Next Door*, 216

⁹ Interview: Robert Mueller, *Chasing the Sleeper Cell*, Frontline, pbs.org, October 16, 2003.

President of the United States that “We are ninety-nine percent sure that we can stop these guys from doing something.”¹⁰ Most ominous is Mueller’s comment, also noted by Blaise Katter, “What you’re looking for is a group of individuals who, together, have the capability of undertaking an attack.”¹¹ Beyond their brief, aborted training stint in Afghanistan, the Lackawanna guys had no more “capability” to attack than anybody else—actually less capability than any gun owner in the country.

But, as Director Mueller stresses, they were not convicted of planning an attack, but of giving material support to a terrorist organization by hanging out at a training camp and buying some supplies. It could be argued, of course, that the six returnees were considerably more trouble than they were worth to al-Qaeda and therefore that any “support” they tendered was a net negative to the organization. However, more importantly, this somewhat creative interpretation of what “material support” can be taken to mean carries ominous overtones particularly to those in the Muslim community where giving to charities is an important obligation. For example, during the civil war in Bosnia in the 1990s, when United States policy decidedly supported the Muslim side, contributions to Muslim groups, some of them sometimes engaged in combat, could potentially be taken to constitute material support for terrorism. A certain wariness about cooperating with U.S. authorities is understandable under the circumstances.

Another interesting issue in this case is that the seven Lackawanna boys were able to enter an al-Qaeda camp and were welcomed to join the cause. Although this episode took place before 9/11, the United States had been questing big time after Osama bin Laden at least since al-Qaeda’s bombing of two American embassies in Africa in 1998. Yet, it appears the Central Intelligence Agency has been unable at any time to infiltrate a single mole into al-Qaeda’s ranks. The boys from Lackawanna had Derwish to vouch for them, but why couldn’t one of them be a plant? Indeed, one of them, Sahim Alwan, had had quite a few conversations with an FBI agent over several years.

The Lackawanna case also gives evidence that a hostility toward radicalism existed among American Muslims even *before* 9/11. When Juma al-Dosari showed up and gave a radical speech in the Mosque, his welcome was summarily retracted by the community. Moreover, someone from the community tipped the FBI off about Derwish’s recruitment efforts months before 9/11, and it was this missive that triggered the Bureau’s investigation.¹²

The agent in charge considers that anonymous letter-writer to be “a hero” and has mused, “What if we had never got that letter?”¹³ It is possible, of course, that the six returnees, if unhampered by the FBI, would have reversed their disillusionment and decided to commit violence—perhaps exploding something in downtown Buffalo. Vastly more likely in the event that the FBI never got the letter, however, is, as the agent himself admits, that the naïve returnees would today have blended back into the community, that no pointless trial would have

¹⁰ Temple-Raston, *Jihad Next Door*, 154

¹¹ Interview: Robert Mueller, *Chasing the Sleeper Cell*, Frontline.

¹² Temple-Raston, *Jihad Next Door*, 124

¹³ Temple-Raston, *Jihad Next Door*, 125

been held, that six jail cells would be empty or occupied by real criminals, that the messages of the miserable al-Bakri would never have triggered a set of unnecessary arrests by overly-imaginative eavesdroppers, that he would have been able to consummate his marriage to his teenaged bride, and that she would now be living a life blissfully free from FBI-induced trauma.

Case 5: Lackawanna

Blaise Katter

June 3, 2011

typographical and other minor corrections November 17, 2011

1. Overview

The Lackawanna case concerns a group of twenty-something Muslim boys from Lackawanna, New York. These men were in many ways simply ordinary youth. They lived in Lackawanna, a former steel industrial town outside Buffalo that had seen its better days. In early 2000, an al-Qaeda operative and recruiter, Kamel Derwish, returned to his home in Lackawanna and began holding weekly prayer sessions, which the boys religiously attended. His charismatic attitude and deep knowledge of the Koran led the youths to trust him unequivocally. By convincing them that they needed to be better Muslims, he persuaded seven of them to travel with him to Afghanistan in the summer of 2001 to learn how to fight for Islam. While there, they participated in various al-Qaeda training camps, including bomb making and gun training. A select group of them also met personally with Osama bin Laden and discussed, indirectly, the 9/11 plot. Six of the seven, soon realizing they were in over their heads, cut short their “training” and returned to the United States before the attacks in September. The seventh remained in Afghanistan, fully committed to al-Qaeda and to jihad. He was arrested in Yemen in 2004 but later escaped before he could be extradited. He was recaptured and is currently awaiting possible extradition to the US.

The FBI, acting on an anonymous tip about the group, arrested the six at the behest of President George W. Bush on September 13, 2002. Facing serious charges, including threats of treason and classification as an “enemy combatant,” all of them by June 2003 pled guilty to providing material support to al-Qaeda and were sentenced to between 7 and 9 years each.¹ Two of the six were released in 2010 with the remaining four scheduled to be released by mid-2011.²

2. Nature of the adversary

In order to understand the rationale of the decision of the men to go to Afghanistan, it is crucial to first examine their lives in Lackawanna. In the early 20th century, steel plants helped make Lackawanna a worldwide beacon of prosperity for immigrants, and many Irish laborers settled there, creating a primarily Catholic “boom town.” In the 1950s, however, thousands of Yemeni immigrants began settling in what is now considered the first ward of Lackawanna. They brought with them much of their Islamic heritage and created their own little world in the first ward, isolated from the rest of the town.

¹ Dina Temple-Raston, *The Jihad Next Door: The Lackawanna Six and Rough Justice in the Age of Terror*. Philadelphia, PA: Public Affairs Press, 2007. This book has been instrumental in my exploration in this case, and I rely heavily on her accounts in this study. She interviewed many members of the families of the six and also travelled to Yemen, Afghanistan, and Pakistan to get a feel for the complete story. Her book deserves special mention as a very well written and researched resource.

² Lou Michel, “U. S. gives half of the Lackawanna Six a fresh start,” *Buffalo News*, June 13, 2009, updated August 20, 2010.

However, steelwork did not last and by 1983, the plant that once employed over 20,000 workers laid off its final 500 and closed its gates for good.³ This particularly left the Yemeni population scrambling to find a way to survive. The immigrants managed to scrape out a living by lessening their self-imposed isolation and cornering the grocery market in Lackawanna.⁴ Although this greatly weakened their cultural Muslim heritage,⁵ they were able to survive.

The second generation of the Yemeni, which include the seven, grew up in this watered-down Muslim environment.⁶ As students, they were sometimes described as “white,” alluding to their acceptance of the “American” culture. One of them, Yassein Taher, was even voted “friendliest” in his graduating class, a sign of his broad acceptance into the community at large.⁷ They had no criminal record, and seemed poised to be “successful,” or at least as successful as Lackawanna would permit.

However, this “Americanization” of the boys was to be short lived. By 2000, Kamel Derwish, an al-Qaeda operative seeking to recruit Americans for the group, returned to Lackawanna. According to the FBI database, he was an active operational decision maker in al-Qaeda. He met bin Laden in the 1990s, when bin Laden was first training his army, and he supposedly fought in Bosnia with Muslims. He was connected to the planner behind the October 2000 terrorist attack on the *USS Cole* in the port of Aden in Yemen, and he was imprisoned in Saudi Arabia for extremist activities.⁸ Although little is officially known about his early life, it seems clear by his actions Derwish was motivated by religious extremism and a hatred for the US. While no specific US policy seems to have acted as a catalyst for his actions, Derwish often spoke of showing solidarity with Muslims worldwide against perceived injustices. Sayyid Qutb, a former radical member of the Muslim Brotherhood, wrote what is perhaps regarded as the most influential book with which radical Muslims view America, called *The Shade of the Quran and Milestones*. It portrays the West, and particularly America, as a spiritual, Godless wasteland. His book prominently influenced both bin Laden and Derwish, helping to form the core of their radical philosophy.

The Lackawanna boys were struggling. The local Mosque, watered down over years of assimilation, was not able, in their opinion, to fully help them understand what it meant to be a Muslim in contemporary America. They were searching for the “straight path,” as the Koran states, without proper guidance. Derwish, with his apparently deep grasp of the Koran and with his warm, inviting nature, was a perfect fit to fill that void. Derwish was not welcome at the Mosque because of his radical, inflammatory speeches, and so he had Friday night prayer

³ Lowell Bergman and Matthew Purdy, “Unclear Danger: Inside the Lackawanna Terror Case,” *New York Times*, October 13, 2003.

⁴ *A Brief History of Bethlehem Steel Corporation*, produced by Public Affairs Department, Bethlehem Steel Corporation.

⁵ By interacting with the population as a whole, many Yemeni Muslims chase to “Americanize” in order to maximize their profits selling to their Catholic neighbors.

⁶ Temple-Raston, *Jihad Next Door*, 11-20.

⁷ Temple-Raston, *Jihad Next Door*, 28.

⁸ Kamal Derwish: The Life and Death of an American Terrorist, website for the Frontline program, “Chasing the Sleeper Cell,” pbs.org, October 16, 2003.

sessions at his apartment. These hangout sessions, as described by the many youths who attended, were more than simply a time to learn religion. They were socially important. It gave younger Muslims a chance to hang out with each other in a safe environment. They watched movies, wrestled, and generally had a good time. Religion, while often discussed, was not the focal point. In the words of one of the seven, Mukhtar al-Bakri,

Derwish joked around a lot, he was really friendly to everyone and everyone liked him. He was really easy to talk to. He didn't push Islam on us. We'd be talking about Islam one minute and challenging someone to a wrestling match the next. It wasn't, most of the time, this religiously charged thing. It was more easygoing than that.⁹

Slowly, as the group began to become even more closely knit, Derwish began to reveal more of his past and push harder with his radical views. He acknowledged to his weekly group that he was close friends with the plotter of the attack on the *USS Cole*, and he informed them of his extensive jihadist contacts in the Middle East. He began pressuring them to take a stand—did they want to be true Muslims, or were they going to abandon him and Islam. However, many of the group did end up leaving his company, uncomfortable with the direction things were taking. Seven of the young men, however, were hooked on Derwish. Without him, they would go back to being bad Muslims, swept away in the Western culture, as socially and economically downtrodden as they had been growing up. As one of the group, Yassein Taher, thought before committing to travel overseas, “anything would be better” than where he was now: “poor, unemployed, and without prospect in Lackawanna.”¹⁰

Although the young men were willing to listen to Derwish daily, they never were radicalized to the point that they accepted the premise of violent jihad. By all accounts, all they were prepared to do was bring attention to the plight of their oppressed Muslim brothers abroad.¹¹

Derwish, fervently hoping for the group to travel to Afghanistan training camps with him, invited a traveling imam, Juma al-Dosari, to the Yemeni community. An al-Qaeda operative himself, al-Dosari was presented as an Islamic expert and was quickly invited by the mosque elders to speak to the congregation.¹² However, his speech, given in Arabic, was not well received at all. He spoke of a militant need for good Muslims to take up arms to protect their brothers overseas. He attacked Muslim governments that made peace with the West, and he rallied all to travel overseas to come to their aid. The Yemenis as a whole did not receive the address well, and al-Dosari was banned by the elders from ever speaking in the mosque again. However, the speech was the catalyst needed for the Lackawanna men to commit to the cause, and they agreed to accompany Derwish to Afghanistan to train for jihad.¹³ Derwish and al-Dosari,

⁹ Temple-Raston, *Jihad Next Door*, 54.

¹⁰ Temple-Raston, *Jihad Next Door*, 63.

¹¹ Interview with Sahim Alwan, Frontline, pbs.org.

¹² Temple-Raston, *Jihad Next Door*, 86-88.

¹³ “Chronology: The Lackawanna Investigation,” Frontline, pbs.org.

aptly named “the closer,” had succeeded in supplying Osama bin Laden with potential recruits carrying American passports.

The al-Farooq training camp, located close to the Afghan-Pakistan border, graduated around 70,000 recruits between 1989 and 2001.¹⁴ To arrive there, a recruit must first stay in a guesthouse in Pakistan. From there, recruits were bussed through the desert for hours to reach the camp. The camp was divided into three parts, Basic, Anti-Aircraft, and Tactics, and the routine of the basic training facility was intense: daily prayers began at 4am, followed by exercises, weapons instruction, and lectures, which could include topics such as the importance of patience and basic military tactics. Punishment for recruits was often severe, such as having cold water suddenly poured over the groin or being forced to carry bricks up a hill.

Trainees were required to carry their weapon at all times, even though they rarely were given ammunition. Recruits who graduated weapons training, which included proficiency with Kalashnikovs, M16s, RPG grenade launchers, and rifles, were asked to stand guard at the Mosque and front gate. There was also explosives training, including learning about C4, plastic explosives, Molotov cocktails, and TNT. Each recruit was permitted to make three TNT bombs and blow up an old Russian tank.

There was a very strict official policy for employment. Very few members, around three percent, were ever asked to sign an oath of loyalty to bin Laden. This employment contract includes a mission statement that included the goals of the group such as “carrying out jihad, supporting God’s religion, and establishing Islamic rule, God willing.” The contract also included the expectations of the member, such as preserving the unity of al-Qaeda and carrying out its plans. The contract also spelled out its pay scale. A married man would receive one week vacation every three weeks, although al-Qaeda could deny that for up to four months. The dates of vacation had to be submitted two and a half months in advance. A married man would also receive a stipend of 6500 Pakistani rupees per month, including an additional 500 for every child. Also, the terrorist group would offer a family a roundtrip ticket to their homeland after two years of service, although “anyone who leaves al-Qaeda without a legitimate excuse does not qualify for vacation or travel benefits.”

3. Motivation

The primary motivation behind the group’s radicalization was essentially social. They were in need of religious direction that they felt they could not get from their parents and the older generation. They joined this “terror cell” not out of ideology or a desire to commit violence, but friendship, and they were socially pressured into believing what Derwish was teaching them.¹⁵ He would remark

¹⁴ This account of the camp is taken from Temple-Raston, *Jihad Next Door*, 109-12, 114-16, and 127-28. Anyone seeking a more complete description should read her book in its entirety.

¹⁵ The profile of the “terrorists” in this case mirrors the “social hypothesis” posed by Max Abrahms. The group was not motivated out of any hatred of America or of its policies, or out of ideology. Rather, the men bonded together as a social unit, which just so happened to include an al-Qaeda recruiter. Max Abrahms, “What Terrorists Really Want,” *International Security*, Spring 2008.

that they were becoming “too Americanized,” telling them they would have problems on Judgment Day. Also, Islam became something of a mythical solution to all of Lackawanna’s problems. All felt that if they could go to Afghanistan and learn their purpose, life would fall into place. Their unique social and economic marginalization made Derwish’s descriptions of Afghanistan as a land “overflowing with milk and honey” all too attractive.¹⁶

Once the men entered the camp, however, most were, by all accounts, shocked to hear the anti-American rants and threats of violence. Sahim Alwan, in particular, felt the camp wasn’t everything advertised. Six of the seven wanted to leave, yet Derwish singlehandedly stopped them every time they wanted to, and his soothing reassurances temporarily mollified them. Taher commented that Derwish always had a way of convincing him to do things.¹⁷ From their personal accounts of the program, none of the men seemed to relish the idea of violence. They were not motivated by a violent tendency, or religious fanaticism. Simply put, they were only there because their best friend and charismatic leader, Derwish, asked them.¹⁸ However, a few weeks in the training camps were too much even for Derwish’s charisma to overcome for six of the men, and they eventually returned home to Lackawanna by August of 2001. However, one of the group, Jaber Elbaneh, remained in Afghanistan and became fully committed to al-Qaida and jihad. He was arrested in Yemen in 2004, but later escaped before he could be extradited. He was recaptured and is currently awaiting possible extradition to the US. The final result, then, of the extensive recruitment efforts of Derwish and the closer, al-Dosari, in Lackawanna in the comparatively unwatched period before 9/11 was one man.

4. Goals

The Lackawanna men traveled to Afghanistan with a singular goal—to learn more about their religion. In the words of Alwan,

I’ve been a Muslim all my life, since I was born. But I really was starting to learn my religion and get into it, I would say, around 1995, '96. And I was...hungry for knowledge of the religion itself....And when this opportunity came [traveling with the group and Derwish to training camps in Afghanistan] it was, what my understanding was, you'll go, you'll learn some more of the religion itself.¹⁹

The group seemed genuinely surprised at the religious fanaticism and plans for violence that they encountered at al-Farooq training camp. Deeply uncomfortable with the direction things were heading, all six of the men decided to return to the United States, without completing their training. This supports their claim that they had no violent goals, as their training was woefully incomplete, even by terrorist’s reduced standards.²⁰

¹⁶ Temple-Raston, *Jihad Next Door*, 61-63.

¹⁷ Temple-Raston, *Jihad Next Door*, 115.

¹⁸ Interview with Sahim Alwan, Frontline, pbs.org.

¹⁹ Interview with Sahim Alwan, Frontline, pbs.org.

²⁰ Temple-Raston, *Jihad Next Door*, 127-30.

The goals of Derwish and al-Qaeda, however, seemed to have been much more nefarious. From the time the men set foot in Pakistan, en route to Afghanistan, they were treated as extremely high-value commodities, and al-Qaeda operatives seized their passports as soon as they set foot in the training camps. Osama bin Laden was even present to personally welcome Alwan to the camp.²¹ While there is no way of knowing for sure, it seems that the group's American citizenship was their primary asset to al-Qaeda. Derwish, recognized as a leader in the training camp, seems to have been sent, along with al-Dosari, to round up as many potential American Muslim jihadists as he could. This theory is bolstered by al-Dosari's presence once the six returned to America. In the weeks before September 11th, al-Dosari returned to Lackawanna and was preparing to take another contingent of youth over to the training camps.²² The attacks on September 11th, which subsequently shut down the training camps, seem to have been the reason he was not successful in his recruitment.

5. Plans for violence

Although the FBI searched and searched, they could never definitively tie any of the Six with a plan to commit violence. The group was arrested for their ties to the training camp, not on any suspicion or conspiracy to commit a terrorist attack.²³ In fact, FBI Director Mueller personally told President Bush that they were monitoring the situation, and they were "99% sure the group couldn't carry out an attack," even if they had one planned.²⁴ However, in the post-9/11 world, that 1% chance was unacceptable and President Bush ordered the group arrested. To this day there has never been any evidence that the Lackawanna returnees had any plans other than to blend back into society and forget their ill-fated trip had ever happened.

6. Role of informants

The FBI received no help from paid informants in this case. However, a crucial tip did lead the authorities to begin investigating the group in the first place. In early June, 2001, FBI agent Ed Needham of the Buffalo Joint Terrorism Task Force received an anonymous tip warning him that there were terrorists recruiting in Lackawanna and that eight (Derwish and the seven young men) people were planning a trip to the al-Qaeda training camps. This letter was the only piece of evidence that started the investigation of the Lackawanna Six. Without it, Ed Needham muses, the FBI would still likely be clueless about the entire case.²⁵

The FBI did not get involved in this case until after the group returned from Afghanistan in August 2001. They were tipped off by a letter, suspected to be written by a regular at Derwish's gatherings who realized the radicalization process that was occurring. Alwan, one of the six returnees, and agent Needham

²¹ Interview with Sahim Alwan, Frontline, pbs.org.

²² Justin Felch, "'The Closer': An al-Qaeda Recruiter on American Soil," Frontline, pbs.org.

²³ Chronology: The Lackawanna Investigation, Frontline, pbs.org.

²⁴ Temple-Raston, *Jihad Next Door*, 154.

²⁵ Temple-Raston, *Jihad Next Door*, 124-25.

had been involved together in an insurance fraud case a few years back, and although Needham knew Alwan was suspected of going overseas, he casually attempted to create a bond with him. They met many times throughout late 2001 and early 2002 to talk about his trip. But Alwan stuck to the group's cover story every time: they had been in Pakistan on a religious and cultural pilgrimage. The FBI believed the story.²⁶ However, the FBI and agent Needham did not take the case too seriously until after 9/11. In the days following, Needham called Alwan to ask him if he had seen anyone suspicious around. Alwan lied, telling him no one was around, although he knew the radical imam and al-Qaeda agent Juma al-Dosari was staying in town.²⁷

The FBI's big break came when it entered Derwish's name into their alias databank. According to Needham, the results were chilling. They quickly discovered he was an al-Qaeda insider, having access to the upper echelon of al-Qaeda's leaders. Also, and perhaps more chilling, was that he was still in regular contact with the group from Lackawanna. Quickly, the six returnees switched in the FBI's mind from being naive, innocent people to "sleeper cell" terrorists who could be planning an attack anytime. The news of Derwish and the six returnees went straight up the ladder, and FBI Director Mueller personally informed President Bush and the White House that they had a potential terror cell in Lackawanna.

This intense political scrutiny from above, coupled with the fear following the 9/11 attacks, did not bode well for the men trying to blend back into their community after their ill fated trip. The FISA court approved wiretaps on the group, and 24 hour surveillance began.²⁸ Agent Needham began ratcheting up the pressure on the group as the pressure began to build on his task force to produce some results. Needham was even summoned to D.C. to personally brief the Director, so Mueller could have new information to pass to the White House.²⁹ The final straw came when al-Bakri, who was in Beirut planning his marriage, sent a cryptic email back to his friends in Lackawanna. In it, he speaks of "the next meal will be very huge. No one will be able to withstand it, except for those of faith." He also made a telephone call saying, "You won't be hearing from me again."³⁰ These messages were taken to be telltale signs of an impending suicide bombing, and the top brass in Washington began to panic. President Bush ordered the arrest of the six in September of 2002. Upon arrest, every member immediately confessed to having been overseas at the training camp. However, none of them seemed to realize just how much trouble they were in.

7. Connections

This case obviously has heavy ties to al-Qaeda through Derwish, al-Dosari, and the training camps on the Afghanistan/Pakistan border. As previously mentioned, both Derwish and al-Dosari, "the closer," were believed to be "card-

²⁶ Interview with Sahim Alwan, Frontline, pbs.org.

²⁷ Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

²⁸ Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

²⁹ Temple-Raston, *Jihad Next Door*, 152-53.

³⁰ Temple-Raston, *Jihad Next Door*, 154-55.

carrying members of al-Qaeda.”³¹ It is believed they were part of the pre-9/11 recruitment of American members for the terrorist organization. And there is also, of course, the group’s summer visit to the al-Farooq training camp where they learned about militant jihad tactics including bomb making and firing weapons. In addition, they gave control of their passports to the al-Qaeda members running the camp, and they also heard bin Laden give a speech announcing, among other things, that there were 40 Muslims en route to America on a special mission. Bin Laden also met privately with Alwan twice, although he did nothing but hint about the impending attack.³²

8. Relation to the Muslim community

The group also has strong ties to Yemen. As noted, the entire Muslim population of Lackawanna was of Yemeni descent, and many of the families saved up to return to their homelands whenever they could. This strong connection to Yemen helped create an integral part of the group’s identity, and part of the reason they were so susceptible to the preaching of Derwish was their desire for direction between their cultural Yemeni roots and their contemporary American setting.

The relationship with the Muslim community was complex. Primarily, the group was perfectly assimilated into their community at large. They attended mosque regularly. Alwan, in particular, was seen as a family man with a wife, kids, and a stable job. He was a presence in the community.³³ Formerly, as students, nearly all the boys had played soccer for the community. Even after they returned from their trip, the men all blended back into the Muslim community in the First Ward in Lackawanna.

However, the community was not on board with any sort of radical, anti-American teachings. Derwish, while being recognized as a good man by teaching the youth more about their faith, was not permitted to speak at the Mosque due to his radical views. Furthermore, when imam al-Dosari gave his fiery jihadist call for action sermon at the mosque, the elders and community banded together to say he was no longer welcome there. The Muslim community of Lackawanna had little to no tolerance for radical teachings.

The best evidence for this is the tip letter the FBI received from a member of the community. The tipster, who only identified himself as an Arab American, expresses deep concern about Derwish and al-Dosari, identifying them as “two terrorists,” and that they are recruiting the impressionable youth in town. FBI agents are fairly certain that the author of this letter was a member, for a time, of Derwish’s group of youth who attended his gatherings.³⁴ This disillusioned member chose to alert the FBI of the extremism, reinforcing the idea that the mainstream Muslim community in Lackawanna was against religious extremism.

After 9/11 and until the arrest of the suspects, the Muslim community was very open to assisting the government and the FBI. That changed after the arrest

³¹ Bergman and Perdy, “Unclear Danger: Inside the Lackawanna Terror Case.”

³² Interview with Sahim Alwan, Frontline. pbs.org.

³³ Interview with Sahim Alwan, Frontline. pbs.org.

³⁴ Temple-Raston, *Jihad Next Door*, 124.

and conviction of the six. The community saw the arrests as reprisal for the terror attacks, and the Yemeni population felt as if they were under siege from the authorities. Slowly, but surely, the community began to distrust the authorities more and more.³⁵

9. Depiction by the authorities

Politicians in Washington spared little time in announcing the snaring of an al-Qaeda terrorist cell on American soil. The Deputy Attorney general was the first: “The United States law enforcement has identified, investigated, and disrupted an al-Qaeda trained terror cell on American soil.” Later that day, New York Governor George E. Pataki said, “These arrests send a very important message: Terrorism is real, and not just in major cities.”³⁶ President Bush announced at a Press conference in Camp David that “One by one, we’re hunting the killers down,”³⁷ and he even mentioned the group in his January 2002 State of the Union Address: “We’ve broken Al Qaeda cells in Hamburg, Milan, Madrid, London, Paris, as well as, Buffalo, New York. We have the terrorists on the run. We’re keeping them on the run. One by one, the terrorists are learning the meaning of American justice.”³⁸ As Dina Temple-Raston notes, in the FBI criminal complaint, the men are never labeled terrorists. They didn’t need to be, as everyone from the mayor of Lackawanna to President Bush declared the men to be “America’s first home grown terrorist cell.” Even Federal Prosecutor Michael Battle said his first impression was that these men were part of a sleeper cell, even though he wasn’t prepared to prove that in court.³⁹ The government was very effective at quickly painting the group as potential terrorism at its worst, even though there were no specific (or even inspecific) plans for violence. At a detention hearing in the fall, magistrate H. Kenneth Schroeder Jr. asked “What is it that these defendants were planning?” “It’s a difficult question,” responded William Hochul, the assistant United States attorney who presented the case, “because the defendants by themselves have put the court in this box.” After training with al-Qaeda and lying about it, he said, they “are now throwing themselves on the court, in essence, and saying that you figure out what we’re going to do.”⁴⁰

Led into Federal court in shackles, leg irons, and bullet proof vests, the men were portrayed by the government as the worst of the worst, before any of them had even retained lawyers.

10. Coverage by the media

What the government had started, the media would happily continue. Clearly, this story was too sensational to miss. Reporters and cameramen descended on Lackawanna, interviewing whomever they could find. Many

³⁵ Temple-Raston, *Jihad Next Door*, 168-72.

³⁶ Bergman and Perdy, “Unclear Danger: Inside the Lackawanna Terror Case.”

³⁷ Temple-Raston, *Jihad Next Door*, 162.

³⁸ Chronology: The Lackawanna Investigation, Frontline, pbs.org.

³⁹ Temple-Raston, *Jihad Next Door*, 162-65.

⁴⁰ Bergman and Perdy, “Unclear Danger: Inside the Lackawanna Terror Case.”

Muslims, in order to avoid the cameras, simply pretended not to speak English. By the evening of September 13, 2002, the day five of the media-styled “Lackawanna Six” were arrested in Buffalo, every major news agency had their reporters live at the scene. Behind the reporters were a multitude of police cars and helicopters, with their lights blazing.⁴¹ The *Buffalo News*, the major hometown newspaper, ran a sensational headline the following morning and began its story, “The City of Good Neighbors learned this weekend that five of its neighbors may well be terrorists” and article continuing that the arrests “sent waves of fear across metropolitan Buffalo...fear that the community might strike back against its Arab residents...there was also talk of a boycott of Arab businesses, and the Lackawanna School Board called an emergency meeting to consider whether it needed to increase security to protect its Arab students.⁴² The newspaper also attacked the six in their editorial page as well. Calling it a “Conspiracy of Silence,” the paper said:

Even if they were innocent dupes who thought they were going to Afghanistan to learn more about Islam, and whether or not they were disturbed by what they heard, they sided against America with their silence. Whether based on belief or fear, an indifference or failure to recognize evil or the seriousness of bin Laden’s threats, they made a decision [to lie and] not to warn law enforcement officials of a threat to this nation’s security. That should carry a price, albeit one not nearly as severe as the one paid by thousands of their fellow Americans on 9/11.⁴³

The sensationalism of the media did not die out quickly; the *Buffalo News* kept the story fresh in the public’s mind all throughout the pretrial hearings and the eventual guilty pleas. Those guilty pleas served to reinforce the mindset that these men were terrorists, regardless of the facts. Realizing that they could be charged with weapons crimes on top of their existing charges, material support of terrorism, they chose not to fight the government and public sentiment and took the 7 to 10 year sentences. It took a Frontline investigation on PBS, “Chasing the Sleeper Cell,” telecast in October 2003, to undermine the hype and bravado that the government had started and the media continued. The interview with Alwan, combined with a more factual study of the case, helped portray the youth in a more sympathetic light. Following that, the 2007 Temple-Raston book, *Jihad Next Door*, systemically demonstrates how the post 9/11 legal and emotional landscape created these terrorists out of fear, not facts. She attempts to put out the fire behind this case and show how, in her opinion, the judicial system substantially railroaded these men. Today, the media has largely moved on to newer sensational cases of domestic terror, and the press has largely left Lackawanna alone.

11. Policing costs

⁴¹ Temple-Raston, *Jihad Next Door*, 161.

⁴² Susan Schulman, “Five Area Men Held as al-Qaeda Suspects,” *Buffalo News*, September 14, 2002.

⁴³ Temple-Raston, *Jihad Next Door*, 189.

At the height of the four month investigation into the Lackawanna Six, the Buffalo Joint Terrorism Task Force had over 25 agents on 24 hour surveillance. Washington D.C. also sent a special counterterrorism team to the situation, as did the state police. To estimate the cost of running just the 25 man surveillance and permanent assignments, I chose to approximate one junior level agent at making \$50,000 per year.⁴⁴ The four month investigation would place the cost of running the 25 man outpost at over \$400,000. Adding in the senior staff of the JTTF (three agents at approximately \$90,000) brings the manpower costs to over half a million dollars. While there is no account that I can find of the special counterterrorism task force that was assigned to Buffalo, it is certain that these additional one to two dozen agents added more than a quarter of a million to the total bill. Therefore, I estimate the investigation into the Lackawanna Six cost roughly \$750,000.

After the six were arrested, they were provided tight security during their days in court. They appeared in federal court over nine times. The government also provided a lawyer to each of the six defendants. These lawyers, some of the best defense lawyers in New York, estimated that their representation would cost \$250,000 each, at a minimum. While the exact amount the court agreed to pay them as public defenders is not disclosed, the \$250,000 retainer sounds reasonable considering the high-profile nature of the case. That puts the cost of the public defenders at \$1.5 million. Those 9 days in court, with the plethora of staff, FBI agents, security, and court costs, could conceivably cost anywhere from \$100,000 to \$200,000.⁴⁵ Therefore, this total estimation puts the investigation and trial of the suspects at \$1.5 to \$2 million.

The cost of incarcerating these men is \$22,632 per man per year.⁴⁶ This adds up to \$1,118,180 for the six men. The total cost of the Lackawanna Six case was therefore approximately \$3 million in taxpayer money to investigate, try, and incarcerate several people who were exceedingly unlikely ever to commit terrorist violence.

12. Relevance of the internet

The internet had little or no effect on this case. The only reference to anything online was the email al-Bakri sent to his friends regarding the “big meal.” Everything in this case, from the recruitment to the travel plans to the communication within the group, was done via face to face meetings or via the phone.

13. Are we safer?

There is no simple answer to the question “are we safer now that these men are behind bars.” On one hand, the FBI and government concede the fact that there was no plan or threat of violence from the supposed “cell.” After eight

⁴⁴ www.payscale.com.

⁴⁵ This estimation is not based on any direct statistics. Rather, I estimate statistics an average of 100 police/security earning \$100 each per day, plus 10 staff also earning \$100/day, plus court costs.

⁴⁶ US Bureau of Justice Statistics.

years, the government has, in a roundabout way, admitted that they acted in a preventative manner. Their goal was to stop these guys before they plotted anything, rather than wait and risk any lives. By the simple logic of the government's actions, therefore, there was no public danger. Also, in interviews and court transcripts, the men on trial expressed disbelief they were considered dangerous to America.⁴⁷ They insisted they never meant to harm America and fled the camps as soon as they could once they learned its purpose. They attempted to convey this to the FBI by cooperating every step of the way after their arrest.⁴⁸ Judging on the lack of evidence, I believe that account. If left to their own devices, I do not think that any of the six would have committed an act of violence against the United States. Recently, the government seems to have confirmed that opinion. It was announced that three of the six, in return for their testimony and assistance against other potential terrorists, were offered Witness Protection.⁴⁹ The government would not permit an individual they feared was a dangerous terrorist under their protection.

However, I do not believe by any stretch of imagination that these men are as innocent as they would have us believe. It cannot be forgotten that these men traveled overseas with an al-Qaeda operative and met with possibly the most wanted man on the planet, Osama bin-Laden. While they were at the camp, they heard him speak and also gained access to critical al-Qaeda intel. To make matters worse for themselves, they continually lied to FBI investigators before 9/11 about their trip. Even though they had no direct knowledge of the attack, I feel that intelligence gained from their experiences in the training camps would have been vital to our national security, especially in the month proceeding the attacks on September 11, 2001. It is conceivable that, if they had been forthcoming and told investigators the comments bin Laden made about martyrs coming to America, better defenses could have been prepared before the hijacking of the planes. In short, I believe the government got the sentences right: 7 to 10 years, I feel, is proper for their role in training with the terrorist organization. However, two of the six have already been released and the remaining members are due to be let out very soon. I will not feel any less safe when they are released.

14. Conclusions

In researching this case, something that kept jumping out at me was the degree to which American law enforcement changed after 9/11. Prior to the attacks on that day, the FBI's main goal was to investigate criminal acts that had already been committed. Suddenly, after September 11, it was simply unacceptable for an attack to occur in the first place. This placed an enormous amount of pressure on the Bureau to arrest much earlier than they ever would have been comfortable. In the pre-9/11 world, I am doubtful that the investigation into the group would have ever amounted to anything. I suspect the returnees would have been able to re-assimilate into their community, and that would have been the last we ever heard from them. However, in a politically and emotionally

⁴⁷ Interview with Sahim Alwan, Frontline, pbs.org.

⁴⁸ Temple-Raston, *Jihad Next Door*,

⁴⁹ Lou Michel, "U. S. gives half of the Lackawanna Six a fresh start."

charged time, it is clear why the FBI acted when they did, and it's also clear that the six young men from Lackawanna were the eventual scapegoats of the new system. Mr. Needham summarizes the new mentality perfectly. "We were looking to prevent something," he said. "And we did. Obviously nothing happened. So we all did our job."⁵⁰

The Lackawanna returnees were all charged with, and pled guilty to, a sole charge of providing material support to a terrorist organization. However, since the six never planned, or even conspired, to commit violence, a question arises. How can they be charged with supporting a terrorist organization? The text of the law is as follows:

Whoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years, or both, and, if the death of any person results, shall be imprisoned for any term of years or for life. To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization or that the organization has engaged or engages in terrorism.

The prosecutor, Mike Battle, argued that the law fit perfectly to this case. Even though it was not a crime to attend a terrorist training camp, Battle contended that by offering themselves as recruits, they were fulfilling the requirement. "As I saw it, they individually or collectively put themselves in a position of material support."⁵¹ Besides their presence at the camp, any money or documents they gave to the camp for lodging, weapons, training, or anything else could be considered material support. Battle also likened the charge to a bank robbery. A person would be guilty of conspiring to rob a bank if they had bought the masks and guns, and had a floorplan of the building. Battle contends that the same would hold true here. The Lackawanna Six went to a camp, received training, and didn't come back to tell anyone. The fact that they did not have any plans for violence did not bother the prosecutor. Just the fact that they had the training made them guilty in his book.

To me, this opens a very dangerous legal precedent. These men were charged with a crime simply because of what they *might* someday decide to do. As the defense for the men said, "It's like charging someone with a thought crime. You prosecute for attending a terrorist camp, even though there's no evidence there was any plan for a terrorist act." Another lawyer added, "You need something more than going to camp. These men were driven to the camp, it was heavily guarded, you were not free to leave. Even if you could leave, you didn't know where you were."⁵²

However, in the post 9/11 world, the reality didn't matter. Their connections to al-Qaeda were enough to convict them in the atmosphere of the day, regardless of the facts. They (wisely, I believe) took guilty pleas ranging from 7 to 10 years in jail. This decision was also motivated by the threats of

⁵⁰ Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

⁵¹ Temple-Raston, *Jihad Next Door*, 167.

⁵² Temple-Raston, *Jihad Next Door*, 191.

additional charges, including weapons charges (potentially 30 more years in jail) or even treason.

FBI Director Mueller also commented on the charge of providing material support to terrorism. In an interview with Frontline, he defended the charges. To an interviewer's question about how quickly they left, the Director responded "Trained as terrorists. They pled guilty to, as you say, to material support of a terrorist organization. That is a crime. Congress has passed a statute. It's constitutional. They pled guilty." The interviewer then asked about the lack of plans for violence. Director Mueller responded, "What you're looking for is a group of individuals who, together, have the capability of undertaking an attack."⁵³

⁵³ Interview with FBI Director Robert Mueller, Frontline, pbs.org.

Case 6: Khan and the Parachas

John Mueller

April 12, 2015

In his book, *Mastermind: The Many Faces of the 9/11 Architect, Khalid Shaikh Mohammed*, journalist Richard Minter begins by listing his subject's admitted (or claimed) involvement with terrorist efforts in addition to 9/11. These include the 1993 World Trade Center and 2002 Bali bombings; plots on Heathrow airport, Big Ben, and the Panama Canal; plans to assassinate Bill Clinton, the Pope, and several prime ministers of Pakistan; two efforts to infiltrate agents into the United States; and the plan for a "second wave" of attacks by hijacked airliners on major U.S. landmarks to include the U.S. Bank Tower in Los Angeles, the Sears Tower in Chicago, the Plaza Bank Building in Seattle.¹

Actually, Minter does not do full service to his subject's bloviating. In addition, to the plots on Minter's list, KSM declared himself to be the power behind the shoe bomber operation of 2001; an October 2002 attack in Kuwait; plots to attack oil tankers and U.S. naval ships in the Straits of Hormuz, the Straits of Gibraltar and the port of Singapore; plans to assassinate Jimmy Carter; a plot to blow up suspension bridges in New York City; a plan to destroy the Sears Tower in Chicago with burning fuel trucks; plans to "destroy" Canary Wharf in London; a planned attack on "many" nightclubs in Thailand; Barot's plot of 2004 targeting U.S. financial targets; a plan to destroy buildings in Eilat, Israel; plans to destroy U.S. embassies in Indonesia, Australia and Japan; plots to destroy Israeli embassies in India, Azerbaijan, Australia and the Philippines; surveying and financing an attack on an Israeli El-Al flight from Bangkok; sending several agents into Israel to survey "strategic targets" with the intention of attacking them; a suicide bombing of a hotel in Mombasa, Kenya; the attempt to shoot down an Israeli passenger jet leaving Mombasa airport in Kenya; plans to attack U.S. targets in South Korea; providing financial support for a plan to attack U.S., British and Jewish targets in Turkey; surveillance of U.S. nuclear power plants in order to attack them; a plot to attack NATO's headquarters in Europe; planning and surveillance in a 1995 plan (the "Bojinka plot") to bomb twelve passenger jets bound for the United States; plans to assassinate Pakistani President Pervez Musharraf; and an attempt to attack a U.S. oil company in Sumatra, Indonesia, that was "owned by the Jewish former Secretary of State Henry Kissinger." He also took pride in personally beheading the defenseless *Wall Street Journal* reporter Daniel Pearl.²

What is impressive is that, except for the Bali bombings, just about *all* of the ventures either failed or did not even begin to approach fruition. In addition, the role of the "mastermind" in the Bali case was simply to supply some money.³ And KSM's role in the failed 1993 effort to bring down the World Trade Center

¹ Richard Minter, *Mastermind: The Many Faces of the 9/11 Architect, Khalid Shaikh Mohammed* (New York: Sentinel, 2011), 2.

² Terry McDermott and Josh Meyer, *The Hunt for KSM: Inside the Pursuit and Takedown of the Real 9/11 Mastermind, Khalid Sheikh Mohammed* (New York: Little, Brown, 2012), 310-13.

³ Minter, *Mastermind*, 157. McDermott and Meyer, *Hunt for KSM*, 240.

was to wire \$660 to one of the conspirators.⁴ Overall, as a terrorism planner, KSM's has a fertile mind but a feeble record at accomplishment. In this context, 9/11 clearly stands out as an aberration, not a harbinger.⁵

This case involving three men who had access to the United States can be taken to be typical of KSM's pre- and post-9/11 planning for terrorism directed at that country (or for that matter at other ones): grand schemes, little or no execution. Compared to many of the other schemes, however, it seems at least to have proceeded a bit beyond the vaporous idea phase.

In this case, Majid Khan, a Pakistani in his early 20's who had been granted asylum status and lived in Baltimore, Maryland, had come under KSM's sway on a visit to Pakistan in early 2002, had proven his devotion to the cause, and was familiarly referring to KSM as "uncle."⁶ Learning that Khan had worked at a gas station, KSM came up with the bright idea that his young protege should return to the United States, form a cell, and blow up fuel tanks at several gas stations. Khan was sent off to learn about explosives, while a businessman friendly to al-Qaeda, Saifullah Paracha, who owned an international shipping business was tapped to help with smuggling in explosives from abroad. Potential members of Khan's cell were one of his brothers and a few African-American Muslims who were then training in Afghanistan.⁷

However, by that time Khan had foolishly overstayed his permitted time abroad and could not return unimpeded to the United States. Accordingly, he induced friends of his (in part with bribe money from KSM) to carry out business transactions in the United States in his name so that he could claim to he had been in the country all along after he somehow smuggled himself back illegally. The friends included Uzair Paracha, the son of Saifullah.

That was as far as the "plot" went. Alexander Hitchcock, an intern at the Cato Institute when he wrote this, points out that, although it at least went beyond the idea state, the plot was "foiled before it ever really began." When Khan and then KSM were arrested in 2003, "explosives had not been shipped or procured, specific targets had not been chosen, and other operatives had not been recruited or trained to use explosives."

Hitchcock also notes that, although it has long been claimed that the torture of KSM by the CIA led to important revelations about the Khan/Paracha plot, a 2014 report by the Senate Select Committee on Intelligence indicates that officials had the essence of that information before KSM was even arrested and that KSM only talked after he knew Khan had been captured. In general, the report suggests that "the vast majority of official statements regarding this case will not only have been proven wrong, but intentionally misleading."

⁴ McDermott and Meyer, *Hunt for KSM*, 47.

⁵ On this issue more generally, see also John Mueller and Mark G. Stewart, *Chasing Ghosts* (New York: Oxford University Press, forthcoming), ch. 4.

⁶ McDermott and Meyer, *Hunt for KSM*, 186.

⁷ JTF-GITMO Detainee Assessment of Majid Khan," June 13, 2008, projects.nytimes.com, 7-8.

Case 6: Khan and the Parachas

Alexander Hitchcock

April 8, 2015

1. Overview

In 2002, Khalid Sheikh Mohammed, al-Qaeda's Chief of Operations, conceived the idea of targeting gas stations in the United States, a task to be carried out by Majid Khan, a young Pakistani who had been granted asylum in the United States and had lived in Baltimore. Khan was provided with explosives training. However, his visa had lapsed, and he needed to deceive Immigration and Naturalization Service so that he could reenter the United States. Uzair Paracha, a permanent resident of the United States and a savvy businessman, sought to convince INS that Khan was still in the United States by depositing money in Khan's bank account, calling INS regarding new travel documents, and setting up, and then requesting a change of address on, a post office box.

Khan was captured in Pakistan before he could get back into the United States. Had he successfully reentered the United States, he planned to gather intelligence on gas stations, to build an al-Qaeda cell in the United States, and to ship explosive materials into the United States through the shipping company owned by Uzair's father, Saifullah, an al-Qaeda associate. At the time of his arrest, Khan had not yet built a terror cell, procured explosives, or chosen specific targets.

Uzair Paracha, persuaded by a \$200,000 bribe to help Khan return to the United States, was arrested in Brooklyn, and charged with five counts of providing material support to terrorism. His father was arrested in Thailand.

All three men had spent significant portions of their lives in the United States. They were also educated and had high-paying jobs. Yet despite these factors, they were willing to aid al-Qaeda. They also posed a threat to the United States because they could enter the United States, and move within it, at will. The case has been used by the CIA as an example of how torture can be an effective interrogation method, a contention that has recently been challenged by a Senate committee.

On July 20, 2006, Uzair Paracha was convicted on all five counts and sentenced to thirty years in prison. To this day, Saifullah Paracha and Majid Khan remain at Guantánamo Bay. Majid Khan was tried for war crimes, pled guilty, and was sentenced to 19 years. As of March 2015, Saifullah Paracha has yet to be charged.

2. Nature of the adversary

Majid Shoukat Khan was born on February 28, 1980 in Pakistan.¹ He successfully claimed political asylum and moved to Baltimore, Maryland in 1996.² As part of his asylum agreement, he was prohibited from traveling outside of the United States without prior permission from the United States government.³ There is no indication of any prior criminal record or of mental instability.

¹ "JTF-GTMO Detainee Assessment of Majid Khan," June 13, 2008, projects.nytimes.com, 1.

² Department of Defense, "Detainee Biographies," defense.gov, www.fas.org/irp/news/2006/09/detaineebios.pdf.

³ "Asylum," immihelp.com, www.immihelp.com/gc/asylum.html

He graduated from Owings Mills High School in 1999, while working at his father's gas station.⁴ Teachers from Owings Mills described him as generally amicable and a good student. Margarita Ugarte-Caffyn, chairwoman of the English as a Second Language program, said, "He always seemed like such a nice young man."⁵ Khan was also highly successful. After graduation, he began working at the Maryland Office of Planning as a database administrator.⁶ In March 2001, he switched jobs and began working at Electronic Data Systems in Tyson's Corner, for a salary of \$70,000 per year.⁷ Judging by his education and job history, Khan appeared to have assimilated into American society. However, there seems to have been a spiritual void in his life. In 1999, he began "attending conferences hosted by Tablighi Jamaat, an international movement that seeks to bring Muslims closer to Islam."⁸ He also began teaching database administration at the Islamic Society of Baltimore and helped run Friday prayers.⁹

In October 2001, Khan filed a request with the Immigration and Nationalization Service asking to travel abroad so he could be married in Dubai and to go on a pilgrimage to Saudi Arabia. Instead, he traveled to Karachi, Pakistan, where he met with Khalid Sheikh Mohammed, al-Qaeda's head of operations, in February of 2002. He also married Rabia Yaqoob before returning to Baltimore in March of 2002. On December 24, 2002, Khan and his wife, under orders from KSM, traveled to Thailand where Khan gave a large sum of money to al-Qaeda affiliate Jemaah Islamiyah.¹⁰

Khan then returned to Pakistan, where he worked on his gas station plot and, since his visa had expired, asked Uzair Paracha, whom Khan met when he visited the Karachi office where Uzair was working, to help him enter the U.S. illegally.¹¹ He was arrested in Pakistan and was eventually transferred to Guantánamo Bay.¹²

Saifullah Paracha, 65 years old when he was apprehended, was born in Mongwal Village in the Sargodha district of Pakistan.¹³ He studied physics at a university in Karachi before moving to the United States in 1971.¹⁴ While in the United States, he studied computer science at New York Institute of Technology and lived in Queens.¹⁵ He married his wife Farhat Parachain in 1979, two years after she immigrated to the United States.¹⁶ He became a permanent resident of the United States in 1980.¹⁷ There is no evidence of any prior criminal offenses or of mental instability.

⁴ Matthew Hay Brown, "From Owings Mills High School to a cell at Guantanamo," baltimoresun.com, March 3, 2012.

⁵ Brown, "From Owings Mills High School to a cell at Guantanamo."

⁶ Brown, "From Owings Mills High School to a cell at Guantanamo."

⁷ Brown, "From Owings Mills High School to a cell at Guantanamo."

⁸ Brown, "From Owings Mills High School to a cell at Guantanamo."

⁹ Brown, "From Owings Mills High School to a cell at Guantanamo."

¹⁰ Brown, "From Owings Mills High School to a cell at Guantanamo."

¹¹ Janelle Miller, "Criminal Complaint against Uzair Paracha," investigativeproject.org, August 8, 2003, 2.

¹² Brown, "From Owings Mills High School to a cell at Guantanamo."

¹³ "JTF-GTMO Detainee Assessment of Saifullah Paracha," projects.nytimes.com, 1.

¹⁴ "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," scotusblog.com, July 3, 2007, a22.

¹⁵ "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," a22.

¹⁶ "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," a22.

¹⁷ "Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari," a22.

During his time in the United States, Saifullah became a highly successful businessman. He started off working in the computer department of Market Data Retrieval, Inc. in 1974, and eventually became something of a serial entrepreneur.¹⁸ He established and bought multiple companies including Globe Travel Service Ltd., Sana Travel Inc., Third World Broadcasting, and International Merchandise (Pvt.).¹⁹ In addition to numerous business ties to the United States, Saifullah also has a strong familial tie to the United States. Four of his siblings and numerous nieces and nephews, all live in the United States. One nephew even remarked that, “in terms of family connections, Saifullah Paracha is as much or more American than Pakistani.”²⁰ Despite these ties, Paracha returned to Pakistan and established an export-import business in 1986, which acted as a buying agent in Pakistan for retailers like Wal-Mart.²¹ In addition, he ran a television production company that specialized in programming meant to reduce religious animosity.²²

Saifullah and his wife continued to periodically visit the United States from 1986 onwards; however, his behavior and travel plans began to change in the 1990’s.²³ For instance, he built a hospital in Pakistan’s Northwest Frontier Province, near the border with Afghanistan, and visited Afghanistan twice in the late 1990’s.²⁴ His wife stated that he became more philanthropic and religious with time.²⁵

The Department of Defense’s Office for the Administrative Review of the Detention of Enemy Combatants at US Naval Base Guantanamo Bay (referred to here as “the Board”), believes more sinister motives were at play. In a memo dated November 14, 2005, it states that during 1999 and 2000, Saifullah met with Osama bin Laden to offer him the use of his studios. Saifullah originally met with KSM, who was so impressed that he arranged for Saifullah to meet with Bin Laden.²⁶ Saifullah also gave money to Taliban commander Mullah Omar, agreed to use his textile business to ship explosives into the United States, and housed members of al-Qaeda in properties he owned in Karachi.²⁷

Uzair Paracha, a Pakistani citizen who has lawful permanent residence in the United States, was born in Pakistan on January 7, 1980.²⁸ His parents, Saifullah and Farhat Paracha, were both native Pakistanis who attended graduate school in New York City.²⁹ His father had even started a small travel agency in New York and founded a lucrative export business between Karachi and New York.³⁰ Uzair frequently traveled to the United States. He first journeyed to the United States when he was three weeks old

¹⁸ “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” a22.

¹⁹ “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” a22.

²⁰ “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 2.

²¹ “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 2.

²² “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 3.

²³ David Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots,” nytimes.com, August 18, 2003.

²⁴ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

²⁵ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

²⁶ Nirupama Subramanian, “Pakistan Pushed For Release of Alleged Bin Laden Associate From Guantanamo,” thehindu.com, May 5, 2011.

²⁷ “JTF-GTMO Detainee Assessment of Saifullah Paracha,” 2.

²⁸ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

²⁹ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

³⁰ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

and even attended Rainbow Montessori preschool in Queens.³¹ There is no indication of a prior criminal record or of mental instability.

Uzair grew up predominately in Karachi, Pakistan. His family lived in a two-story house located in the Defense Housing Authority area, a wealthy part of Karachi.³² He attended the B.V.S. Parsi High School, a highly respected private institution, and studied business administration at the Institute of Business Management, a prestigious university attended by the city's elite.³³ While in college Uzair interned at several advertising and trading firms in Karachi, and traveled to New York every summer to manage a gas station.³⁴ Upon graduation in 2002, he went to work at his father's clothing company, International Merchandise Group, with offices in the United States and Pakistan.³⁵

Due to his family's wealth, his extensive education, and the frequency of which he traveled, Uzair's life was remarkably different from many of his contemporaries. One college friend said that, "I would describe him as everybody would, as an American. He had thoughts like an American, not a Pakistani."³⁶ According to his mother, he wore western clothing, loved American music, drove a Japanese-built car, and stayed up late watching American television on cable.³⁷ One of his college professors said that, "He was not very religious," and his friends describe him as "very confident."³⁸ He performed charity work, acted in and directed school plays, and often socialized with women.³⁹ In many respects, Uzair Paracha lived a life comparable to that of a middle-class American teenager or young adult.

3. Motivations

There is little indication that a common motive existed between the three men. Majid Khan possessed a clear religious motivation. He radicalized after high school and demonstrated that he was willing to become a martyr by following KSM's instructions, in January of 2002, to record a martyr video, strap explosives to his chest, and wait for several hours at a Mosque where Pakistani President Musharraf was rumored to be visiting.⁴⁰ Musharraf never appeared; however, KSM was impressed and arranged for Khan to attend a bomb making training camp.⁴¹ Khan's motives were clear: to wage jihad against the United States of America in accordance with the instructions of KSM and radical Islam.

One factor that definitely influenced both of the Parachas was money. Saifullah Paracha did not aid al-Qaeda for free, but instead required bribe money.⁴² Furthermore, he often referred to his dealings with al-Qaeda as merely business transactions.⁴³

³¹ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³² Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³³ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³⁴ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³⁵ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³⁶ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³⁷ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³⁸ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

³⁹ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

⁴⁰ Brown, "From Owings Mills High School to a cell at Guantanamo."

⁴¹ Brown, "From Owings Mills High School to a cell at Guantanamo."

⁴² "JTF-GTMO Detainee Assessment of Saifullah Paracha," 6.

⁴³ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 7.

Although it is possible that he was solely motivated by money, a multitude of evidence suggests otherwise. He was not merely a passive facilitator, or someone who only did what they were told for the sake of profit. Instead, it appears that he originally sought out Osama bin Laden in order to offer him the use of his studios and production facilities.⁴⁴ In addition to smuggling materials into the United States and donating safe houses and other facilities, Paracha also attempted to persuade al-Qaeda leadership to authorize devastating attacks by suggesting the procurement of biological weapons from China and nuclear and radioactive materials, and he also volunteered to help smuggle these destructive weapons into the United States.⁴⁵ While money and financial success were clearly important to him, the evidence suggests that he fully supported al-Qaeda's violent ideology.

It is unclear what extent Uzair's father convinced Uzair to participate in the plot. Uzair claimed to have been influenced by money—specifically, by a \$200,000 dollar investment that Khan planned to make in International Merchandise Group where Uzair worked. Uzair knew from the beginning that the money came from al-Qaeda, but stated that he was afraid that the money would not have been invested if he had refused to help Khan return to the United States.⁴⁶ It is unclear what portion of this investment, if any, would have directly benefitted Uzair Paracha and not the company. Instead, Uzair could have been motivated by a desire to benefit his father's company. Furthermore, Uzair's father told the Board that he was unsure if Uzair knew about the plan.⁴⁷ Despite these factors and despite Uzair's affinity for American culture, I still believe Uzair was primarily motivated, not by his father, but by a desire to harm the United States. Although there is no evidence that he would have directly participated in a violent attack, he knew that the money belonged to al-Qaeda, and would therefore be used against the United States. Additionally, the Board indicates that it believes Saifullah Paracha was "hiding some of his son's extremist activities."⁴⁸ Similarly to his father, Uzair may have been motivated by money and unwilling to directly participate in violent acts; however, also like his father, he probably had sinister ulterior motives.

4. Goals

It is difficult to attribute goals to Khan beyond the completion of the plot because he had demonstrated his willingness to sacrifice himself for Islam. There can be no doubt about his desire to carry out KSM's orders and, if necessary, to die in the process.

Saifullah Paracha had far more elaborate goals. Although he was tasked with an auxiliary role in Khan's plot, he was an extremely valuable asset for al-Qaeda. His knowledge of international shipping, his contacts, his business acumen, and his wealth rendered him invaluable. So valuable in fact, that he personally met with Osama bin Laden twice.⁴⁹ His stated desire to facilitate bigger and more lethal attacks indicates that he had larger goals than simply providing al-Qaeda with safe houses and broadcast

⁴⁴ "Summary of Combatant Status Review Board Tribunals for Saifullah Paracha," projects.nytimes.com, 1.

⁴⁵ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 6.

⁴⁶ Janelle Miller, "Criminal Complaint against Uzair Paracha," 2.

⁴⁷ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 5.

⁴⁸ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 10.

⁴⁹ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 2.

equipment. For example, he had discussed the possibility of shipping biological and nuclear materials into the United States with members of al-Qaeda.⁵⁰ It is plausible that, by successfully smuggling these explosives into the United States, Saifullah Paracha was aiming to build credibility with al-Qaeda leadership so that they would allow him to plan and carry out larger attacks.

If Saifullah is to be believed that Uzair had no knowledge of the plot to bomb gas stations in Maryland, then his goals may not have aligned with those of Khan and Saifullah Paracha. However, this would not mean that Uzair was completely ignorant of what he was doing. Documents compiled by the Board indicate that Uzair knew that both his father and Khan were members of al-Qaeda, and he admits that al-Qaeda wanted him to keep the money liquid so that they could access it on short notice.⁵¹ This means that Uzair had not simply agreed to a one-time exchange with al-Qaeda, but to multiple dealings. This suggests that he may have been willing to play a supporting role similar to his father's. It is more likely that Uzair's goal was to cultivate relationships with members of al-Qaeda so that he could one day play such a role in exchange for continued payouts, just like his father.

5. Plans for violence

Court documents reveal that KSM, al-Qaeda's Chief of Operations, desired to attack infrastructure such as gas stations and reservoirs in the United States.⁵² After learning that Khan had worked at a gas station, KSM selected Khan to carry out the plot and provided him with explosives training.⁵³

However, because Khan's visa had expired, he needed to deceive the Immigration and Naturalization Service so that he could reenter the United States. He enlisted Aafia Siddiqui, an associate of KSM, to set up a post office box in Maryland under his name.⁵⁴ After he had submitted a request to INS for an "asylum travel document," Khan tasked Uzair Paracha to convince INS that Khan was still in the United States by depositing money in Khan's bank account, calling INS regarding the travel documents, and creating, and then requesting a change of address for, a post office box.⁵⁵

Khan was captured before he could get back into the United States.⁵⁶ Had he successfully reentered, he had further plans to locate gas stations, to build an al-Qaeda cell in the United States, and to ship explosive materials into the United States via Saifullah Paracha's shipping company.⁵⁷

Both Khan and Saifullah were highly motivated al-Qaida operatives. However, had the authorities not intervened when they did it is still unlikely that the attack would have been carried out and would have succeeded. None of the preparations had even begun, and terrorists' success with setting off bombs in the United States has been very limited.

⁵⁰ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 6.

⁵¹ "Combatant Status Review Tribunal Summaries of Majid Khan," projects.nytimes.com, 2.

⁵² "JTF-GTMO Detainee Assessment of Majid Khan," 2.

⁵³ Matthew Hay Brown, "From Owings Mills High School to a cell at Guantanamo," 2.

⁵⁴ "JTF-GTMO Detainee Assessment of Majid Khan," 3.

⁵⁵ "JTF-GTMO Detainee Assessment of Majid Khan," 4.

⁵⁶ "JTF-GTMO Detainee Assessment of Majid Khan," 4.

⁵⁷ "JTF-GTMO Detainee Assessment of Majid Khan," 9.

It is however worth noting that their plan was realistic and it is at least possible that it could have worked. Considering that the families of both Khan and of Uzair Paracha owned gas stations, Khan and his recruits would have had ample ability to practice and train. The group also had technical expertise due to the bomb making training Khan had received from al-Qaeda and to Saifullah's proficiency in international shipping. Additionally, gas stations are soft targets that are often unprotected. For these reasons, if the conspirators had not been caught during their preparations the attack could have worked. If it had there is no guarantee that the explosives would have worked, similar to what happened during the attempted Times Square bombing, and if they had worked the attack might still not have been very damaging. A small handful of gas stations are hardly vital to the United States.

KSM was detained on March 1, 2003 by Pakistani security forces and the CIA, and this may have been the first sign that the plot was beginning to unravel.⁵⁸ Prior to the release of the report on torture from the Senate Select Intelligence Committee in 2014, the prevailing wisdom was that information gleaned from the interrogation of KSM led to the capture of Majid Khan.⁵⁹ However, the report argues that the capture of Khan was entirely unrelated.⁶⁰ Regardless, in less than a week, the authorities had managed to capture both the man who ordered the attack and the person responsible for its execution.

The plot was thus foiled before it ever really began. At the time of Khan's arrest, explosives had not been shipped or procured, specific targets had not been chosen, and other operatives had not been recruited or trained to use explosives. Without additional manpower it would have been impossible to target multiple gas stations simultaneously, as Khan wanted.⁶¹ This means that in order to conduct the attack, Khan would have first needed to successfully enter the United States and live quietly while assembling and training a cell. The assessment performed by the Board indicates that Khan planned to use Adnan Gulshair el Shukrijumah, Zuhayb, his brother, and two to three unknown African-American Muslim converts who were training in Afghanistan.⁶² Khan's brother and family was arrested in Karachi, but were released one month later. Adnan, was killed in 2014 by Pakistani Security forces in South Waziristan.⁶³

Khan tipped the authorities to the other people involved in the plot during his interrogation.⁶⁴ The FBI played a critical role in foiling the plot by apprehending both Parachas. It arrested Uzair in New York City on March 28, 2003, and Saifullah was captured in an airport in Thailand in July.⁶⁵ Authorities had been monitoring Saifullah since April of 2002, and he was captured after the FBI alerted authorities in Thailand of his presence.⁶⁶ He was later transferred into U.S. custody and sent to Guantánamo Bay.

⁵⁸ Senate Select Committee on Intelligence, "Committee Study of the CIA's Detention and Interrogation Program: Executive Summary," December 3, 2014, 81.

⁵⁹ Senate Select Committee on Intelligence, "Committee Study," 336.

⁶⁰ Senate Select Committee on Intelligence, "Committee Study," 334.

⁶¹ "JTF-GTMO Detainee Assessment of Majid Khan," 10.

⁶² "JTF-GTMO Detainee Assessment of Majid Khan," 8.

⁶³ Sophia Saifi, "Pakistan's Army Kills al Qaeda Commander Who Grew Up In U.S.," *cnn.com*, December 8, 2014.

⁶⁴ Senate Select Committee on Intelligence, "Committee Study," 355.

⁶⁵ Phil Hirschorn, "Lawyer: Detained Pakistani to Face Terrorism Charges," August 6, 2003.

⁶⁶ Senate Select Committee on Intelligence, "Committee Study," 354.

Due to the location of capture and varying residency statuses among the conspirators, each has a unique outcome. Uzair is a lawful permanent resident who was captured in the United States and was indicted in U.S. District Court in the Southern District of New York.⁶⁷ He was charged with five counts of providing material support to a foreign terrorist organization, was convicted on all charges on July 20, 2006, and was sentenced to 30 years in federal prison.⁶⁸ He is currently the only conspirator to have faced trial in civilian court.

As mentioned earlier, both Majid Khan and Saifullah Paracha are currently being detained in Guantánamo Bay. Both have alleged that the CIA had detained them at unknown locations before transferring them to Guantanamo Bay. After being detained and interrogated, both men underwent hearings to determine if the U.S. government could classify them as enemy combatants and thus try them by a military commission instead of by civilian courts.⁶⁹ In 2006, both men were judged to be enemy combatants as defined by the Military Commissions Act of 2006.⁷⁰ Khan was charged with various war crimes. In 2014, Khan struck a plea deal and agreed to fully cooperate against other detainees, and his sentencing was delayed for four years. If at the end of this period authorities judge him to have fully cooperated, he will be sentenced to 19 years and receive credit for time already served. If he is not judged to have fully cooperated, he will be sentenced to 25 years. It is worth noting that Army Colonel James Pohl, who presided over Khan's case, says there is no legal authority prohibiting the United States from detaining Khan past the length of his sentence. Saifullah Paracha has not yet been charged.⁷¹

7. Connections

Several networks impacted the three conspirators. The two most prominent are al-Qaeda, a network of international Islamic terrorists, and family networks that drew in Majid Khan and Uzair Paracha.

Although it is possible that all three of these individuals could have separately radicalized without al-Qaeda, the plot would not exist had it not been for al-Qaeda. Al-Qaeda was responsible for conceiving the plot, recruiting and training operatives, financing the operation, and putting the conspirators in touch with one another. Uzair Paracha also stated that the money given to him by Khan, presumably used to finance the upcoming operation, belonged to al-Qaeda.⁷² Additionally, Khan was relying on individuals he had met through al-Qaeda, such as Aafia Siddiqui, to provide valuable support. This plot could not have taken shape in this form without the expertise, resources, and contacts provided by the al-Qaeda network.

⁶⁷ Janelle Miller, "Criminal Complaint against Uzair Paracha," 1.

⁶⁸ U.S. Attorney's Office, "Pakistani Man Convicted of Providing Material Support to al-Qaeda Sentenced to 30 Years in Federal Prison," July 20, 2006.

⁶⁹ "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

⁷⁰ "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

⁷¹ Peter Finn, "Guantanamo Detainee Majid Khan pleads guilty, promises cooperation," *washingtonpost.com*, February 29, 2012.

⁷² Janelle Miller, "Criminal Complaint against Uzair Paracha," 2.

Family networks also played an instrumental role in the formation of this plot. Beyond the obvious connection that Saifullah and Uzair Paracha share as father and son, it is important to note the role Majid Khan's extended family, which lives in Pakistan, and his Pakistani heritage, played in his radicalization. Khan first came to the United States in 1996, at the age of 16. Reports indicate that he began to radicalize after graduating from high school after his mother had died.⁷³

After her death, a rift appears to have developed between Khan and his father. In a statement prepared for Khan's Combatant Status Review Tribunal, his father indicated that, "the Detainee recently began to be influenced by anti-American thoughts and became extremely religious in his behavior." The Detainee's father believed the Detainee had come under the influence of family members in Karachi, Pakistan, who discussed anti-American feelings.⁷⁴ These extended family members are believed to be members of al-Qaeda.⁷⁵ Khan may have begun to radicalize as a result of his mother's death and his experiences after 9/11, but his Pakistani heritage and extended family gave him a sense of belonging and drew him in further. Thus family networks in conjunction with al-Qaeda played an important role in the radicalization of Majid Khan and the recruitment of Uzair Paracha.

8. Relation to the Muslim community

Factors such as mosque attendance and the Muslim community had a varying influence on each conspirator. For example, both Saifullah Paracha and Majid Khan have been described as religious; whereas Uzair Paracha's managerial accounting professor described him as "not very religious."⁷⁶ Friends and family painted a similar picture, describing Uzair as someone who "tried to avoid having to go to prayers" and as a "secular, Western-minded young man."⁷⁷ Based on these descriptions, it is unlikely that he was influenced by Mosque attendance. Furthermore, it is also unlikely that his connection to the Muslim community influenced events as well because he was well assimilated into American culture. Friends and family have described him as a "cheerful and energetic guy who enjoyed spending money on clothes and trendy haircuts."⁷⁸ He also enjoyed hip-hop, socialized with girls, and wore baggy pants.⁷⁹ In many cultural respects, Uzair Paracha had more in common with typical Americans than members of the Muslim community.

Unlike his son, Saifullah Paracha is unquestionably religious. The real question is whether or not he subscribed to radical Islam. His wife describes him as someone who "didn't have radical religious or political beliefs."⁸⁰ Saifullah corroborates this story saying that his dealings with al-Qaeda were strictly business related.⁸¹ Furthermore, his Jewish-American business partner wrote that "He very clearly knew I was Jewish. We had friendly talks on religion and he never has shown any animosity at

⁷³ "Majid Khan Stipulation of The Facts," washingtonpost.com, February 29, 2012, 3.

⁷⁴ "Combatant Status Review Tribunal Summaries of Majid Khan," 2.

⁷⁵ "Combatant Status Review Tribunal Summaries of Majid Khan," 2.

⁷⁶ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

⁷⁷ "Uzair Paracha Wasn't A Radical, Say Friends," archives.daily.times.com, August 24, 2003.

⁷⁸ Daily Times, "Uzair Paracha Wasn't a Radical, Say Friends," August 24, 2003.

⁷⁹ Rohde, "Pakistani Detainee Enjoyed Deep U.S. Roots."

⁸⁰ Daily Times, "Uzair Paracha Wasn't a Radical, Say Friends."

⁸¹ "JTF-GTMO Detainee Assessment of Saifullah Paracha," 7.

all to Jewish people or to America. The opposite—he spoke very highly of America.”⁸² These statements indicate that he did not follow a radical version of Islam; however, they might not tell the whole story. His wife indicated in an interview that he grew more religious in the 1990’s as he grew older.⁸³ During this time he visited Taliban-controlled Afghanistan twice and met with Osama bin Laden.⁸⁴ Furthermore, Saifullah described Osama bin Laden as a prophet.⁸⁵ He also offered to help translate extremist materials into Urdu.⁸⁶ At the very least, his associations with Osama bin Laden, KSM, and other radicals indicate that he was sympathetic to radical Islam. It is also distinctly possible that he fully subscribed to it.

It is clear that mosque attendance and Majid Khan’s perception of the Muslim community directly impacted his radicalization and the plot itself. Randall Blake, who was Chief of the National Counterterrorism Center’s al-Qaeda group, argued before Congress that Khan was radicalized during his extended time in Pakistan.⁸⁷ In Pakistan, Khan was directly exposed to extremists such as KSM and those in his extended family. However, this testimony fails to take into account the role that groups such as Tablighi Jamaat played. In the Stipulation of Facts signed by Khan, he indicates that he began to consider Jihad and started attending conferences hosted by Tablighi Jamaat after the death of his mother in April 2001.⁸⁸ Tablighi Jamaat is a secretive nonviolent organization whose mission is to bring existing Muslims closer to the faith.⁸⁹ Although the group is nonviolent, they are viewed as a recruiting ground for al-Qaeda and other extremist organizations; prominent fighters such as Abu Zubair al Haili, Kafeel Ahmed, Mohammed Sadique Khan, and others have all been associated with the movement.⁹⁰ While attending these meetings, Khan met with Abdul Raufi, a former Mujahadeen fighter, who discussed his time waging jihad against the Soviet Union.⁹¹ Khan states that he became willing to use violent methods after he witnessed a hijacked airliner strike the Pentagon on September 11, 2001.⁹² After 9/11 he began to correspond with Mullah Omar over email and began planning his trip to Pakistan.⁹³ The fact that Khan attended Tablighi Jamaat meetings does not solely explain his radicalization; however, he appears to have gradually radicalized over a number of years and his time spent at these meetings appears to have been formative.

9. Depiction by the authorities

⁸² Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

⁸³ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

⁸⁴ Rohde, “Pakistani Detainee Enjoyed Deep U.S. Roots.”

⁸⁵ Richard Serrano, “Guantanamo Bay Prisoner Sues U.S. To Get a Bible,” *latimes.com*, November 22, 2005.

⁸⁶ “Saifullah Paracha v. George W. Bush, Petition for a Writ of Certiorari,” 5.

⁸⁷ Randall Blake, former chief, National Counterterrorism Center’s al-Qaeda Group, Testimony before the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the House of Representatives Committee on Homeland Security, 109th Cong., 2nd sess., September 20, 2006, 8, https://www.fas.org/irp/congress/2006_hr/radical.pdf.

⁸⁸ “Majid Khan Stipulation of the Facts,” 3.

⁸⁹ Jenny Taylor, “What is the Tablighi Jamaat,” *theguardian.com*, September 8, 2009.

⁹⁰ Ashwaq Masoodi, “Inside the Tablighi Jamaat,” *livemint.com*, September 16, 2013.

⁹¹ Ashwaq Masoodi, “Inside the Tablighi Jamaat.”

⁹² “Majid Khan Stipulation of the Facts,” 3-4.

⁹³ “Majid Khan Stipulation of the Facts,” 5.

Until September 2006, there were very few official statements regarding the plot. When Uzair Paracha went on trial in the summer of 2006, the FBI and Courts released standard statements regarding his arrest, trial, and sentencing. In these statements, Majid Khan and Saifullah Paracha were referenced, but no direct statements were made regarding either man. In September, the Bush Administration announced that a group of 14 “high-value detainees” was being transferred to Guantánamo Bay, among whom was Majid Khan.⁹⁴ This was the first time the U.S. Government had acknowledged his existence outside of court documents. A Department of Defense spokesman had previously acknowledged the existence of Saifullah Paracha in 2003, but only after he had written a letter to his wife and an attorney had filed a petition in U.S. courts on his behalf.⁹⁵ Although these statements were strictly factual in nature and appear to show the U.S. government taking a measured approach to dealing with the press, they actually show the government to be secretive and alarmist. For example, by refusing to acknowledge Khan’s capture and detention for three years, the United States tried to obscure the fact that it engaged in torture. Additionally, by refusing to acknowledge the capture of Saifullah Paracha and Majid Khan for so long and by refusing to produce them at Uzair’s trial on the grounds of national security, the United States suggested that these men pose an existential threat to the United States even while behind bars.

Outside the mostly factual statements made regarding the fate of each of these men, many official statements have been made that use this case as a justification for the use of torture, or enhanced interrogation. Specifically, the CIA has long maintained that it was information gleaned from KSM that led to the capture of Majid Khan, and that information from Khan led to the capture of Saifullah and Uzair Paracha.⁹⁶ For example, a “widely disseminated CIA Intelligence Assessment, entitled “Detainee Reporting Pivotal for the War Against Al-Qa’ida,” states that “KSM’s revelation in March 2003 that he was plotting with Sayfal-Rahman Pamcha—who also used the name Saifullah al-Rahman Paracha—to smuggle explosives into the United States for a planned attack in New York prompted the FBI to investigate Paracha’s business ties in the United States.”⁹⁷

The report on torture released by the Senate Committee on Intelligence in 2014 disputes these claims. If the report is accurate, the vast majority of official statements regarding this case will not only have been proven wrong, but intentionally misleading.

In my judgment, it appears that the CIA intentionally misled the media and members of Congress about the capture of Majid Khan. The Senate Committee’s report goes beyond merely establishing that members of the CIA had information about Khan available prior to the capture of KSM. Instead, the report details instances where the CIA provided information regarding Khan to other agencies such as the FBI, monitored Khan’s email activity, and encouraged Pakistani security forces to apprehend Khan.

⁹⁴ Richard Willing, “High-Value Detainees Among Transfers to Gitmo,” usatoday30.usatoday.com, September 7, 2006.

⁹⁵ Frank Davies, “Detainee Named in Arms Plot; Investigators Say The Man Urged al-Qaeda Operatives To Get Nuclear Weapons for Use Against U.S. Troops,” philly.com, February 11, 2005.

⁹⁶ Senate Select Committee on Intelligence, “Committee Study,” 354.

⁹⁷ Senate Select Committee on Intelligence, “Committee Study,” 354.

Additionally, the report indicates that KSM talked about Khan for the first time after he was shown photographs of Khan being captured.

The CIA's misinformation is incredibly troubling for the health of America's constitutional republic. One of the chief duties of Congress is oversight of federal agencies, something that is necessary to ensure that agencies are effective and efficient and are operating within the law and in accordance with the values of the American people. It is impossible for Congress to effectively oversee an agency that by necessity is shrouded in secrecy if the agency lies to Congress. By misleading members of Congress, the CIA put itself above the law and showed disregard for the Constitution and citizens that it is charged to protect.

10. Coverage by the media

The media played an important role by investigating and challenging the government's secrecy. For example, a 2010 lawsuit filed by the *Miami Herald* prompted the Obama Administration to release the list of detainees slated for indefinite detention in 2013, a list that included Saifullah Paracha.⁹⁸ In addition, the *New York Times* has launched a special project called "The Guantanamo Docket," which contains legal documents and hearing transcripts for every detainee. It also contains a detailed history of the prison. Efforts such as these are vital in order to keep the public informed about the actions of the United States Government. Many components of this case such as the torture of KSM and Majid Khan, the indefinite detention of Saifullah Paracha, the refusal of the U.S. government to allow Uzair Paracha to call detainees as witnesses, and the use of special military tribunals for some but not all of those involved in the plot are hard to reconcile with the U.S. Constitution. Without the media, the general public would not be as informed as it is today.

11. Policing costs

Depending on the value of the intelligence provided by KSM there are two cost scenarios for the investigation. If the intelligence gained from the interrogation of KSM was instrumental in the capture of Majid Khan, it was an incredibly expensive investigation. KSM was placed on the FBI's list of Most Wanted Terrorists on October 10, 2001, because of his role in the planning of 9/11.⁹⁹ Additionally, he was originally indicted on terrorism charges in 1996 following a failed attempt to detonate explosives aboard a number of planes.¹⁰⁰ By the time of his capture, he had been on the run from U.S. law enforcement and the intelligence community for almost a decade. It might seem odd to include many of these costs due to his peripheral involvement and considering that the plot was not conceived until 2002; however, if as the CIA maintains that he led them to Majid Khan then the plot would have been far more likely to have succeeded if he had not been captured.

If the 2014 report on torture of the Senate Select Committee on Intelligence is correct, and the capture of KSM was not relevant to the arrest of Majid Khan,¹⁰¹ the

⁹⁸ Kevin Liptak, "U.S. Releases Names of 'indefinite detainees' at Guantanamo," politicalticket.blogs.cnn.com, June 17, 2013.

⁹⁹ CNN Library, "Khalid Sheikh Mohammed Fast Facts," cnn.com, December 30, 2014.

¹⁰⁰ CNN Library, "Khalid Sheikh Mohammed Fast Facts."

¹⁰¹ Senate Select Committee on Intelligence, "Committee Study," 334.

investigation would still be costly, but it would also be relatively efficient. According to the report, the FBI's Baltimore Field Office opened a full field international terrorism investigation of Khan's email address on February 10, 2003, in response to a tip received from the CIA.¹⁰² In order to monitor Khan's email address, the FBI would have been required to obtain a warrant for electronic surveillance under the Foreign Intelligence and Surveillance Act (FISA). Khan was eventually located in Karachi and captured by Pakistani security forces less than a month later on March 5.¹⁰³ He then provided information that led to the arrest of Uzair Paracha less than a month later on March 28.¹⁰⁴ Although the CIA had been collecting information on Saifullah Paracha for over a year, he was not arrested until July 5, 2003.¹⁰⁵ The FBI in conjunction with the CIA spent six months in total before each suspect was arrested.

Although the suspects were apprehended in a matter of months, the case is still ongoing because Saifullah Paracha has not yet been charged with any crimes. The costs associated with the arrest prosecution of Uzair Paracha are evident. Only one FBI agent, Janelle Miller, is listed on the criminal complaint. There were two Assistant U.S. Attorneys assigned to the prosecution: Karl Metzner and Eric B. Bruce. Uzair was convicted on November 23, 2005, following a two week jury trial and was sentenced to 30 years in prison on July 20, 2006.¹⁰⁶ It is more difficult to discern the costs of prosecuting both Majid Khan and Saifullah Paracha because they both spent time detained by foreign governments, at CIA black sites, and spent time at Guantánamo Bay while their prosecutions were delayed. After being captured in 2003, Khan and Saifullah Paracha were transferred to Guantánamo Bay on in September of 2006 and 2004, respectively.¹⁰⁷ In the period between their arrests and transfers, they were each interrogated by the CIA and possibly other agencies. In January 2010, the Guantanamo Review Task Force recommended that both men be prosecuted on war crimes.¹⁰⁸ Khan was charged with various war crimes in February of 2012.¹⁰⁹ He entered a plea deal that same month and was sentenced to 19 years.¹¹⁰ Saifullah Paracha has not yet been charged with any crimes.

Due to the various national security concerns and to the complications that arise from trying the three suspects in two different court systems, all three cases were fraught with legal issues. For example, Uzair's defense attorney requested that KSM and Majid Khan be available to testify during Uzair's trial, a request that was denied.¹¹¹ For the most part, these difficulties did not have a major impact on the cost of prosecuting these individuals; however, Khan's status as the only legal resident of the United States being detained proved to be costly. In October of 2006, Khan partnered

¹⁰² Senate Select Committee on Intelligence, "Committee Study," 335.

¹⁰³ Senate Select Committee on Intelligence, "Committee Study," 336.

¹⁰⁴ Senate Select Committee on Intelligence, "Committee Study," 355.

¹⁰⁵ Senate Select Committee on Intelligence, "Committee Study," 354-357.

¹⁰⁶ U.S. Attorney's Office, "Pakistani Man Convicted of Providing Material Support to al-Qaeda Sentenced to 30 Years in Federal Prison."

¹⁰⁷ "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

¹⁰⁸ "JTF-GTMO Detainee Assessment of Majid Khan" and "JTF-GTMO Detainee Assessment of Saifullah Paracha."

¹⁰⁹ Peter Finn, "Guantanamo Detainee Majid Khan Pleads Guilty, Promises Cooperation."

¹¹⁰ Peter Finn, "Guantanamo Detainee Majid Khan Pleads Guilty, Promises Cooperation."

¹¹¹ Julia Preston, "Man Helped Qaeda Figure, Jury Finds Here," nytimes.com, November 24, 2005.

with the Center for Constitutional Rights (CCR)¹¹² to challenge his detention and sparked a number of legal battles. First, the Justice Department was forced to argue that Khan should not have access to a lawyer.¹¹³ In 2007, a federal appeals court was forced to rule that Guantánamo detainees did not have access to the civilian court system, after the CCR petitioned for a change of venue.¹¹⁴ Finally, the CCR unsuccessfully petitioned for habeas corpus. Although none of these efforts were successful they would have cost a great deal of money to resolve.

12. Relevance of the internet

The internet played an important, but not vital, role in the plot because it allowed the conspirators to communicate. However, it was not necessarily used in a savvy manner.

According to reports, Majid Khan used the email address BobDesi@hotmail.com to communicate with his fellow conspirators.¹¹⁵ Long-distance communication would have been necessary because Khan was in Pakistan while Uzair and Saifullah Paracha frequently traveled between the United States and Pakistan. However, it is worth noting that the internet was not the only means used by the conspirators to communicate. For example, Khan and Uzair frequently communicated via phone to discuss the status of Khan's travel documents, and Khan instructed Uzair Paracha to use the internet to request information from INS regarding Khan's travel documents in person at an ice-cream shop in Karachi.¹¹⁶ Requesting information was one of the actions taken to disguise the fact Khan was outside of the United States. For these reasons, it is difficult to say that the internet played a vital role in this strategy.

The internet was also used to gather information; however, it does not seem that the plot was far enough along that any substantial reconnaissance efforts were being made. For example, Khan admitted to researching poisons that could be used in reservoirs, but nothing related to the attack aimed at gas stations.¹¹⁷ Khan tried unsuccessfully to obtain a gas station operations manual from his brother. Considering that many manuals are available online, it is probable that Khan would have eventually used the internet to obtain a manual and do other research.

Although the internet did not play a pivotal role in the plot itself, Khan's internet footprint greatly aided authorities as they sought to capture him. Khan displayed a relative degree of sophistication when he used a fake name in his email address, but he revealed his identity when he used the address to create a personal website under his real name, and the FBI was able to link the website to the email address through public open source information.¹¹⁸ This discovery allowed the FBI to begin monitoring Khan's internet activities and location in February of 2003, shortly before he was captured.¹¹⁹

¹¹² Center for Constitutional Rights, "Khan v. Obama/Khan v. Gates," ccrjustice.org.

¹¹³ Center for Constitutional Rights, "Khan v. Obama/Khan v. Gates," ccrjustice.org.

¹¹⁴ Center for Constitutional Rights, "Khan v. Obama/Khan v. Gates," ccrjustice.org.

¹¹⁵ Senate Select Committee on Intelligence, "Committee Study," 335.

¹¹⁶ Janelle Miller, "Criminal Complaint against Uzair Paracha," 2-3.

¹¹⁷ "JTF-GTMO Detainee Assessment of Majid Khan," 2.

¹¹⁸ Senate Select Committee on Intelligence, "Committee Study," 335.

¹¹⁹ Senate Select Committee on Intelligence, "Committee Study," 335.

Additionally, the FBI was able to track down the \$200,000 by electronically searching a database in Belgium.¹²⁰

The Internet can be a powerful tool that terrorists can use to communicate and gain information. In this case, however, it was used sparsely and ineffectually. Indeed, it seems mostly to have benefited the authorities.

13. Are we safer?

The United States is undoubtedly safer as a result of these arrests. Saifullah and Uzair Paracha and Majid Khan all possessed a key attribute: the ability to legally reside, work, and travel in the United States. Saifullah Paracha and Majid Khan were also eager al-Qaeda operatives who wanted to attack the United States. Their prior history shows that they would have attempted an attack. For example, in December of 2002, Khan delivered money to an al-Qaeda affiliate named Jemaah Islamiyah, which was used to build the truck bomb that struck the J.W. Marriot hotel in Jakarta.¹²¹ He had also previously demonstrated that he was willing to sacrifice himself for al-Qaeda. Although it is unlikely that Saifullah Paracha would have been willing to sacrifice himself, he had proved willing to support al-Qaeda in other ways. He had donated video production facilities, erected hospitals on the border of Afghanistan and Pakistan during the height of the war in Afghanistan, and laundered vast sums of money. Considering the pair's intentions and potential skills, America is safer now that they are in custody.

However, it is important not to overstate the increase in security. The plot was barely developed, and the United States was under no imminent threat. Furthermore, the attack may not have succeeded: Khan may have been unable to build effective explosives or they may have encountered other setbacks.

It is more difficult to determine if the United States is significantly safer because of the arrest of Uzair Paracha. He was definitely a threat to the United States who was willing to support al-Qaeda by laundering money and through other nonviolent means. However, it is questionable whether he would have committed violent acts or directly supported an attack. Additionally, it is possible that Uzair would not have associated with al-Qaeda if his father had not been involved or was behind bars. Unlike Khan and Saifullah, who were experienced al-Qaeda operatives, Uzair had no previous ties to al-Qaeda and was adjusted to life in the United States. If his primary motivation was to obtain money for his business, it is possible that he was a mere facilitator, that did not necessarily have more deadly ambitions like his father and that he would not have committed violence. The United States is slightly safer as a result of his arrest because he had demonstrated his willingness to aid al-Qaeda. However, he was a minor player at best.

14. Conclusions

There are two main takeaways from this case. First, it demonstrates that successful individuals can be radicalized and can turn to terrorism. Uzair, Saifullah, and Majid all had well paying jobs and supportive families. Khan and Uzair even lived and

¹²⁰ Barclay Walsh, "Bank Data is Sifted by U.S. in Secret to Block Terror," nytimes.com, June 23, 2006.

¹²¹ Matthew Hay Brown, "From Owings Mills High School to a cell at Guantanamo."

worked primarily in the United States. Recently President Barack Obama and others have argued that individuals turn to groups such as the Islamic State due to a lack of opportunity. For example, in a recent op-ed in the *Los Angeles Times*, he writes, “Efforts to counter violent extremism will only succeed if citizens can address legitimate grievances through the democratic process and express themselves through strong civil societies. Those efforts must be matched by economic, educational and entrepreneurial development so people have hope for a life of dignity.”¹²² A State Department spokeswoman Marie Harf recently argued on MSNBC’s “Hardball” that, “We need to go after the root causes that leads people to join these groups, whether it’s lack of opportunity for jobs.”¹²³ While these arguments might not be entirely wrong, this case shows that there are reasons that educated, wealthy, and successful individuals turn to terrorism. Indeed, a recent study by the New America Foundation assessing the background of 250 U.S. based militants since 9/11 found that, “They are on average middle class, reasonably well-educated family men with kids. They are, in short, ordinary Americans.”¹²⁴ The first step in thwarting domestic terrorism is to accurately characterize the enemy.

Second, is that the United States does not have a uniform policy regarding how to deal with captured individuals who are accused of terrorism. Khan and the Parachas were all conspirators in the same plot. They played different roles, but worked together. Yet Uzair Paracha was tried in the U.S. court system whereas Saifullah and Majid Khan were sent to Guantánamo Bay. In the U.S. court system Uzair was afforded all the rights of a U.S. citizen, could not be tortured, and was prosecuted like any other criminal. However Khan and Saifullah, were secretly detained for years, denied constitutional rights such as the ability to file habeas corpus petitions, were forbidden from testifying at Uzair’s trial, and tortured. They would not have been treated this way had they been captured inside the United States. Considering that both Khan and Saifullah were whisked around the globe to CIA prisons and eventually to Guantanamo Bay, location appears to be a largely arbitrary factor. A uniform counterterrorism policy would maximize respect for constitutional rights and treat all alleged terrorists the same, to ensure that they are prohibited from carrying out violent acts in the most efficient manner possible.

¹²² Barack Obama, “Our Fight Against Violent Extremism,” *latimes.com*, February 17, 2015.

¹²³ Fox News, “State Department Spokesman Floats Jobs As Answer to ISIS,” *foxnews.com*, February 17, 2015.

¹²⁴ Peter Bergen, “Jihadi John: The Bourgeois Terrorist,” *CNN*, February 27, 2015.

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Case 7: Abu Ali in Saudi Arabia

John Mueller

February 24, 2013

Abu Ali, an American-born student in Saudi Arabia, was arrested in 2003 in a sweep by Saudi police after some terrorist bombings in the country that had taken place earlier in the year. Held for 20 months, he confessed to involvement with al-Qaeda, but later claimed the confession was induced by torture. Notes Leigh Stephens, an intern at the Cato Institute when she wrote this, there was very little evidence against him outside of his confession, and he had neither a bomb nor much in the way of a coherent plan of attack.

Ali's family sued to bring him home where, tried in a US court, his torture story proved unconvincing. Sentenced to 30 years, he appealed, failed again, and the sentence was increased to life.

Case 7: Abu Ali in Saudi Arabia

Leigh Stephens

February 9, 2013

1. Overview

On June 8, 2003, Ahmed Omar Abu Ali was arrested while taking his final exams at the Islamic University of Medina in Saudi Arabia. The American citizen, then 22 years old, was wanted in connection with a recent terrorist attack in Riyadh, and was immediately taken to a detention center. He was then held by Saudi Arabian security forces for 20 months and was visited occasionally by FBI State Department officials. A few months into his detention he was videotaped reading a written confession, in which he admitted he was involved with al-Qaeda. He recounted meeting the head of al-Qaeda's Medina terrorist cell, known to him as Ali Abd al-Rahman al-Faq'asi al Ghmadi, with whom he discussed various jihad plans. A specific plan was never decided on, but one included assassinating President Bush. He also admitted to attending a training camp where he received money from al-Qaeda associates and learned forgery techniques. Through the duration of his detention neither the U.S. nor the Saudi Arabian government formally charged Abu Ali with any crimes, and he remained jailed for almost two years.

Abu Ali's family finally sued the U.S. government for his return home. The government complied, and promptly charged him with receiving funds from a terrorist organization and conspiring to assassinate the President. Abu Ali claimed that his confession was extracted under torturous conditions, and that it was entirely false. He described horrible treatment during his detention in Saudi Arabia, saying he was whipped, chained to the floor, hung from the ceiling, and repeatedly slapped and kicked. His defense sought to have the case thrown out on the grounds that his confession was obtained from a foreign government and under torture. During the trial, doctors and psychiatrists testified on both sides and argued about the origination of scars on Abu Ali's back. He was not able to sufficiently convince the courtroom he was tortured, and he was convicted on all counts, receiving a sentence of 30 years in prison followed by 30 years of probation. He appealed, but lost, and was then resentenced to life.

2. Nature of the adversary

Abu Ali was born in Texas in 1981 and moved at a young age to Falls Church, Virginia. His parents were Jordanian born and had become U.S. citizens by the time of his birth. Both his father and mother were conservative Muslims. His father worked for the Saudi Embassy and his mother was a homemaker.¹ Abu Ali attended the private Islamic Saudi Academy in Alexandria, Virginia, from kindergarten to high school. Abu Ali was the valedictorian of his graduating class, and was known as a helpful and compassionate member of the community.² He is described by friends as a role model, an example to peers, always helpful, and selfless. He tutored younger children and was a volunteer youth leader in local

¹ U.S. v. Abu Ali (E.D.V.A. 2008) No. 06-4334, .

² David Hancock, "Alleged Bush Assassin Abu Ali," CBS, September 10, 2009.

programs. He had no criminal record and was not known to be confrontational or defensive. During a power outage he was part of a small group that volunteered to assist elderly community members up and down stairs for the duration of the outage. A friend indicated that he had many conversations about religion with Abu Ali, and he consistently voiced his belief that Islam is a religion of peace, tolerance, and fellowship.³ Abu Ali seems to have been well respected and overall liked by his peers and teachers. From all accounts he was level headed, sociable, and had a comfortable upbringing.

In 1999 he enrolled at the University of Maryland to study electrical engineering. He withdrew after one semester, and decided to pursue religious studies at the Islamic University of Medina in Saudi Arabia.⁴ He was arrested at the University while taking an exam on June 8, 2003, in connection with a recent terrorist attack in which three western residential compounds were bombed in Riyadh, killing 39 people.⁵ The attackers were suspected of being members of, al-Faq-aski, al-Qaeda's Medina terrorist cell. Saudi Arabian security forces raided an al-Faq-aski safe house following the Riyadh attack. Abu Ali was held on suspicion of being a member of the cell after a man captured in the raid identified Abu Ali in a photograph. He was held for several days in Medina before being transported to a detention center in Riyadh. Abu Ali was not officially charged with any crime and his family was not notified of his detention. The FBI became aware of Abu Ali's arrest on June 9, but testified that the Saudi government would not permit them to speak directly to him. Instead, they watched the interrogation and provided several questions. Abu Ali wrote a confession admitting he conspired to carry out a terrorist attack on the United States, and was videotaped reading it on July 24. He was then held for 19 months more months in Saudi Arabia.⁶

Abu Ali's confession, which he later denied as being extracted under torture, admitted the following. (The names used in his confession were likely aliases, but for the sake of simplicity I will use the names Abu Ali used in his confession.) According to the confession, when he arrived in Medina, Abu Ali contacted Moeith Al-Qahtani, a man he had met on a previous trip and with whom he had discussed jihad. In November 2002 Moeith introduced him to Sultan Jubran Sultan al-Qahtani, who was the second in command for al-Qaeda's Medina terrorist cell. Abu Ali met regularly for several months with Jubran, at which point he was asked to carry out a jihad mission. Jubran introduced him to Ali Abd al-Rahman al-Faq'asi al Ghmadi, the first in command of the terrorist cell that bears his name. He proposed possible terrorist actions Abu Ali could take because of his ability to re-enter the United States. Abu Ali was eventually moved to a safehouse where he received training in the use of guns and explosives. He also learned forgery techniques and was given instruction manuals, unspecified equipment, and money to purchase a laptop, cell phone, and books. His training

³ Letters from friends, freeahmed.com. Accessed November 15, 2012.

⁴ Jerry Markon and Dana Priest, "Terrorist Plot to Kill Bush Alleged," *Washington Post*, February 23, 2005.

⁵ Markon and Priest, "Terrorist Plot to Kill Bush Alleged."

⁶ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

was interrupted by his arrest following the Riyadh attacks.⁷ When his house in Virginia was searched, the FBI found e-mail correspondence linking him to Moeith, an article praising the 9/11 attacks, and a magazine that included tips for carrying a concealed handgun.⁸

Abu Ali's family began a highly public campaign to have their son returned, and claimed that he was being held in Saudi Arabia at the request of the U.S. government.⁹ His family sued the U.S. government for failing to return Abu Ali to the U.S., at which point the U.S. State Department made the rather odd request that Saudi Arabia either officially charge him or release him into U.S. custody.¹⁰ He was returned to the U.S. in early February 2005, where he was charged with joining al-Qaeda and participating in a plan to carry out terrorist activities in the U.S., including conspiracy to assassinate the president.

In his defense, Abu Ali said that his confession was obtained under conditions of torture at the hands of the Saudi Arabian security forces, and that he was arrested and detained with the full knowledge of the United States. Because his arrest was made in partnership, he maintained that the U.S. had violated his fourth amendment rights by searching his dorm room in Medina without a warrant. Abu Ali claimed that he was whipped, slapped, kicked, and had his beard and ears pulled while in detention. He also said he was subjected to sensory deprivation by being placed in a constantly lit cell, being subject to long periods of isolation, and being woken in the middle of the night to be interrogated for hours. His accusations of torture went as far as claiming he was hung from the ceiling from shackles at one point, as well as being chained to the ground for a long period of time.¹¹

Abu Ali's case is unique because he is on record confessing to crimes, and he retracted his confession. His trial revolved around whether or not his allegations of torture were true. This means that the jury did not deliberate on evidence surrounding communications or connections to al-Qaeda. Instead, doctors and psychiatrists testified on the side of both the prosecution and defense as to whether Abu Ali had been subjected to torture. This was based on the evaluation of scars on his back and psychiatric evaluations meant to judge if he suffered from PTSD. The jury unanimously convicted him on all counts on October 25, 2005, and he was sentenced to 30 years in prison followed by 30 years of probation. He appealed his sentence, but lost and was resentenced to life in prison.¹²

3. Motivation

It is unclear exactly when Abu Ali became committed to joining al-Qaeda. Furthermore, because Abu Ali denies his confession, it is possible he never was involved in any acts of terror. Assuming that his confession was true, Abu Ali

⁷ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

⁸ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

⁹ "The Case of Ahmed Omar Abu Ali," *New York Times*, February 24, 2005.

¹⁰ Markon and Priest, "Terrorist Plot to Kill Bush Alleged."

¹¹ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

¹² Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

probably became motivated during his high school years. He attended a conservative Muslim school his whole life, and the school has recently been accused of teaching passages praising jihad.¹³ Furthermore, several known terrorists have been associated with the mosque he attended in Virginia. The evidence found at his home in Virginia seems to imply he was entertaining extremist ideas, but not enough to indicate he was already plotting an attack. That Abu Ali sought to meet with Moeith as soon as he arrived in Saudi Arabia suggests that he was looking for an opportunity to participate in violence since the two had supposedly spoken of jihad before. Abu Ali was undoubtedly heavily influenced by his relationship with Jubran and Al-Faq'asi who discussed jihad at length with him and suggested an attack. Abu Ali grew up in a moderately isolated Muslim community in Virginia, which perhaps led him to feel alienated from his American citizenship and to seek a sense of belonging elsewhere. Both his mosque and high school had received negative media attention and had been accused of encouraging extremism which potentially could have made Abu Ali resentful of his surrounding community of mainly middle class, Caucasian families.

4. Goals

In his taped confession, Abu Ali stated that he immediately accepted Jubran's suggestion that he carry out a jihad mission because of his "hatred for the [U.S.] for what [he] felt was its support of Israel against the Palestinian people, and because [he] was originally from Jerusalem."¹⁴ He also told State Department consular Charles Glatz, who visited him during his detention in Saudi Arabia, "I don't have a problem with Saudi Arabia; I have a problem with the U.S. government."¹⁵ It appears he hoped to simply punish the United States for supporting Israel, and did not have any concrete political goals other than to cause destruction. It also appears that he wanted to prove himself as a hero to a certain extent. An account of his taped confession describes him as smug, and at one point he laughs and imitates the use of a gun.¹⁶ Furthermore, during questioning that was, unbeknownst to him, watched by the FBI, he bragged that it was his idea to include assassinating Bush in the terrorist plot.¹⁷ He also claimed that he wants to be a mastermind like Khalid Sheikh Muhammad who planned the 9/11 attacks.¹⁸ It appears Abu Ali sought recognition rather than martyrdom, implying that a certain level of ego was a part of his goals.

5. Plans for violence

Abu Ali's plans were still in a nascent stage when he was arrested, and several courses of action were considered. It was still undecided whether Abu Ali would act as a sleeper agent for a time, or carry out an attack in the immediate

¹³ Jerry Markon and Ben Hubbard, "Review Finds Slurs in '06 Saudi Texts," *Washington Post*, July 15, 2008.

¹⁴ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

¹⁵ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

¹⁶ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

¹⁷ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

¹⁸ Hancock, "Alleged Bush Assassin Abu Ali."

future. Al-Faq'asi wanted to take advantage of Abu Ali's American citizenship to send him back into the U.S., and they discussed assassinating or kidnapping senior U.S. officials, including President Bush. Abu Ali suggested President Bush could be assassinated by snipers or by a suicide bombing during a public event. They had also talked about a plan to free prisoners in Guantanamo Bay. Al-Faq'asi wanted to carry out an attack similar to 9/11, including blowing up U.S. planes or attacking U.S. warships and suggested that they use an aircraft originating in Australia or England if they were not able to get back into the U.S.¹⁹ The plans had not evolved further than conversations, and Abu Ali was in the process of training when he was arrested. It appears that the men had somewhat different views. Al'Faq'asi wanted to replicate the 9/11 attacks, while Abu Ali seemed more fixated on assassinating the President. Since the only evidence of these plans is what Abu Ali himself admitted, it is difficult to know what would have actually transpired had he completed his training.

6. Role of informants

There was no government informant in this case. However, an unidentified man, arrested by the Saudi Arabian government after a raid on a safe house, told the Saudi security forces that one of the men he had been training was a student at the Islamic University of Medina, although he only knew the man's alias. When Saudi security forces gave the man a yearbook, he identified Abu Ali as who he was talking about. Since Abu Ali was not wanted by the U.S. or Saudi Arabian government, this information was the sole reason for his capture.

7. Connections

If his confession was true, Abu Ali had significant connections to al-Qaeda. Jubran, who also goes by the name Zubayr al-Rimi, was wanted by the FBI for making threats against the U.S. and was described by Saudi Arabia's ambassador to the U.S. as the number two al-Qaida leader on the Arabian Peninsula. He was killed in a shootout with Saudi security forces in September 2003. The FBI began a worldwide search for Jubran in September 2002, ultimately resulting in his death.²⁰

Al-Faq'asi, who is also known as Ali Abdul Rahman al-Ghamdi, was described by western intelligence sources as al-Qaeda's top operative in Saudi Arabia. He fought against U.S. troops in Afghanistan, but fled to Saudi Arabia when heavy bombing started. U.S. officials have connected him to Saif al-Adel and Abu Mohammed al-Masri, who are two senior al-Qaeda operatives. He was also familiar with Khalid Sheikh Mohammad, who largely planned the 9/11 attacks. He was the number two person wanted in connection to the Riyadh bombings, which U.S. authorities state was carried out by al-Qaeda. He surrendered to Saudi authorities in June, 2003.²¹

¹⁹ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

²⁰ Associated Press, "Security Forces Kill Three in Saudi Anti-Terror Raid," *Topeka Capital Journal*, September 25, 2003.

²¹ "Saudi Attackers 'Must Surrender,'" BBC, June 27, 2003.

Abu Ali's name was brought up in a terrorism case revolving around his North Virginia home. Several men were charged with intention to carry out a terrorist attack after conducting paintball training exercises in the countryside and then traveling to Pakistan and attempting to join al-Qaeda. The FBI showed interest in him because he had reportedly participated in their paintball sessions, and had legally sold an AK-47 to one of the men convicted.²² Although these were legal actions, it is possible he could have known of the men's intentions and even was influenced by them.

8. Relation to the Muslim community

Abu Ali has a deep connection to the Muslim community. He was raised in a conservative Muslim family, and his father worked for the Saudi Arabian embassy. The school he attended his whole life, the Islamic Saudi Academy, is funded by the Saudi Arabian government and the Ambassador of the Kingdom of Saudi Arabia is an honorary chairman. Saudi Arabian students attend the school for free. The school has come under fire from the non-Muslim community in Alexandria for allegedly promoting an extremist form of Islam. Whether or not the school actually does promote extremism, in particular jihad, is unclear. The school's mission statement is "to enable students to excel academically while maintaining the values of Islam."²³ Islamic studies is a mandatory course grades 7-12, and the books used to teach this course are controversial. Passages in the books, which are provided by the Saudi government, compare Jews and Christians to apes and pigs, and designate these two groups as enemies of the believers. In 2006 the school revised their textbooks in response to criticism, but a passage praising jihad and martyrdom still remains. School officials have stated that teachers were instructed to avoid controversial passages in the classroom.²⁴ Furthermore, Raed Abdul-Rahman Al-Saif, a graduate from the Islamic Saudi Academy, was arrested in 2009 for attempting to board a plane in Florida with a 7 inch knife on his person.²⁵

Abu Ali attended the Dar Al-Hijrah Mosque in Virginia, a place of worship that is also the center of controversy. Anwar Al-Awlaki, the late radical cleric who later became involved with Yemen's al-Qaeda chapter, led the mosque briefly. Major Nidal Hasan, who carried out an attack at Ford Hood, worshipped there for a time as well. Furthermore, two of the 9/11 hijackers attended the mosque for a short time during Al-Awlaki's leadership.²⁶ The imam who took over for Al-Awlaki, Johari Abdul-Malik, has been trying to distance the mosque from extremism in the past few years. However, Abdul-Malik and Al-Awlaki were companions on their pilgrimage to Mecca in 2003, and Abdul-Malik tried to convince him to rejoin the mosque. The Saudi Embassy partly funds the

²² James Dao and Eric Lichtblau, "Case Adds to Outrage for Muslims in Northern Virginia," *New York Times*, February 27, 2005.

²³ Islamic Saudi Academy, saudiacademy.net, accessed November 15, 2012.

²⁴ Markon and Hubbard, "Review Finds Slurs in '06 Saudi Texts."

²⁵ "Coalition Fights Expansion of Islamic Saudi Academy in Virginia," Fox News, July 13, 2009.

²⁶ William Wan, "Imam Serves as Public Face of an Embattled Mosque," *Washington Post*, September 18, 2011.

mosque as well.²⁷ Outsiders who have visited the mosque, including an FBI agent and a Fairfax county supervisor, were met with anger from some of the mosques worshippers.²⁸

Neither Abu-Ali's high school nor mosque appear to be outwardly extremist, but both are very conservative and have connections to terrorists. Abu Ali's environment could certainly have been one where extremism might go unnoticed or unquestioned. The Muslim community in his hometown in Virginia became very involved in his case. Many wrote letters to the judge, protested to have him returned home, and attended his trial. The Islamic University of Medina, where Abu Ali moved in 2000 to study religion, is known for its conservative Muslim views and connection to several extremists. In 2010 the University held a conference in an attempt to change its image, in which University officials condemned terrorism and asked Muslims to reject extremism, but reiterated the claim that governments of Muslim nations should apply sharia law to all aspects of life.²⁹

Although Abu Ali grew up in the Washington D.C. suburbs, then, he was relatively isolated in a Muslim community for most of his life. He went to an all Muslim school, participated socially in his community through his mosque's organizations, and left the University of Maryland after only a semester to attend an Islamic college. It would not be an overstatement to say that his connections to the Muslim community vastly defined his personal identity.

9. Depiction by the authorities

The U.S. government tried very hard to avoid bringing Abu Ali's case into the U.S. He was kept in a Saudi prison for 20 months with regular visits from State Department and FBI officials, and was returned home only when his family filed a lawsuit. Abu Ali's defense argues that the U.S. government hoped that Saudi Arabia would charge him and there would be no reason for the U.S. to get involved. The U.S. government also stated that they had no interest in or surveillance of Abu Ali until he was arrested by Saudi security forces. Once he was indicted, the prosecution tried to represent him as unstable and extreme, which seems out of step with the testimonies of his peers and teachers.

The rhetoric used was dramatic considering that even if Abu Ali's confession was true, he had never gotten further than discussing jihad and no actual attack was planned. Since he was arrested fairly soon after the 9/11 attacks, his case was used to justify controversial homeland security practices that resulted from 9/11, and he was used as an example of the threat of homegrown terrorism. Assistant U.S. Attorney David Laufman wrote that Abu Ali was "frustrated and bored during a stay at an Al-Qaeda safe house 'because his fellow al-Qaeda cell members did not appear sufficiently motivated to suit the defendant's terrorist zeal.'"³⁰ He also stated that Abu Ali "represents one of the most dangerous

²⁷ Wan, "Imam Serves as Public Face of an Embattled Mosque."

²⁸ Wan, "Imam Serves as Public Face of an Embattled Mosque."

²⁹ Patrick Goodenough, "Saudi Conference Condemns Extremism, Embraces Shari'a," CBS, April 2, 2010

³⁰ Associated Press, "U.S.: Suspect Plotted to Kill Bush," CBS, February 11, 2009.

terrorist threats that America faces in the perilous world after Sept. 11.”³¹ Furthermore, the prosecution fought for a life sentence for only discussing terrorist actions. Compare this to John Walker Lindh, an American citizen who received only 20 years in jail after being captured as an enemy combatant following the U.S.’s invasion of Afghanistan.³² It seems likely that the prosecution wanted to make Abu Ali appear far more vicious than he was as a way of justifying the recent expansion of executive powers relating to homeland security.

10. Depiction by the media

There was a huge amount of media coverage on Abu Ali’s case during the time between when he was returned to the U.S. and his trial. Much of the attention focused on what the outcome of his case would mean for individual rights in the war on terror. This was the first post 9/11 case where the evidence was completely collected by a foreign nation’s government. A majority of journalists did not believe he would be convicted since his confession was extracted by the Saudi security forces. Overall the media was fairly sympathetic to Abu Ali and seemed to generally believe his claims of torture were true. A *New York Times* editorial called his case “another demonstration of what has gone wrong in the federal war on terror.”³³ Regardless of the truth of Abu Ali’s torture allegations, most of the media expressed doubt that he was actually a threat because the U.S. let him languish in a Saudi prison for almost two years before charging him. If he was really dangerous, they argue, the U.S. should have charged him immediately. The media seems to be in agreement that his trial was unfair, but is either neutral or noncommittal to whether he is guilty. Few articles talk about Abu Ali as a person; most focus instead on the implications of the case.

11. Policing costs

Except for the costs of Abu Ali’s trial in the United States, there were no policing costs in this case, since he was arrested and detained overseas.

12. Relevance of the internet

The internet did not play a role in Abu Ali’s arrest. However, e-mails were found from before his departure to Saudi Arabia containing communications with Moeith Al-Qahtani and plans to meet with each other. Communications were also discovered that were allegedly between Abu Ali and Jubran following the raids on Medina safe houses. They showed someone using an alias who the prosecution accused of being Abu Ali, and they contained a coded message from Jubran stating that he had escaped, but that Abu Ali was in danger.³⁴ These e-mails were not crucial to Abu Ali’s conviction since the trial focused on whether or not his confession was true.

³¹ Associated Press, “U.S. Suspect Plotted to Kill Bush.”

³² Neil A. Lewis, “Traces of Terror: The Captive; Admitting he Fought in Taliban, American Agrees to 20-Year Term,” *New York Times*, July 16, 2002.

³³ “The Case of Ahmed Omar Abu Ali,” *New York Times*, February 24, 2005.

³⁴ Abu Ali v. U.S.(E.D.V.A. 2008) No. 06-4334 and 06-4521

13. Are we safer?

The short answer is no, although it partly depends on whether Abu Ali's testimony that his confession was obtained by torture is true. Either way, Abu Ali never actually got past discussing plans for attack. The fact that he mentions three or four possible attacks shows that he was not actually in the planning stage, and there is no way to prove an attack was inevitable.

Aside from his confession, there is hardly any evidence incriminating him. A magazine about guns is a perfectly legitimate item to have. An article praising 9/11 did not exactly help Abu Ali's case, but is not incriminating in itself. The e-mail to Moeith says nothing of jihad or al-Qaeda, and only includes plans to meet up. When the Saudi security forces raided al-Qaeda safehouses in Medina, Abu Ali was not there. He was picked up when a man who was there told the security officers they had an associate at the Islamic University of Medina, and then pointed out Abu Ali's face in a year book after being pressured to give a specific name. There are over 20,000 students at the University of Medina, and a small black and white picture is a lot to base accusations of terrorism on. Abu Ali's defense made the case that those arrested from the safe house raid would be more likely to finger a "patsy" than sell out their own men. Abu Ali was not known to the FBI prior to his arrest in Saudi Arabia and was not known to be associated with any terrorist organizations. So, if his confession was a result of torture then clearly he was never a threat.

Even if his confession was true, the notion that Abu Ali would be able to reenter the country undetected after spending time training with al-Qaeda and then get close enough to President Bush to assassinate him, seems highly unlikely.

14. Conclusions

This case is particularly interesting because it is a prime example of the United States' use of extraordinary rendition following 9/11. Imagine if an American citizen was sentenced to life in prison prior to 9/11 solely on evidence obtained from a foreign government who the defendant had accused of torture. Furthermore, Abu Ali was convicted without ever actually possessing a bomb or even having a plan ready to set in motion. This would be unheard of, and would result in public outrage. Abu Ali's case generated a lot of attention, but most of the outrage came only from his Muslim community. Media coverage focused on what his trial would mean for the war on terror, and few discussed Abu Ali on a personal level. One of the reasons for this seems to be because he came from such an isolated Muslim community. His mosque and school had already received negative attention from the surrounding community. Perhaps following 9/11 the American public was so fearful of Islamist terrorists that they had a difficult time sympathizing with someone whose identity revolved around his Muslim community, and fear led people to be more apathetic than they would have been otherwise.

What is especially troubling about this case, in my opinion, is the time it took the U.S. to get Abu Ali home. After Abu Ali's family sued for his return, the government told Saudi Arabian officials they needed to either charge Abu Ali or

release him into U.S. custody. It is also concerning that the State Department was so lax with Abu Ali's detention, essentially demonstrating that how hard they fight to have a citizen released is dependent on who that citizen is. Furthermore, the Saudi Brigadier General who testified against Abu Ali admitted he had threatened and used force against prisoners before. The State Department Consular who visited Abu Ali also admitted he knew of two Canadian and British citizens who had been tortured in the same detention center.³⁵ Abu Ali was never given a lawyer or any legal council prior to making his confession.

The closing argument of Abu Ali's case summary states that the "court cannot discern whether Ali is sincere or just cunning."³⁶ The court appears to be considering Abu Ali guilty until proven innocent. After originally receiving a 30 year sentence, Abu Ali appealed his case. He lost his appeal, but the judge increased the sentence to life. Abu Ali is now in a super max prison in Colorado. Due to the confusing nature of his confession and trial, it is difficult to discern exactly how guilty Abu Ali is and what his story can tell us about homegrown terrorism. If we assume his guilt, then it would seem his communal isolation coupled with external pressure against that community drove him to join al-Qaeda. If he is in fact innocent, then a great injustice has been done. In either case, this case is a prime example of the way the War on Terror has created new precedents for how the justice system treats an American citizen accused of terrorism.

³⁵ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

³⁶ U.S. v. Abu Ali, (E.D.V.A. 2005) 395 F. Supp. 2d 338

Case 8: Columbus and the Brooklyn Bridge

John Mueller

June 3, 2011

Like Jose Padilla (Case 2), Iman Faris is an American who for various reasons linked up with al-Qaeda before 9/11, met Osama bin Laden, and connected to the putative “mastermind” of 9/11, Khalid Sheikh Mohammed (KSM). In early 2002, he was sent on a surveillance mission to the United States by KSM, and there seem to be two key episodes on this trip.

First, he met with a couple of friends in August 2002 in a coffee shop near Columbus, Ohio. One of the men, outraged at the US attack on Afghanistan, suggested shooting up a local mall. Faris appears to have suggested that a bomb might be better, and the third man dismissed the idea as “stupid.” That was the Columbus mall plot: there was no followup whatever.

Second, later in 2002, Faris traveled to New York City to scout out possible terrorist targets at the behest of KSM. Although most New Yorkers might proudly insist that their city is fairly festooned with lucrative targets, the only one Faris looked at was the Brooklyn Bridge. He drove over it once, noticed that there were quite a few cops around, thought the support cables too big or difficult to cut through, informed KSM of this profound discovery, and then, his curiosity and/or patience exhausted, drove back to Columbus. That was the Brooklyn Bridge plot: there was no followup whatever.

The police presence at the bridge probably stemmed in part from the testimony-under-torture earlier in 2002 (see Case 2) of the captured al-Qaeda operative, Abu Zubayda, who suggested that al-Qaeda had the Brooklyn Bridge on a target list that also contained the Statute of Liberty and an undifferentiated array of shopping malls, banks, supermarkets, water systems, nuclear plants, and apartment buildings—none of which have actually been struck by any terrorists in the subsequent nine years in the United States, not even in Columbus, Ohio.

Then, in 2003, KSM was himself captured. He quickly fingered Faris as one of his go-to guys, and Faris, already under surveillance, was arrested some days later. In turn, he also soon blabbed, and this spurred on the investigations of his two Columbus coffee shop buddies.

As Drew Herrick suggests, the three do seem in some sense variously have been up to no good, but any danger they presented, particularly within the United States, seems to have been quite limited.

Addendum, February 2013: A book has now been published on this case: Andrew Welsh-Huggins, *Hatred at Home: Al-Qaeda on trial in the American Midwest* (Swallow Press, 2011)

Case 8: Columbus and the Brooklyn Bridge

Drew Herrick

June 3, 2011

typographical and other minor corrections November 17, 2011

1. Overview

In August 2002, three friends, Iyman Faris (a naturalized U.S. citizen), Natadin Abdi (a U.S. immigrant from Somalia), and Christopher Paul (born in the U.S.) met in a coffee shop near Columbus, Ohio. Before 9/11, Faris had spent time at an al-Qaeda training camp in Afghanistan where he met Osama bin Laden. The other two had had some training at camps in Africa, also before 9/11. In 2002, Faris also met the reputed principal architect of the 9/11 attacks, Khalid Sheikh Mohammed (KSM).

Outraged by the American invasion of Afghanistan that had taken place in late 2001, they discussed attacking a local mall. Abdi advocated using automatic weapons like an AK-47 to shoot up the mall, but Faris convinced him that a bomb would be more effective.¹ Paul, far the most technologically sophisticated of the three, dismissed the entire idea as “stupid.” Later there may have been some further highly informal meetings on the issue, but nothing ever really came of the idea. In the end, the planning and the execution of the plot was left to Abdi, who never did much of anything about it.²

Later in 2002, Faris traveled to New York City under orders from KSM to survey possible terror targets within the United States.³ After basic internet research Faris decided on the Brooklyn Bridge as a potential target and believed that “gas torches” could be used to bring the bridge down. However after conducting physical reconnaissance of the bridge (which consisted of driving over it once), Faris concluded that an attack was unlikely to succeed because of the bridge’s structural design and because of the New York Police Department patrols there, and he never sought to acquire the equipment necessary for such an attack.⁴ He reported his findings to KSM and then quickly returned to his home in Columbus. However, warrantless wiretaps may have gained knowledge of the plot even before Faris traveled to the Bridge; the NYPD had been alerted of a potential Bridge plot (hence the enhanced patrols), and the FBI was keeping tabs on his whereabouts.⁵

KSM was captured in Pakistan on March 1, 2003, and he fingered Faris who was then visited by the FBI on March 19. Facing charges of providing material support to al-Qaeda, Faris, as part of a plea bargain, worked as an FBI informant for several months in mid-2003.⁶

¹ U.S. v. Abdi, (S.D. OH.), No. 2:04CR88, Opinion and Order, Filed July 23, 2007.

² NEFA Foundation, The Columbus Mall Plot, August 2007.

³ U.S. v. Faris, (E.D. VA), No. 03-189-A, Statement of Facts, Filed June 19, 2003.

⁴ Eric Lichtblau, “Threats and Responses: Terror; U.S. Cities Al Qaeda in Plot to Destroy Brooklyn Bridge,” *New York Times*, June 20, 2003.

⁵ James Risen and Eric Lichtblau, “Bush Lets U.S. Spy on Callers Without Courts,” *New York Times*, December 16, 2005.

⁶ *Ibid.*

It was in this role as an informant that Faris helped lead to the arrest of Abdi.⁷ On June 10, 2004 Abdi was indicted and charged with conspiring to provide material support to terrorists, but he was only arrested in November 2003 out of fear that the upcoming holiday season, specifically Black Friday during the Thanksgiving period, might convince him to finally act.⁸ On July 31, 2007, Abdi pled guilty and received a ten-year sentence.

Only Paul was actually found to possess bomb-making resources. However, he was not directly involved in any plots inside the United States.⁹

On October 28, 2003 Faris was convicted and sentenced to 20 years in prison.

Both the Brooklyn Bridge and the Columbus plots seem to have been primarily aspirational with little chance of success. Although all three men attended terrorist training camps, Faris never had access to gas torches nor believed that the bridge plot was feasible. Similarly, Abdi did not have any materials to make a bomb and also did not possess any weapons. Moreover, he had reportedly not decided on which mall to target or even conducted basic logistics work.¹⁰

2. Nature of the adversary

Faris was born June 4, 1969 in Kashmir, Pakistan. In May 1994, he entered the U.S. and was later granted naturalized citizenship in December 1999.¹¹ Very little is known about Faris' background before his entrance into the United States. Growing up in Pakistan, he reportedly became friends with an unnamed terrorist in the 1980s but neither prosecutors nor media outlets seemed to have found any indication of radicalization until his visit to an Afghan training camp in 2000.¹²

Sometime during 1994 Faris met Geneva Bowling, and they married in 1995. In the late 1990s, Faris set up permanent residence in Columbus, Ohio, with his wife and took on a job as a truck driver. Attorney General Ashcroft claimed that from the very first moment Faris' job and choice of city was a front.¹³ However, there has been no evidence to substantiate this fact. Faris' wife, friends, and neighbors saw no abnormal behavior until after Faris' separation from his wife.¹⁴

Faris and Bowling had severe marital disputes and at one point Faris was contemplating suicide.¹⁵ In early 2000, Faris' neighbors filed noise complaints but

⁷ U.S. v. Abdi, (S.D. OH.), No. 2:04CR88, Indictment, Filed June 14, 2004.

⁸ U.S. v. Abdi, Opinion and Order.

⁹ NEFA, Columbus Mall Plot.

¹⁰ Ibid.

¹¹ This timeline is reconstructed based on Lichtblau 2003; NEFA, Columbus Mall Plot; and GlobalSecurity.Org, "Movements of Iyman Faris," 2010.

¹² Lichtblau 2003; Pierre Thomas, Mary Walsh, and Jason Ryan, "Officials Search for Terrorist Next Door," ABC News, September 8, 2003.

¹³ Lichtblau 2003.

¹⁴ Thomas et al. 2003; Daniel Eisenberg, "The Triple Life of a Qaeda Man," *Time*, June 22, 2003.

¹⁵ Thomas et al. 2003; Eisenberg 2003.

this was primarily a product of loud music and not of any intentional malice.¹⁶ A gunshot was also reported but this was found to be from a gun range that Faris' son built in the basement. Perhaps this could indicate some aggressive tendencies but no in-depth analysis has been conducted. In early 2000 Faris and Bowling separated according to their neighbors.

Up until his separation, it seems that Faris was a socially well-connected individual. He maintained good relations with neighbors, co-workers, the local religious community, and his wife. Faris has not been linked to any criminal or drug related activities, and there are no signs of loneliness, unhappiness or humiliation until after his separation.

Later reports indicate that in 2003 Faris was put on antidepressants and received psychological counseling.¹⁷ However, the counselor found no evidence to indicate that Faris was mentally unfit. Furthermore, the timing of the antidepressants and counseling came while Faris was acting as an informant for the FBI and therefore are more likely a result of environmental factors not a preexisting condition.

It is likely the shattering of his social life led him to sever most social connections and begin to withdraw. This is the most likely point of radicalization since he was otherwise economically well off and independently minded. Furthermore, at age 31, Faris was not particularly young or susceptible to indoctrination nor was there any indication that he was a target of such indoctrination.

In late 2000, after his separation, Faris traveled to Afghanistan, a decision that was solely his and not a product of external radicalization. He soon met Osama Bin Laden. In late December 2001, after 9/11, Faris traveled to Karachi, Pakistan, and reportedly helped al-Qaeda operatives illegally obtain airline tickets. In early 2002, Faris met KSM and soon left for the United States in April on his surveillance mission. The Brooklyn Bridge surveillance and the Columbus mall meeting both took place later in 2002.

In his testimony, Faris indicated that his primary motivation was the U.S. wars in Afghanistan and Iraq.¹⁸ However, this seems unlikely because Faris traveled to an Afghan training camp in 2000 and displayed a willingness to help al-Qaeda in late 2000 and early 2001—for example, to order some needed sleeping bags. At best, the war in Afghanistan (the war in Iraq began only after he was arrested) may have strengthened his interest in attacking the Brooklyn Bridge and the Columbus mall, but it seems clear that he was radicalized before that event took place. Although he likely believes that the Afghanistan war actually did motivate some of his actions, it seems likely that he wanted his actions to be viewed in a politically favorable light rather than as a product of societal disconnect and familial stress.

In terms of capabilities, Faris seems to have been extremely interested in helping al-Qaeda, but lacked any real mental or physical aptitude. His time at the

¹⁶ Lichtblau 2003; Eisenberg 2003.

¹⁷ Lichtblau 2003.

¹⁸ NEFA Foundation, KSM's Brooklyn Bridge Plot, August 2007.

training camp likely instructed him on asymmetrical techniques and on explosives, but it is unclear how well this information stuck since none of his plots involved any actual expertise other than the Columbus mall plot (which never led to a constructed explosive device or any indication that Faris knew how to make such a device). Upon returning to the U.S. in 2002, Faris was intensely involved in hiking trips with Abdi and Paul but did not demonstrate the same technological or marital arts knowledge that Paul exhibited.¹⁹ Although certainly a willing terrorist it seems unlikely that Faris would have been useful for anything other than brute force attacks or limited logistical support. Even his rather perfunctory assessment of the Brooklyn Bridge seems to indicate a fundamental inability to adapt or plan a legitimately feasible plot.

Little is known of Nuradin Abdi primarily because his plot seems to have been deemed less interesting in both the eyes of the national media and the government. Abdi was born sometime in 1971 in Somalia. In January of 1999 he immigrated to the U.S. However, his immigration information was later found to be fraudulent.²⁰ On April 27, 1999, he applied for a travel document for Germany and Saudi Arabia. However, once again, he knowingly committed an immigration violation by traveling instead to a terrorist camp in Ethiopia.

Although both the media and government agree that his destination was Ethiopia, there is little to no discussion of the quality of the Ethiopian training camp. It is believed that Islamic rebels ran the camp but connections to al-Qaeda and information about the curriculum are sketchy.²¹ In fact, *USA Today* reports that Abdi did not even reach the camp but instead “spent the \$3,000 he had been given in hotels and restaurants.”²² This claim seems to be fairly plausible since Abdi returned overweight, and at no point did he demonstrate any technological expertise.

In March 2000, he returned to the U.S. using the same fraudulent document and settled down in Columbus, Ohio.²³ Around this time, he owned or managed a cell phone shop and had a family.²⁴ Aside from this, it is unclear whether Abdi was economically self-sufficient or mentally stable. Given the short timeframe, it seems unlikely that any impetus for radicalization took part while Abdi was in the U.S. (January 1999 to April 1999). A much more plausible scenario is that Abdi was radicalized (either of his own volition or externally) while in Somalia. This seems to be substantiated by Abdi’s fraudulent travel documents that he would have been unable to make on his own. Moreover, given the instability of the area it seems credible that Abdi was young and poor when he was radicalized. However, it is particularly interesting that Abdi attended a training camp only after gaining entry into the U.S. If he was radicalized before

¹⁹ NEFA, KSM’s Brooklyn Bridge Plot; Eisenberg, 2003.

²⁰ Michelle Malkin, “America’s Insane asylum for Terrorists,” *Townhall*, 2003; John Ashcroft, “Abdi Indictment Announcement.” June 14, 2004.

²¹ Jarrett Murphy, “Feds Allege Ohio Mall Terror Plot,” CBS News, June 14, 2004.

²² Richard Willing, “Terrorism suspects often seem far from al-Qaeda’s ‘A’ Team,” *USA Today*. May 14, 2007.

²³ *Ibid.*

²⁴ *US v. Abdi*, Opinion and Order.

entry why didn't he gain training and then enter the U.S? Traveling to Ethiopia prior to entering the U.S. seems to be a much less risky scenario than leaving the country after only three months. Most likely Abdi's trip to Ethiopia like other elements of his Columbus mall plot was not well thought out. Overall, Abdi's warning signs and point of radicalization are unclear.

It is clear that Abdi seems to exhibit extreme anger towards the U.S. for its foreign policies and for what he saw as its criminal tendencies. According to Faris and email records, Abdi wished to "shoot up" a Columbus mall in response to US military actions (presumably in Somalia and Afghanistan).²⁵ Moreover, Abdi blatantly disregarded U.S. immigration laws twice and exhibited no inhibitions about killing innocent U.S. citizens. Furthermore, he made 40 phone calls to people associated with terrorist related activities even after the FBI had initially interviewed him.²⁶ This may indicate the sheer strength of Abdi's motivation or be evidence that he was self-radicalized (presumably if he was coerced, the threat of the FBI and his distance from Somalia would have allowed him the freedom to choose).

In terms of capabilities, Abdi seems to have been rather useless. Emotionally, he seemed overly aggressive and likely was unable to hide his emotions. Furthermore, his lack of creativity (simply shooting up a mall) and his sheer stupidity in contacting known terrorist numbers within a few days of the FBI interrogation seems to demonstrate a lack of forethought. In fact, Abdi had not even surveyed any of the Columbus malls or managed to acquire an AK-47 or any materials for bomb making. This in tandem with his reportedly overweight physique seems to label him a mental and physical liability.²⁷ All of Abdi's actions seem to demonstrate a strong willingness to conspire but little technical or logistical know-how.

Unlike the other two men, Christopher Paul seems to be highly sophisticated both mentally and physically.²⁸ Paul had attended an Afghan training camp at one time and was found in possession of several books and other material for bomb making. He routinely did wilderness-training hikes and engaged in marital arts training. However, he is of limited concern here because he had no direct connection either to the Brooklyn Bridge or to the Columbus mall plots. He did however, maintain a close relationship with both Faris and Abdi and therefore could have been a reliable source for funding, training, or other forms of expertise. Paul's contact with the men does not seem to have existed until after the men entered the United States and, presumably, had already been radicalized.

By all accounts the three men maintained a strong friendship. They supplied job references for each other, picked each other up from the airport, slept on each other's couches, etc.

²⁵ NEFA, Columbus Mall Plot; U.S. v. Abdi, Opinion and Order

²⁶ U.S. v. Abdi, Opinion and Order.

²⁷ Willing 2007.

²⁸ NEFA, Columbus Mall Plot.

3. Motivation

All three men, Faris, Abdi, and Paul stated during trial that the U.S. War on Terror was their primary motivation. In Paul's case this seems to be somewhat more plausible since the majority of his plots came after the U.S. invasion of Afghanistan and Iraq. However, it is unlikely that the Afghan war and, certainly not the Iraq war were the key motivations for the bridge or mall plots. Furthermore, for all three men the U.S. war on terror was definitely not the primary, or at any rate the initial, motivation for radicalization.

In the case of Faris, neighbors reported that he did not display any warning signs and was a pleasant enough individual until early 2000 when he and his wife reportedly separated. Prior to the separation, Faris and his wife were reportedly undergoing marital disputes and Faris' mental stability was in question. Shortly after the separation, Faris left for Afghanistan. It seems plausible that Faris' disconnect from his wife and his withdrawal from society prompted his decision to radicalize. Faced with the loss of his family and his former social bonds, Faris likely became emotionally distraught and angry. He then began to search for a target for his anger and a new set of social bonds.

A less likely explanation is that his self-radicalization prompted the marital disputes. This option seems unlikely because Faris is not believed to have had any contact with al-Qaeda central until his visit to Afghanistan in late 2000. Regardless, in either case it is impossible that Faris was motivated by the invasion of Afghanistan since his radicalization and training took place prior to 2001.

However, even if Faris' social upheaval created an identity vacuum whereby he chose to align himself with al-Qaeda, his trial testimony does demonstrate some broader political and ethical commitment: he clearly wants to align his motivation with the perceived injustice of U.S. foreign policy. In this respect, it is possible that Faris wished to shed light on the injustice of U.S. hegemony and simultaneously gain a greater sense of legitimacy and fame. By aligning himself with a broader political and social agenda, rather than individual marginalization, Faris was able to tap into a key support base. This view likely ties back into his apparent social abandonment in early 2000. Furthermore, upon returning to the U.S. Faris developed a very close relationship with Abdi and Paul, both of whom had also radicalized.²⁹ In this view, Abdi and Paul became a social substitute for the loss of Faris' wife.

In the case of Abdi, an assignment of motivation becomes significantly more speculative. Although his confessed motivation is the U.S. war on terror, this does not explain his fraudulent immigration status and his reported travel to an Ethiopian training camp, both of which took place prior to the U.S. invasion of Afghanistan. Abdi's social and financial life seems to have been relatively stable while in the United States. Given the instability of Somalia, it is more likely that Abdi was radicalized while he was young boy in the 1980s and early 1990s. This would explain Abdi's choice of an Ethiopian training camp rather than a more publicized Afghanistan camp. Abdi likely knew people within the region and had already been radicalized by them.

²⁹ Eisenberg 2003; Lichtblau 2003; NEFA, Columbus Mass Plot.

Abdi's confessed motivation of U.S. foreign policy therefore may primarily be political. Specifically, since the invasion of Afghanistan and Iraq did not take place till after his radicalization these motivations are not credible. However, growing up in Somalia may have exposed him to U.S. forces in the region during the Clinton Administration. This coupled with other foreign policy decisions within the Middle East may explain his radicalization or, at the least, the radicalization of those around him in Somalia. Unlike Faris, there is no indication that he was socially ostracized or emotionally distraught prior to exploring terrorism.

4. Goals

There seems to be no apparent grand goal in either the Brooklyn Bridge or Columbus Mall plot. If you believe that U.S. foreign policy supplied motivation then it can be assumed that Faris and Abdi believed that their attacks would force U.S. force realignment, fulfill a revenge capacity for all the injustices, and/or inspire copycat attacks. If you believe that Faris was seeking social inclusion then it would follow that terrorist plotting and execution was merely a mechanism for building social bonds. In any case, there were no explicit goals involved in the plots.

5. Plans for violence

There are two drastically different levels of violence and practicality between the two plots. The Brooklyn Bridge plot targeted a national landmark and might have inflicted high causality rates by targeting rush hour traffic. The Columbus mall plot was a low scale plot involving little damage to infrastructure and relatively few casualties.

In late 2002 Faris was tasked with investigating the feasibility of a plot targeting the Brooklyn Bridge. The means of attack appears to have been primarily left up to Faris. After some amount of internet research, he believed that a "gas torch" could be used to cut the suspension cables holding the bridge up. However, upon visiting the bridge Faris believed that the project was infeasible due to the bridge's structural integrity and to the high number of NYPD forces on patrol. He subsequently contacted KSM stating, "the weather is too hot," clearly signaling that the plot would not be possible.

The NYPD itself had earlier been apprised of a potential attack on the bridge and consequently had increased its patrols of the bridge. Furthermore, Police Chief Ray Kelly commissioned a vulnerability assessment of the bridge. According to Dick Morris and Ellen McGann, the assessment indicated that a terrorist could be concealed underneath the bridge and be able to target the intersection of the cables.³⁰ Unfortunately the report has not been released to the public, but Morris' comments still demand scrutiny. He indicates that the report assumed that an assailant would have access to high temperature torches that were capable of cutting through the support cables. Furthermore, the time required to eventually cut through the supports could be lengthy. In both instances, it seems

³⁰ Dick Morris and Eileen McGann, *Fleeced*. New York: Harper, 2008, 51-57.

unlikely that a terrorist could smuggle in a high temperature torch and spend a substantial amount of time weakening the supports without being spotted. More importantly, Morris fails to indicate that Faris could not acquire a simple blowtorch let alone a torch capable of weakening the cables. Even more fundamentally, Faris himself believed that the structural design of the bridge made it impenetrable. Consequently, even if, in theory, a terrorist attack could have been possible, these terrorists had neither the requisite knowledge nor resources to destroy the bridge. However, if the attack had succeeded, the number of casualties involved, the economic ramifications, and the damage to U.S. prestige would likely have been extensive.

If the feasibility of the Brooklyn Bridge plot is in dispute, Faris' dedication is not. At every juncture he seemed ready and willing not only to kill innocent civilians but also take whatever steps were ultimately necessary. It is unclear whether Faris would have advocated suicidal terrorism, but his caution in surveying the bridge and in avoiding a clearly suicidal endeavor at the mall may provide some evidence to the negative. In most respects, it seems that Faris simply chose what he thought was a high level target and had few other considerations.

It is also unclear how well his training mapped onto the Brooklyn Bridge plot. Testimony indicates that Faris attended an Afghani training camp from late 2000 to late 2001 and was educated in asymmetric warfare, explosive devices, and weaponry. However, nowhere is it indicated that he received metal work training or had any prior experience with metallurgy. Furthermore, the extent of Faris' surveying seems to have been simply driving across the bridge. Despite meeting Osama Bin Laden and KSM, it seems unlikely that Faris had any unique qualifications in terms of target surveying or structural engineering.

The Columbus mall plot is even less developed than the bridge plot. The plot seems to stem from an August 2002 meeting between Faris, Abdi and Paul, in Columbus, Ohio. In their conversation Abdi proposed an attack with automatic weapons, Faris believed that a bomb would be preferable, and Paul dismissed the entire idea as "stupid." Whereas Faris at least surveyed a target, Abdi, who supposedly was expected to check into things further, seems to have failed even to conduct basic logistics work: he never picked a target, began to assemble resources for a bomb, or sought to acquire any weapons. In fact, it is unclear when or even if Abdi was planning on doing anything.

The technical feasibility of the plot is not in dispute. Even an attack on a crowded Columbus area mall with a non-automatic weapon could kill several people and instill fear. However, what is in question is the feasibility of Abdi being able to attack a mall with either a bomb or a gun—or to obtain either. He reportedly received training at (or at the very least attended) an Ethiopian based training camp. However, his technical, mental and physical prowess is dubious, and the validity of the Ethiopian training camp experience seems to be in doubt.³¹ There is no real discussion of the curriculum or success of the particular camp. Second, at no point did Abdi demonstrate any kind of technical or logistical skill.

³¹ Willing 2007.

He was not found to possess any materials related to bomb making or weaponry. Third, Abdi was physically out of shape, and seems to have been somewhat disparaged by Faris and Paul on this score.³³ Finally, Abdi routinely made amateurish mistakes that allowed the FBI to build a case against him. Overall even if the plot itself was feasible, it seems unlikely Abdi could have ever executed it.

Neither Faris nor Abdi was outwardly religiously fanatical, economically destitute, politically motivated, or particularly young (both were in their early 30s), and neither made their real goals clear while the goals that were made explicit seem implausible. A plausible scenario stems from Max Abrahms' observation that becoming a terrorist is often fundamentally a social endeavor.³² Faris' social upheaval and marginalization after separating from his wife in 2000 could explain his desire to travel to Afghanistan only a few months later. Furthermore, Faris, Abdi, and Paul all maintained extremely strong friendships while in Columbus. These friendships could represent the key benefit that at least Faris and Abdi derived from a terrorist lifestyle.

There seems to be some evidence indicating that the two men were dedicated. Specifically, both took trips to training camps and established connections with other al-Qaeda operatives. However, Faris did not seem to exhibit much patience in scouting the bridge or in developing the gas torch plot. If anything, he seems to have been extremely impatient and quickly discarded the plan. Nor did he demonstrate any real flexibility or learning.

In Abdi's case there is even less evidence of patience, opportunism, flexibility, or learning. Perhaps his inability to pick a target could be construed as a form of patience but laziness seems to be a more fitting explanation. Furthermore shooting up a Columbus mall does not seem to indicate any real patience or flexibility. If Abdi was to shoot or blow up a mall it seems unlikely that he would ever have a chance to launch a second attack regardless of what he learned. Furthermore, it is also unclear what, if anything, he learned while at the training camp in Ethiopia because he never exhibited any knowledge of bomb making or was found to own any bomb making materials.

6. Role of informants

Two informants—of a sort—were involved in the plots. KSM informed on Iyman Faris when “interrogated” after his arrest on March 1, 2003, and Faris subsequently informed on Abdi.

KSM admitted that he met Faris in 2002 and sent him on a scouting mission to the United States.³³ For the most part KSM's role was essential to locating Faris. However, according to conflicting reports, the NSA's warrantless wiretaps may have gained knowledge of the plot even before KSM was arrested: even before Faris traveled to the Brooklyn Bridge, the NYPD had been alerted of

³² Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security*, Spring 2008.

³³ “Verbatim Transcript of Combatant Status Review Tribunal Hearing for ISN 10024,” U.S. Department of Defense, Revised as of March 15, 2007,

a potential plot there and the FBI was keeping tabs on his whereabouts.³⁴

For several months in mid-2003, Faris helped the FBI track terrorist activities. It is widely assumed that he was threatened with enemy combatant status and detention in Guantanamo Bay. He was reportedly held in Quantico, Virginia, and asked to contact all his known conspirators. It is unknown how much information Faris gave the FBI, but government sources indicate that Faris' cooperation helped uncover an entire network. What is clear is that Faris directly led the FBI to Abdi and to the Columbus mall plot. As part of a plea bargain, Faris pled guilty and helped the FBI, in exchange for which he received a 20 year sentence in prison and the promise that his family back in Pakistan would be relocated.³⁵

7. Connections

Faris' connections to al-Qaeda central are quite clear. In the 1980s in Pakistan, he became friends with a known terrorist operative. However, at that point it is unlikely that Faris was radicalized. In 2000, after his separation from his wife, he traveled to Afghanistan and attended an al-Qaeda training camp. Here he likely met several al-Qaeda operatives and reconnected with his longtime friend. Some sources believe that his friend invited him to Afghanistan while others indicate he contacted his friend for information. Regardless, in late 2000 Faris was introduced to Osama Bin Laden and became heavily involved within the network. In 2002, Faris traveled to Pakistan and was introduced to KSM. Upon returning to the United States, Faris made contact with a Baltimore based terrorist, Majid Khan. It is believed that they had first made contact while in Afghanistan in late 2000.

Describing Faris' plot as part of an operating terrorist network seems disingenuous. Although Faris cultivated contacts with al-Qaeda leadership, he was working primarily on his own. Furthermore, since the plot never materialized it is unclear whether there were other operatives in the area ready and willing to help. Despite having knowledge of several terrorists operating within the U.S. it seems unlikely that any of these people were part of a network with Faris. The closest thing to an actual terrorist network seems to be Faris' interaction with Abdi and Paul.

Abdi's connections to al-Qaeda central are far less direct. He grew up in Somalia and it seems possible, given his young age and the instability and radicalization of the region, that he did meet al-Qaeda or Islamic radicals. Abdi presumably had resource connections with somebody—possibly al-Qaeda—because he entered the U.S. on a fraudulent immigration visa and at no point is there any indication that he had any forgery skills. In April of 1999, Abdi illegally traveled to Ethiopia to attend a training camp. Abdi admitted to a credit card scheme that helped Paul pay for resources for al-Qaeda, but otherwise his connections are doubtful.

³⁴ James Risen and Eric Lichtblau, "Bush Lets U.S. Spy on Callers Without Courts," *New York Times*, December 16, 2005.

³⁵ Eisenberg 2003.

Upon being interrogated by the FBI (but before being actually arrested), Abdi made phone calls to approximately 40 numbers that are linked to terrorist activity. This may constitute network activity, but the only real network that Abdi seems personally to have been involved with is his close friendship with Faris and Paul. The three men routinely went on hiking trips and seemed to have discussed terrorist activity on several occasions. However, since the Columbus mall plot never came anywhere near fruition, it is difficult to discern any other party's involvement. Certainly, at the time of arrest, Abdi seems to have been working alone.

8. Relation to the Muslim community

There is no evidence that links any activity within the Muslim community with either of the two plots. Faris, Abdi, and Paul all attended the same mosque and, given their radicalized outlooks, it seems plausible that they had contacts or supporters within the community.

9. Depiction by the authorities

The Brooklyn Bridge Plot was initially kept secret and only the NYPD was informed of the potential dangers. Since the discovery of the plot involved some combination of NSA warrantless wiretaps and, later, KSM's interrogation, the government did not want to divulge many details. The bridge was closed in March of 2002 until adequate police patrols could be put in place. Once the warrantless wiretaps became public, however, the government used the taps on Faris as the prime example of how they were keeping the country safe. As a natural result of this, the government began to view the plot as a well-organized and potentially disastrous attack on the homeland, and Faris was elevated from a mere truck driver to a key al-Qaeda plant. Attorney General Ashcroft viewed Faris as a highly imbedded and dangerous double agent.

The government's rhetoric seems to be largely overblown. As has been discussed, Faris was clearly highly motivated and without moral qualms but he seemed to lack the necessary skill set to pose a real danger. The NYPD's commissioned study of the bridge's vulnerability assumed a perfect world whereby the terrorist threat had access to all the necessary materials and copious amounts of time. However, Faris was unable or unwilling to acquire even a simple blowtorch and certainly could not disappear for months at a time to work on the project without inviting scrutiny. More fundamentally, Faris was under FBI surveillance when he visited the Brooklyn Bridge in 2002. Thus Faris effectively posed little real danger. However, the case does provide evidence that the intelligence community and domestic police forces worked successfully together to uncover the terrorist plot.

The government's rhetoric in the Columbus mall plot seems to be far more alarmist than the one on the Brooklyn Bridge especially taking into account the plot's lack of materialization. Although there had been no target selection and no acquisition of explosives or guns, the government routinely referred to the plot as an attack on the "heartland" of America. Furthermore, Attorney General Ashcroft focused on Abdi as a key link in a chain of terrorist activity that wants to "hit [the

United States] hard.” However, Abdi’s connection to a broader terrorist network is unclear and his personal aptitude for executing the plot is dubious. Even more fundamentally, it seems unlikely that an attack on a shopping mall even with an explosive device could inflict enough death or economic destruction to be considered “hitting us hard.” The Columbus mall plot seems to be a key instance where the government attempted to elevate the nature of the plot in order to lend credibility to its counterterrorism efforts.

10. Coverage by the media

Media coverage of the bridge plot was almost equally split between two narratives. The first narrative viewed the “blowtorch” attack on the bridge as laughable and a clear signal of the degraded quality of al-Qaeda capabilities. This narrative never acknowledged the plausibility of the scenario that was outlined by the NYPD’s commissioned study. Furthermore, many media outlets downplayed the connections between Faris and bin Laden and his time spent in Afghanistan. Overall, this media narrative seems slightly irresponsible and the background pieces focused much less on Iyman Faris’ life in Pakistan and the United States than on the legality of information used to uncover the plot.

The second media narrative was significantly more alarming and focused less on the blowtorch mechanism and more on the target. Furthermore, Faris’ training was overplayed and he was viewed as a dangerous member of a growing threat within America. Given the above assessment of his prowess (or lack thereof) it seems that this narrative is less valid than the first. Furthermore, media coverage downplayed the extent of FBI surveillance of Faris and also downplayed the extent of cooperation between the FBI and NYPD.

Unlike the Brooklyn Bridge plot, the Columbus plot did not capture a national spotlight. Coverage seemed to take on two distinct narratives. The national coverage of the plot, specifically by *USA Today*, downplayed the extent of the plot (if that is even possible) and ridiculed Abdi’s physical and mental capacities.³⁶ The second narrative, pushed primarily by local papers, highlighted the anger and al-Qaeda connections of Faris, Abdi, and Paul. Local papers were more likely to reference the plot as an attack on the “heartland” or on the average American. Furthermore, no local papers explicitly mentioned that Abdi did not decide on a target or possess any weapons. Responsible coverage would likely have been somewhere between the two narratives. Overall, there was a clear lack of interest in Abdi’s time in Somalia or even his life in Columbus.

11. Policing costs

Evidence of the policing costs involved in either plot is not well documented.³⁷ Neither plot was a very long drawn out affair in terms of surveillance.

Iyman Faris visited the Brooklyn Bridge in late 2002, was detained a few months later, and sentenced on October 28, 2003. There were several agents

³⁶ Willing 2007.

³⁷ U.S. v. Faris, (E.D. VA), No. 03-189-A, Statement of Facts, Filed June 19, 2003.

assigned to the case and Faris was followed to New York by an FBI team. Although Faris pled guilty and signed a plea bargain, he still filed an appeal. The largest costs involved were likely from the NYPD mobilizing police officers and commissioning an engineering firm to study the bridge.

The costs seem to be even lower for the Columbus plot. The initial meeting took place in August 2002 and Abdi was arrested in late 2003, indicted on June 10, 2004, and pled guilty on July 31, 2007. Once again, there were several FBI agents and immigration services involved in the case. However, there seems to have been no extensive surveillance of Abdi other than getting warrants for his phone records.

12. Relevance of the internet

The internet did not play a substantive part in either plot except for basic research purposes and to facilitate communication between Faris and KSM. Upon returning to the U.S., Faris began researching gas torches and the Brooklyn Bridge on the internet.³⁸ This basic research led him to believe that the Bridge might be a suitable target although basic reconnaissance was to prove otherwise. He then used the internet to inform KSM that “the weather is too hot.” For Abdi and the Columbus mall plot there is no evidence that the internet facilitated him in any way. There is certainly no evidence to support the conclusion that the internet played a role in the self-radicalization of Faris or Abdi.

13. Are we safer?

The simple answer—Sure, why not? In both plots it seems that there was blatant disregard for life and clear terrorist aspirations. Granted, neither Faris nor Abdi strikes me as a particularly adept terrorist mastermind. However, the evidence indicates that both men had received some form of training and were at least loosely connected to al-Qaeda central and other terrorists. Consequently, even if Faris and Abdi were incapable of properly conceptualizing and executing a terrorist attack it is still likely that more intelligent persons could have used them for such a plot.

14. Conclusions

In the end, neither Iyman Faris nor Nuradin Abdi seems to have posed a large risk. The quality of their training is in doubt since at no point did they ever demonstrate any expertise or even basic competence with explosives, asymmetric warfare, or weapons. In many respects, the plots were primarily aspirational rather than credible or operational national security threats. However, given the low policing costs involved and the potential for either Faris or Abdi to give aid to legitimately intelligent terrorists, the decision to arrest both individuals seems valid.

Overall, the sheer lack of credible information known about either individual is particularly startling. Both the government and the media have

³⁸ Eisenberg 2003; U.S. v. Faris, (E.D. VA), No. 03-189-A, Statement of Facts, Filed June 19, 2003.

incentives to misrepresent the information and create powerful (but not credible) narratives to placate their respective supporters. In the future, the lack of credible firsthand knowledge will likely represent the key stumbling block in determining either the exact point of radicalization or the underlying motivations behind terrorists operating in the United States.

Case 9: Barot and the Financial Buildings

John Mueller

June 3, 2011

Dhiren Barot, a dedicated Islamic extremist, was the leader and chief fabricator of a set of materials rather meticulously documenting the characteristics of several American financial buildings. These had been put together before 9/11 and were occasionally updated later. Working out of London, England, the group, linked, it appears, to Khalid Sheikh Mohammed (KSM) and al-Qaeda, worked unmolested by police or informants until information surfaced in Pakistan in July 2004 that led to their arrests.

The idea, it seems, was to lay the groundwork for hugely destructive terrorist attacks on the buildings probably by driving limousines full of explosives next to them or into their underground parking areas and then setting them off.

Curiously, the Barot group, even though not under surveillance by police or by informants, seems never to have done anything about their dramatic plot except scout the buildings. An actual attack was never remotely imminent—indeed, the execution was never considered. In particular, they seem to have done nothing whatever about amassing requisite agents in the United States, and they do not seem ever to have explored the difficult issue of obtaining large amounts of explosives nor to have considered in detail the likely effect of an explosion. Finally, no one in the group seems to have had any real expertise with explosives, a concern absolutely vital to the successful carrying out of the grand plan. All this, even though, as Tessa Reinhard reports, they had apparently been given orders by KSM to wreak damage in early 2001.

One analyst cited by Reinhard speculates that they temporarily shelved their plans because they were busy basking in the success of 9/11. But if their goal was to damage the American economy and spread terror, a quick sequel to 9/11 would seem to be highly desirable from their point of view. Moreover, the longer they waited, the more likely the police would uncover the plot—which, in fact, is exactly what happened.

In many respects, the plans seem to echo those of the terrorists who tried in 1993 to topple one of the World Trade Center's towers by exploding a truck bomb in its underground parking garage. Although that bomb created considerable damage, it failed in its cosmic mission and killed few people. An evaluation of that experience would seem to have been vital to anyone exploring anything resembling a repetition.

Moreover, the 9/11 experience, in which major financial buildings were indeed demolished, suggests that the economy in a country like the United States is hardly tied to bricks, steel, and mortar. Tall buildings may be the symbol of big business, but they are hardly its essence.

Without such considerations, Barot's impressively detailed plottings scarcely seem more sophisticated than the scrawled or imagined lists of targets drawn up by the JIS, Sears Tower, or Bronx Synagogue amateurs (Cases 15, 19, and 25).

Case 9: Barot and the Financial Buildings

Tessa Reinhard

June 3, 2011

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1. Overview

On August 3, 2004, a group of men led by Dhiren Barot were arrested by British authorities in London, England. The raid came as a result of extensive investigations which began when a computer technician named Mohammed Naeem Noor Khan was arrested in Pakistan. He was found to possess detailed surveillance of important financial buildings in the United States.¹ While the exact relationship between Khan and the cell have not been officially explained, it appears that the investigation of Khan provided the authorities with leads to many members of the group in Britain.² The British police found them in possession of detailed plans, initially developed in the year before 9/11 and later revised and edited, for attacks on important American financial buildings. Additionally, the men had documents describing a plot to explode limousines full of gas cylinders into underground parking garages in the United Kingdom with the intention of causing high levels of casualties and damages.

Of the members of the cell, two were released without charges, two were later rearrested under suspicion of forged identities, and one was charged with firearms possession.² The remaining eight men—Barot, Nadeem Tarmohamed, Quaisar Shaffi, and five others—were each charged with conspiracy to murder and conspiracy to commit public nuisance through radioactive materials, toxic gases, chemicals, or explosives. It became apparent that the reconnaissance packages had been developed after surveillance by Barot and one or two of the other men. Barot was charged with two further counts related to possession of reconnaissance plans for the Prudential Building in New Jersey, New York Stock Exchange, the International Monetary Fund in Washington, the World Bank Headquarters, and the Citigroup building in New York. In addition, Tarmohamed received an extra charge for possession of reconnaissance plans for the Prudential Building and Shaffi for his possession of a terrorist handbook.¹

In October 2006, Barot pled guilty to conspiracy to murder, and in November he was sentenced to life in prison with a forty year minimum serving time—though this minimum was later reduced to thirty years.³ There is speculation that he agreed to plead in Britain for fear of extradition to the United States. Six of the remaining men pled guilty to conspiracy to cause explosions likely to endanger life in April 2007 and received jail sentences ranging from fifteen to twenty-six years in June. Meanwhile Shaffi—the only man who did

¹ Patrick E. Tyler, Don Van Natta Jr., and Richard A. Oppel, Jr., “British Charge 8 with Conspiracy in a Terror Plot,” *New York Times*, August 18, 2004.

² Richard A. Oppel, Jr., “Threats and Responses: Suspects; London Court Is Told of Wide Investigation,” *New York Times*, August 19, 2010.

³ Sean O’Neill, “Did Al-Qaeda Leader Pass on His Plans from inside Prison?” *The Times*, July 3, 2007.

not plead—was found guilty of conspiracy to murder after a trial that also ended in June, and he received a fifteen year sentence.⁴

2. Nature of the adversary

Dhiren Barot was the primary architect of the plots aimed at both the United States and the United Kingdom. He was born in India in 1971, and shortly after his family moved to the United Kingdom. He was raised in the Hindu faith in Kingsbury, London and attended Kingsbury High School. After he left school in 1988 he earned a City and Guilds qualification in tourism and held various jobs.⁵ Barot's only known long term employment was as an airline ticketing clerk from 1991 to 1995—otherwise his source of financial support is unknown.⁶

In his twenties Barot converted to Islam, and after hearing a speech by a cleric named Abu Hamza he became particularly fascinated with the idea of Islamist jihad. His genuine devotion to the concept of jihad became especially apparent in 1995 when he went on a self-recruited trip “to Pakistan and later to a terrorist training camp in the disputed territory of Kashmir.”⁵ It is believed that on this trip he attended terrorist training camps and underwent explosives training. Evidence of his terrorist training can be seen in Barot's successful use of anti-surveillance, coded messages and secret meetings during the plotting process.⁷ He also became very personally involved in the conflict over the Indian occupation in Kashmir during his time in the Middle East.

Both details of this participation and his personal beliefs about Islamist jihad can be found in Barot's book *The Army of Madinah in Kashmir*, written in 1999 under the pseudonym “Esa Al-Hindi.”⁸ This published work provides a detailed outline of the work of the *mujahid*—Islamic fighters—against the Indian military in Kashmir. Barot writes, “This book is not a historical essay...Rather it is a truthful, first hand witnessed exposure about the more recent affairs which have been transpiring in the state over the past decade at the time of writing.”⁹ Apparently Barot was personally involved in the resistance movement within Kashmir, and gained real world experience with terrorist methods through his work there. It was also during this time that he presumably connected with al-Qaeda, because he became involved as an agent for the organization from the late 1990s to 2000.⁶

More than just describing the situation in Kashmir, Barot's book provides valuable insight into his personal beliefs. It appears an important motive in his terrorist involvement was his perception of the oppression of Muslim countries and the unnecessary encroachment by Western countries. He

⁴ Home Staff, “Al-Qaeda Bomb Plot Commander's Team Follow Him to Prison,” *The Times*, June 16, 2007.

⁵ Adam Fresco, “How Radical Islam Turned a Schoolboy into a Terrorist,” *The Times*, November 7, 2006.

⁶ “Dhiren Barot.” *Wikipedia*. Accessed October 23, 2010.

⁷ NEFA Foundation, *Target: America, The East Coast Buildings Plot*. Report no. 4, October 2007, 15.

⁸ “Al-Hindi” translates into “the Indian”

⁹ Esa Al-Hindi, *The Army of Madinah in Kashmir*. Birmingham: Maktabah Al Ansaar, 1999, 13.

refers to these oppressive nations as the elite Grand Seven, believing the United States to be the largest problem and labeling it “the spear against al-Islam in modern times”¹⁰ It appears that Barot’s hatred for the United States stems from its international policies, starting with its friendliness toward India. Barot perceives the United States as supporting India in its oppression of Kashmir and consequently of Islamic freedom. He translates this contempt into his broader dislike of American foreign relations.

In general, Barot’s book reveals his deep dedication to jihadist ideals. His writing shows he was an intelligent man. The book and the targeting packages he compiled for the financial building plots and the limousine bombings demonstrate that he was a thorough, meticulous planner. At the time of his arrest, no evidence suggests Barot had chosen an exact plan to execute. But he had developed detailed reports for each of the financial buildings he observed, and the extent of information he provided encouraged the possibility of many different potential plots.

Despite the fact that he embraced violent ideals, Barot did not have any criminal background or past convictions. However, authorities appear to have been aware of his existence and involvement in al-Qaeda. United States authorities knew him as “Issa al-Britani, a veteran Al Qaeda operative who was dispatched by September 11 mastermind Khalid Shaikh Mohammed to case economic and ‘Jewish’ targets in New York City in early 2001.”¹¹ This information was published in a report written by the September 11 commission, before authorities knew Issa al-Britani was actually a man living in London known as Dhiren Barot. However, the report does outline many of Barot’s travels and suggests authorities already knew some of Barot’s terrorist connections and recognized him as a potential threat, even if they only knew him under his alias.

Along with Barot, seven other men were charged and convicted. They included Nadeem Tarmohamed, Qaisar Shaffi, Mohammed Naveed Bhatti, Abdul Aziz Jalil, Omar Abdul Rehman, Junade Feroze, and Zia Ul-Haq. Since Barot is considered the primary actor in this case, information about the other seven men convicted for their involvement is very limited. The British prosecution revealed that two of the men had previous convictions, “one for resisting or obstructing the police in a case unrelated to the current charges, and another for a driving-related offense six years ago.”¹² Based on the extensive amount of information available on Barot it appears he did not hold one of these convictions, and it is very hard to find which of the other two men these convictions belonged to. Information on how the men became recruited to terrorism or associated with each other was not found.

Within the terrorist cell, Barot was clearly the leader, and “British prosecutors revealed that Feroze, Jalil, and Tarmohamed each held the rank of

¹⁰ Al-Hindi, *The Army*, 127

¹¹ Michael Isikoff and Mark Hosenball, “Bin Laden’s Mystery Man,” *Newsweek*, August 17, 2004.

¹² Oppel, “Threats and Responses.”

‘lieutenant,’ while the remaining individuals were more junior.”¹³ Their roles included contributing expertise, accessing specialist libraries, and supplying vehicles, false identities, and travel documents.¹¹ In other words, they provided important support for Barot’s plans and were committed to assisting in carrying them out.

3. Motivation

Barot’s motivation appears to have been his extreme devotion to the Islamic principles of jihad. He believed the United States had historically oppressed Muslim countries, and that they needed to pay for these wrongs.¹⁴ He recognizes many of these ideas may be perceived as radical in his book, but he counters that fear when he writes:

Maybe we harbor a “fundamental” fear of being labeled as innovators and terrorists even in our own communities by our own brethren in faith. Simply because we wish to wrest power from those who are diametrically opposed to this *Deen* (ideology); but terror works and that is why the believers are commanded to enforce it by Allah.¹⁵

Barot appears to have truly embraced the belief that by fighting against nations who had encroached on Muslim lands, he would be serving Allah to the fullest capacity. Throughout his book he quotes sections from the Quran that echo these sentiments. For example, he quotes the Quran 8:60, “Whatever you shall spend in the Cause of Allah, shall be repaid unto you, and you shall not be treated unjustly.”¹⁵ There is little doubt that Barot’s ascribed motivation was a strict adherence to Islam and especially to the principles of jihad.

Because information on the other seven men is scarce, their motivations are not explicitly known. However, speculation regarding the radicalization of Britons overall points to their perception of injustices committed by Western nations against Muslim lands in general as motivation for adopting extreme Muslim beliefs.¹⁶ It is probably safe to assume that the other seven men shared Barot’s motivation of a devotion to jihad.

4. Goals

The goal for creating extensive targeting packages of the five East Coast buildings seems relatively straightforward. Barot planned on using his detailed surveillance to develop the most destructive, successful plots possible. When speaking on the issue, Deputy Attorney General James Comey said that, at a most basic level, the conspiracy developed by Barot and the other men was aimed at killing as many Americans as possible.¹⁷ Along those lines, by observing multiple buildings, Barot hoped to develop terrorist attacks on each of them to be carried out on the same day. He believed in executing large scale attacks in a multiple of different places at the same time for maximum effect,

¹³ NEFA Foundation, *East Coast Buildings*, 3.

¹⁴ Al-Hindi, *The Army*, 127.

¹⁵ Al-Hindi, *The Army*, 107-108.

¹⁶ Home Staff, “The Al-Qaeda Challenge,” *The Times*, November 10, 2006.

¹⁷ NEFA Foundation, *East Coast Buildings*, 4.

similar to the strategy used by the 9/11 terrorists or by those who carried out the 1998 African embassy bombings.¹⁷

Furthermore, Barot chose his targets very purposefully. The Prudential Building in New Jersey, the New York Stock Exchange, the International Monetary Fund Center in Washington, the World Bank Headquarters, and the Citigroup building in New York are all related in their financial importance on both a national and international scale. Since Barot was a trusted member of al-Qaeda¹⁸ his interest in striking the United States economically makes sense. It follows goals ascribed to by the terrorist organization. Osama Bin Laden himself stated al-Qaeda's strategy of "bleeding America to the point of bankruptcy."¹⁹ He believed attacking the United States economically was one of the most effective ways of weakening their international influence. And Barot's choice of financial buildings of course paralleled Khalid Shaikh Mohammed's choice of the economically important World Trade Centers for the 9/11 attacks.¹⁵ In fact, the two men developed their plans around the same time, and appear to have prescribed to many shared goals and strategies.

It is also worth mentioning Barot's goals for the gas limousine project he had developed for execution in Britain. While there is no evidence he explicitly stated his purposes for drawing the plots of the financial buildings, in his gas limousine targeting package Barot concretely lists his goals in the commission of terror. He labels the primary objectives of the gas limo plan as "to benefit Deen" or ideology and to "inflict mass damage and chaos," while noting the "ease of procurement (for materials), relatively safe for handling, internationally applicable (transferrable)."²⁰

Through Barot's own writing, we can infer that his goals in developing terror packages in general reflected the furthering of jihad and punishment of Western nations seen as imposing on Muslim ideals. It is probably safe to assume his goals in the development of the targeting packages were similar to those of the gas limos project.

5. Plans for violence

The plans for violence were actually just abstract targeting packages encouraging further development of a concrete plot for execution. As mentioned, Barot's ultimate idea was to attack multiple financial buildings on the same day in order to cause the greatest impact. However, the exact methods for accomplishing this were never developed, and all we can work from are the very thorough packages Barot created which detail potential plots for each building.

In the Citigroup Center package, Barot provides background information for the Center, and ranks the main offices by what he judges as their

¹⁸ Fresco, "Schoolboy."

¹⁹ NEFA Foundation, *East Coast Buildings*, 15.

²⁰ Dhiren Barot, "Rough Presentation for Gas Limos Project." Released by the Metropolitan Police Service, published on the web by the NEFA Foundation.

importance.²¹ He also provides facts about the building material, height, number of floors, and attaches pictures and diagrams of the building's layout.²² After a general overview, Barot goes on to describe the building's features in greater detail. For example, he breaks down the outside columns, inside columns, loading bay, atrium, and other structural information about the building. He also considers other potentially useful information, from the obvious (security cameras) to the more obscure (bathroom details).²³ Outside of the specific building information provided, Barot observes and records "Vital Statistics" which describe the building's surrounding area, including fire departments, police stations, airports, religious buildings, traffic signals, escape routes and many more. He looks at a total of twenty-six different categories total that he believes to be necessary for developing a successful plan of attack.²⁴

After thirty-five pages of targeting information, Barot concludes with his personal recommendations for attacking the Citigroup Center. The five plans he suggests are: "park a vehicle next to one of the columns, park a vehicle directly on Lexington Avenue near the front entrance, rent office space inside Citigroup itself, arson (hijacking petrol/oil tankers or anything similar and steering in...), flying object."²⁵ He further explains his perceptions of the benefits and setbacks of each suggestion, to be considered in the future when a final plan is developed.

Barot uses a similar format for the rest of his plots, focusing on background, structure and organization, and vital statistics. He simply adapts the package depending on features of the specific building he is describing. For example, in the case of the twenty-eight page New York Stock Exchange surveillance, Barot hones in on the NYSE Interactive Education Visitor Center. For Barot, the Visitor Center is notable because it is free and attracts many tourists.²⁶ Unlike the Citigroup Center, Barot concludes by choosing what he believes to be the best method in this case—arson.²⁷

Barot presents information on the International Monetary Fund (IMF) World Headquarters and the World Bank Headquarters in a combined package. After analyzing the IMF data, he recommends "arson at façade or in underground carpark."²⁸ Based on the information released by the Metropolitan Police Service, it does not appear he made specific attack recommendations for the World Bank Headquarters.

Finally, Barot developed information on the Prudential Plaza in Newark, New Jersey. Upon evaluation of all relevant factors, Barot makes detailed recommendations to drive limousines full of explosives into the underground parking garages which would explode directly underneath the main offices. This suggestion very closely mirrors the detailed plans he developed for a gas limos

²¹ Dhiren Barot, targeting package on the Citigroup Center. Released by the Metropolitan Police Service, published on the web by the NEFA Foundation, 5.

²² Barot, Citigroup, 13.

²³ Barot, Citigroup, 22-23.

²⁴ Barot, Citigroup, 25.

²⁵ Barot, Citigroup, 36-37.

²⁶ Barot, Citigroup.

²⁷ NEFA Foundation, *East Coast Buildings*, 6.

²⁸ NEFA Foundation, *East Coast Buildings*, 7.

project in London.²⁹ However, Barot—always thorough—does offer an alternative option to ram trucks “straight in through the glass front entrance into the lobby area.”³⁰

Along with the detailed surveillance packages, Barot recorded video observations of the buildings he wanted to target. Authorities found this footage tacked on to the end of a videotape of the 1995 movie *Die Hard with a Vengeance*, a movie that not coincidentally is about a series of terrorist attacks in New York.³¹

One can only speculate on whether or not Barot’s packages had the potential to actually be executed. However, his meticulous observations and attention to detail provide proof of his extreme commitment to eventual success. The fact that he seems to have covered so many internal and external factors and how they might affect different recommendations both positively and negatively suggests that if he had enough time Barot could have potentially developed a very threatening plan. Especially because he personally had extensive firsthand experience with terrorism and had undergone extensive training. Barot was by no means an amateur and had access to Khalid Shaikh Mohammed and other important figures in al-Qaeda who could have assisted in the plans’ success.³²

6. Role of informants

No informants were involved in facilitating the arrests of Barot and the other seven men. Investigations of computer files after arrests in Pakistan led authorities to suspect a cell in Britain. Their discovery was a result of cooperative international investigations, not informant assistance.³³

7. Connections

Barot had connections to terrorist groups in Pakistan and Kashmir, and is believed to have been a trusted leader within al-Qaeda. According to reports released by the September 11 Commission, Barot received orders from Khalid Shaikh Mohammed “to case economic and ‘Jewish’ targets in New York City in early 2001.”³⁴ There is also evidence that in 2000, he traveled with an important member of al-Qaeda, Tawfiq bin Attash, to Kuala Lumpur at a time when “early plans for the September 11 attacks were discussed.”³² While there is no evidence that Barot had any knowledge of the development of the September 11 plots, he was clearly highly involved within al-Qaeda in other ways.

Furthermore, Barot’s arrest came after a series of arrests which resulted in the discovery of United States plans and the “Gas Limos Project” on computer files found in Gujrat, Pakistan.³⁵ The prosecutor believed that Barot

²⁹ Dhiren Barot, targeting package on the Prudential Plaza, Released by the Metropolitan Police Service, published on the web by the NEFA Foundation, 31.

³⁰ Barot, Prudential Plaza, 32.

³¹ Lee Glendinning, “The videos that sent al-Qaeda plotter to jail,” *The Times*, November 7, 2006.

³² Isikoff and Hossenback, “Mystery Man”

³³ Opper, “Threats and Responses.”

³⁴ Isikoff and Hosenball, “Mystery Man.”

³⁵ NEFA Foundation, *East Coast Buildings*, 14.

had “returned to Pakistan in early 2004, apparently to seek approval and financing for his plans.”³⁶ However, the arrests of the major actors interrupted the process, and it is unknown whether they would have been approved and/or adopted for execution.

The group of Britons arrested in conjunction with these conspiracies is referred to as a terrorist cell. This, coupled with the necessity to submit the potential attack plans for approval, suggests relatively significant terrorist networking. Barot, especially, had multiple connections to important al-Qaeda leaders.

8. Relation to the Muslim community

Little information is available on the relationship between the eight men and their local Muslim community. While all eight are perceived as dedicated to the ideals of jihad,³⁷ Mosque attendance was essentially irrelevant to this particular case, and information is unavailable about how they related to their local Muslim community.

9. Depiction by the authorities

The authorities in both the United Kingdom and the United States depicted Barot and the other seven men as extremely threatening and dangerous. This perception was reflected in both actions and statements on behalf of authority figures. The British judge denied the men bail due to the “‘nature and gravity’ of the allegations.”³⁵ And when they were sentenced, they received extensive periods of time in jail, ranging from fifteen to forty years,³⁸ despite the fact that the plans were solely in the early planning stages and had not come close to being executed.

Furthermore, the head of London’s counterterrorism police, Peter Clarke, said “If he (Barot) had succeeded, hundreds, if not thousands, could have died.”³⁹ Clarke also said he believed that Barot had received permission to carry out his plans and would do so in late 2004.⁴⁰ However, he is the only person who mentions that Barot had received permission to go ahead with any plans, and at the time of the men’s arrest no materials or concrete plans seemed to be in order—suggesting that Clarke is perhaps exaggerating the threat.

However this sentiment was mirrored during the sentencing, when the judge said he believed Barot “would pose a threat to the public for many years,” and questioned whether it would ever be safe to release him.⁴⁰ And another counter-terrorist source claimed, “His plans, had he not been arrested, would

³⁶ Alan Cowell, “British Court Hears of Qaeda Plans for ‘Black Day’,” *New York Times*, November 7, 2006.

³⁷ Oppel, “Threats and Responses.”

³⁸ Home Staff, “Commander’s Team.”

³⁹ Alan Cowell, “British Muslim Sentenced in Terror Attacks,” *New York Times*, November 7, 2006.

⁴⁰ Sean O’Neill, “Forty years in jail for plotting carnage in the capital” *The Times*, November 8, 2006.

have caused the death of hundreds if not thousands of innocent people...al-Qaeda has lost an experienced, utterly dedicated and vicious terrorist.”⁴¹

Especially in America, critics speculated that reactions by authorities in the 2004 election year were exaggeratedly alarmist and politicized. The announcement of the men’s arrest led to higher security levels in the three cities where the financial buildings were located, and “severely restricted access to the Republican National Convention in New York,” leading Democrats to accuse that “the timing of the announcement, three months before the November election, was meant to bolster President Bush’s standing as a president tough on terrorism.”⁴²

Since no bomb making materials or other concrete signs of imminent attacks were present when the men were arrested, the reaction by authorities may have been slightly alarmist. While the conspiracy may have been revised and edited up until 2004,⁴² it was still just that—a conspiracy. When the eight men were arrested authorities found many reconnaissance plans, but no evidence that any of the men owned materials for carrying out the violence which might suggest an attack was imminent. If left to their own devices, it is very possible that an extremely dangerous plan could have been further developed, as authorities suggested throughout the arrest to conviction. However, their language and actions might seem slightly alarmist considering Barot and his men were by no means in the advanced stages of carrying out a plot.

10. Depiction by the media

If the depiction by authorities could be seen as slightly alarmist, the depiction by the media was somewhat more moderate and responsible. Due to the nature of the plots, there was obviously extensive media coverage in both the United Kingdom and the United States over the course of three years—during which time the men were arrested, charged, convicted, and sentenced. However, for the most part, this coverage comes across as responsible and cognizant of the “big picture,” when analyzing the case.

Media in both countries was generally open and balanced with the amount of information published. In the case of the *New York Times*, most stories included the alarmist reactions by authority figures, but they also countered those statements with facts about the case. For example, one article outlined the fears of the police that thousands could have died, but followed with the statement, “No evidence was presented at trial, however, that Mr. Barot was on the brink of carrying out an attack when he was arrested.”⁴³

In London, *The Times* was also rather responsible in its reporting, but almost too much so. In fact, in Britain “The news media are often strictly restricted by judges to avoid making links with other cases.”⁴⁴ If anything,

⁴¹ Fresco, “Schoolboy.”

⁴² David Johnston and Eric Lichtblau, “3 Indicted in Suspected Plot on East Coast Finance Sites,” *New York Times*, April 13, 2005.

⁴³ Cowell, “British Muslim Sentenced.”

⁴⁴ Jane Perlez and Elaine Sciolino, “Openness Sought in British Terror Trials,” *New York Times*, May 25, 2007.

complaints about the British media were that they did not provide enough information about the case to inform the general public of the threats that it faced. Laws often limited the amount of information allowed to be distributed to the public so much that authorities worried that citizens did not take terrorist threats seriously *enough*. In fact, in order for many of the facts about this case to be revealed, reporting restrictions had to be lifted. Up until 2006, courts had carefully restricted information flow because they were afraid of causing too much fear and prejudice in the trials. However, the police and outside media sources were convinced that the importance of understanding potential threats was too great, and petitioned the British government to allow media to be more open.⁴⁵

11. Policing costs

Many agencies in different countries were involved in the policing and capture of these men. Barot's discovery "began with the arrest of al-Qaeda's communications expert (Naeen Noor Khan) on July 13, 2004."⁴⁶ Pakistani authorities arrested Khan at an airport, and after interrogations, and possibly torture, he leaked the address of a terrorist safe house in Gujarat, Pakistan.⁴⁶ After a violent raid of the house, the authorities found a plethora of information about potential terrorist attacks, one of which was a report, "Rough Presentation for the Gas Limos Project," stored on one of the computer's hard drives. Furthermore, Barot's fingerprints were found on an electronic circuit diagram at the safe house.⁴⁶

In response to the discovery of the extensive information in the safe house, 300 computers were seized and 1,800 items of data storage were searched.⁴⁷ "The complexity of the case also convinced police and security services of the need to expand and improve high-tech investigative capabilities."⁴⁷ Not only did investigations take place on an international scale, but they involved extensive amounts of technological resources.

After the raid in July, "Mr. Barot eluded surveillance teams in Britain...just as evidence emerged in Pakistan that he planned to attack buildings using limousines packed with gas canisters."⁴³ By this time, the United States had become aware that the buildings were targets of attack as well, and a major terrorism alert was issued in America until the British authorities arrested Barot and his men on August 3, 2004.

Due to the fact that the men had been developing plots in both the United Kingdom and the United States, they faced charges in both countries. The United States charged Barot, Tarmohamed, and Shaffi with "conspiracy to use unconventional weapons in the United States and providing material support to terrorists," and officials said they would seek extradition, but British officials "would not even consider extraditing the men until their trial was over."⁴⁸ The arrests occurred in August 2004, but Barot was not sentenced until 2006 and the

⁴⁵ Home Staff, "The face of terror," *The Times*, November 8, 2006.

⁴⁶ Sean O'Neill, "A manual for death and destruction," *The Times*, November 8, 2006.

⁴⁷ O'Neill, "Forty years in jail."

⁴⁸ Johnston, "3 Indicted."

rest of his team did not receive their sentences until 2007. They are currently serving time in prisons in the United Kingdom after seven of the men pled guilty in 2006 and 2007, and one (Shaffi) was convicted in trial.

12. Relevance of the internet

The internet had little to no clear relevance to the networking and intelligence gathering in this case. The men were very wary of potential surveillance of their internet activities, and only communicated electronically if the messages were coded and sent from internet cafes.⁴⁹ Furthermore, the majority of surveillance of all financial buildings was done personally by Barot—at times with the help of Shaffi or Tarmohamed.

That is not to say that Barot refused to look at the internet for further information gathering. He did recognize the usefulness of websites for providing more up to date information about the specific buildings. For example, in the International Monetary Fund targeting package, Barot recommends, “For more information regarding the IMF Center, see their website.”⁵⁰

13. Are we safer?

Personally, I believe that we are definitely safer because these men are behind bars. While I do not believe they posed an immediate threat to any nation at the moment of their arrests, they were very clearly planning to execute attacks in the future. These were not just hypothetical ideas for violence, but rather meticulously thought out plans to commit terrorism.

One might ask the question, would Barot and his men actually have ever followed through with committing their violent attacks? While the men seem to have developed multiple plans, they did not appear to have committed themselves to carrying any of them out over the course of three years. By the time they were arrested in 2004, they had not yet committed violence and were apparently still very far from doing so even though they had been in the process of developing plans since early 2001.

It seems either the lack of concrete action has an explanation, or the men were interested in plotting terrorist attacks, but not committed enough to carry them out. Although we will never know for sure, evidence suggests that there may be an explanation for the delay. At a very basic level, Barot does not appear to have been afraid to become involved with terrorism—he was very committed to the cause. Proof of this commitment can be seen in his involvement in Kashmir and Pakistan, and the jihadist sentiment he preaches in *The Army of Madinah in Kashmir*. Furthermore, Barot was apparently so committed to the ideals of Islam that “authorities were so concerned about his ability to radicalize other prisoners that he was moved out of Belmarsh jail” and transferred to a different prison.⁵¹ Apparently officials worried about his influence over other

⁴⁹ NEFA Foundation, *East Coast Buildings*, 3.

⁵⁰ Dhiren Barot, targeting package on the International Monetary Fund, Released by the Metropolitan Police Service, published on the web by the NEFA Foundation, 16.

⁵¹ Sean O’Neill, “Did al-Qaeda leader pass on his plans from inside prison?” *The Times*, July 3, 2007.

Muslim prisoners, and his desire to convert all other non-Muslims. Barot's aspirations to further the principles of jihad did not end once he went to prison, but instead he encouraged others to take up the cause.

If Barot was truly committed, why didn't he actually follow through with any of his plans? One explanation is that he would have done so soon. He had recently sent out many of his attack proposals, and was presumably awaiting approval—and even funding—from al-Qaeda. Explanations for why he had not moved for this approval sooner posit that

While Barot's cell collected detailed information on U.S. targets prior to 9/11, according to Edmund Lawson, the plans were temporarily "shelved by reason of what the terrorists would have regarded as their 'success' in 9/11. They were not, however, forgotten."⁵²

Supposedly Barot and his men were basking in the success of the September 11 attacks, and merely planned to wait a little while and then strike again. Support can be found in the fact that the men had updated the packages and plans as recently as 2003, and possibly even in 2004.⁵²

While it is impossible to know for certain whether or not Barot and his men would have committed the violent acts they had developed if they had been left to their own devices, I believe that they were committed enough to have carried out at least one of the many attacks they had proposed. Based on Barot's very real background in terrorism and legitimate connections to al-Qaeda, I believe he and his men received appropriate sentences. Who knows what could have happened if they had received approval and funding from al-Qaeda, but I believe they would have followed through on their threats.

14. Conclusions

This case is unique from others discussed in this book. Not only were the men plotting the attacks from out of the country, they also were perhaps the most organized and legitimate group of all the plots since September 11. In fact, their leadership and planning strategies paralleled those of September 11 and Barot had close ties to Khalid Shaikh Mohammed. Unlike almost all of the other cases, these eight men were members of an organized, active terrorist cell and appeared to have strong relations to al-Qaeda. While this case did not involve successful terrorist attacks, neither did all but two other cases. However, Barot and his men had arguably developed the most sophisticated and thorough plans to do so based on their detailed targeting packages and reports. Because of Barot's connections, his group also had the knowledge and capabilities to bring their ideas to fruition.

Barot and his men wanted to bankrupt the American economy by targeting important economic centers.⁵³ Due to the nature of the case the plans never got off of the ground, but one might suspect that attacking five financial buildings would fail to strike an irreversible blow to the American economy. The World Trade Center towers were two important economic buildings, but the United States was able to bounce back economically with time.

⁵² NEFA Foundation, *East Coast Buildings*, 4.

⁵³ NEFA Foundation, *East Coast Buildings*, 15.

The nature of the cell of Britons does fit a description of terrorists developed by the United States Department of Homeland Security: “Terrorists have proven to be relentless, patient, opportunistic, and flexible, learning from experience and modifying tactics and targets to exploit perceived weakness and avoid observed strengths.”⁵⁴ Barot and his team were absolutely relentless, developing multiple plans in both the United States and the United Kingdom to maximize their options. They were patient, developing these plans over the course of years. And most especially they were flexible and opportunistic. The targeting packages developed by Barot and his men provided extensive information which could have been useful for the development of many different plans depending on available resources. Barot even made multiple recommendations in each package for potential attacks, listing their perceived benefits and setbacks. Before their arrests, the men were able to modify their attack depending on which of the many plans they had developed could be the most successful.

This is a very interesting case in that so many primary documents are available to be studied. The Metropolitan Police Service released edited versions of all of the targeting packages and the gas limos publication—all written by Barot himself. These, along with Barot’s book, *The Army of Madinah in Kashmir*, are important sources for details about the terrorist perspectives on the case. From Barot’s writings we are provided valuable insight into the thought process of those truly committed to Islamic jihadist ideals. Anyone interested in further research on this particular case should be directed to these primary sources which have all been published through The NEFA Foundation.

In general, the case of Barot and the other seven men can be seen as an example of successful international investigations leading to the arrest of terrorists before they are able to follow through with any of their plans. At least three different countries, Pakistan, the United Kingdom, and the United States all had stakes in the arrest of the men. Speculations that Barot and the others may never have carried out their plans provide little comfort considering the degree of dedication and extensive amount of research put into the many packages they developed, and the scope of the potential targets. Despite any doubts which may exist over whether the men would follow through on their plans, few would disagree that given the circumstances society seems safer with these men behind bars.

⁵⁴ Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

Case 10: Albany

John Mueller

June 3, 2011

The exquisite and successful efforts of the FBI to manipulate two Albany Muslims into a terrorist plot, and then into a jail cell for 15 years, is best seen, perhaps, as a learning experience. Operating in 2004, in a highly pressured atmosphere in which it was generally assumed there must be dozens or even hundreds of active terrorist cells abroad in the land, the investigators, ardently looking hard for what they thought they ought easily and often to see, made much out of close to nothing. Although the Bureau has been entirely unwilling to admit that mistakes might have been made in Albany, as Michael Spinosi notes, it has perhaps made amends in other ways: procedures were tightened up in later years, allowing those in the sway of an informant to have multiple opportunities to bow out of the plot and making sure they clearly understood what they were doing. Neither of these qualities characterize the Albany case.

There is also some murkiness about any earlier connections of one of the Albany men, Yassin Aref, to terrorism in Iraq—the concern that seems to have triggered this case. Before the American invasion of Iraq in 2003, there were indeed terrorists at large in the country, and many of them, like Aref, were Kurdish. But their focus was on toppling Saddam Hussein, something that obviously was not out of alignment with American foreign policy.

Case 10: Albany

Michael Spinosi

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typographical and other minor corrections November 17, 2011

1. Overview

On August 4, 2004 two men from Albany, New York, were arrested for terrorism-related crimes. Yassin Aref, the imam of a local mosque, and Mohammed Hossain, the owner of a local pizzeria, were involved in an FBI sting operation. Through the use of an informant, the FBI was able to make the case, based on recordings and videos, that Aref and Hossain were conspiring to aid a terrorist group and provide support for a weapon of mass destruction, support of a foreign terrorist organization, and money laundering.¹ Their trial was held during September and October of 2006. On October 11, 2006, the men were convicted of the terrorist-related charges. On March 7, 2007, after filing for appeals, Aref and Hossain were each sentenced to fifteen years.² Controversy surrounds this case, and many people are convinced that Aref and Hossain are the victims of entrapment. Currently, there are movements and organizations set up to help with their appeals in an attempt to free what many people see as innocent men.³

2. Nature of the adversary

Yassin Aref is originally from Kurdistan in northern Iraq. He grew up having a grandfather who was a famous and highly recognized imam in the Kurdish regions of Iraq. Because of this, Aref was always exposed to the religious lifestyle, and became a devout individual. Due to Saddam Hussein's aggressive actions in Kurdistan, Aref eventually decided to flee into Syria, where he attended classes and became educated. He and his wife were accepted by the United Nations as refugees and moved to Damascus. Aref eventually took a job working with the Islamic Movement of Kurdistan Office (the IMK) while in Damascus. The UN finally moved Aref and his family to the United States in October of 1999. In due time, he was offered a full-time position as the imam of the Masjid As-Salam Mosque in Albany, New York.⁴ He held this position until the sting operation and his imprisonment.

Aref seems to have endured a fairly dramatic upbringing and experienced a number of hardships through his younger years. He witnessed and lived through Saddam Hussein's reign and massacres against the Kurds in Iraq. For a good portion of his life he held low-paying jobs, even being forced to survive on UN subsidies alone. In Damascus he worked as a gardener, and upon his arrival to the United States he could only find work as a janitor.⁵ However, nowhere has it been mentioned that Aref was thought of as economically destitute or impoverished. It

¹ Wikipedia, Yassin M. Aref; accessed December 1, 2010.

² www.justice.gov; National Security Division – Statistics on Unsealed International Terrorism and Terrorism-Related Convictions

³ Muslim Solidarity Committee website, Aref & Hossain.

⁴ Muslim Solidarity Committee website, Fact Sheet on the Case.

⁵ Muslim Solidarity Committee website, Fact Sheet.

has been stated that Aref disagreed with the Bush administration's foreign policy to some degree, but he never seemed to express any feelings of being politically downtrodden or unhappy.⁶ Nor was he a religious fanatic. He was an imam, but not a radical one. In fact, he has a background of education, even being known for writing poetry and working to publish a book about his case and his current situation.⁷ Aref showed no signs of being insecure, unbalanced, or outraged at anything. In so far as this case is concerned, Aref would have been recruited for the terrorist activity by an FBI informant, though whether or not he actually had any intent or actual participation seems to be in question. The government claimed that he had ties to terrorist groups and leaders, and that this justified the sting operation organized around him.⁸ Aref, before this case, had no criminal record.⁹

Mohammed Hossain originally immigrated to the United States from Bangladesh, and has lived in the United State for about thirty years. He is a naturalized U.S. citizen.¹⁰ He owned the Little Italy pizzeria in Albany, as well as some properties he was looking to fix and rent out. Hossain was an active member of the Masjid As-Salam Mosque and knew Yassin Aref well. He openly spoke in favor of the policies and lifestyle within the United States, and close friends of his report that Hossain was often more pro-American even than they.¹¹

The FBI had no leads on Hossain and could not link him to any terrorist group or activity. However, Hossain had a close relationship with his imam, Aref, as well as with the FBI informant, so he was used in an effort to get to Aref. Like Aref, Hossain could be considered to have been recruited by the informant. He had no radical or fanatical tendencies, and was not outraged, insecure, or psychologically unbalanced. He was neither politically distraught, nor unhappy with his life in the United States.¹² He was religious, but no more so than any other pious believer. Hossain had no criminal record.¹³

3. Motivation

If anything, Yassin Aref and Mohammed Hossain were unmotivated to engage in any terrorist activity. The FBI informant was the one who made it look like Aref and Hossain had any intention at all, and even then it is hard to see where they expressed any interest. In a sense, it can be said that money motivated Hossain into interacting with the informant. Hossain wanted to take out a loan to begin working on his rental properties, and went to the informant seeking help. However, throughout the exchange Hossain never demonstrated any inclination towards joining the informant's cause. In fact, on many occasions he adamantly and vehemently defended the United States and showed distress at the use of

⁶ PBS, *America at a Crossroads: Security Versus Liberty: The Other War*, Washington, D.C., WETA, 2007.

⁷ www.yassinaref.com

⁸ Brendan Lyons, "Suspects Raise Domestic Spy Issue," *Albany Times Union*, January 5, 2006.

⁹ Muslim Solidarity Committee website, Fact Sheet.

¹⁰ Muslim Solidarity Committee website, Fact Sheet.

¹¹ PBS, *Crossroads*.

¹² PBS, *Crossroads*.

¹³ Muslim Solidarity Committee, Fact Sheet.

terrorist acts.¹⁴ Hossain was not seeking to change policy or get revenge against any transgression. He seemed to have nothing against the United States or Americans at all.

Aref has much the same story. His motivation, if any could be labeled as such, would be something akin to helping the cause of a friend. Aref was brought into the fold of the operation as a witness to the loan exchange between Hossain and the informant.¹⁵ Aref, like Hossain, had no intention of fighting for this cause, or seeking glory. He was not trying to socialize himself into a group. He merely wanted to help a friend with a transaction. Neither Hossain nor Aref conveyed any hatred for, or the will to act against, American values or United States' policy.

4. Goals

There seem to be multiple goals at work in relation to the Albany Case. None of these had any real terrorist motive. The first goal, as stated above, was for Hossain. His only goal was acquiring a loan that would help him further invest in his properties. No terrorist intent was involved with this goal. The goal of Aref seems to be equally as innocent. His goal was to ensure that a monetary transaction went according to the laws and in traditional fashion for his friend, Hossain. As far as terrorism, Aref seemed to never have had any notions of joining and engaging in the plots or acts suggested by the informant. Although throughout the operation Aref and Hossain got into debates with the informant over the motives and practicality of terrorist organizations, they never expressed any goals of their own, or agreed with the goals of those terrorist organizations.¹⁶

The goals with anything related to terrorism all concerned the FBI. Its goal was to take potential terrorist threats out of society. Applying preemptive tactics, it sought to ensure that nothing would happen in the future. In regards to Aref Hossain, the ultimate goal was to get to Aref.¹⁷ The fabricated terror plot also had a specific goal. The informant told Aref and Hossain that he wanted to aid the terrorist group Jaish-e-Mohammed, and hinted at the possible assassination of a Pakistani diplomat.¹⁸ This aid and assassination may have been carried out through the transfer and use of weapons such as a shoulder-mounted rocket propelled grenade launcher, one of which was shown to Aref and Hossain during talks with the informant.¹⁹ However, Aref and Hossain never showed interest in joining the cause. At one point, Aref mentioned that he believed the informant should join if he truly believed that the Jaish-e-Mohammed was working for the faith and doing what it could for Allah. Aref even went on to say that he could not join or aid such a group in good conscience as he didn't know enough about their goals, motives, or tactics.²⁰ Recordings have Aref saying that he believes it would be better to donate money and time to service and humanitarian groups that help with poverty and hunger, acknowledging that money given to politically charged

¹⁴ PBS, Crossroads.

¹⁵ PBS, Crossroads.

¹⁶ Muslim Solidarity Committee website, Fact Sheet.

¹⁷ Lyons, "Suspects."

¹⁸ PBS, Crossroads.

¹⁹ PBS, Crossroads.

²⁰ Muslim Solidarity Committee website, Legal Activity, Legal Motions (Aref)

groups often ends up in the wrong hands. He is also recorded saying, in regards to his conversation with the informant, that even if the FBI were listening in, it would not matter, as he knew he was doing nothing wrong. Aref also argued to the informant that they are now living in the United States and agreed to abide by the laws of the United States, and it is important for Muslims, above most other things, to keep their word.²¹

Other than the terror plot that was fabricated for the FBI sting operation, no real terrorist goals existed.

5. Plans for violence

As mentioned above, no real plot for terror was ever present. Therefore, there were not actually any plans for violence that could have been carried out. However, the government did have false plans laid out with which to try and entice Aref and Hossain. First, the FBI had it made known that the missile launcher was connected to a violent terrorist group, Jaish-e-Mohammed, and they later contended that both Aref and Hossain believed this to be the case.²² Furthermore, the FBI had the informant tell Aref and Hossain that the missile launcher would be used to assassinate the United Nations' ambassador from Pakistan while the diplomat would be in New York City.²³ That exists as the only violence within the plot, and the FBI would obviously never have let it be carried out.

Even more, the plans that the FBI did develop were never entertained, much less agreed with, by Aref or Hossain. Neither man ever offered their support for the plans or for the terrorist groups in question, and both avoided talking about terrorist plots in any specific manner.²⁴ Neither had any interest in seeing the plan carried out, nor would they have been able to commit such a crime out had they wanted to. The two men had no terrorist or jihadist training, or even any inclination of committing violence. While they were religious men and were steeped in Muslim culture, they never exhibited any of the bravado of serious jihadists.

6. Role of informants

The role that informants played in this case is staggering. There would have been absolutely no case whatsoever without the aid of the FBI informant. To understand this case, it is important to see on just how many levels the informant played a significant role. The informant had video and audio equipment set up to record all interactions with Aref and Hossain, and even worked at becoming close to friends and family within Hossain's community.²⁵

The FBI informant was a Pakistani immigrant named Shahed Hussain, who went by the name "Malik" during the sting operation.²⁶ He cooperated with

²¹ Muslim Solidarity Committee website, Fact Sheet.

²² PBS, Crossroads.

²³ Andy Coates, "Defending Muslims in Albany, NY," Found via: Muslim Solidarity Committee, News Media; Andy Coates' Article on the Press Conference, November 3, 2006.

²⁴ PBS, Crossroads.

²⁵ PBS, Crossroads.

²⁶ Coates, "Defending Muslims."

the FBI and participated in the sting operation in an attempt to reduce his sentencing for fraud charges, for which he had been arrested earlier in 2003. Malik was creating fraudulent state identification cards for illegal immigrants, selling and distributing them to any who asked for one. While this gave the FBI a bargaining chip to use against Malik, it also gave Malik a close connection and reputation amongst the Muslim immigrants in the area. The government also paid Malik a sum of \$32,000 for his activity in the sting. They used Malik because they knew he had ties to the area, and they hoped they could use him to get Hossain, and get to Aref through Hossain.²⁷ Hossain approached Malik for a potential loan, which Malik agreed to undertake. Malik offered to give Hossain \$50,000 in cash (which Malik claimed to have received in payment for importing, storing and handling the shoulder-mounted missile launcher for the terrorist group) on the condition that Hossain pay him monthly in \$2,000 checks up to the amount of \$45,000, with Hossain being allowed to keep the final \$5,000.²⁸ Hossain brought in Aref as a witness to the transaction, and both men, at some point, handled the money and engaged in the loan transaction. The FBI argued that both Aref and Hossain were aware that the money came from the missile launcher, and this allowed the government to get both of the men tried for money laundering charges.²⁹ However, it seems to be most likely that Aref and Hossain were unaware of the implications being made by Malik, and did not understand the gravity of the situation at hand.

Although this case may not technically be one involving real entrapment, as the informant could never fully lead Aref or Hossain into action or commitment, it certainly has some degree of investigative dishonesty. Malik was constantly attempting to talk about terrorist plots and activity, and was never able to get a concrete reaction out of either man. To this end, there was a great deal of leading and prodding going on by the informant. As nothing happened even with all of this leading by Malik, it is almost a certainty that nothing would have happened if left alone.

Moreover, the evidence gathered against Aref and Hossain by the FBI recordings does not hit any homeruns. As stated before, Aref and Hossain often spoke against Malik's talks of terrorism.³⁰ Neither ever stated any intent of helping Malik in his efforts. Beyond that, much of the interaction between Hossain and Malik was conducted in Urdu. During the trial, the FBI brought its translation of the conversations between Hossain and Malik, while the defense challenged the FBI's translation and offered its own. The judge appointed a third translator, who ended up agreeing more with the translations offered by the defense.³¹

After the Albany Case, the informant continued to work with the FBI. He was involved in a similar case that involved a plot to bomb Synagogues in the

²⁷ Muslim Solidarity Committee website, Fact Sheet.

²⁸ www.findlaw.com, United States of America v. Yassin Muhiddin Aref and Mohammed Mosharref Hossain.

²⁹ PBS, Crossroads.

³⁰ PBS, Crossroads.

³¹ Coates, "Defending Muslims."

Bronx a few years after the arrests of Aref and Hossain (Case 25).³² That case is also surrounded by some degree of controversy.

7. Connections

Some connections were found that linked Yassin Aref back to the Middle-East. Notebooks that contained Aref's name and phone number, and even his address in Albany, were found in alleged terrorist camps throughout Iraq.³³ Aref's name was found in buildings that the government believed to be terrorist safe-houses, as well.³⁴ It is unclear to what degree Aref was linked to the terrorists in these camps, or whether or not these terrorists were anti-American or simply remnants of anti-Saddam movements. Aref may have even been listed as a "known or suspected terrorist" since as early as 2002, according to his criminal history report.³⁵ In 2004, an FBI raid of Aref's home and mosque uncovered information that connected him to Mullah Krekar who is the founder of Ansar al-Islam, a terrorist organization with ties to al-Qaeda. Journals found in the raids also showed that Aref may have been acquainted with a top Hamas official.³⁶ However, it is important to note that Aref was well known and respected through Kurdish areas of Iraq, so it would not be all that unusual that people throughout the area would know him.³⁷ Moreover, the FBI reported that Aref's name had been found with the word "commander" next to it, though this was later refuted and it was re-translated to mean "brother" instead.³⁸ Also, though he had met Krekar during his job at the IMK (Islamic Movement of Kurdistan), Aref did not really have a relationship with the man, and often criticized Krekar's radical views.³⁹ On the topic of the IMK, it should be made clear that the United States does not recognize it as a terrorist organization. In fact, the IMK received aid and funding from Congress in 1998 as part of the Iraqi Liberation Act.⁴⁰ He has no known ties to Jaish-e-Mohammed, the terrorist group used during the FBI sting.

Mohammed Hossain, on the other hand, had no known terrorist connections at all.⁴¹ His only connections were to the FBI informant and to Aref, and he was used for his ability to bring Aref into the sting operation. Like Aref, Hossain had no connections to Jaish-e-Mohammed. Neither of the men was involved in a secret, underground terrorist network or sleeper cell.

8. Relation to the Muslim community

This case created a huge disturbance in the Muslim community, especially around Albany. Friends, family, and community members quickly

³² Zachary Roth, "Defense Lawyer on Newburgh Informant: 'A Real Snake'," *TPMMuckraker*, May 25, 2009. Found via: <http://www.talkingpointsmemo.com/>

³³ Lyons, "Suspects."

³⁴ PBS, Crossroads.

³⁵ Lyons, "Suspects."

³⁶ Brendan Lyons, "Terror Suspect Wants Own Trial," *Albany Times Union*, December 10, 2005.

³⁷ Muslim Solidarity Committee website, Fact Sheet.

³⁸ Jarrett Murphy, "Error In Albany 'Terror' Case," CBS News, August 18, 2004.

³⁹ Wikipedia.

⁴⁰ Muslim Solidarity Committee website, Fact Sheet.

⁴¹ Lyons, "Own Trial"

rallied behind Yassin Aref and Mohammed Hossain to help declare their innocence. Groups such as the Muslim Solidarity Committee and Project SALAM were formed in response to the imprisonment of Aref and Hossain. Marches have been organized to proclaim the men's innocence, including one on August 4, 2009 which had over one hundred people participating. Other local groups, such as Grannies for Peace, Women against War, and the Chatham Peace Initiative, joined in on behalf of Aref and Hossain.⁴² As leaders of their Mosque, Aref and Hossain were well-respected by both their spiritual fellows and the rest of the community alike. During the sentencing, the community generated a petition of almost 1000 signatures, offered speeches, and wrote letters in an effort to help Aref and Hossain. Some members of groups such as the Muslim Solidarity Committee believe the community support helped reduce the sentence to fifteen years, instead of the thirty years indicated by the federal sentencing guidelines.⁴³

The Muslim Solidarity Committee and Project SALAM led a march in honor of an Albany City Council motion to urge the United States' Department of Justice to review cases of Muslims who have been prosecuted and sentenced under questionable circumstances. The motion passed in the Albany City Council by a vote of ten in favor to zero against.⁴⁴ The founding members of the MSC have received an award by the New York Civil Liberties Union.⁴⁵ The MSC has stated its intent to offer continuing support for Aref and Hossain throughout the appeals process, which the defense attorneys were hoping to continue during 2010.⁴⁶ The MSC, Project SALAM, and the Masjid As-Salam Mosque filed an amicus brief in March of 2010, which was accepted by the District Court.⁴⁷

9. Depiction by the authorities

The authorities seem to have exaggerated the intensity of the situation. While finding Aref's name and contact information in suspected terrorist camps is nothing to take lightly, the FBI went about the operation with only one goal and close-minded intent. The authorities viewed this case as a major situation, and many supporters of the government's action see this case as an argument in support of warrantless wiretapping.⁴⁸ The FBI also went out of its way to make Aref and Hossain seem far more malign than they actually were during the sting operation. In many cases, the FBI mistranslated Arabic and Urdu words to make the defendants appear to be more inclined towards violence and terrorism.⁴⁹ As mentioned before, they translated "brother" to mean "commander" when referring to how Aref was labeled in the terrorist camp notebooks. The government also

⁴² Danielle Sanzone, "'Injustice' Decried in Conviction of Muslims," *Troy Record*, August 5, 2009.

⁴³ Muslim Solidarity Committee website.

⁴⁴ Muslim Solidarity Committee website.

⁴⁵ Wikipedia.

⁴⁶ Sanzone, "'Injustice' ,"

⁴⁷ Project SALAM, Amicus Brief.

⁴⁸ Wikipedia.

⁴⁹ Muslim Solidarity Committee, Fact Sheet.

withheld information from the defense about the notebooks found in Iraq, labeling it classified, even though the defense had been granted security clearances.⁵⁰

The government is said to have used the tactic known as preemptive prosecution in order to make sure that any terrorist deemed a threat, even if ultimately innocent, is put behind bars.⁵¹ The government has stuck to its decision thus far, even refusing to entertain appeals.⁵² Even appeals to the United States Supreme Court have been refused.⁵³ However, as mentioned above, on March 30, 2010 the United States District Court for the Northern District of New York accepted an amicus brief, which asks that a special prosecutor look into whether Aref and Hossain were given a fair trial.⁵⁴ While this offers some hope for reconciliation, it seems evident that the authorities acted out of an act-now, ask-later mentality. Furthermore, the government maintains the guilt of Aref and Hossain in official documents published in 2008.⁵⁵ Although the case workers may have believed to be doing the right and responsible thing, they acted in an alarmist manner. It is understandable that the FBI wanted to make sure the safety of Americans was ensured, but this case in particular could have been handled much better.

10. Coverage by the media

This case was covered by the local media very extensively soon after it came to light. The two local newspapers, *Albany Times Union* and the *Daily Gazette*, featured many articles, editorials, and columns about the trial and the situation.⁵⁶ Most of these articles and columns were written in favor of Aref and Hossain, and condemned the FBI for jumping to conclusions. Press releases and coverage on the case were constantly updated and posted through websites of organizations like the Muslim Solidarity Committee and Project SALAM, and well as through www.yassinaref.com. National media seemed a little more hesitant to report, though it eventually did. Immediately following the onset of the case, national sources seemed unsure of the details. Some articles did not have the correct facts regarding the amount of money that was involved in the transaction, they were not sure what role the informant played, and they did not know of the happenings of the FBI recordings.⁵⁷ While these earlier reports may have been confused or incompetent, the media eventually began to report the real facts of the case. Even the national media began to criticize the way the authorities went about the investigation and the sting operation. A PBS “America at a Crossroads” piece seems to offer a good representation of how the media believes the FBI may have over-played the Albany case.⁵⁸

⁵⁰ Wikipedia.

⁵¹ Project SALAM, Amicus Brief.

⁵² Sanzone, “‘Injustice’.”

⁵³ Project SALAM, Amicus Brief.

⁵⁴ Project SALAM, Amicus Brief.

⁵⁵ www.justice.gov; National Security Division – Progress Report.

⁵⁶ Coates, “Defending Muslims.”

⁵⁷ Murphy, “Error.”

⁵⁸ PBS, Crossroads.

Currently, the situation is being compiled into documentaries, biographies, and even public broadcasting productions. There are a number of books being published regarding the case, including one by Yassin Aref himself.⁵⁹ The media has continued to follow the story to a certain degree, though more locally than nationally. The entire reporting process of this case seems to have been responsible and relatively diligent. As the topic became more of an issue throughout the nation and internationally, the media published stories that were increasingly more competent and informative.

11. Policing costs

The investigation of Aref and Hossain and the resulting sting operation demanded a lot of time and effort, and would have generated massive costs. To begin, the government had to find, interpret, and convey information found in the notebooks from suspected terrorist camps in Iraq.⁶⁰ They also had to organize raids to seize further evidence from Aref's home and mosque.⁶¹ Besides information-gathering, the FBI also had to develop, implement, and complete the sting operation, complete with informant. To provide the technical and material support for the sting would have been a hefty cost on its own. The FBI had to offer recording equipment, props, and other such details in order for the sting operation to go forward. Exact numbers on the cost of this case in monetary amount could not be readily found. However, the informant alone was paid \$32,000 for involvement and expenses. The FBI sting operation was lengthy, lasting from at least November of 2003 until around July of 2004.⁶²

The trial would have also been costly, both in time and money. The case was in the courts during September and October of 2006. The prosecution had to try both men for each individual count, and for Aref alone that comprised thirty including conspiring to aid a terrorist group, provide support for a weapon of mass destruction, money-laundering, and supporting a foreign terrorist organization.⁶³ There is also the matter of appeals, as well as the cost of keeping the men imprisoned.

While it was focusing on trying to get Aref and Hossain to commit to terrorist activity, the FBI was expending resources that might better have been used to find individuals who expressed developing or fully developed terrorist tendencies.

12. Relevance of the internet

The internet has little relevance, if any, to the Albany Case. Aref and Hossain never researched any information and never attempted to gain any intelligence related to terrorism by means of the internet. In regards to the FBI sting operation, all contact that Aref and Hossain had with the informant was done

⁵⁹ www.yassinaref.com (see the site for more information on titles, dates, etc.)

⁶⁰ Wikipedia.

⁶¹ Lyons, "Own Trial."

⁶² Muslim Solidarity Committee website, Fact Sheet.

⁶³ Wikipedia.

in person. All evidence is recorded in video of the face-to-face interactions between the two defendants and the informant.⁶⁴

13. Are we safer?

Knowing the background and information of the case, I would argue that we really are not safer with Yassin Aref and Mohammed Hossain behind bars. They had no criminal record before the FBI sting operation, nor did they ever express any violent, radical, or anti-American tendencies.⁶⁵ Both were community leaders and respected by peers and locals. The fact that so many people have come together in their support and that organizations have been developed with the sole purpose of championing their cause seems to be a testament to the innocence of the men. If the local community wishes them to be free, then obviously they feel comfortable and safe with Aref and Hossain out of jail. Aref's connections to terrorist groups and individuals are something of a concern, but that does not mean we should immediately assume he is a grave threat or feel any less safe.

14. Conclusions

Unlike other cases where entrapment has been alleged, the defendants in this case never expressed any intent of engaging in terrorist activities. On multiple occasions, Aref and Hossain criticized involvement with terrorist groups and in terrorist plots.⁶⁶ However, they were still arrested, tried, and convicted of conspiring to aid a terrorist group, providing support for a weapon of mass destruction, money-laundering, and supporting a foreign terrorist organization.⁶⁷ While in many other cases, the defendants expressed interest in taking part in the acts, or were drawn into the acts by informants, Aref and Hossain never took the bait. They never developed any plans for violence, and never committed to participating in the fabricated FBI plan. They had no goals and were not trying to achieve anything through action. In the same sense that they did not have goals or plans for violence, they also had no motivation for carrying out or engaging in terrorist acts. It seems that the authorities had to go out of their way to make Aref and Hossain look like possible terrorist threats.

In the Albany Case, the FBI used the same informant as in the Newburgh or Bronx Synagogue Case (Case 25). That case was conducted in a similar manner, with much of the public believing entrapment to be at play.⁶⁸ The Muslim Solidarity Committee, Project SALAM, and other such organization have all taken an interest in seeing that justice is rendered to Muslims in cases where they believe them to have been wrongfully convicted.⁶⁹ There were also connections to the case involving the Fort Dix plot (Case 22). The government used the same expert witness, Evan Kohlmann, to testify about how the political

⁶⁴ PBS, Crossroads.

⁶⁵ PBS, Crossroads.

⁶⁶ Muslim Solidarity Committee website, Fact Sheet.

⁶⁷ Wikipedia.

⁶⁸ Roth, "Newburgh."

⁶⁹ Project SALAM.

situation in Bangladesh would have shaped Hossain into a terrorist suspect, as well as how videos of the Fort Dix five compared to actual terrorist tactics.⁷⁰ Furthermore, the victims of the Albany Case and the Fort Dix case, and perhaps all cases where Muslims have been suspected of wrongful conviction, seem to have contact with one another. For example, the daughter of one of the Duka brothers convicted in the Fort Dix Case spoke at an event devoted to Yassin Aref.⁷¹

It is not clear whether this is actually a terrorism case at all. Aref and Hossain had no goals or political aims, they had no intention of attacking civilians, they had nothing to be anonymous about, and they never tried to continue organizing a terror plot. If these tendencies were exhibited by anyone throughout the case, it would have been by the FBI informant. Even after he continually failed to get Aref and Hossain to commit to engaging in a terrorist group, he kept pushing to make them seem more prone to terrorist activity. He had a goal in mind, to allow Aref and Hossain to be charged, and went about it in a plethora of ways.

Brian Jenkins notes that some critics have said the current trend of seeking out and imprisoning potential terrorists is akin to placing Japanese-Americans in internment camps during World War II.⁷² While he disagrees, I feel that a similar sentiment is prominent in the Albany Case. Aref and Hossain were picked up and imprisoned for naught more than fear; though in this case the defendants at least received a trial. Fred LeBrun of the *Albany Times Union* compares the Albany case to a witch hunt and attributes it to national paranoia. He believes Aref and Hossain will be looked back upon as victims of an over-zealous government attempting to send a message.⁷³

Controversy surrounds the government's actions, and the public is still, six years later, advocating on behalf of Aref and Hossain. The use of the FBI informant certainly does add a level of controversy to the whole ordeal. While there does not seem to be entrapment in the strict sense, the informant is undoubtedly the only reason Aref and Hossain were convicted of anything at all. Had they been left to their own devices, it is likely that Hossain would have simply continued to operate his pizzeria and work on his properties, while Aref would probably have maintained his religious position at the local mosque. The trial and prosecution seemed skewed in a way that presented the two defendants as pre-disposed to terrorist inclinations. However, throughout the entire FBI sting operation, no concrete evidence was gathered to support such sentiments. It would be interesting to continue gathering information about this case from different perspectives.⁷⁴

⁷⁰ Lynne Jackson, "Fort Dix 5," Project SALAM.

⁷¹ Sanzone, "'Injustice'."

⁷² Brian Michael Jenkins, *Would-Be Warriors*. Santa Monica, CA: RAND Corporation, 2010, 23.

⁷³ Fred LeBrun, "History Will Remember Albany Terrorism Sting as a Witch Hunt," *Times Union*, January 12, 2007.

⁷⁴ It may be beneficial to look into *Son of Mountains* by Yassin Aref, *Rounded Up* by Shamshad Ahmad, and the video-documentary *Waiting for Mercy* by Ellie Bernstein. These would offer first-person accounts, as well as sentiments of the Muslim community and sympathizers to the cause of Aref and Hossain.

The public's reaction to the Albany Case and similar trials demonstrates the public's concern for the government's actions, which some believe is reminiscent of the witch hunts and the Communist scare of the 1950s.⁷⁵ While the government had the security and safety of the American people in mind, they went about this case in an irresponsible manner. In other cases, defendants expressed interest and became involved with the government's fictitious terror plots. However, with Aref and Hossain, no such intent ever existed; in fact, it was quite to the contrary. As I have mentioned, the two men often told the informant that they would not join in any terrorist plots and that they believed in the sanctity of America above the goals of such terrorist organizations.⁷⁶

That the men were convicted, and that the government refuses to hear any appeals, seems to hint at an over-enthusiastic counter-terrorism campaign and a certain degree of paranoia. I fully support the government and the FBI in protecting the United States and trying to rid the free world of terror. Yet, in this case, it appears as though nothing was threatened. I do believe that an investigation was called for, given that Aref's name was found in suspected terrorist camps and that he had ties back to terrorist leaders. However, that does not seem to warrant a lengthy sting operation, and that information on its own certainly does not warrant a biased trial and imprisonment. Further, while an investigation of Aref may have been necessary, Hossain should have been left completely alone. His only crime in the case was that he was acquainted with both the FBI informant and Aref, making him an easily accessible middle-man for the FBI's plans. If anything can be learned from this case, it is that the government cannot be so quick to charge. Where terrorism is concerned, the government should move quickly and confidently, and understandably so. However, this case and trial could have been handled far more deftly. The government should learn from the public's outcry to such trials. While they should not slacken on their counter-terrorism measure, they should deal with cases like this with a more balanced approach.

⁷⁵ Wikipedia.

⁷⁶ PBS, Crossroads.

Case 11: Nettles

John Mueller

February 21, 2014

Angry at a court system that had forced him to spend around 45 of his 66 years in prison, Gale Nettles, a petty and possibly mentally ill counterfeiter, whose creative work in that area has been described by his lawyer as “fairly pathetic” and who seems to have had neither the training nor the ability to create bombs, hatched a plot to blow up the Dirksen Federal Courthouse in Chicago. Not only did he hope by this action to “bring down the federal justice system,” as Rachel Cohen notes, but he was also irritated that the “building blocked the view of the lake.”

Although he had no Islamist ties or interests and seems to have been inspired mainly by Timothy McVeigh’s 1995 attack on a federal office building in Oklahoma City, Nettles, who sometimes went under the name “Ben Laden,” sought out al-Qaeda for financial support. In the process, he attracted not only the attention of a jailhouse informant—a racketeer who received a reduced sentence for his communications work—but three FBI agents, one of whom supplied him with a computer and a printer so he could resume his counterfeiting career and another who posed as a cash-flush al-Qaeda operative.

After 16 months of investigation, Nettles was arrested at the Chicago flophouse where he lived. Found guilty, he was sentenced to 160 more years in prison, mostly for counterfeiting. It seems likely that, in meting out justice, the judge was profoundly unamused by the notion of bombing a courthouse. This case bears quite a bit of similarity to that of Grecula (Case 13) who also sought out al-Qaeda operatives and offered to build a bomb—actually, he said, a “superbomb”—for them. No courthouses, however, were on his proposed target list, and, perhaps consequently, he received a sentence of only five years. There is no word on the quality, or lack thereof, of the view the hapless Nettles will have from his new prison cell.

Case 11: Nettles

Rachel Cohen

February 21, 2014

1. Overview

On August 5, 2004, Gale Nettles, age 66, was arrested for a plot to blow up the Everett M. Dirksen Federal Building in Chicago using a bomb made with ammonium nitrate fertilizer, similar to the bomb used in the Oklahoma City bombing.¹ While serving time in the Federal Correctional Institute in Yazoo City, Mississippi for counterfeiting, Nettles befriended a fellow inmate, Cecil Brown.² Initially, Nettles and Brown discussed plans to collaborate in counterfeiting schemes after their release, but Nettles eventually revealed to Brown his plans to bomb a federal building due to his bitterness toward the court system.³ Brown reported the plan to prison authorities, who then put him in touch with the FBI, who then put Nettles into contact with an undercover agent.⁴ While interacting with the undercover agent, who Nettles believed to be a farmer with access to ammonium nitrate fertilizer, Nettles also discussed continued counterfeiting.⁵ After Nettles learned that he would be able to obtain inert material that he believed to be fertilizer, he reached out to another undercover FBI agent to attempt to find contacts in al-Qaeda.⁶ He was put in contact with a third undercover FBI agent, to whom Nettles promised ammonium nitrate fertilizer in exchange for financial compensation.⁷ Shortly after selling the agent 1,500 pounds of fertilizer, Nettles was arrested.⁸ On January 12, 2006, he was sentenced to eight consecutive 20 year terms, two for his plot to blow up the Everett M. Dirksen Federal Building, and six for his continued counterfeiting.⁹

2. Nature of the adversary

Nettles spent a large portion of his life in and out of prison, which was, as discussed in the next section, his initial motivation for his plot to blow up the Dirksen Federal Building. According to Ronald Clark, a lawyer who represented Nettles in a counterfeiting case, Nettles spent about 45 years cumulatively in prison before hatching his plan at age 66.¹⁰ Nettles' criminal history included

¹ Jo Napolitano, "Man Arrested in Chicago in Connection With Truck-Bomb Plot," *nytimes.com*, August 6, 2004.

² *United States of America v. Gale Nettles*, 476 F.3d 508, February 12, 2007.

³ Napolitano, "Man Arrested in Chicago in Connection With Truck-Bomb Plot."

⁴ Grace Ramirez, "Chicago man arrested in alleged bomb plot," *cnn.com*, August 6, 2004.

⁵ *United States of America v. Gale Nettles*, 476 F.3d 508, February 12, 2007.

⁶ *United States of America v. Gale Nettles*, 476 F.3d 508, February 12, 2007.

⁷ *United States of America v. Gale Nettles*, 476 F.3d 508, February 12, 2007.

⁸ Ramirez, "Chicago man arrested in alleged bomb plot."

⁹ Associated Press, "Man gets 160 years over Chicago terror plot," *abcnews.com*, January 13, 2006. The Everett McKinley Dirksen United States Courthouse, or Dirksen Federal Building, houses the U.S. Seventh Circuit Court of Appeals, the U.S. District Court for the Northern District of Illinois, the U.S. Bankruptcy Court, the U.S. Marshal for the Northern District of Illinois, the U.S. Attorney for the Northern District of Illinois, and miscellaneous other court-related offices.

¹⁰ Associated Press, "Arrest in Plot to Bomb Courthouse," *latimes.com*, August 6, 2004.

armed robbery and attempted murder, charges he pleaded guilty to in 1975.¹¹ This criminal history was highlighted by the U.S. government, and Assistant U.S. Attorney Brandon Fox described Nettles as “violent,” citing his criminal history as a factor in the significant length of his sentence.¹² In 2001, he claimed he had unspecified mental disorders, which were not brought up while he was on trial for the plot to blow up the Dirksen Federal Building.¹³ Nettles was not particularly intelligent, and Clark described his counterfeiting to be “fairly pathetic.”¹⁴ At the time of his final arrest, he was living in a transient hotel in Chicago, where other residents said that he was “hard to read.”¹⁵

3. Motivation

Nettles had a very simple motivation for his original plot; he wanted revenge on the court system that had placed him in jail for such a large portion of his life, specifically his sentence for counterfeiting.¹⁶ This tied directly into his choice of target, the Everett M. Dirksen Federal Building, which houses many of Chicago’s courtrooms. Nettles was not motivated by any general anti-American sentiment, even though he later attempted to reach out to anti-American terrorist groups, including al-Qaeda and Hamas.¹⁷ His motivation in doing so stemmed from a desire to profit financially, and financial profit is a secondary motivation running throughout his entire plot.¹⁸ This is evidenced by his continued counterfeiting, as well as his attempt to sell excess fertilizer to undercover FBI agents who he believed to be in al-Qaeda.¹⁹ Nettles’ final alleged motivation is even simpler; he told Gary Beasley, an undercover FBI agent, that he wanted to bomb the Dirksen Federal Building not only because he wanted to bring down the federal justice system, but also, because the building blocked the view of the lake.²⁰

Although Nettles went by the pseudonym “Ben Laden,” presumably in reference to the al-Qaeda leader Osama bin Laden, there is no evidence that he was religiously motivated to bomb the Dirksen Federal Building.²¹ He did not speak of any such motivation, and while in prison, he discussed his plans with fellow inmate Cecil Brown, citing motivation only from his own prison sentences in the past.²² Even though he reached out to groups that were religiously motivated, he gave no indication of aligning with their views, and apparently did so in the hopes of profiting, and gaining assistance, from them.

¹¹ Associated Press, “Man who hated feds gets 160 years for courthouse plot,” *usatoday.com*, January 13, 2006. The text of the decision, which states charges, plea, and sentence, can be found at http://www.leagle.com/decision/1975111432IllApp3d1082_1927.

¹² Associated Press, “Man who hated feds gets 160 years for courthouse plot.”

¹³ Associated Press, “Arrest in Plot to Bomb Courthouse.”

¹⁴ Associated Press, “Arrest in Plot to Bomb Courthouse.”

¹⁵ Associated Press, “Arrest in Plot to Bomb Courthouse.”

¹⁶ Napolitano, “Man Arrested in Chicago in Connection With Truck-Bomb Plot.”

¹⁷ Associated Press, “Arrest in Plot to Bomb Courthouse.”

¹⁸ “Nettles gets life for court plot,” *chicagotribune.com*, January 13, 2006.

¹⁹ *United States of America v. Gale Nettles*, 476 F.3d 508, February 12, 2007.

²⁰ *United States of America v. Gale Nettles*, 476 F.3d 508, February 12, 2007.

²¹ From news services, “Nettles gets life for court plot.”

²² Napolitano, “Man Arrested in Chicago in Connection With Truck-Bomb Plot.”

4. Goals

Nettles told Beasley that he wanted to bring down the entire Dirksen Federal Building.²³ Assistant U.S. Attorney Brandon Fox stated that Nettles wanted to outdo Timothy McVeigh, and wanted to take down the entire building, impacting “several city blocks.”²⁴ The goal of the actual planned act of terrorism was thus relatively straightforward, and no alternate theories have been put forward to suggest that Nettles believed that his bombing would accomplish anything other than vengeance on the federal government. The goals of Nettles’ other crimes were all profit-based, such as his continued counterfeiting and his attempt to sell the leftover ammonium nitrate fertilizer to terrorist groups.

5. Plans for violence

Nettles’ plans for violence began during his time in the Federal Correctional Institute in Yazoo City, Mississippi. While serving a sentence there for a counterfeiting conviction, Nettles befriended Cecil Brown, a former rancher serving a sentence for racketing and fraud.²⁵ Initially, the two discussed plans to work together after their respective releases to launder Nettles’ counterfeit bills.²⁶ Eventually, however, Nettles began to ask Brown if Brown had ever worked with ammonium nitrate fertilizer on his farm, or had access to it.²⁷ Nettles told Brown of a plan he had to bomb the Dirksen Federal Building as retribution for his time spent in jail, and asked for contacts that could help him acquire ammonium nitrate after his release.

After acquiring what he believed to be the number of Brown’s nephew, Nettles contacted Gary Beasley, an FBI agent who posed as Brown’s nephew.²⁸ Nettles told Beasley of his plan to build a bomb with sufficient power to destroy the entire Dirksen Federal Building, and offered to finance it through counterfeiting.²⁹ Nettles purchased a ton of inert material that he believed to be ammonium nitrate from Beasley in exchange for counterfeit money.³⁰ Although Nettles never proved his capacity to build a bomb, U.S. Attorney Patrick J. Fitzgerald said in a statement that Nettles “had a rational plan a build a bomb. [The U.S. government] was not going to wait to see if it worked.”³¹

²³ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

²⁴ Associated Press, “Man who hated feds gets 160 years for courthouse plot.” Timothy McVeigh, the Oklahoma City bomber, used a bomb similar to the one Nettles was attempting to construct to blow up the Oklahoma City federal building in 1995, killing 168 people. Understandably, many parallels are drawn between McVeigh and Nettles. McVeigh was sentenced to death in 2001.

²⁵ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

²⁶ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

²⁷ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007. Ammonium nitrate fertilizer is a high-nitrogen fertilizer that is highly explosive. It was used by Timothy McVeigh to construct the bomb used in the Oklahoma City bombings.

²⁸ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

²⁹ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

³⁰ Associated Press, “Man who hated feds gets 160 years for courthouse plot.”

³¹ Associated Press, “Arrest in Plot to Bomb Courthouse.”

Nettles also attempted to contact al-Qaeda to sell them excess ammonium nitrate.³² He reached out to other FBI informants who he believed to be criminal contacts, and asked to be put in touch with al-Qaeda representatives.³³ After being put in touch with an informant who was posing as an al-Qaeda member named Ali, Nettles again revealed the specifics of his plot and offered to sell Ali whatever amount of ammonium nitrate he would like.³⁴ Eventually, Nettles offered to sell a half-ton of ammonium nitrate to Ali for \$10,000.³⁵

6. Role of informants

The FBI played an extremely large role in the capture and conviction of Gale Nettles, keeping him under surveillance as soon as he was released from prison, but other informants played a role as well. The most important informant in this case is Cecil Brown, Nettles' fellow inmate. Brown initially reported Nettles to prison authorities, and had he not done so, it is difficult to discern if or when the FBI would have caught Nettles. Brown then continued to further cooperate with the FBI, passing along false information to Nettles.³⁶ Brown gave Nettles the number of another informant, Gary Beasley, who posed as Brown's nephew and as a farmer who had access to ammonium nitrate fertilizer.³⁷

Beasley became another important player in the saga. In January of 2004, Beasley travelled to Chicago to meet Nettles, and listened to Nettles outline his desire to bomb the Dirksen Federal Building.³⁸ Nettles asked Beasley if he was interested in purchasing counterfeit money, and in March 2004, Beasley sent Nettles a printer and computer so that Nettles was able to counterfeit.³⁹ This resonates as particularly important when Nettles' eventual sentence is taken into consideration: only two of his 20 year terms were for the actual plot to blow up the Dirksen Federal Building, while the other six were for his counterfeiting.⁴⁰ Beasley eventually supplied Nettles with what Nettles believed to be a ton of ammonium nitrate fertilizer in exchange for about \$9,000 worth of counterfeit bills.⁴¹ At this point, Nettles already had plans to resell the fertilizer to other informants.

Nettles was also in contact with other FBI informants, including Sylvia Anicua, who went by Maria, and introduced herself to Nettles in March 2004. Anicua told Nettles that she knew people who would be interested in purchasing his counterfeit money, and over the course of May, June, and July of 2004, Nettles made four deliveries of counterfeit money to Anicua, totaling \$52,200, in exchange for \$5,000 of real currency. In July of 2004, Nettles approached Anicua and asked her if she had any connections in al-Qaeda. She put him in touch with

³² Associated Press, "Man who hated feds gets 160 years for courthouse plot."

³³ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

³⁴ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

³⁵ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

³⁶ Napolitano, "Man Arrested in Chicago in Connection With Truck-Bomb Plot."

³⁷ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

³⁸ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

³⁹ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

⁴⁰ Associated Press, "Man who hated feds gets 160 years for courthouse plot."

⁴¹ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

yet another FBI informant, who went by Ali, and was posing as a member of al-Qaeda. On July 26, 2004, Nettles met with Anicua and Ali, and told Ali that he would sell a half-ton of ammonium nitrate fertilizer for \$10,000. Nettles also discussed his own plans with Ali, identifying the Dirksen Federal Building as his target, and drawing parallels between the Oklahoma City bombing and his own plot.⁴²

By this point, Nettles had told Beasley that he would want the ammonium nitrate fertilizer delivered to a storage unit in Chicago, and that he had been in contact with Hamas and al-Qaeda members who wanted to purchase any excess fertilizer. On August 4, 2004, Beasley picked Nettles up from his Chicago home in a truck containing what Nettles believed to be a ton of ammonium nitrate fertilizer. Beasley and Nettles unloaded 500 pounds of the fertilizer into a storage unit to which Nettles directed Beasley. Nettles then showed Beasley to a park where he was to leave the truck the next day, so that Nettles could sell the remaining ammonium nitrate fertilizer to Ali. The next day, August 5, 2004, Nettles and Anicua met Ali to exchange the fertilizer for \$10,000. Nettles was then arrested on counts of attempting to destroy a federal building by fire and explosive, attempting to destroy a building used in interstate commerce by fire and explosive, attempting to provide material support to terrorism, manufacturing counterfeit currency, and five counts of transferring counterfeit currency.⁴³

The proof for all of these charges was provided by FBI informants. Essentially Nettles' entire case was closely monitored by the FBI, and the constant interaction between Nettles and the informants allowed the FBI to build a strong case against him. The presence of the FBI informants may easily have prevented Nettles from ever making contact with al-Qaeda; although it is unlikely that a small-scale counterfeiter could have made contact with al-Qaeda, it is certainly not outside the realm of possibility. Had Nettles not been put in touch with Ali, he may have been able to carry out his plan. Without the informants, it is entirely possible that Nettles would have been able to see his plan to fruition.

Most of the informants in Nettles' case were operating because it was their job. Beasley, Anicua, and Ali were all on the FBI payroll. The exception to this is Brown, the inmate who originally learned of Nettles' plan. During trial, Nettles' attorney, John Theis, accused Brown of concocting the scheme to begin with, doing so for personal gain, to get his sentence reduced. Brown stated in court that he had not been informed of any personal gain from his role as an informant until September 2005. In September 2005, Brown was told that the U.S. Attorney in Louisiana would seek a 3.5 year reduction in his sentence as a reward for Brown's cooperation in the Nettles case.⁴⁴ Before this, Brown's motivation seems to have been nothing but wanting to prevent Nettles from causing death, though he may have also believed he would receive some other reward.

The degree of entrapment in this case is very low. At no point did the informants ever provide Nettles with anything other than what he requested from them. Brown supplied Nettles with contact information that Nettles had requested

⁴² United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

⁴³ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

⁴⁴ Matt O'Connor, "Trial under way in bombing plot," *chicagotribune.com*, September 8, 2005.

in order to obtain ammonium nitrate fertilizer. Beasley supplied Nettles with the fertilizer he asked for and also offered to buy counterfeit money once it was offered by Nettles. Although Anicua approached Nettles unsolicited, she did not request anything from him other than counterfeit money that he was already in the process of supplying to others. Nettles approached Anicua about al-Qaeda connections. Throughout, Nettles accelerated his plan and conceived new approaches to the attack of his own volition. He accused the FBI of entrapment, arguing that the FBI pushed Nettles into committing his crimes, but his arguments ultimately failed.⁴⁵

7. Connections

Nettles began his plot as a lone wolf, and never had formal connections with any terrorist group, foreign or domestic.⁴⁶ Over the course of his attempts to bomb the Dirksen Federal Building, he tried to make contact with al-Qaeda, and believed that he had made contact with al-Qaeda operatives.⁴⁷ However, he was not inspired by any al-Qaeda operations, nor did he take his cues from al-Qaeda as an organization or the supposed operatives with whom he was put in contact.

Nettles drew much of his inspiration from Timothy McVeigh, the Oklahoma City bomber, who plotted to blow up the Oklahoma City Federal Building in 1995, but he had no formal connections to McVeigh. Nettles' motives were also different from McVeigh's; while McVeigh was sympathetic toward militias and opposed the federal government because of what he saw as tyranny, Nettles was motivated primarily out of self-interest.⁴⁸ Nettles also had no connections to anyone involved in the Oklahoma City bombing. His connection to McVeigh is derived only from the similarity of their plans, as Nettles modeled his attack on McVeigh's in the type of bomb used as well as the target.

8. Relations to the Muslim community

Nettles had no relationship to any Muslim community. Although he attempted to reach out to al-Qaeda, he did so for personal profit, stating himself that "as far as terrorism goes, I was after money, pure and simple."⁴⁹

9. Depiction by the authorities

The FBI points to Nettles' case as an important instance of homegrown terrorism, providing a summary of his plan and the use of informants to catch him.⁵⁰ The surveillance and arrest of Nettles was a major success. Throughout their discussion of Nettles, authorities were careful not to diminish the threat that he had posed. Although Nettles was never actually in contact with anyone who could have facilitated his plans to bomb the Dirksen Federal Building, U.S.

⁴⁵ O'Connor, "Trial under way in bombing plot."

⁴⁶ Napolitano, "Man Arrested in Chicago in Connection With Truck-Bomb Plot."

⁴⁷ United States of America v. Gale Nettles, 476 F.3d 508, February 12, 2007.

⁴⁸ Additional information about McVeigh can be found in footnote 24.

⁴⁹ "Nettles gets life for court plot."

⁵⁰ "Protecting America from Terrorist Attack: The Case of the Homegrown Terrorist," fbi.gov, August 2, 2006.

Attorney Fitzgerald used Nettles' case to highlight the continued threats that domestic and international terrorism posed to U.S. interests.⁵¹

The authorities faced a challenge in trying to make Nettles seem simultaneously like a real threat while also being far away from being able to see his plan through. While Nettles was never actually in contact with terrorists or in possession of ammonium nitrate fertilizer, he had a relatively well-formed plan, and, especially in the wake of the Oklahoma City bomber and September 11, this could have very much resonated with the American public. This necessitated that the government downplay the completeness of Nettles' plan. Many of their statements focused significantly more on the failings of Nettles, instead of his very real plans for violence.

10. Coverage by the media

Most of the articles covering Nettles' plan were written around the time of his arrest or around the time of his sentencing. Coverage was fairly sparse in between, possibly because there was very little news left to come out. The FBI had Nettles' story so completely figured out that, aside from his arrest and his sentence, there was no breaking news. All of the stories seemed to be relatively vague however, and they were not particularly numerous.

Because this case is almost ten years old (as of November 9, 2013), it seems possible that the low number of stories stems from a lack of updated archives on news sites. Another possibility, which seems more likely, is that the media did not feel the need to cover the story particularly in-depth because of the strength of the government's case. The case did not at any point seem complicated, and most of the media's coverage is from the perspective of the government.

The attorneys in the case are quoted in many stories, but almost none quote Nettles himself. In this way, the media coverage subtly aligned itself with the government, instead of covering the situation without bias. This could also be due to a lack of facts supporting any evidence other than the government's.⁵²

11. Policing costs

FBI involvement in the Nettles case was extremely high, leading to presumably high policing costs. Although Cecil Brown, the original informant, was not employed by the FBI, three separate informants were on the FBI payroll—Beasley, Anicua, and the informant known as Ali. Beasley was in contact with Nettles from October 2003 until Nettles' arrest in August 2004. Anicua was in contact with Nettles beginning in March 2004, and Ali was in contact with Ali beginning in July 2004. Combined, the FBI paid for 16 months' worth of information.

⁵¹ Napolitano, "Man Arrested in Chicago in Connection With Truck-Bomb Plot."

⁵² There was a lack of in-depth coverage of this case in the media; for this reason, I used the text of Nettles' appeal, found at <http://law.justia.com/cases/federal/appellate-courts/F3/476/508/551263/>, extensively. Judge Martin provides an excellent summary of the case, and outlines the role of each of the informants clearly and concisely.

The pressure on the court system was relatively light, however. From arrest to conviction only took from 2004 to 2006. Nettles was then sentenced to 160 years, providing the court system with the burden of a life sentence.

12. Relevance of the internet

The internet did not play a significant role in this case. Most of Nettles' correspondence was in person, and there was nothing in the media coverage to suggest that Nettles used the internet for any research or correspondence.

13. Are we safer?

The FBI's handling of the case left the U.S. safer. Nettles had a definite plan to commit violence, a motivation, and might have eventually found the resources to do so. Because Nettles did not utilize the internet, catching him without the help of the informants could have been much more difficult. Using informants to build a case against him through their in-person interactions was an effective way of documenting Nettles' plan.

Had Nettles not been arrested, it seems likely that he would have gone through with his plan to bomb the Dirksen Federal Building. Few arguments of entrapment were made, and Nettles originally conceived his plan on his own, in prison. When he was explaining his plan to Brown, he already had ideas about where to park the bomb to create maximum damage.⁵³ His plan was fully developed; all the FBI supplied Nettles with initially was the ability to purchase what he believed to be ammonium nitrate fertilizer. As Nettles' plan got more intricate, he was again the driving force in reaching out to what he believed to be al-Qaeda and in continuing counterfeiting.

Nettles was not particularly intelligent or adept at committing crimes, but that is not a mitigating factor in this case.⁵⁴ Nettles might not have ever been able to obtain the fertilizer necessary for building such a bomb because he lacked the proper connections, and he might easily have given up or attracted the attention of the FBI in some other way. He would have almost certainly continued looking for some time for a supplier of ammonium nitrate fertilizer, however, but, had he found it, there is no evidence that his bomb would have worked.⁵⁵

Nettles displayed a willingness to partner with groups that have propagated and continue to propagate large-scale terrorist acts, such as al-Qaeda and Hamas. Nettles had no qualms about working with these groups, and when trying to defend himself on the stand, his only argument in defense of himself was that he had done so for profit, not for any genuine anti-American beliefs.⁵⁶ His support of terrorist groups for profit is just as terrifying as those who support terrorist groups out of their religious or political beliefs, and, had Nettles been successful, his nonchalant willingness to sell excess fertilizer to al-Qaeda would have potentially led to other terrorist acts in the future had he been able to find a terrorist buyer and had he actually been able to acquire fertilizer capable of being used in bombs.

⁵³ "Protecting America from Terrorist Attack: The Case of the Homegrown Terrorist."

⁵⁴ Associated Press, "Arrest in Plot to Bomb Courthouse."

⁵⁵ Associated Press, "Arrest in Plot to Bomb Courthouse."

⁵⁶ From news services, "Nettles gets life for court plot."

America is safer not only because Gale Nettles failed to blow up the Dirksen Federal Building, but also because he did not, in fact, make contact with al-Qaeda. Nettles could have caused loss of life in several ways, and without the interference of the FBI, he might have succeeded, were he able to build a working bomb.

Even if he had never been able to find someone to sell him fertilizer or to put him in touch with al-Qaeda, Nettles could have easily adapted his plans to make them smaller scale while still violent. Having him kept away from the American public absolutely makes the general public safer.

14. Conclusions

The case of Gale Nettles is important not for any far-reaching implication on the American system, but because it provides an excellent case study of how the government and the media dealt with the idea of terrorism following September 11. Nettles ran counter to what the average American might have been expecting from a terrorist: he was old, white, an American citizen, lacking ties to any terrorist group, domestic or foreign, and not particularly intelligent or conniving. Although those prosecuting Nettles often stressed the idea that terrorists could be foreign or domestic, in 2004, very few Americans were thinking about domestic terrorism. Nettles served as a reminder that terrorists come in all shapes, sizes, nationalities, and creeds.

Even with that said, Nettles played into the idea of a terrorist by attempting to reach out to al-Qaeda. He did this simply because he knew who they were and believed they would buy his excess fertilizer, not because he agreed with their ideology. In this way, Nettles also provides a powerful reminder of why it is important to monitor potential threats. Nettles initially showed no inclination toward contacting or involving international terrorist groups, but did so when he saw a chance to profit. However, when he sought al-Qaeda contacts, he only found the FBI.

Lastly, Nettles provides an interesting case in light of many of the current controversies over the government's surveillance techniques. Nettles' case is one of the older ones in this collection of case studies, and the methods used to discover, observe, and eventually arrest him were different from 2013 methods. As the U.S. government uses more and more invasive methods in order to prevent terrorism, the techniques used in the Nettles case—prison informants, FBI agents meeting Nettles routinely in person in order to accumulate information, even a video camera in Ali's cab—are juxtaposed next to in-depth expanded surveillance techniques, such as tracking citizens' internet activity, which would not have helped in this case. Whether this case speaks to those who support expanded surveillance or those who oppose it is up for debate. Although the U.S. government did successfully monitor and arrest Nettles, much of their operation depended on luck. Without Cecil Brown originally reporting Nettles, it is difficult to know at what point in his plan he would have been discovered. This serves as a reminder that even today, with essentially unlimited resources at its disposal, the U.S. still must sometimes depend upon a racketeer in a Mississippi jail to do the right thing.

Case 12: Herald Square

John Mueller

June 3, 2011

In Brooklyn in 2004 a mercurial slow-witted and hot-tempered Pakistani immigrant, Siraj, and a schizophrenic homegrown American, both outraged at American foreign policy in the Middle East, teamed up with a police informant much older than they. He claimed to represent a spooky terrorist organization upstate run by “Brother Nazeem,” who would provide them with a bomb (perhaps as small as a soda bottle, they speculated, and designed to look like something innocent like a clock) to be planted in the Herald Square subway station by the conspirators (cleverly disguising themselves, perhaps, as Jews, with “ponytails” and all). The idea was that the little bombs might also somehow bring down the 13-level Manhattan Mall (formerly Gimbels) above the station, inflicting in consequence considerable economic harm. Preferably (depending on the mood of the talkative Siraj) this could be accomplished without killing anybody (except the homeless sleeping in the station), especially themselves.

There was no timetable for the attack (nor, of course, were there bombs or for that matter Brothers upstate). But at the point when the plot may have been falling apart, and concerned that the plotters might show up “with an AK-47 or something” (which they didn’t possess), the police arrested them.

In reviewing the evidence, Surili Sheth suggests that, absent the informant’s leadership and constant nudging, the two young and malleable conspirators would likely have continued dreaming up plans and animatedly expressing grievances simply because they liked having each other as friends, liked feeling important, and had common outrage against American policy.

The schizoid pled guilty, struck a deal, testified against his buddy, and got five years. The talkative Siraj didn’t and is scheduled to be released from jail in 2037.

Case 12: Herald Square

Surili Sheth

June 3, 2011

typographical and other minor corrections November 18, 2011

1. Overview

On August 27, 2004, Shahawar Matin Siraj, 22, of Queens and the mentally unstable James Elshafay, 19, of Staten Island were arrested and charged the next day in Federal District Court in Brooklyn for conspiring to set off a bomb in the 34th Street subway station at Herald Square.¹ The arrest happened three days before the Republican National Convention, which was scheduled to occur only a couple of blocks away from the Herald Square Station. However, according to the New York Police Department, the arrest happened not because of any supposed connection between the plot and the Convention, but rather because of the unpredictable natures of the plotters.²

A confidential informant, alias Osama Eldawoody,³ was involved in the case and recorded hours of tapes of conversations with Siraj and Elshafay. An undercover officer also recorded contacts with Siraj, though he was involved to a lesser extent and only in the beginning of the NYPD's investigation. Eldawoody made up the core of Siraj's defense case for entrapment.

The trial for Siraj started on April 24, 2006, after pretrial hearings. Siraj was offered a plea deal of 10 years but rejected it. After a trial that lasted one month, he was indicted on May 24, 2006 on four conspiracy charges including conspiring to blow up the subway station and conspiring to blow up a subway car.⁴ He ended up being sentenced to 30 years on January 8, 2007.⁵

Elshafay pled guilty immediately after arrest and agreed to cooperate with the government. He was a witness for the prosecution during Siraj's trial. He was indicted after Siraj, and was sentenced to 5 years in jail on March 2, 2007 for conspiring to blow up the Herald Square subway station.⁶

2. Nature of the adversary

The 22 year-old Siraj is a Pakistani immigrant. In school in Pakistan, he had struggled to keep up with other students and had a very low IQ of 78, which falls within the borderline range of intellectual functioning and is surpassed by 93% of the general population. Although school officials at St. Paul's English High School in Karachi described him as "hard working," Siraj struggled very

¹ Alan Feuer and William Rashbaum, "2 Charged With Plotting To Bomb Train Station," *New York Times*, August 29, 2004.

² Christopher Dickey, *Securing the City*. New York: Simon & Schuster, 2009, 197-98.

³ He testified with his real name, Osama Daoudi. William K. Rashbaum, "Subway Bomb Plot Suspect Tells of Confusion at Arrest," *New York Times*, January 25, 2006.

⁴ William K. Rashbaum, "Terror Case May Offer Clues Into Police Use of Informants," *New York Times*, April 24, 2006.

⁵ Dickey, *Securing the City*, 198; William K. Rashbaum, "Man Gets 30 Years in Subway Bomb Plot," *New York Times*, January 9, 2007.

⁶ Associated Press, "Manhattan: Man Gets Five Years in Plot to Bomb Subway," *New York Times*, March 3, 2007.

consistently academically, with grades mainly in the 60's. He performed similarly at Karachi's St. Andrew's High School. According to the psychologist who evaluated him, Siraj's "skills are significantly limited. His thinking tends to be overly concrete, superficial, and overly simplistic." Siraj immersed himself in paying videogames and watching cricket until he was 17, when he finally left Pakistan. He claimed to have killed two people when living in Pakistan, but that assertion has not been confirmed. Siraj entered the United States illegally in 1999, perhaps from Canada, to join his parents and sister who had already immigrated to America legally. Siraj held various jobs in the U.S., including working as a Blimpie's deliveryman, a sandwich-maker at a grocery store, and a cell phone salesman. He also went to computer technician classes at the A-Technical Institute in Forest Hills, New York.⁷

Siraj's family are part of a religiously moderate sect of Islam called Ismailis, who are the followers of the Aga Khan and normally known for their hard work and moderation. This sect is "rarely if ever associated with violent jihad in modern times." However, strictly religious Sunnis and Shiites regard Ismailis as heretical. Siraj was mocked by his teachers in Pakistan. He was also sometimes beaten up by other children who called him an "Aga Khanna" and made fun of him for not being able to read or understand the Qur'an.⁸ His family immigrated to the U.S. seeking asylum from politically radical Muslims who had been attacking them in Pakistan.

Siraj's parents said that he never seemed to be very devout and seemed to have little interest in Islam. However, in Bay Ridge, Siraj's uncle, Saleem Noorali, encouraged him to embrace Sunni beliefs and pray at the Islamic Society of Bay Ridge mosque.⁹ His uncle also owned a store, Islamic Books & Tapes, next to the Bay Ridge Mosque, where he hired Siraj to work. It was here that Siraj started "poring over the tracts that lined the shelves or listening to tapes and watching videos, arguing with customers, praying in the mosque."¹⁰ He became more like the Muslims that had tormented him back in Pakistan, becoming closer and closer to what could be called a self-taught fanatic.¹¹

This was when Kamil Pasha, an undercover officer, met him. Siraj has been described as slow-witted and hot tempered, often expelling rants. When he described his personality to the psychologist, he said, "I get angry and upset...I used to get angry over small stuff. I would drink cold water and lay down for a few minutes..."¹² His mother, Shahina Parveen, said "My son is confused—too much pressure...he's like a small child. He's not grown up in his mind."¹³ She said that her son was "immature based on his age." The psychologist said that he is "a relatively naïve, suggestible person." The Islamic Society of Bay Ridge's Zein Ramawi said he was "somewhat gullible and immature." Another associate

⁷ NEFA Foundation, "The Herald Square Plot," March 2008.

⁸ Dickey, *Securing the City*, 188.

⁹ Robin Shulman, "The Informer: Behind the Scenes, or Setting the Stage?" *Washington Post*, May 29, 2007.

¹⁰ Dickey, *Securing the City*, 188.

¹¹ Dickey, *Securing the City*, 188.

¹² NEFA.

¹³ Shulman, "The Informer."

of his wrote to the court that he “...is a grown up child; he looks big in size but [is] substantially immature...naïve, and most of all trusting of others.” Letters from Siraj’s parents and sister to judge assert he is honest, sincere and non-violent.¹⁴ During his trial, the defense portrayed him as a dupe that was very trusting, with his attorney referring to him as “not the brightest bulb in the chandelier.”¹⁵ They argued that he was fooled into embracing a plan that was hatched and driven by the NYPD’s confidential informant for this case, Osama Eldawoody.¹⁶ Footage from the tapes of conversations recorded by Eldawoody also demonstrated the limited extent of Siraj’s capacity, comprehension, and analytical skills: On one recording, Eldawoody “makes a half-hearted attempt to explain the difference between neutron and biological weapons [to Siraj]. On another, Siraj asks if atomic weapons and nuclear weapons are the same.” At one point, Siraj tried to explain to Eldawoody how they can alert their comrades that a bomb has been placed in the subway. “You have to call the brother, ‘Hello, brother, I did my job, that’s it. I deliver the pizza, O.K.’”¹⁷

Siraj had been arrested on assault charges twice before the Herald Square Plot arrest.¹⁸ The most recent occurred two months before the arrest. He had gotten into a fight with a customer at the bookstore where he was employed in a dispute over a phone card.¹⁹

Siraj can be described as socially marginalized, a born loser, lonely, unhappy, humiliated from his past, somewhat politically tuned-in, uneducated, outraged, and extremely malleable. In need of friendship and camaraderie, he became religiously fanatical, radicalized and self-recruited, though the informant certainly played a role in this process. Siraj, however, was without the skills, forethought, or really the capacity needed to perform any kind of a successful planned attack, though he saw himself as the planner of the Herald Square operation. Indeed, Siraj may have just been searching for a friend, or acceptance from an older mentor to whom he could relate. Eldawoody would have filled this void.

James Elshafay, 19 years old when arrested, is the American-born son of an Egyptian father and an Irish Catholic mother. His parents separated when he was two years old and he was raised primarily by his mother and aunt after that. His mother, aunt, and uncle all suffered from depression. Elshafay was taking medications prescribed for depression and schizophrenia.

When testifying Elshafay was questioned alternately about the plot and a life of sniffing glue, taking drugs and drinking as a young teenager.²⁰ He also

¹⁴ NEFA.

¹⁵ NEFA.

¹⁶ Craig Horowitz, “Anatomy of a Foiled Plot,” *New York Magazine*, May 21, 2005.

¹⁷ William K. Rashbaum, “Reporter’s Notebook; At Trial on Subway Bomb Plot, Informer Finishes Star Turn,” *New York Times*, May 9, 2006.

¹⁸ NEFA.

¹⁹ Andrea Elliott, “A Terror Case That Resonates Close to Home,” *New York Times*, March 6, 2006.

²⁰ William K. Rashbaum, “S.I. Man Describes Shattered Life, Then a Plot to Bomb a Subway Station,” *New York Times*, May 10, 2006.

testified that a male relative had sexually abused him as a child.²¹ He had delusions and was in a psychiatric ward in June 2004—just two months before his arrest for the Herald Square Plot.²² He dropped out of school after failing to complete the ninth grade three times.²³ Elshafay tried to join the U.S. army, even getting a G.E.D. because it was a requirement, but he was rejected because the Army concluded that he had a personality disorder and was emotionally disturbed. He also failed a hearing test.²⁴ Cops described him as lost: “not in school, not working, and in some state of turmoil about his identity. His only friend other than Siraj seemed to be his mother, who, cops say, coddled him and drove him everywhere.”²⁵ “Big, ugly, awkward, and unstable, he didn’t fit in anywhere as he grew up on Staten Island.”²⁶

Elshafay converted to Islam at the age of twelve at the insistence of his father.²⁷ In 2002, when he was 17, Elshafay went to Egypt to spend time with his father’s family and “came back to the States much more interested in learning about Islam than ever before.”²⁸ So, he had begun to develop a vague interest in his Islamic heritage about a year and a half before his arrest, growing a beard and starting to pray regularly.²⁹ He went to the Bay Ridge mosque and the bookstore next to it, where Siraj worked. Siraj was watching a tape that purported to show that the 9/11 attacks were really a plot by the United States government to justify a crusade against Arabs and Muslims in the fall of 2002.³⁰ Soon, according to the NYPD, “Elshafay regularly visited Siraj at the bookstore, looking to him for religious guidance. They would watch jihadi videos. Also, Siraj would give Elshafay books that claimed Jews were conspiring to take over the world economically.”³¹ The informant, Eldawoody, also nourished Elshafay’s growing piety.³²

Elshafay was confused about his identity, did not have a job, and had virtually no friends other than Siraj.³³ He was socially marginalized, became religiously fanatical, and was uneducated. A born loser, he was lonely, in need of friendship and camaraderie, unhappy, psychologically unbalanced, determined, and malleable. The group he became a part of with Siraj and Eldawoody may have filled a void for him, too. There was a significant age difference between Eldawoody, who was over the age of 50, and the boys, who were 22 and 19, respectively, and a definite mentor-mentee relationship formed between Eldawoody and the two young men. Siraj was probably “impressed by his

²¹ Rashbaum, “S.I. Man.”

²² Rashbaum, “S.I. Man.”

²³ Rashbaum, “S.I. Man.”

²⁴ Rashbaum, “S.I. Man”; NEFA.

²⁵ Horowitz, “Anatomy of a Foiled Plot.”

²⁶ Dickey, *Securing the City*, 189.

²⁷ Mitchell Silber and Arvin Bhatt, *Radicalization in the West: The Homegrown Threat*, NYPD Intelligence Division, 2007.

²⁸ Dickey, *Securing the City*, 189.

²⁹ Horowitz, “Anatomy of a Foiled Plot.”

³⁰ Dickey, *Securing the City*, 190.

³¹ NEFA.

³² Horowitz, “Anatomy of a Foiled Plot.”

³³ NEFA.

[Eldawoody's] education, and clearly he liked the time and attention this fifty-year-old man devoted to him."³⁴ Siraj called Eldawoody "brother" at various times on the tape, and Eldawoody sometimes referred to him as "son."³⁵

3. Motivation

Siraj and Elshafay seemed largely motivated by U.S. foreign policies in the Middle East and what they saw to be reprehensible treatment of Muslims by America. Some of their beliefs and notions of America targeting Muslims are also beliefs held by many in the Muslim community of Bay Ridge.

Siraj was deeply disturbed by wars in the Middle East and reports of abuses by US soldiers.³⁶ The news on television about former President Bush's war in Iraq only served to make him more enraged, as did documentaries like *Fahrenheit 9/11* and *Illuminazi 9-11*. "While American coverage was all about victory, what Siraj could read and see from Muslim sources was all about victims."³⁷ Siraj was especially angered by reports of American support for Israel, the invasion of Iraq, and prisoner abuse at Abu Ghraib. He was haunted and angered by a story he had heard about the sexual abuse of a 13-year-old Muslim girl by U.S. troops.³⁸ A picture of a dog purportedly raping a handcuffed Iraqi girl particularly tormented him. He admitted to his psychologist, "I exploded and I couldn't take it. I couldn't take it. I couldn't see the rapes." He told Eldawoody, the confidential informant, that "if we do not attack the Americans, they will keep on harming Muslims." Siraj testified in court that he "was just trying to save the people who were dying in Iraq."³⁹

Kamil Pasha, the undercover detective who had become acquainted with Siraj, testified that he and Siraj had discussed news reports warning that al-Qaeda operatives were entering the US illegally from Canada, and Siraj said that he was happy they were here and hoped they blew up the city and the American people. Siraj also defended the suicide bombings in Palestine, saying they were acts of revenge committed by people whose family members had been raped and killed. Pasha further reported that Siraj had stated that if anyone did that to his family, he would "do the same thing, meaning a suicide bomb."⁴⁰ Throughout the tapes that Eldawoody recorded later and were played during Siraj's trial, Siraj praised Osama bin Laden and the 9/11 attacks and repeatedly talked about killing Jews.⁴¹ According to the NYPD, as Siraj's fundamentalism deepened, the Islamic bookstore "became his venue for transferring his Salafi-like mindset to his perception of global issues."⁴² Siraj's motivations for committing an act that he

³⁴ Dickey, *Securing the City*, 189.

³⁵ Dickey, *Securing the City*, 189.

³⁶ Shulman, "The Informer."

³⁷ Dickey, *Securing the City*, 190.

³⁸ Shulman, "The Informer."

³⁹ NEFA.

⁴⁰ William K. Rashbaum, "Undercover Officer Testifies in Bomb Plot Trial," *New York Times*, May 18, 2006.

⁴¹ William K. Rashbaum, "Closing Arguments in Trial of Subway Bombing Case," *New York Times*, May 23, 2006.

⁴² NEFA.

saw harmful to America are therefore clear. While he was becoming more and more extremist in his religious thought, he was hearing and reading more and more about American ill treatment of Muslims. He was angered by American policies toward Muslims and the Middle East.

After September 11, Elshafay attacked protesters on Staten Island who were carrying signs that he claimed read “Kill Arabs” and “Kill Arab Babies,” written on the back of God Bless America signs, and was angered that the Feds did not do anything about it.⁴³ Elshafay was also a schizophrenic and was on medication for anxiety. Eldawoody nourished Elshafay’s religiousness on his path to extremism. Thus, Elshafay’s mental instability coupled with his growing religiousness and views about America’s attack on Muslims drove his motivations to plan a terrorist plot against America.

Together, Siraj and Elshafay were motivated by anger over American foreign policy in the Middle East, the war in Iraq, and abuse by American soldiers of Iraqi prisoners at Abu Ghraib.⁴⁴ Siraj and Elshafay seemed to hate America because of what they believed to be its actions, rather than hating the society and people in general. They also had a mentor with whom they both seemed to identify and from whom they received religious guidance and affirmation.

4. Goals

Siraj and Elshafay eventually settled on the goal of bombing the Herald Square subway station in order to economically harm America. Siraj specifically stated that he wanted to kill as few people as possible.⁴⁵ However, at another point, he said, “I want at least 1,000 to 2,000 to die in one day.”⁴⁶

5. Plans for violence

The Herald Square plot came about after many discussions between the three men. When he was introduced to the informant, Eldawoody, by Siraj in April 2004, Elshafay had a handwritten wish list of possible targets to attack. In addition to the 34th Street subway station, the list included the station at 59th and Lexington, a 42nd Street station, the Verrazano Bridge, a Staten Island jail, and three police precincts on Staten Island—the 123rd in Tottenville, the 120th in St. George, and the 122nd in New Dorp. He also had a crudely drawn map of the targets and gave this to Siraj, who then showed it to Eldawoody. “Are you crazy?” Eldawoody said, “You’d better get rid of that.” Siraj stuck the map between some volumes on a shelf in the bookstore.⁴⁷ He had this map in his pocket when he was arrested.

Elshafay had earlier conceived a plot to blow up the four bridges linking Staten Island to Brooklyn and New Jersey and had drawn a map. He abandoned his plan, however, when Eldawoody told him that the fictional terrorist group he had a connection with found it to be too complicated. Eldawoody steered the plot

⁴³ Horowitz, “Anatomy of a Foiled Plot.”

⁴⁴ Rashbaum, “S.I. Man.”

⁴⁵ Elliott, “A Terror Case That Resonates Close to Home.”

⁴⁶ Horowitz, “Anatomy of a Foiled Plot.”

⁴⁷ Horowitz, “Anatomy of a Foiled Plot.”

in its final direction.⁴⁸

Siraj admitted upon arrest that the plan to bomb the subway station was his.⁴⁹ He also hoped possibly to bring down the Manhattan Mall above it, thus causing more economic damage. This particular location came after many other targets and plans were discussed, and it was decided upon after considerable nudging from the informant. Whether or not this “nudging” was sufficient to claim entrapment is worth considering.

Eldawoody started recording tapes in June 2004, six or seven months after he had befriended Siraj and a couple of months after he had befriended Elshafay. During Siraj’s trial, these tapes showed a jury the extent of the plans for bombing the Herald Square subway station. How much of Siraj’s intent was urged or planted by informant Eldawoody before incriminating tapes were recorded is debatable.⁵⁰ Furthermore, the recorded conversations between Eldawoody and Siraj also show Siraj’s hesitation in going through with the plot.

The men twice conducted the surveillance of the subway station, drawing diagrams of the entrances and exits.⁵¹ Siraj told Eldawoody that he had masqueraded before as a homeless man to examine the security in the subway station and look for surveillance cameras. “I cannot find no security over there, it’s impossible,” he says in one of the recordings. “If there is no security, it means there is high security over there. No security means high security. That’s a trap.” Siraj then said he would shave his beard and wear New York Yankee apparel to disguise himself for a later surveillance mission.⁵²

On the tapes, Siraj also told Eldawoody that he expected that a blast in the subway station would bring down Manhattan Mall on street above. However, in another tape, Siraj suggests that the bomb could be as small as a bottle of soda tossed into a garbage can on subway station’s platform—this could either indicate that he was not planning a bomb that would create an explosion large enough to bring down the Manhattan Mall, or that he simply did not realize bombs that small would not have enough power to bring down the Mall. Siraj also said that he only wanted to bomb the station in the early morning hours so as to cause only economic damage and kill as few people as possible—although he was willing to let the explosion kill homeless people who spend the night there.⁵³

Siraj had “sometimes rambling, disjointed, and often angry statements, which also suggested that he has a grandiose view of his own talents as a terrorist plotter. In fact, he offered a critical assessment of al-Qaeda, saying its members carry out suicide attacks because they are poor planners.”⁵⁴

The tapes demonstrate, then, a lot of contradictions in the “plan” and they also may demonstrate how much Siraj liked to talk about and discuss these plans. It is possible that he just loved discussing these master plans, being seen as a

⁴⁸ Rashbaum, “S.I. Man.”

⁴⁹ Rashbaum, “S.I. Man.”

⁵⁰ On this issue, see also the discussion for Case 38.

⁵¹ William K Rashbaum, “Terror Jury Hears Talk of Bombing Subway Stop,” *New York Times*, April 27, 2006.; Feuer and Rashbaum, “2 Charged.”

⁵² Rashbaum, “Terror Jury.”

⁵³ Rashbaum, “Police Informer.”

⁵⁴ Rashbaum, “Terror Jury.”

planner, having the respect and attention of an older, educated man, and being included in a group of friends—an experience which he had never had before.

On August 21, 2004, Eldawoody picked up Elshafay and Siraj in his beige Toyota to take them on this reconnaissance mission. During the car ride, the three men talked about the Verrazano-Narrows Bridge, and they decided it would be better to blow it up at another time. In anticipation, they spent time “in a lively back-and-forth about the best place to plant explosives on the bridge to ensure the destruction of the entire span.”⁵⁵ They arrived at Madison Avenue and 30th Street and decided to split up to avoid detection, and each entered the 34th Street station using a different entrance.⁵⁶ Siraj “disguised” himself by wearing a do-rag and baggy jeans. He did not want to “look Arabic.” Instead, he decided he wanted to “look hip-hop, like a Puerto Rican.”

Two days later, the three men got together to give shape to attack plan. This was one week before the Republican National Convention. Eldawoody told Siraj and Elshafay that the made-up “Brotherhood” he had told them he was in contact with would provide backpacks and bombs, and that they were “very, very happy, very impressed” with the plans. However, the idea of blowing up the Verrazano Bridge was “a little bit complicated,” he said, and “needs a nuclear bomb, not a regular bomb.” Since those weren’t available around the area, the bridge destruction “will be later.” However, “Thirty-fourth Street is on.”⁵⁷

At this point, when the plans had finally started to seemingly go in the direction of becoming more concrete, Siraj very clearly started to back out. On the tapes, he said “Hmmm, tell him [the Brotherhood contact] that we are very careful about people’s lives. Have you told him this?” He also said, “No killing, only economy problems. I’m going to work as a planner.” When the informant asked him if he was okay with it, Siraj responded, “I have to, you know, ask my mother’s permission.” Finally, Eldawoody asked, “are you willing to do jihad?” And Siraj responded again that he would think about being a planner for the Brotherhood, but “dropping the bomb? I’m not sure. I have to think about it. Give me some time to feel comfortable with it.” Eldawoody said in response, “Okay, I’ll tell them that, because they were depending on you the most at Thirty-fourth Street station.” The informant went on to reassure Siraj that he would not be alone—there would be two people placing the bomb in a garbage can. The informant’s nudging to Siraj can clearly be seen in this conversation. At the end of the reassurance, however, Eldawoody added, “whatever makes you comfortable.” This was the point when Siraj backed out of placing the bombs completely. “I already gave the brothers the idea. They liked it, right? But the thing is, I will not be the person who puts it in the garbage can. Because if somebody dies, then the blame will come on me. Allah doesn’t see those situations as accidents.” In response, Eldawoody asked, “So you are out of jihad?” Siraj responded, “Planning is also jihad, brother.”

At this point, Elshafay stepped in and asked, “am I going to do Thirty-fourth Street?” Eldawoody said, “yes.” Elshafay started to back out of the plan at

⁵⁵ Horowitz, “Anatomy of a Foiled Plot.”

⁵⁶ Horowitz, “Anatomy of a Foiled Plot.”

⁵⁷ Dickey, *Securing the City*, 194.

this point as well. “Can they [the Brotherhood] maybe get someone who is more trained to do this?” Siraj chimed in, “we’re new. We don’t even know what we are doing. We only know that I made the plan and we are working on the plan.” Elshafay said, “If I’m going to do Thirty-fourth Street, I want to go there a few more times. I want to check it out a little more. And if they can get someone better qualified than me to do it, then I think they should, because I’m not really experienced in this and might not know what to do. Is that okay?” Finally, Eldawoody backed down, saying, “Okay. Whatever you feel. Whatever.” This, however, apparently prompted Elshafay to step up again, perhaps feeling guilty about letting the mentor down: “I’ll do it,” he said. He detailed how he would “dress as a Jew” to avoid suspicion. Finally, when Eldawoody asked Siraj if he wanted any part in the Thirty-fourth Street plot, Siraj changed the subject.⁵⁸

On August 27, 2004, Siraj and Elshafay were arrested. This was three days before the start of the Republican convention, though whether there was any relationship between these two events is unclear. Siraj was “quietly picked up a couple of blocks from Islamic Books and Tapes.” Since he had an assault case pending against him, the police used it as a lure, calling him and asking him to come to the 68th precinct in Bay Ridge at three o’clock to get the case closed out. Siraj said fine, but when he left work at the bookstore that Friday afternoon, he was heading in the opposite direction, so the cops grabbed him, not taking any chances.⁵⁹ Elshafay was sitting on the steps of the Noor Al mosque on Richmond Terrace when he was arrested.⁶⁰ Eldawoody had already left town because he had been notified of the men’s arrest beforehand.⁶¹

Though there was no timetable for the attack, Police Commissioner Raymond W. Kelly gave the reason for the date of the arrest of the two men after the trial: “These guys went out, they drew maps of the police stations in Staten Island, in Fort Wadsworth, they go to the Forty-second Street subway station, they go to Herald Square subway station...then he [Siraj] doesn’t want to kill people. And then he wants to kill people. We didn’t know if this guy was going to show up with an AK-47 or something, so we grabbed him.”⁶²

When arrested, Siraj and Elshafay had diagrams of the subway station and two maps of police precincts and bridges on Staten Island.⁶³ Siraj admitted after his arrest that the plan to bomb Herald Square station—one of many targets discussed during several conversations recorded by informant—was his idea.⁶⁴ When testifying in federal court, however, Siraj said that when he was being interviewed by two federal prosecutors, an FBI agent, and two New York police detectives, he talked to the prosecutors because he thought one of them was his own lawyer and he didn’t understand his Miranda rights even though he signed a form waiving them.⁶⁵ He also said that he was not allowed to make a phone call

⁵⁸ For the transcript of this conversation, see the Appendix.

⁵⁹ Horowitz, “Anatomy of a Foiled Plot.”

⁶⁰ Horowitz, “Anatomy of a Foiled Plot.”

⁶¹ Shulman, “The Informer.”

⁶² Dickey, *Securing the City*, 198.

⁶³ Rashbaum, “Confusion at Arrest.”

⁶⁴ Rashbaum, “Terror Case May Offer Clues Into Police Use of Informants.”

⁶⁵ Rashbaum, “Confusion at Arrest.”

until the questioning was over.⁶⁶

Elshafay began cooperating with prosecutors shortly after his arrest and testified against Siraj.

Siraj and Elshafay clearly had no idea what they were doing, even admitting this fact during their conversations with Eldawoody, who certainly nudged forward many of the plans, including the final location decision. Siraj and Elshafay never actually got to the point of committing violence, and there was definitely no prospect of suicide—on one recording, Siraj said he didn't want to make a martyr of himself because he wanted to be able to keep carrying out attacks.⁶⁷ However, after Siraj's sentence was handed down prosecutors Todd Harrison and Marshall L. Miller said that "he knew exactly what was going on and was the initiator of all the steps." Harrison added that Siraj came up with the plan, conducted surveillance of the station on his own and directed how the bombers should dress, where the bomb should be placed, and what their escape route should be.⁶⁸

Whether or not these plans would have eventually come to fruition could have depended on whether Siraj and Elshafay could have recruited someone competent, skilled, and trained. Then perhaps an attack, however idiotically planned, could have happened. There are many factors that make this possibility highly dubious. Siraj and Elshafay could have reached out to befriend someone else who had radical thoughts, much in the same way that they did with each other. It seems very unlikely, however, that a skilled terrorist planner would seek either Siraj or Elshafay out, as they had no skills and no capacity. Siraj also had a high propensity to back out, and Elshafay also seemed to consider backing out. They had no training and there was a very low prospect of suicide, also evidenced by the last recording in which Siraj said he had no intention of getting killed.

Elshafay, who was mentally unstable, was unpredictable. The tapes recorded by Eldawoody illustrated that he was willing to place the bombs in the subway station when Siraj showed signs of backing down. If this particular plan had not worked, it is possible that he could have found other means of terrorism, as the NYPD was concerned about. However, it seems highly unlikely that the plans for terrorism involving Siraj and Elshafay would have gotten to the point that they did without the informant's hand in egging them on. It is also highly plausible that the men would have just continued "discussing" plans simply because they liked having each other as friends, liked feeling important, and had common grievances against America.

6. Role of informants

There two informants in this case.

Kamil Pasha was an undercover Muslim cop who first came across Siraj's anti-American rants during his work on other cases. He reported these and provided testimony that undercut the defense argument that Siraj was not

⁶⁶ Rashbaum, "Confusion at Arrest."

⁶⁷ Rashbaum, "Reporter's Notebook."

⁶⁸ Rashbaum, "Man Gets 30 Years."

predisposed to violence before he met Eldawoody.⁶⁹

Kamil Pasha is a pseudonym, and he never revealed his real name in court because he was still working undercover during the time that he testified. His appearance in the trial against Siraj was the first court testimony that he had ever provided.

He was born in Bangladesh and was 23 years old when he met Siraj. He moved to America at the age of seven. He graduated from John Jay College of Criminal Justice and was halfway through the police academy in October 2002 when he was pulled out for an assignment with the Special Services Unit, the undercover operatives of the Intelligence division of the NYPD. He was assigned to live in Bay Ridge, get to know people, and to be a kind of walking surveillance camera; he was to “observe, be the ears and eyes” of the NYPD in the community, and his contact with the police department was kept to an absolute minimum. He moved into a neighborhood full of Muslims in Bay Ridge in the fall of 2002. Pasha fit right into the community—“he looked and talked and pretty much thought like a lot of other people there. He prayed like them. He believed like them. And they found it easy to believe in him as an innocuous neighbor. He was an easy fit.”⁷⁰

Approximately three weeks after he moved to Bay Ridge, Pasha started hanging out at the mosque and bookstore and getting to know Siraj, after the terrorism hotline run by the police had gotten calls about Siraj mouthing off about wanting revenge for what was happening to Muslims in other parts of the world.⁷¹ The police thought Siraj was worth keeping an eye on because he was apparently careful about when he spoke his mind, only venting in front of people he believed he could trust.⁷² Siraj started to think of Pasha as a friend.

In the course of their conversations, Siraj said it was good that there were suicide bombers in Israel, and that he would do the same thing if anyone treated his family badly. He said the U.S. had to feel the pain it inflicted on the rest of the world, which was why Osama Bin Laden was such “a talented brother and a great planner.” He told Pasha that he hoped Bin Laden was planning “something big for America.”⁷³ Pasha also testified that Siraj said that America would be attacked again soon, saying “the mission was not completed on 9/11” because “Wall Street was not attacked.”⁷⁴ Over the course of many months, Pasha wrote up seventy-two contacts with Siraj.⁷⁵

Osama Eldawoody, 50 years old in 2006, was a paid informant who regularly attended the Bay Ridge mosque on assignment from the NYPD. He has a bachelor’s degree in nuclear engineering from Alexandria University in Egypt and came to the United States in the mid-1980s. Unable to find work as an

⁶⁹ William K. Rashbaum, “Trial Spotlights Undercover Contact With Bomb Plot Suspect,” *New York Times*, May 17, 2006.

⁷⁰ Dickey, *Securing the City*, 187.

⁷¹ Dickey, *Securing the City*, 187.

⁷² Horowitz, “Anatomy of a Foiled Plot.”

⁷³ Dickey, *Securing the City*, 188.

⁷⁴ William K. Rashbaum, “Undercover Officer Testifies in Bomb Plot Trial,” *New York Times*, May 18, 2006.

⁷⁵ Dickey, *Securing the City*, 189.

engineer, he struggled, first as an ice cream vendor and taxi driver and later in the restaurant business and real estate in New Jersey.⁷⁶ He has “small, pale eyes, badly yellowed teeth and a tendency to gesture wildly and wander conversationally.”⁷⁷ These tendencies seemed to jibe quite well with those exhibited by Siraj and Elshafay, as suggested by conversations between them and Eldawoody.

Eldawoody’s career as an informant began after he was first questioned himself by the FBI and later by the police. An anonymous caller had identified him as a threat after 9/11, then someone else called the police when eight boxes were delivered to his house on Staten Island. Eldawoody said that he was discriminated against by the authorities but ended up volunteering to help NYPD conduct more effective investigations inside New York City’s Muslim community.⁷⁸ He claims that he began working as an informant to protect his new country.⁷⁹

Eldawoody officially became paid informant in Bay Ridge in July 2003 for the NYPD’s Intelligence Division. He had shown before that he was willing to work with authorities—he wore a wire and helped bust a corrupt building inspector who had demanded bribes in New Jersey.⁸⁰ At first, Eldawoody was dispatched to mosques and cafes and told to keep his “eyes and ears open for any radical thing.”⁸¹ He did this for several months.⁸²

The imam of the Bay Ridge mosque said that Eldawoody claimed that his father was a famous Egyptian sheik, and he was known at the mosque for his passion for his beliefs. He was known for weeping when he prayed and openly complaining when strangers came to the mosque, especially those that were not Muslim. He also smoked—a habit that Siraj encouraged him to quit. According to the imam, Eldawoody said that Americans might fear him because he had a PhD in nuclear engineering and complained that FBI wanted to search his home. He introduced himself to people by saying, “my name is Osama, like Osama bin Laden.”⁸³

Zein Rimawi, a member of the board of the Islamic Society of Bay Ridge, believes that Eldawoody’s original “target” was actually the imam. Eldawoody told the imam that he was a real-estate developer, but because he was new to the community, people did not trust him and asked the sheik to be his partner, saying that he would not have to do anything except let Eldawoody use his name and they would split the profits.⁸⁴ This shows that Eldawoody obviously needed money, and was very possibly trying to entrap the imam. According to Rimawi, it

⁷⁶ Horowitz, “Anatomy of a Foiled Plot.”

⁷⁷ Shulman, “The Informer.”

⁷⁸ Elliott, “A Terror Case that Resonates Close to Home.”

⁷⁹ Rashbaum, “Terror Jury.”

⁸⁰ Shulman, “The Informer.”

⁸¹ William K. Rashbaum, “Informant in Bomb Plot Trial Tells of His Visits to Mosques,” *New York Times*, May 2, 2006.

⁸² Shulman, “The Informer.”

⁸³ Andrea Elliott, “Between Two Worlds in Brooklyn; To Lead the Faithful in a Faith Under Fire,” *New York Times*, March 6, 2006.

⁸⁴ Horowitz, “Anatomy of a Foiled Plot.” See also Elliott, “Between Two Worlds.”

was after the imam turned him down twice and told Eldawoodly to not come see him anymore, that Eldawoodly “turned his attention to Siraj.”⁸⁵

After getting reports about Siraj for months, the NYPD began to investigate the location.⁸⁶ After Eldawoodly became a regular at the Bay Ridge Mosque prayers, he started visiting the bookstore next to it where Siraj worked, and the two started to become friends.⁸⁷ The “odd seduction” began around Ramadan.⁸⁸ Eldawoodly often gave Siraj a ride home to Queens, and they talked for hours. They attended prayers at the Islamic Society of Bay Ridge mosque together and had several conversations in Eldawoodly’s car. “They talked about the world, Islam, conspiracies against Muslims, and more and more about jihad.”⁸⁹ Over time, Siraj asked him about making bombs and provided him with a CD-ROM that had instructions on how to make conventional explosives.⁹⁰ When the talk turned toward the idea of planting a bomb, Eldawoodly said, “I told them, ‘I believe it’s time to record.’”⁹¹

After Siraj introduced Elshafay to Eldawoodly, the latter found that religion was an easy way for them to bond, and Eldawoodly nourished Elshafay’s growing piety. They went to the mosque and prayed together. Eldawoodly took him to a shop on Atlantic Avenue to buy his first kufi. He bought him an English translation of the Koran. He recommended books for Elshafay to read, like those by Abu Hanifah, a seminal Islamic scholar who died in 767 and is considered one of the greatest imams in Muslim history.⁹² Furthermore, Eldawoodly told Elshafay that his imam gave him a fatwa—a religious ruling that would allow the killing of soldiers. During the trial, Elshafay admitted that it was partly because of this fatwa that he agreed to get involved with the plot.⁹³ Eldawoodly very plausibly aided in the radicalization of the younger men, who saw him as their leader.

Eldawoodly only started wearing a wire and recording all conversations with Elshafay and Siraj in June 2004, six to eight months after he started to get to know Siraj, and a couple of months after he started to get to know Elshafay.⁹⁴ Secretly, Eldawoodly recorded audio and/or video footage of roughly 24 conversations—over 30 hours worth—about the plot during summer 2004.

The nature of Eldawoodly’s involvement in this case as an informant was unusual. Police Commissioner Raymond Kelly said, “usually you have a CI [Confidential Informant] who makes the first contact, and the CI introduces a cop, because the cop is able to give better testimony and it’s usually less dangerous for him. But here we had the cop, undercover, basically turning it over to the CI...Eldawoodly had a kind of avuncular style that I think just kind of blended with this kid. And he had a relationship with the mosque, and it was just a more

⁸⁵ Horowitz, “Anatomy of a Foiled Plot.”

⁸⁶ Horowitz, “Anatomy of a Foiled Plot.”

⁸⁷ NEFA.

⁸⁸ Horowitz, “Anatomy of a Foiled Plot.”

⁸⁹ NEFA.

⁹⁰ Rashbaum, “Police Informer.”

⁹¹ Shulman, “The Informer.”

⁹² Horowitz, “Anatomy of a Foiled Plot.”

⁹³ Rashbaum, “S.I. Man.”

⁹⁴ Horowitz, “Anatomy of a Foiled Plot.”

comfortable fit.”⁹⁵

Eldawoody met Siraj in September 2003 at the bookstore; however, there are no recordings of their early conversations—the only evidence that preserves any of it is in the NYPD’s Terrorist Interdiction Unit files.⁹⁶ There was very possible entrapment and encouragement on Eldawoody’s part of Siraj’s extremism and terrorist tendency. Eldawoody testified that when he told Siraj about his bachelor’s degree in nuclear engineering from Egypt, Siraj began to ask him whether he knew how to design a nuclear bomb or a “dirty” bomb, and whether he could obtain nuclear materials.⁹⁷ However, Siraj’s lawyer, referring to police notes in court, suggested that Siraj had just asked Eldawoody why he did not work as a nuclear engineer, and Eldawoody told Siraj that he was capable of creating a dirty bomb.⁹⁸ In another incident, Eldawoody allegedly showed Siraj inflammatory pictures, including photographs of American soldiers abusing inmates at Abu Ghraib prison in Iraq—one of Siraj’s major motivations for wanting to plot something against America.⁹⁹ Siraj’s mother, Shahina Parveen, said that he had shown Siraj the pictures. However, Eldawoody says Siraj actually showed him the pictures. Finally, according to Mrs. Parveen, he claimed to be battling liver cancer and told Siraj that Jewish doctors at a hospital in New York had refused him treatment because he was Muslim.¹⁰⁰

Siraj obviously looked up to Eldawoody. Siraj referred to the informant as “brother” many times, and Eldawoody referred to Siraj as “son” on tapes. Eldawoody’s handler wrote in his notes that the informer found Siraj to be “impressionable.”¹⁰¹ It was Eldawoody who suggested getting uranium-235 and using a remote-controlled detonation. He was also the one who suggested obtaining nuclear materials from the Russian mafia. “Oh, we can’t find it over here, like in Florida?” asked Siraj, who then suggested looking for nuclear materials near the Rocky Mountains, or calling Pakistani nuclear scientist Abdul Qadeer Khan for advice.¹⁰²

In particular, Eldawoody led Siraj and Elshafay to believe that he was a member of a fictional Muslim “Brotherhood” that would provide them with the explosives for the attack. Eldawoody very plausibly aided in the radicalization of the younger men, who saw him as their leader.

Martin Stolar, Siraj’s lawyer, said in arguing for entrapment, “the problem here is the firebrand who stirred the pot is a government agent, not some stranger or imam. And the law does not allow the government to create a crime; it is just not permitted. That is why the defense of entrapment exists.”¹⁰³ He also made the

⁹⁵ Dickey, *Securing the City*, 191

⁹⁶ Shulman, “The Informer.”

⁹⁷ William K. Rashbaum, “Police Informer in Terror Trial Takes Stand,” *New York Times*, April 25, 2006.

⁹⁸ Shulman, “The Informer.”

⁹⁹ Elliott, “Between Two Worlds”.

¹⁰⁰ Elliott, “Close to Home”

¹⁰¹ Shulman, “The Informer.”

¹⁰² Shulman, “The Informer.”

¹⁰³ William K. Rashbaum, “Closing Arguments in Trial Of Subway Bombing Case,” *New York Times*, May 23, 2006.

point that just because Siraj said that he could understand suicide bombings in Israel does not mean that “he is predisposed to blowing up a subway station in New York...It’s his First Amendment right to have and express that opinion. It does not mean that it makes him disposed toward killing or a violent crime.”¹⁰⁴ After Siraj’s guilty sentence was handed out, Stolar said, “The NYPD was able to create a crime in order to solve it, and claim a victory in the war on terror, and that’s what he was sentenced as, rather than a dimwit who was manipulated.”¹⁰⁵

Eldawoody says that had he not intercepted Siraj, the younger man eventually would have joined a real terrorist sleeper cell.¹⁰⁶ Prosecution attorney Marshall Miller argued that the jurors had heard many conversations “of the defendant spouting violent jihad and describing his own violent activities, and this was long before he met Eldawoody, and argued that “if there are people out there who are ready and willing to bomb the subway system, then law enforcement should be out there trying to arrest them before attacks happen.”¹⁰⁷ The prosecutors maintained that Siraj “knew exactly what was going on and was the initiator of all the steps.” Siraj came up with the plan, conducted surveillance of the station on his own, and directed how the bombers should dress, where the bomb should be placed, and what their escape route should be.¹⁰⁸

At the end of Siraj’s trial, some jurors said that they believed entrapment could have happened in this case, but that the defense just did not provide clear evidence that the plot “was initiated by the informant, that he persuaded the person to do this, and the person was not ready and willing to do this.”¹⁰⁹ Before his sentence was handed down, Siraj addressed the court and said: “Before his sentence was handed down, he said, “your honor I want to apologize about whatever I said in the tapes—I wish I could take those words back but it already happened, I already said those things...I’m taking responsibility for 34th Street but I was manipulated by this person.” After his sentence was handed down, Siraj’s mother, Ms. Parveen, said “The N.Y.P.D., through a paid informant, tricked my son and got him stuck in this...He didn’t do anything. I didn’t get any justice. It was not a fair sentence.” She said he would appeal his sentence.¹¹⁰

Being an informant was economically extremely helpful for Eldawoody and his family (a wife and daughter) who were struggled on the money they were making. Eldawoody was paid nearly \$100,000 by the department over the course of almost 3 years.¹¹¹ The department paid him about \$25,000 over the 13 months he spent befriending Siraj and Elshafay.¹¹² He was paid \$75,000, including relocation costs, over 20 more months leading up to the trial.¹¹³ He remained unemployed in 2007 even though police helped him look for a job. The NYPD

¹⁰⁴ Rashbaum, “Closing Arguments.”

¹⁰⁵ Rashbaum, “Man Gets 30 Years.”

¹⁰⁶ Shulman, “The Informer.”

¹⁰⁷ Rashbaum, “Closing Arguments.”

¹⁰⁸ Rashbaum, “Man Gets 30 Years.”

¹⁰⁹ Jennifer Lee, “Entrapment Evidence Lacking, Jurors Say,” *New York Times*, May 25, 2006.

¹¹⁰ Rashbaum, “Man Gets 30 Years.”

¹¹¹ Rashbaum, “Police Informer.”

¹¹² Shulman, “The Informer.”

¹¹³ Shulman, “The Informer.”

covered his rent, plus he received \$3,200 a month. A police spokesman said direct payments were to continue indefinitely.¹¹⁴ He publicly criticized the police department for paying him too little.¹¹⁵

Eldawoody moved to an undisclosed location with his family before Siraj and Elshafay were arrested, but came back to testify. After the trial was over, his wife said in an interview in 2007 how the summer before, the lease on the family's Pennsylvania apartment was about to run out, and they feared becoming homeless. She said that their daughter, Marwa, "needs to go to school; I will do any job to protect her." So, she moved with Marwa back to Staten Island and left Eldawoody to his own devices. She talked openly about divorce to a reporter while she and Eldawoody were standing in line at Wal-Mart, but then dismissed it, saying "what can we do? I want my daughter to live with her father." Eldawoody had no reaction as he paid for the groceries. She eventually negotiated with Eldawoody's police contacts and returned to live with him and go with him cross-country when he learned of Siraj's arrest. Eldawoody planned to buy a house with a down payment from his wife's savings. He had dreams to sell film rights to his story, someday start his own organization, take off on a national speaking tour of mosques, and train other Muslims to become informers like him.¹¹⁶

It is highly unlikely that the Herald Square plot would have happened if the informant, Osama Eldawoody had not been involved.

7. Connections

Siraj and Elshafay had no real connections to other terrorists or terrorist groups, though they thought that informant Eldawoody had a connection to a "Brotherhood" in Upstate New York.¹¹⁷ Eldawoody told the boys that this Brotherhood would supply explosives, but the Brothers needed Siraj's knowledge of the subway to place the bombs.¹¹⁸ Siraj and Elshafay were essentially self-motivating, lone-wolf terrorists.¹¹⁹ However, an entrapment argument can also be made.

8. Relation to the Muslim community

The Arab Muslim community that Siraj and Elshafay were part of was the largest in the city of Bay Ridge, with approximately 30,000 members. The turnout for Friday-afternoon prayers at the Islamic Society of Bay Ridge mosque regularly went above 1000 men. These numbers filled the mosque, so others would participate via loudspeaker outside the mosque, on the street.¹²⁰

The imam of this Bay Ridge mosque, which Siraj and Elshafay attended regularly was Mr. Shata, age 37. He was spotlighted in the media due to his position in the Muslim community that Siraj and Elshafay had been part of. He

¹¹⁴ Shulman, "The Informer."

¹¹⁵ Dickey, *Securing the City*, 198.

¹¹⁶ Shulman, "The Informer."

¹¹⁷ Shulman, "The Informer."

¹¹⁸ Shulman, "The Informer."

¹¹⁹ Horowitz, "Anatomy of a Foiled Plot."

¹²⁰ Horowitz, "Anatomy of a Foiled Plot."

said that Muslims feel increasingly alienated from American society since 9/11. A *New York Times* story highlighted the pressure that imams in America are increasingly facing in balancing relations between police and Muslim communities, using the example of Mr. Shata, who likened his situation to walking a tightrope. Mr. Shata himself has been described very positively by the authorities, who speak highly of him. He saw cooperation with them as his Islamic duty. After 9/11, he even called a press conference with other Muslim leaders to condemn the attacks. No press came.¹²¹

The imam said that those who did not come in the past to mosque very often, especially youngsters, attend much more frequently now, and he is worried about a sense of alienation since 9/11 among the Islamic men who attend his mosque. Before 9/11, there were two social camps—one of Arab pioneers and one of teenagers; the groups rarely mingled, but now many of the younger group attend prayers at the mosque regularly. They have been passed over for jobs, want to learn how to defend their religion at work or school, have been questioned by authorities too many times, and some no longer feel at home anywhere else. Mr. Shata indicated that he was “saddened to see so many Muslims leave America, pushed out by new immigration policies, intimidation or despair. He also fears for those who have remained: for the teenage boy in his mosque who is suddenly praying at dawn, having drifted from a high school that left him alienated.” However, this sense of alienation that Shata sees the men in his congregation increasingly facing is what most worries him. He and the authorities agreed that young Muslims are the most susceptible to the messages of militant sheiks.¹²²

In testimony, the informant, Eldawoody, said that he found hatred of America and its policies commonplace at the first two mosques he visited during the course of his work, but there were no calls to violence. When he began to visit the mosque at the Islamic Society of Bay Ridge, Brooklyn, he said that initially “while many people ‘cursed America,’ there was no talk of attacking the United States.”¹²³

When information about the NYPD’s use of informants started to come out during Siraj’s trial, the media reported, “undercover work deepens police-Muslim tensions.”¹²⁴ It said, “in the years since September 11, diplomacy has given way to defensiveness.”¹²⁵ The Muslim community was outraged that a secret informant had been attending their mosque, and they can recite a list of cases where Muslims in America have been falsely accused of terrorism.¹²⁶ Many in the Muslim community see that police tactics have been aggressive and underhanded.¹²⁷ One of the founders of the Islamic Society of Bay Ridge, Zein

¹²¹ Elliott, “Between Two Worlds.” This article does a very good job of showing the nuances of relationships between Muslim communities in America and authorities. It also deals with some of the more complex issues, such as Arab-Israeli conflicts and American foreign policy in the Middle East, a motivator for many of the terrorist conspirators, including Siraj and Elshafay, after 9/11.

¹²² Elliott, “Between Two Worlds.”

¹²³ Rashbaum, “Police Informer.”

¹²⁴ Rashbaum, “Undercover Work Deepens Police-Muslim Tensions.”

¹²⁵ Elliott, “Between Two Worlds.”

¹²⁶ Elliott, “Between Two Worlds.”

¹²⁷ Rashbaum, “Undercover Work.”

Rimwai, was asked by the imam to help Siraj's family when he was arrested. He said of the Muslim community, "of course we are angry; we have been targeted...Put on the TV and you get sick from it. You see Afghanistan, and it's a war against the Muslims. Iraq, it's a war against the Muslims. Palestine, it's a war against the Muslims. Chechnya, a war against the Muslims. Everywhere you look, it's the same thing. Now even in the Sudan." According to *New York Magazine*, Rimawi reflects the general feeling in the community when he argues that the case against Siraj and Elshafay is merely one more example of law-enforcement officials' unjustly arresting Muslims for public-relations value. He said, "The Bush administration needs to keep arresting Muslims...they must be able to say, 'See we stopped another terrorist, we found another sleeping cell. We are protecting you from the terrorists.'" He believes that as long as the government keeps telling people over and over that the terrorists are going to strike again soon, the arrests will continue: "if later it turns out they're not guilty, who cares? It's the idea of it. I believe in that. We are being targeted. The first cell they arrested in Detroit, they are free now. In Albany, free now. They said there was a mistake in the translation. Gimme a break."¹²⁸

Some Muslim leaders also remained convinced Siraj was entrapped, including the imam, who knew the informer and had found him to be suspicious. "If Matin [Siraj] had really been a criminal, and had really been planning on carrying out a bombing operation and Osama [Eldawoody] had discovered it, I would consider Osama a hero," said Imam Shata, who believed at one point Eldawoody may have tried to set a trap for him. "But he was a young, ignorant, emotional kid."¹²⁹ Speaking about Elshafay, Rimawi said, "if you take a young man like that and tell him you are religious and you are experienced and clever and you work him for a year and you keep talking to him and telling him 'We have to do this,' it's easy for that young man to say, 'Yes let's do it.' Of course that would happen. Doing this, they could arrest most young Muslim people."¹³⁰

9. Depiction by the authorities

The NYPD investigated the Herald Square plot. It was the first case in which a terrorism inquiry by its Intelligence Division led to a prosecution in federal court, and much was revealed to the public for the first time about the department's tactics during this case. The NYPD hailed the sentence, calling it "a milestone in the safeguarding of NYC." Commissioner Raymond Kelly said in a statement praising the Intelligence Division that the sentence "says that those who conspire against New York will pay a severe price," and the division "uncovered a murderous plot in its infancy and stopped it before lives were lost."¹³¹ However, the authorities came under quite a lot of criticism in the media after some methods of police tactics came out during Siraj's trial.

The chief spokesman for the department, Paul J. Browne, defended the NYPD's tactics, saying the department employed the informer and the undercover

¹²⁸ Horowitz, "Anatomy of a Foiled Plot."

¹²⁹ Shulman, "The Informer."

¹³⁰ Horowitz, "Anatomy of a Foiled Plot."

¹³¹ Rashbaum, "Man Gets 30 Years."

officer to follow up on leads of suspected terrorist activities, just like it does when it deploys undercover narcotics detectives. He said, “in both instances, placement is dictated by the reported activity, not the community, ethnicity, or religion.”¹³² He also said, “there’s this idea that we just sort of willy-nilly have put informants out there because it’s a Muslim community,” but in reality the department places in response to threats.¹³³ David Cohen, the NYPD’s deputy commissioner for the Intelligence Division, was adamant that this was not “in any way about leading a horse to water. Our C.I. was very careful to let the suspects take the lead and do the talking.” He also said, “there’s no question in our mind that they would have played this out completely...if they couldn’t get explosives or if they just got frustrated, they had other options. All it takes is an AK-47 and a desire to become a martyr. Well, they have no options now.”¹³⁴

Police Commissioner Raymond Kelly said, “This is New York City. Running a program like this is sensitive.”¹³⁵ A senior police official said during Siraj’s trial that though the focus of the department’s efforts used to be on mosques, it has broadened since then—“we don’t investigate mosques, we investigate people. We’re not in every mosque—that’s not where we need to be. That’s Intel 101. We’re in the graduate program. The bad guys aren’t hanging around the water cooler after Friday prayers anymore.” A counterterrorism official also said that the Intelligence Division operated under the close supervision of two lawyers who are both former federal prosecutors to ensure that everything is done “to the most stringent interpretations of the decree [that provides surveillance guidelines].”¹³⁶

The Herald Square case also served other purposes for the NYPD. Police Commissioner Raymond Kelly, according to the Times, has frequently cited Siraj’s case as an example of the department’s ability to halt terrorists, especially the “lone-wolf attackers” who are not affiliated with any groups and therefore harder to monitor and track. He said that the arrests of Siraj and Elshafay are proof that the investment made in the Intelligence Division of the NYPD has paid off. “These kinds of homegrown, lone-wolf incidents start way below the level the federal government would focus on,” said David Cohen, the NYPD’s deputy commissioner for intelligence, “if we weren’t doing it, nobody would be.”¹³⁷ The NYPD has come up with stages of radicalization that it believes many homegrown terrorists go through, and used the Herald Square plotters as a case study for these stages.¹³⁸

10. Coverage by the media

During and after the Herald Square plot case, the media covered human interest pieces, especially focusing on Muslim communities and leaders in America and their feelings about terrorism, as well as police tactics, behavior of

¹³² Rashbaum, “Window Opens.”

¹³³ Shulman, “The Informer.”

¹³⁴ Horowitz, “Anatomy of a Foiled Plot.”

¹³⁵ Dickey, *Securing the City*, 198.

¹³⁶ Rashbaum, “Window Opens.”

¹³⁷ Horowitz, “Anatomy of a Foiled Plot.”

¹³⁸ NYPD, “Radicalization in West, The Homegrown Threat.”

the informants, and the trials and people involved in them. The *New York Times* wrote at least 22 articles connected to the Herald Square plot. The *Post* and *New York Magazine* also published pieces about the Herald Square Plot and confidential police informant Osama Eldawoody. In general, the media's reporting seemed to be competent, responsible, and critical.

The media focused especially on the fact that Siraj's trial is the first involving the NYPD's Intelligence Division since a judge granted the police expanded surveillance powers in 2003. The *Times* reported that this case marked the first time since the September 11 attacks that a terrorism investigation was largely conducted by the Intelligence Division and prosecuted in federal court.¹³⁹ In the past, terrorism cases had been investigated by the F.B.I. or the Joint Terrorist Task Force, made up of agents, detectives, and other investigators.¹⁴⁰

In a piece written on the first day of Siraj's trial, the *New York Times* reported, "little is publicly known about the practices of the Intelligence Division in such investigations and how its detectives navigate their potentially complex and dangerous legal shoals."¹⁴¹ The newspaper also reported that though it is well known that the NYPD has "sought to create a wide network of informants in the Muslim community, details on the program have been closely held."¹⁴² So, the trial marked the first time that an informant testified in open court about his work in and around a mosque. This was especially important because there were significant restrictions on the Intelligence Division's work in mosques until February 2003, when a Manhattan federal judge, Judge Charles S. Haight Jr., handed down a decision that gave the police department new antiterror surveillance powers.¹⁴³ This decision was based on an affidavit by the department's deputy commissioner for intelligence and former senior official in the Central Intelligence Agency, David Cohen.¹⁴⁴ He said that there were "changed circumstances" since 9/11, including that American mosques were largely radicalized and had been used along with other Islamic institutes "to shield the work of terrorists from law enforcement scrutiny by taking advantage of restrictions on the investigation of First Amendment activity."¹⁴⁵ This was significant, the article highlighted, because of the way that the law enforcement agencies "have worked to infiltrate their community during terrorist investigations." It was especially important in the Siraj trial, because of Kamil Pasha, the undercover detective who recorded 72 contacts with Siraj, testified at Siraj's trial saying that he had been told "never to push for information," but instead to "take a back seat" and "observe, be the ears and eyes."¹⁴⁶ Pasha started

¹³⁹ William K. Rashbaum, "Terror Case May Offer Clues into Police Use of Informants," *New York Times*, April 24, 2006.

¹⁴⁰ William K. Rashbaum, "Police Informer in Terror Trial Takes Stand," *New York Times*, April 25, 2006.

¹⁴¹ Rashbaum, "Police Use of Informants."

¹⁴² Rashbaum, "Police Use of Informants."

¹⁴³ Rashbaum, "Police Use of Informants."

¹⁴⁴ Rashbaum, "Police Use of Informants."

¹⁴⁵ Rashbaum, "Police Use of Informants."

¹⁴⁶ William K. Rashbaum, "Detective Was 'Walking Camera; Among City Muslims, He Testifies," *New York Times*, May 19, 2005.

hanging around the Bay Ridge mosque in 2002, before the guidelines on surveillance had been loosened. The *Times* reported that it was “unclear if those guidelines had been followed.”¹⁴⁷

The media reported on the tactics used by the NYPD to infiltrate communities for terrorism investigations. The Terrorist Interdiction Unit in the Intelligence Division of the NYPD is devoted to using informers as “listening posts” in Muslim communities—detectives cultivate informers, place them in communities, and oversee their work, collect and compile information they generate.¹⁴⁸ Over 13 months, Eldawoody attended 575 prayer services at Bay Ridge mosque and another mosque in Staten Island, sometimes four or five a day.¹⁴⁹ He provided information almost daily and sometimes twice a day to his handler, who wrote more than 350 reports based mainly on the visits to mosques and the Islamic bookstore Siraj where worked.¹⁵⁰ The Special Services Unit oversaw Kamil Pasha, who was instructed “to be a member of the community,” to hang out with the young men there, and to collect information.

The media thus provided a lot of scrutiny about expanded police powers implying their effect on privacy. They focused on the fact that Eldawoody recorded mundane details like how many people attended a service, how long it lasted, small talk among worshipers, and the name of the imam who spoke.¹⁵¹ He wrote down license plate numbers of worshipers, talked to imams, prayed alongside other Muslims and reported back to a detective handler after each visit.¹⁵² One of Siraj’s lawyers, Martin Stolar, suggested during the trial that he planned to put the department’s tactics on trial. He said, “what we wind up with is worshipers being in Police Department files because of the way the Police Department conducts itself.”¹⁵³ The associate legal director of the New York Civil Liberties Union, Christopher Dunn, was quoted in the *Times* saying, “The Police Department’s indiscriminate monitoring of Muslim communities assures that most of its surveillance will be of lawful activity. This contrasts sharply with traditional law enforcement work, which typically and rightly focuses on unlawful activity. You don’t see the F.B.I hanging out in churches and bookstores in Little Italy hoping to run into the mob, yet that’s what the N.Y.P.D. is doing in Muslim communities in its search for Muslim extremists.”¹⁵⁴

Police Commissioner Raymond Kelly and David Cohen, the department’s deputy commissioner for intelligence and a former senior official in the CIA, took a lot of criticism about the Herald Square case, since “the press rarely failed to point out how ineffectual the conspirators had been and how much money the confidential informant Eldawoody had been paid.”¹⁵⁵

¹⁴⁷ Rashbaum, “‘Walking Camera’.”

¹⁴⁸ William K. Rashbaum, “Window Opens On City Tactics Among Muslims,” *New York Times*, May 28, 2006.

¹⁴⁹ Shulman, “The Informer.”

¹⁵⁰ Rashbaum, “Window Opens.”

¹⁵¹ Rashbaum, “Informer.”

¹⁵² Horowitz, “Anatomy of a Foiled Plot.”

¹⁵³ Rashbaum, “Police Informer.”

¹⁵⁴ Rashbaum, “Window Opens.”

¹⁵⁵ Rashbaum, “Police Use of Informants.”

The media also covered some information about Siraj's family. His parents and sister were detained by immigration authorities one day after Siraj was sentenced to 30 years in jail. Authorities said his father had been arrested because final deportation order had been filed against him, but their lawyer said that the appeal was still pending. His mother and sister were arrested on immigration violations and were supposed to receive due process.¹⁵⁶

11. Policing costs

The police spent over a year investigating the Herald Square plot case, and additional time in prosecuting and defending it in the media. Newspaper articles and some literature shows that, at a minimum, they used an undercover officer (Kamil Pasha), a handler for the officer, an informant (Osama Eldawoody), and his handler. Eldawoody had over 30 hours of recorded conversations and befriended Siraj for approximately one year, spending a lot of time with him. Pasha wrote up 72 contacts with Siraj during the beginning of this time period, though he only made himself an acquaintance to Siraj.

As noted earlier, Eldawoody was paid nearly \$100,000 by the department over the course of almost 3 years.¹⁵⁷ The department continues to cover his rent and gives him \$3,200 per month, payments that are to continue indefinitely.¹⁵⁸

After pretrial hearings, Siraj's trial lasted one month, and Elshafay pled guilty immediately after arrest and testified against Siraj. Siraj was sentenced in late 2006 and Elshafay in 2007.

12. Relevance of the internet

The internet does not seem to have been very relevant to this case in terms of connections, as Siraj and Elshafay met at the Bay Ridge mosque. The internet may have played a part, however, through access to media, in Siraj's radicalization. He reportedly looked at Muslim media sites that had conspiracy theories, etc. However, the majority of his extremist theories came from books and tapes that he listened to in his uncle's bookstore where he worked. In terms of intelligence and information, Siraj had a CD of instructions on how to make explosives, which he may have downloaded from the internet. However, the majority of the "intelligence" the two gathered seems to have been more from scouting and conducting surveillance in areas of New York in person.

13. Are we safer?

Though Siraj and Elshafay were unsophisticated and would probably have been unable to carry out a successful attack, it can be argued that public safety has perhaps improved due to their arrests but only marginally. The main argument here is that dumb people can blow things up, too.¹⁵⁹ Most likely,

¹⁵⁶ William K. Rashbaum, "3 Relatives Of Plotter Are Held By Officials," *New York Times*, January 10, 2007.

¹⁵⁷ Rashbaum, "Police Informer."

¹⁵⁸ Shulman, "The Informer."

¹⁵⁹ The El-Nosair group of the early 1990s shows the dangers of even unskilled but motivated terrorists, "even when some were morons." The group had been inept and infiltrated. They were mentored by another Egyptian working for the FBI, but he was dropped by the Feds "because they

however, it seems highly unlikely that Siraj and Elshafay would ever have actually settled on a location that they would ever have sought to carry out an attack without the informant's constant nudging.

14. Conclusions

There does not seem to have been much forethought about the real consequences of the attack Siraj and Elshafay were plotting. They had no idea about what the strength of the bomb(s) would be, and the bottle-sized bombs they were talking about at one point certainly would not have had the strength to bring down the Manhattan Mall as they sometimes anticipated. Siraj also specifically said that he did not want to kill people, in which case the fictitious types of bombs they were talking about detonating in Herald Square would not have achieved the results that the “planners” wanted, as they may have harmed people but probably not brought down a vast amount of economic infrastructure. The transcript of the last conversation (see the Appendix) points to the very real possibility that they would have been fine just staying in the discussion stage and never actually moving to the implementation stage of the terrorist plot.

The Herald Square case, especially through media scrutiny, highlights the alienation of Muslims, especially younger Muslims, in American society since 9/11. Their xenophobia and isolation encourages extremist and fundamentalist thought. However, it is important to point out that there is a definite gap between fundamentalist thought and terrorist behavior, and the police tactics involved in this case draw out the importance of this gap. When are NYPD antiterrorist tactics preemptive, and when do they indicate entrapment? What kind of behavior constitutes propensity for terrorism and, on the other hand, what kind of behavior indicates extremist thought but not terrorist behavior? How much are informants and undercover agents legally allowed to further a plot, or the ideas behind a plot? Finally, at what point should authorities stop a plot from playing out?

Although the jury's finding of Siraj as guilty on some counts seems fair, the sentencing of Shahwar Matin Siraj to 30 years in jail seems unfair, due to what has been brought out about Eldawoody's furthering of the plot and Siraj's hesitation to actually go through with the plot.

thought he was costing too much and not delivering enough prosecutable terrorism.” Needing another member, the conspirators replaced the informant with a real terrorist, Ramzi Yousef, and less than 6 months later they set off a bomb in the World Trade Center parking lot—which, however, did only limited damage. Dickey, *Securing the City*, 198-99.

Appendix: Transcript of a tape played during the trial¹⁶⁰

OSAMA ELDAWOODY: Brother Nazeem upstate is very, very happy, very impressed. He says about the Verrazano, it's a little bit complicated. We are not that big, that strong, it's too heavy for us, things like that. He says, "in time." The plan is perfect, but it needs a nuclear bomb, not a regular bomb. So he says that will be later. 34th Street is on.

SHAHAWAR MATIN SIRAJ: Hmm? Tell him that we are very careful about people's lives. Have you told him this?

ELDAWOODY: We've spoken of many things.

SIRAJ: I don't want to be the one who drops it and have people die.

ELDAWOODY: No, no. He agrees, he agrees about lots of things. Because that's the principle, you know? No suiciding, no killing.

SIRAJ: No killing. Only economy problems. I'm going to work as a planner.

ELDAWOODY: Are you okay with it?

SIRAJ: I have to, you know, ask my mother's permission. Every single thing matters.

ELDAWOODY: Okay, here is the point. Are you willing to do jihad?

SIRAJ: I will work with those brothers as a planner or whatever. But dropping the bomb? I'm not sure. I have to think about it. Give me some time to feel comfortable with it.

ELDAWOODY: You don't want to put it there?

SIRAJ: No.

ELDAWOODY: Okay, I'll tell them that, because they were depending on you the most at 34th Street Station.

SIRAJ: I know about 34th Street. I can go with the brother, whatever, but I will not be the one who drops it.

ELDAWOODY: There will be two people.

SIRAJ: I will be the second person, if the other guy is dropping. No problem.

ELDAWOODY: It's not dropping. It's putting the stuff in a garbage can. Whatever makes you comfortable.

SIRAJ: I already gave the brothers the idea. They liked it, right? But the thing is, I will not be the person who puts it in the garbage can. Because if somebody dies, then the blame will come on me. Allah doesn't see those situations as accidents.

ELDAWOODY: So you are out of jihad?

SIRAJ: Planning is also jihad, brother.

JAMES ELSHAFAY: Am I going to do 34th Street?

ELDAWOODY: Yes.

ELSHAFAY: Can they maybe get someone who is more trained to do this?

SIRAJ: We're new. We don't even know what we are doing. We only know that I made the plan and we are working on the plan.

ELSHAFAY: If I'm going to do 34th Street, I want to go there a few more times. I want to check it out a little more. And if they can get someone better qualified than me to do it, then I think they should, because I'm not really experienced in this and might not know what to do. Is that okay?

ELDAWOODY: Okay. Whatever you feel. Whatever.

ELSHAFAY: I'll do it.

SIRAJ: The time to check out the station is in the morning from three o'clock to five o'clock. When the train stops, how many people get out? Find out which car is empty, so people have a chance to survive, you know. That way, it will be nice.

¹⁶⁰ "Band of Brothers," *Harper's Magazine*, October 2006.

ELSHAFAY: I have an idea. If I go in to do it, I'll dress like a Jew. I'll have the bomb on me so it looks like a belly. I'll take it out and put it in the garbage can. I'll tuck in my shirt and walk out the 34th Street entrance.

SIRAJ: Don't put it in the belly.

ELSHAFAY: But I'm going to dress like a Jew. That way no one will check me.

SIRAJ: Jews do carry bags. See what bags they carry. What kinds of things they carry. Maybe it could be a Macy's bag.

ELSHAFAY: They'll never check a Jew, 'cause they know Jews aren't the ones doing it.

ELDAWOODY: Okay, are you going to be with him, Matin?

SIRAJ: Yeah, I can be with him.

ELSHAFAY: No. It's better if I just go in myself. Walk down there, *inshallah*, and everything will go the way Allah planned it. But I gotta get Jewish garb.

SIRAJ: The ponytails too?

ELSHAFAY: Yeah, those curls too. I gotta have 'em. Is there any way they can make the bomb look like something different?

ELDAWOODY: I don't know, but I don't think so.

ELSHAFAY: Could they make it look like a clock?

ELDAWOODY: A clock?

ELSHAFAY: 'Cause if they make it look like something different and I get checked, they just won't see that it's a bomb. They don't have X rays there in the subway.

ELDAWOODY: I know that.

ELSHAFAY: So, yeah, definitely. If they can get the bomb to look like something different, I'll get dressed up like a Jew and go put the bomb there.

ELDAWOODY: So, Matin, what's your part? Your part is out? You don't want nothing?

SIRAJ: With the 34th thing?

ELDAWOODY: Yeah, 34th?

SIRAJ: I see you've started smoking again. You have to control yourself. It's not good for your health. Plus you have a daughter.

ELDAWOODY: No, no, no. It's under control. I'm playing with cigarettes. I was a heavy smoker, and I don't smoke now. I'm totally under control with cigarettes.

SIRAJ: It can hurt your liver, right? Cirrhosis, the nicotine.

ELDAWOODY: Smoking has nothing to do with the liver.

SIRAJ: But you cannot let that thing control you.

ELDAWOODY: Smoking is not good, but did I say that smoking is good?

ELSHAFAY: It hurts the lungs.

ELDAWOODY: But I don't inhale the smoke.

ELSHAFAY: Then you can get tongue cancer.

ELDAWOODY: Tongue?

ELSHAFAY: Tongue cancer.

ELDAWOODY: If I am dying, I am not going to die from cigarettes. I would die from other things.

ELSHAFAY: I miss Egypt.

ELDAWOODY: I do too. I really do.

Case 13: Grecula

John Mueller

February 21, 2014

Ronald Allen Grecula, aged 68, aspired to become a modern-day Spartacus, delivering the country from the grip of a government that is “corrupt and beyond the state of repair” and bent on “world domination.” He was distraught, in addition, over the fact that said government had given custody of his two children to his estranged wife after he had abducted them and taken them to Malta. So aggrieved, he set out to find al-Qaeda. Variouslly described in Todd Ives’ account as emotionally embattled, mentally unstable, depressed, bipolar, delusional, and possibly paranoid, he planned to furnish the terrorist group with a “superbomb” that he would fabricate while they helped him murder his wife and/or get her arrested on a drug charge. He never found al-Qaeda, but a jailhouse informant eventually led him to FBI agents who convincingly played the role.

Although Grecula never finished high school (and had been kicked out of Jehovah’s Witnesses for holding “extreme beliefs”) he had worked at welding, metal working, and tree cutting at various times. He had also once struggled without success to invent a “new technology” for internal combustion engines. Although his wife’s new boyfriend thinks Grecula’s “engineering background” gave him the skill to make a bomb, others are less convinced. In trying to impress his talents on the people he took to be al-Qaeda operatives, he assured them that his bomb could destroy everything within a half-mile with the force of a nuclear explosion. Enterprising reporters from the *Houston Chronicle* took this extravagant claim to local explosive experts—a pattern in terrorism reporting that is much too rare. The verdict of a Nobel Prize winning chemist about Grecula’s planned bomb: “If somebody was standing right next to it, it might kill them. Maybe.”¹

Grecula was sentenced to 5 years in 2006 and presumably has been released by now. The sentence seems quite light, at least in comparison with that given Gale Nettles (Case 11) who received 160 years for much the same crime.

¹ Harvey Rice and Renée C. Lee, “Experts doubt suspect's superbomb would work,” *Houston Chronicle*, May 25, 2005.

Case 13: Grecula

Todd Ives

February 21, 2014

1. Overview

In May 2005, Ronald Allen Grecula, then a 68-year-old resident of Bangor, Pennsylvania, was arrested and charged with attempting to provide material support and resources to a foreign terrorist organization.¹ Grecula's arrest was the result of nearly three years of work from a confidential informant he inadvertently met in prison and from undercover FBI agents who pursued the case for several years after.² Grecula was angry at the United States government because he lost custody of his children, and this led him to prison, first in Malta, where he fled in 2000, then in Pennsylvania, where he went on to befriend the informant who helped bring him down in 2005. Grecula had contacted his prison source, not knowing his true identity, about building and selling a bomb to al-Qaeda in exchange for the custody of his children.³ Grecula ultimately hoped to have his wife killed or falsely accused of possession of drugs. A tip from the informant led to a series of taped phone calls and personal meetings with undercover FBI agents that all but put an end to Grecula's malicious pipe dream.⁴ He was taken into custody in Houston, Texas, and was eventually sentenced to five years in prison in September of 2006.⁵ Grecula is not Muslim and exhibited no ideological connection to jihad or any foreign community, but his explicit support of al-Qaeda was troubling. Grecula saw himself as a sort of modern Spartacus who had his family taken from him, had been beat up, and had been locked in prison.⁶ He justified his actions as a response to the evil, corrupt government that had taken away his children and locked him up.

2. Nature of the adversary

Ronald Grecula, 68 at the time of his arrest in 2005, was not Muslim and did not have the nefarious background that is typical to most terrorist plotters. In fact, up until the early 2000s, one would be hard pressed to find anything particularly suspicious about Grecula's history at all. Few records exist of Grecula's childhood and early adulthood, perhaps indicative of a fairly normal life up until his points of arrest. In 1959, Grecula married his first wife, Angelina Condo in Connecticut. where the couple went on to raise three girls and a boy.⁷ Grecula was known by his colleagues to have an impressive knowledge of engines and fuels, but he never graduated Staples High School in Westport,

¹ FOX News, "Pa. Man Arrested on Terror Charges," *FOX News Website*, May 24, 2005.

² Steve Esack and Romy Varghese, "He has a way of stepping on toes," *Morning Call*, May 25, 2005.

³ FOX News, "Pa. Man Arrested on Terror Charges."

⁴ Eric Lichtblau, "Trying to Thwart Possible Terrorists Quickly, F.B.I. Agents Are Often Playing Them," *New York Times*, May 30, 2005.

⁵ United States of America v. Ronald Allen Grecula, Sr., Judgment in a Criminal Case, Investigative Project, www.investigativeproject.org/documents/case_docs/374.pdf.

⁶ FOX News, "Pa. Man Arrested on Terror Charges."

⁷ Esack and Varghese, "He has a way of stepping on toes."

Connecticut.⁸ A noted career hopper, Grecula was a onetime land surveyor, auto mechanic, ironworker, and business owner.⁹ He held his job as an iron worker for a decade, where he gained considerable knowledge in welding and metal-working. Just two years after starting his tree cutting business, RR Tree Service, in 1985, Grecula and his son, Ron, Jr., began working on a new invention, referred to as “a new technology for gasoline internal combustion engines.”¹⁰

By 1988, Grecula and his wife had to refinance their house in Bridgeport, Connecticut, so he could continue to develop his invention.¹¹ He had racked up a \$60,000 debt by that point, leading him to seek investors in Europe and Florida.¹² It was during a trip to Paris in the late 1980s that Grecula met Monique, a French flight attendant.¹³ He went on to divorce his wife of 32 years in 1991 to marry Monique. By 1999, Monique Grecula stated that their marriage had gone through a depression.¹⁴ Grecula lost his business in Connecticut, and the couple moved to Florida to live in his father’s house.¹⁵ At this point, Grecula, according to Monique, grew more depressed and violent, even hitting her on occasion.¹⁶ In 1999, Grecula was out of a job, and Monique separated with but never divorced him after she found out he had also been hitting their son.¹⁷ Monique mentioned that Grecula had become a religious fanatic who was kicked out of his Jehovah’s Witnesses group because of unspecified extreme views.¹⁸ Monique also reported that Grecula became paranoid by 1999, believing that the world was coming to an end in 2000 and that the United States was controlled by evil forces.

The late 1990s seem to be the beginning of Grecula’s downward spiral from a man going through a midlife crisis to a bomb-plotting terrorist. Following a custody dispute with his estranged wife, Monique, Grecula abducted their two children, ages 10 and 3, and fled to Malta. In November of 2000, Monique alerted authorities that he had not returned home with their two children, Berenger and Emilie. On March 1, 2002, Grecula was jailed in Malta for overstaying his visa, and his children were returned to the United States. On September 12, 2002, he was arraigned in a federal court in New York on abduction charges. The case was later transferred to a Pennsylvania federal court where he was sentenced to six to 23 months in a Pike County Prison. On September 19, 2002, the federal abduction charges against Grecula were dropped, but he was charged with wire-tapping his wife’s phone in November of 2002.

It was in the Pike County Prison that Grecula met a man who the government describes as a confidential informant.¹⁹ On March 21, 2003, Grecula

⁸ Esack and Varghese, ““He has a way of stepping on toes.””

⁹ Esack and Varghese, ““He has a way of stepping on toes.””

¹⁰ Esack and Varghese, ““He has a way of stepping on toes.””

¹¹ Esack and Varghese, ““He has a way of stepping on toes.””

¹² Esack and Varghese, ““He has a way of stepping on toes.””

¹³ Esack and Varghese, ““He has a way of stepping on toes.””

¹⁴ Harvey Rice and Renée C. Lee, “Experts doubt suspect’s superbomb would work,” *Houston Chronicle*, May 25, 2005.

¹⁵ Rice and Lee, “Experts doubt suspect’s superbomb would work.”

¹⁶ Rice and Lee, “Experts doubt suspect’s superbomb would work.”

¹⁷ Rice and Lee, “Experts doubt suspect’s superbomb would work.”

¹⁸ Esack and Varghese, ““He has a way of stepping on toes.””

¹⁹ Matt Birkbeck, “Terrorism suspect pleads guilty,” *Morning Call*, September 22, 2006.

was released from that prison and moved to Monroe County Prison on the wiretap charges.²⁰ On May 19, 2003, he was released from Monroe County Prison.²¹ After prison, Grecula grew angry at the U.S. government over the loss of custody of his children. He also blamed the U.S. government for a foreign policy of world domination.²² It was this anger toward the government and at the loss of the custody of his kids that would later push the already emotionally embattled Grecula over the edge.

Grecula had no immediately available health record; however, he was required to participate in mental health treatment during and after incarceration on orders from the federal district court judge.²³ After his arrest, his attorney stated that psychological testing revealed he was bipolar and delusional.²⁴ Perhaps Grecula's most revealing description is the one he held of himself. He referred to himself as a modern day Spartacus, having been imprisoned, beaten up, and his family taken from him.²⁵ It is not difficult to imagine the desperation and longing for revenge that Grecula was feeling when he attempted to contact al-Qaeda.

3. Motivation

Even in his old age, Grecula remained a man spiteful at his government and his situation. Never in his life had he held a steady job. His wild ideas of innovating combustion engines never came to fruition and cost him tens of thousands of dollars. Grecula was desperate to retain custody of his second set of children with Monique, which ultimately landed him in prison after he abducted them. He blamed the government for his hard times including his trips to prison and for the loss of custody over his kids. Grecula eventually told undercover agents that he had “no loyalty for America.”²⁶ In a released excerpt of Grecula's telephone conversations, he told undercover agents that “This government is the most wicked and the worst it has ever been. They want to put democracies right in the middle of Islam... America is going to pay for that.”²⁷ In comparing himself to Spartacus, Grecula justified his terrorist plot in stating that the United States, like Spartacus' country, was corrupt and beyond the state of repair.

Grecula sought out his confidential source (CS) from prison, looking to build a bomb for al-Qaeda in exchange for the custody of his two children.²⁸ Court documents later revealed that between July and December of 2002, Ronald Grecula and the CS discussed regaining custody of his children by having Monique Grecula either killed or arrested with drugs. In January of 2004, after his

²⁰ “Grecula Case Timeline”

²¹ “Grecula Case Timeline”

²² Lichtblau, “Trying to Thwart Possible Terrorists.”

²³ “United States of America v. Ronald Allen Grecula, Sr., Judgment in a Criminal Case.”

²⁴ Birkbeck, “Terrorism suspect pleads guilty.”

²⁵ FOX News, “Pa. Man Arrested on Terror Charges.”

²⁶ FOX News, “Pa. Man Arrested on Terror Charges.”

²⁷ “The Terror of His Ways,” *Harper's Magazine*, August 2005.

²⁸ FOX News, “Pa. Man Arrested on Terror Charges.”

release from prison, he sent the CS a map to Monique's home in Woodlands, Texas attempting to have her killed or have drugs planted in her home.²⁹

Grecula's driving motivations appear to be a generally vindictiveness against the U.S. government and a desperation to regain custody of his children. His comments about the United States, though, must be tempered with the fact that he believed he was talking to an al-Qaeda agent. In this case, Grecula, of course, had to convince the undercover agent that he was really willing to attack the U.S. From this perspective, it is possible that Grecula came off more aggressive than he actually felt in order to persuade the "al-Qaeda operative." Still, when his contacts asked Grecula if he was okay "to kill a bunch of Americans," he responded "I can stand it."³⁰ If anything, Grecula's narrative seems to be one of a mentally unstable father who wanted more than anything to have custody of his kids. It may be the case that he solely wanted to send a message to America, but more likely Grecula's main motivation was to get his kids back at all costs. Of course, his time in prison and failed custody battles only soured his image of the American government.

4. Goals

Ronald Grecula was self-recruited for his terrorist plot and unknowingly worked for undercover agents. As Grecula was the sole actor in his plan, his goals were singular. His ultimate goal was to incapacitate his estranged wife, Monique, in order to gain custody of his kids. He wished to do this through building and selling an explosive device to al-Qaeda that would be used against American citizens.³¹ It remains unclear how exactly al-Qaeda would help Grecula regain custody of his kids. Perhaps this half-baked plan is a testament to Grecula's delusional nature. Before his arrest, Grecula claimed that something big was going to happen and that he was going to make a lot of money from it.³² Grecula seemed to have hoped to leverage his money and alliance with al-Qaeda to either kill off his estranged wife or have her falsely accused of possession of drugs. Thus, he had two goals. The first was to conspire with a terrorist organization to attack the United States and in return have the terrorist organization take out his wife for custody of his kids. The second concerned his grievances with the U.S. government.

5. Plans for violence

Grecula first met his confidential source in Pike County Prison in July 2002.³³ The two discussed Grecula regaining custody of his children, and Grecula explained that he would be willing to build bombs for terrorist groups, specifically seeking al-Qaeda. In December, he placed a \$2800 down payment to the CS's sister to purchase heroin to be used in a plan to set up Monique for

²⁹ "United States of America v. Ronald Allen Grecula, Sr., Superseding Indictment," Investigative Project, http://www.investigativeproject.org/documents/case_docs/336.pdf.

³⁰ "The Terror of His Ways."

³¹ FOX News, "Pa. Man Arrested on Terror Charges."

³² Rice and Lee, "Experts doubt suspect's superbomb would work."

³³ "United States of America v. Ronald Allen Grecula, Sr., Superseding Indictment."

possession of drugs. In April 2005, after Grecula's release from prison, the CS informed DEA Special Agent Barry Robinson that Grecula was attempting to locate a buyer for an explosive device. In May, Grecula spoke to the CS in an FBI monitored phone call about building an explosive device for potential clients and "getting rid" of his wife. Shortly after this, Grecula placed a recorded phone call to a FBI undercover agent in which they discussed Grecula's dislike for America and Grecula's desire to have his wife imprisoned. During this time, Grecula also spoke to a flea market worker in Pennsylvania, inquiring about a "white light laser" to be used as a detonation device. On May 18, 2005, Grecula spoke to the undercover FBI agent stating that some of the components for the explosive device could be found at a hardware store. On May 20, he traveled from Pennsylvania to Houston, Texas to meet face to face with the undercover FBI agent posing as an "al-Qaeda" client. During this meeting Grecula revealed a briefcase containing the material "related to his ability to build an explosive device, his passport, and his expired pilot's license." He also expressed his willingness to help kill Americans, and even recommended possible targets. On the same day, agents recovered a residence mercury switch and a pound and a half of lithium nitrate.³⁴

Grecula had told the undercover agents that he had experience as a mechanical engineer and had experimented with alternative fuels and energy.³⁵ He reportedly wanted to target Washington D.C., New York, or even a Super Bowl.³⁶ Grecula talked about using a device to even take out the Federal Reserve Bank in New York, and believed that his bomb could "wipe out everything within 3,000 feet."³⁷ Experts who reviewed Grecula's bomb-making blueprints, however, thought differently. One of these, Robert Curl, Jr., a chemistry professor at Rice University who shared the 1996 Noble Prize in Chemistry, stated, "I can't imagine that he has any sort of superbomb."³⁸ Grecula appeared to be using a hydrogen and chlorine gas bomb, ignited by ultraviolet light. Curl believes that this would produce a mild explosion that might kill someone if he were standing right next to it and attests that the plans read "like somebody who is trying to get money."³⁹ If Grecula were trying to sell the bomb, he would most likely run into trouble from whomever he sold it to when it did not deliver. Of hydrogen and chlorine gas, Curl said, "If I was going to make a bomb, this would be one of the last things I would choose to do."⁴⁰

Grecula's plans were destined to fail from the very beginning, of course, because he never had contact with an actual terrorist operative throughout the whole ordeal. Once investigators obtained the evidence that they needed against Grecula, they detained him immediately. Even if Grecula somehow managed to contact a terrorist organization, he likely would not have gotten far. His bomb plan was suspect and ineffective according to experts. Grecula was not an

³⁴ "United States of America v. Ronald Allen Grecula, Sr., Superseding Indictment."

³⁵ FOX News, "Pa. Man Arrested on Terror Charges."

³⁶ Juan A. Lozano, "Texas Tall Tales, Or Terror Plot?" *CBS News Website*, September 10, 2009.

³⁷ Lichtblau, "Trying to Thwart Possible Terrorists."

³⁸ Rice and Lee, "Experts doubt suspect's superbomb would work."

³⁹ Rice and Lee, "Experts doubt suspect's superbomb would work."

⁴⁰ Rice and Lee, "Experts doubt suspect's superbomb would work."

experienced terrorist and was limited by his age. Any violence he was capable of would likely have failed to inflict much damage.

He was indicted on two counts. First he was charged with knowingly attempting to provide material support and resources to a designated foreign terrorist group, namely al-Qaeda. He was also charged with conspiring to distribute a controlled substance of less than 100 grams. Grecula pleaded guilty to count 1 on September 21, 2006. The remaining counts were dropped on the motion of the United States. He was sentenced to a term of imprisonment of 60 months with a three year term of supervised release.⁴¹ Although no new stories have been published about Grecula's case since his sentencing, his prison sentence should have ended in 2012, and he should now be in his period of supervised release.

6. Role of informants

As Grecula never actually made contact with a member of a terrorist organization, the informants played the sole role in finding and detaining him. The first informant was the confidential source he met by chance in Pike Country Prison. After Grecula was released from jail in 2003, he maintained contact with the confidential source over the next two years. The CS then informed the DEA about Grecula in April of 2005, and in May the FBI became involved in monitoring him.⁴² After about three weeks, Grecula was arrested by the FBI after a series of taped phone calls and meetings with the undercover agents.⁴³ After the meetings and with evidence found in Grecula's home, the FBI judged his intentions to be explicitly clear and acted.

Officials stated that "whereas people like Mr. Grecula might have garnered sporadic attention from investigators before September 11, or led to a long-term intelligence investigation stretching over years, undercover agents and prosecutors are now moving with urgent speed." United States attorney, Michael T. Shelby, believed that the risk of waiting was too great at the time. He stated, "Once we see that a threat is plausible, that it's real, and that person has the intent to carry it out and takes some steps to show it's not just idle talk, that's enough for us to move."⁴⁴

Some defense lawyers and civil rights advocates, though, believe that the government's tactics raise questions about possible entrapment of people who are lured into plots that the government is urging. Perhaps Grecula was drawn in in some degree by federal agents, but he did actively seek out a terrorist client and had gone as far as buying components of his proposed superbomb. It is true that his case might have been handled differently before September 11, but the FBI saw a credible threat and acted on it with deliberate speed.

If there were no confidential source or undercover agents acting as al-Qaeda, it is doubtful that Grecula would have caused any major harm. It appears his estranged wife was in the most direct danger. Grecula would have had no real

⁴¹ United States of America v. Ronald Allen Grecula, Sr., Judgment in a Criminal Case.

⁴² United States of America v. Ronald Allen Grecula, Sr., Superseding Indictment.

⁴³ Lichtblau, "Trying to Thwart Possible Terrorists."

⁴⁴ Lichtblau, "Trying to Thwart Possible Terrorists."

way of contacting al-Qaeda, and thus he would never have had a reason to proceed with his plan to assist terrorists.

There is an exceptional lack of clarity and information regarding the role, identity, and background of the confidential source and of the FBI undercover agents. The government seems to suggest that the CS was a prisoner who maintained contact with Grecula over several years and later decided to rat him out to the government. The CS appears to have had no government connection prior to alerting the DEA of Grecula's plans in 2005. Therefore, it is likely that the CS had no role in trying to lead Grecula on in his plot but rather acted as an outlet to Grecula's wild ideas until the government got involved. Of course, after contacting the government, the CS did pretend to connect Grecula with supposed al-Qaeda clients who were actually undercover agents. No information was released as to the scale of the operation or the number of FBI agents involved. Due to the nature of this case, it seems reasonable to assume that a large operation was not necessary.

7. Connections

As stated, Grecula had no connections to any real terrorists within the country or abroad. Throughout the entire ordeal, he was only in contact with a confidential source and undercover FBI agents. Grecula was entirely motivated by personal reasons.

8. Relation to the Muslim community

Grecula had no relations with the Muslim community. He was a Jehovah's Witness who was ostracized for his unspecified extreme beliefs.

9. Depiction by the authorities

In every aspect of Grecula's case, the plot did not garner much attention. Authorities handled the situation swiftly and diligently without stirring up much sentiment either positive or negative. Few public statements were made by the authorities. U.S. attorney Michael Shelby commented, "The very first priority of this administration and this Department of Justice is to stop another 9/11 attack and this is a success story in that effort."⁴⁵ Obviously, Shelby exaggerates in the sense that Grecula was not even close to capable of a terrorist attack of the magnitude of 9/11. Other than a few comments, the authorities chose to keep the majority of this case quiet.

10. Coverage by the media

The media never really picked up on this case. It was sparsely covered by the *Houston Chronicle*, Fox News, the *New York Times*, CBS, and a local Pennsylvania newspaper, the *Morning Call*. The media can hardly be said to have generated a reaction of any sort. Most of the journalistic response was reiterating basic facts of the case. The media's reaction can largely be described as factual but cursory, leaving many questions unanswered and many holes in the timeline of Grecula's interactions after 2000. The *New York Times* briefly highlighted the

⁴⁵ FOX News, "Pa. Man Arrested on Terror Charges."

political ramifications of the government's change in approach for pursuing terrorist suspects. The *Houston Chronicle* provided a great review on the practicality and chemistry behind Grecula's bomb plans. And, the *Morning Call* offered the best chronicle of Grecula's background and early life. Most of the stories broke during Grecula's initial arrest. No new stories have been published since his sentencing in 2006.

11. Policing costs

Henry Klingeman, a defense lawyer in New Jersey, stated upon Grecula's arrest that such cases as his are a waste of man-hours and money the FBI would be better spending on real threats.⁴⁶ It is hard to argue, though, that the FBI spent a significant amount of unnecessary manpower on this specific case. The whole operation involved a chance confidential informant and a handful of FBI agents that actively pursued the case for less than a month. The rest of the case involved sporadic monitoring of Grecula and occasional conversations either in person or via phone call. From the CS's first communication with Grecula, the case lasted under three years. Grecula's trial ended in an unceremonious plea—a rather speedy process compared to a full trial. No quantitative costs of the case were released.

12. Relevance of the internet

The internet was a non-factor in this case. All of the business with Grecula was completed over the phone or in person. Grecula himself was never reported to use the internet to contact the undercover informants.

13. Are we safer?

All signs point to yes—the public is safer. The United States can sleep easier knowing that Grecula did not get away with his plot to build a superbomb. The real question is to what extent the United States can sleep easy knowing that Grecula's plot was foiled. Well, the U.S. can go to bed not having to worry about rolling over onto a microscopic dust particle, either. Actually, Grecula, aged 68, posed no significant threat to the well-being of the country. His bomb, as he drew it up himself, was hardly capable of killing a single person standing right next to it. Furthermore, Grecula had no legitimate contact with any terrorist organization, and was unlikely to find one with his main source of communication being the phone. Friends and neighbors of Grecula in his hometown, Bangor, Pennsylvania, were skeptical that he posed any real threat. Some even suggested that idle talk about building a bomb may have spun out of control as a result of the FBI's tactics.⁴⁷

On the other hand, Monique Grecula's boyfriend, Manuel Mireles, said that Ronald Grecula was a dangerous man “at every level” and that he was relieved when the authorities arrested him. Monique herself said that Grecula made her fear for her life, and she feels safer now that he is in custody.⁴⁸ If

⁴⁶ Lichtblau, “Trying to Thwart Possible Terrorists.”

⁴⁷ Lichtblau, “Trying to Thwart Possible Terrorists.”

⁴⁸ Rice and Lee, “Experts doubt suspect's superbomb would work.”

anything, Monique and Manuel's testimony proves that Grecula was mainly a threat to a select few people. His core motive was to take out his wife and get sole custody of his kids. Thus Grecula posed the greatest direct danger to Monique, her boyfriend, and possibly even his children. Grecula was inexperienced, aged, and lacked the knowhow to successfully execute an operation of this magnitude. If there were no informants, Grecula would not have gotten far in his attempts to contact al-Qaeda and build a bomb. Perhaps the district court that sentenced Grecula took into account these unique aspects of his case, assigning him a distinctly light sentence of only five years in prison.

14. Conclusions

Grecula's case inevitably raises the question of how cases of domestic terrorism such as his should be approached by the United States government. Grecula lived a seemingly normal life for the majority of his years. He failed to graduate high school and career hopped for a while. He went through a sort of crisis after failed ventures in combustion engines. He had marriage problems and was tormented over the custody of his children. Aside from some wacky ideas on alternative energy and fuels, Grecula's narrative is not dissimilar to many others at this point. Grecula, though, began to show signs of mental instability in the late 1990s to early 2000s. The abduction of his children may have been of concern, but this is hardly indicative of future terrorist activity.

A chance meeting of a confidential source in prison led to his eventual downfall. It is impossible to speculate what would have happened to Grecula had he not met the informant. Surely he lacked the connections to plan a large scale terrorist attack on the U.S. Furthermore, he was limited in any technological capacity to build a functioning bomb of the scale and magnitude that he described. Still, Grecula did knowingly seek out foreign terrorist support and made threats on his estranged wife. In this regard, the FBI was successful in stopping a man with extreme ideas from hurting people, even if the threat was minimal. Still, it appears that Grecula actually had little idea what he was getting himself into. Perhaps this, along with age, led to his light prison sentence.

Before September 11, Grecula might never have been actively pursued like he was in this case. In this instance, though, the FBI did not need a lot of manpower or other resources to successfully carry out their mission. It would be hard to argue then that the FBI wasted any resources to catch a man who did in fact purchase components to make a bomb and willingly supported al-Qaeda. The authorities, therefore, seemed to handle the case in the right way. They swiftly and responsibly apprehended a man who had dangerous intent without causing a media circus. At the same time, Grecula's light sentence reflected an acute awareness of the lack of severity his case presented. To be sure, the Department of Justice seemed to strike the right balance in pursuing Grecula's case with the care and caution that it warranted. Grecula never posed a grave immediate threat to the U.S. population, and the FBI and the courts treated his case accordingly.

Grecula's case draws parallels with that of Michael Curtis Reynolds, another homegrown terrorist with no connections to the Muslim world (Case 16). Both cases involved individuals reaching out unsuccessfully to terrorist

organizations, Grecula over the phone, and Reynolds via internet. Neither Grecula nor Reynolds successfully contacted a terrorist organization, both only succeeding in reaching undercover informants. Each case involved half-baked plans that never really came close to fruition. Both Grecula and Reynolds exhibited some sort of anger toward the U.S. government, but neither had the technical knowhow to build a successful bomb. Finally, both cases were similar in that Grecula and Reynolds exhibited signs of mental instability. The parallels between the Grecula and Reynolds case again raise the question of whether these types of individuals are truly a terror threat to the United States or mental health outliers with wild, half-baked ideas that will never pan out. The United States government must tread carefully in pursuing these types of cases where suspects explicitly support terrorism, but perhaps do not exhibit the severity or immediacy of most other terrorism cases.

Case 14: Lodi

John Mueller

June 3, 2011

As with the Lackawanna situation (Case 5), the charges in Lodi, California, in 2005 concerned someone going to a terrorist training camp abroad and then lying about it. In both cases, there is no evidence that the returnees had any plans whatever to commit violence in the United States.

In Lackawanna, however, the six disillusioned returnees admitted they had attended the camp and described their experiences there in some detail. In Lodi, there is perhaps some question as to whether the lone defendant ever actually did attend the camp, though he did confess to it at one point.

The cases differ importantly in the sentences dealt out. Perhaps because they went to and returned from the camp before 9/11, none of the Lackawanna group received more than nine years in prison for attending the camp and thus tendering “material support” to terrorism. The Lodi guy—who, however, did seem at times to subscribe more to radical views than the Lackawanna boys—got 24.

As Andrew Ashbrook notes, the informant in the Lodi case deserves special attention. A much older man, as is common in quite a few cases, he seems to have nudged, even bullied, the Lodi man into attending the overseas camp. He was also rather well compensated for his work over several years, cumulating a total of \$230,000. One FBI agent points out, however, that most of this money was for living expenses and not for profit—rather like, presumably, the agent’s own salary. A reasonable concern is whether the FBI was overly zealous in its prosecution of this case in order to justify both.

Case 14: Lodi

Andrew Ashbrook

June 3, 2011

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1. Overview

In June of 2005, Hamid Hayat and his father, Umer Hayat, were arrested on terrorist related charges. Hamid Hayat spent two years in Pakistan from 2003 to 2005. Upon returning to the United States, Hamid and his father were asked to be interviewed by the FBI. They were arrested and Hamid was later found guilty for providing support to a terrorist organization. According to the FBI, during his time in Pakistan, Hamid had attended a terrorist training camp. The FBI and the press used this case as an affirmation that terrorist activities were still targeting the United States, and that the FBI was doing a good job of stopping them. According to Brian Jenkins, an expert from the Rand Corporation, this case showed that “Al Qaeda is still communicating with, recruiting, training, and sending people ... to carry out major operations worldwide, as they have steadily since 9/11.”¹ However, this case is much more complicated than it first seems. It involves years of surveillance, a questionable informant, and sparse evidence during the trial, which suggests that there might never have been a terrorist connection.

In December of 2001, Naseem Khan moved to Lodi, California and worked as an FBI informant. He was hired after he told officials, probably mistakenly, that while in Lodi in the 1990s, he had seen Ayman al Zawahiri, Osama Bin Laden’s second in command, at a mosque. He was hired by the FBI to watch two individuals in Lodi. The first was Mohammed Adil Khan, a Lodi imam who was linked to radical elements in Pakistan. Khan’s father ran a madrassa, or religious school, in Pakistan, and in 1998 Osama Bin Laden specifically stated that the intellectuals at this madrassa supported his fatwa against the west.² The second was Shabbir Ahmed, another Pakistani imam. The FBI wanted him watched because of an anti-American speech he gave before coming to the United States.³ Ultimately, the FBI’s efforts in linking these two imams to any terrorist related charges would prove fruitless in court, and in July of 2005 they were instead deported.⁴

While Khan was befriending and spying on the two imams, he also began to make friends within the Lodi Muslim community. One was 19-year-old Hamid Hayat. Khan became very close to the Hayat family, spending a lot of time with Hamid and even calling Umer “dad.”⁵ Khan secretly taped his conversations with

¹ Daniel B. Wood, “US Arrests Renew Terror Concerns,” *Christian Science Monitor*, June 10, 2005.

² Ibid.

³ Ibid.

⁴ Maria La Ganga and Tempest, Rone, “2 Lodi Men to Be Deported; U.S. Will Drop Charges,” *Los Angeles Times*, July 16, 2005.

⁵ Frontline, *The Enemy Within*, pbs.org, October 10, 2006.

Hamid. On several of these tapes Hamid talks about his hatred for America and the need for Muslims to participate in jihads⁶.

On April 19, 2003 Hamid and Umer traveled to Pakistan for Hamid's arranged marriage. In June of 2003, Umer returned to the United States. After his marriage, Hamid remained in Pakistan to study the Quran. However, he spent much of his time visiting friends and socializing. It was during this time, between 2003 and 2004, that Hamid allegedly attended a terrorist training camp.⁷

On May 27, 2005, Hamid departed from Pakistan on a flight headed to the United States. While on a plane from Korea to San Francisco, it was determined that Hamid was on the "no fly" list.⁸ Charles DeMore, the agent in charge from Immigration and Customs Enforcement, declined to comment as to why Hamid was on the "no fly" list.⁹ However, since Hamid was on the list, the plane was diverted and landed in Tokyo, Japan on May 29. While in Tokyo, Hamid was interviewed by an FBI agent. After stating that he had not attended terrorist camps, Hamid was moved off the "no fly" list and on to the "Selectee list," which allowed him to travel to the United States.¹⁰

Hamid arrived in the United States on May 29, 2005. On June 3, the FBI interviewed him and he denied any connection with terrorists. Hamid and his father were asked to visit the Sacramento FBI office the following day. When they went to the Sacramento office, Hamid underwent a polygraph examination to "resolve questions about his possible involvement with terrorist activities."¹¹ During this interview, the polygraph machine indicated that Hamid was lying on two questions that implicated him of having some connection to terrorist activities. He was further questioned and two hours later, Hamid admitted that he had attended a terrorist training camp. Following this interview, Umer was interviewed separately. When shown the video of Hamid's confession, Umer confirmed Hamid's story.

Hamid Hayat and Umer Hayat were arrested on June 5, 2005 for terrorism related charges. Later that month, both Hamid and Umer were indicted for lying to federal agents. On September 21, 2005, the grand jury added a charge of providing material support to terrorism to Hamid's case. On April 25, 2006, Hamid Hayat was convicted by a jury on one count of providing material support or resources to terrorists and three counts of making false statements to the FBI in matters related to terrorism.¹² He was sentenced to 24 years of imprisonment followed by ten years of supervised release. However, the jury deadlocked on Umer's case. On May 31, 2006, Umer Hayat plead guilty to one count of lying to federal authorities about the amount of money he took to Pakistan in April of 2003, and the more severe terrorism related charges were dropped. He was sentenced to "time served" and three years of supervised release. Before and

⁶ Ibid.

⁷ "United States of America v. Hamid Hayat" June 3, 2005. Affidavit, 4.

⁸ Ibid., 2

⁹ Michael Isikoff and Mark Hosenball, "Terror Watch: New Terror Camp?" *Newsweek*, June 2005.

¹⁰ "U.S. v. Hayat" Affidavit, 2.

¹¹ Ibid, 3.

¹² Department of Justice. Hamid Hayat Sentenced to 24 Years in Connection with Terrorism Charges, Justice.gov, September 10, 2007.

during the trial he served approximately 330 days in jail and four months of home confinement.¹³

2. Nature of the adversary

Umer Hayat was born in Pakistan in 1958 and emigrated to the United States in 1976 and became a naturalized U.S. citizen by 1994.¹⁴ Umer worked as an ice cream truck driver. According to Frontline, the Hayats kept very close ties with Pakistan, which was typical of the Muslim community in Lodi.¹⁵ Before this case, Umer had pled guilty to one count of battery in 2001.¹⁶ In this case, Umer was charged for chasing and grabbing two boys who had harassed him while driving his ice cream truck. Umer later stated that he had not touched the kids, but had pleaded guilty to lesser charges in order to avoid a trial.

Hamid Hayat was born in the United States in 1983. He attended public school in the United States until the sixth grade. At that time his parents removed him from school because they protested co-ed secondary education.¹⁷ This was a common occurrence in the Lodi Muslim community. Instead, Hamid went to Pakistan and lived with his grandparents to receive a religious education. He spent close to ten years in Pakistan for this education.¹⁸ After returning to the United States Hamid showed little ambition. He worked in a cherry cannery and spent most of his time watching cricket and wrestling¹⁹.

Hamid had very few friends within the Lodi Muslim community. One member of the community, Taj Khan, seemed to condemn Hamid for being a “sixth grade dropout.”²⁰ According to Max Abrahms, social outcasts are more likely to join terrorist groups in order to feel solidarity with other people.²¹ Hamid Hayat seemed to fit this mold, which could have possibly led him to be more interested in terrorist organizations.

Even if a search for social solidarity did not lead Hamid into terrorist organizations, it surely played a role in his befriending of Naseem Khan. In the short time from when Hamid met Khan to when Hamid left for Pakistan in 2003, the two men became close friends. Khan was considered part of the Hayat family, and Hamid considered him his best friend. It was in conversations with Khan that Hamid revealed some of his radical views. For example, in a secretly recorded conversation between the two men, Hamid tells Khan that “jihad is the duty of every Muslim,”²² and that the two should personally go anywhere in the world to participate in a jihad. He does not specifically state intentions of violent jihad, but because he is speaking of responding to Muslims being attacked, there are violent

¹³ Department of Justice, Hamid Hayat Sentenced.

¹⁴ Frontline, The Enemy Within, “Interview with Umer Hayat.”

¹⁵ Frontline, The Enemy Within, “Hamid Hayat: A ‘Jihadi Heart and a Jihadi Mind’?”

¹⁶ Jeff Hood, “Longtime Investigation Led to Arrest of Lodi Men” recordnet.com, June 9, 2005.

¹⁷ Frontline, The Enemy Within, “Hamid Hayat.”

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security*, Spring 2008.

²² Frontline, The Enemy Within.

connotations to his statements. While there are clearly some radical elements to Hamid's thinking, it is unclear as to how much of this was a result of Khan Khan's influence. It is quite possible that Hamid, looking for social solidarity, conformed his views to what he thought Khan wanted to hear. This is supported by a telephone conversation during Hamid's Pakistan visit (between 2003 and 2005) when Khan tells Hamid he is being lazy for not attending a terrorist camp. When Hamid responds that he cannot attend a camp, Khan said that he would go to Pakistan and force Hamid to attend a training camp. Even after this attempted coercion, Hamid appeared to have refused to attend a camp.²³ This shows that Hamid may not have been as radical as his earlier conversations with Khan might suggest. Instead, it is possible that he was bluffing and committing to hypothetical jihads in order to fit in with Khan, but when an actual opportunity arose he was at the very least hesitant.

Despite the doubts that this conversation may raise about Hamid's commitment to the jihad, it is clear that he had radical Islamic beliefs and hated the United States to an extent. Hamid's statements to Khan that he would fight against America if there were a jihad showed his radical views. Perhaps more revealing of Hamid's views was his scrapbook, which was introduced as evidence by the federal prosecutors in his trial. This scrapbook contained clippings from Pakistani newspapers, which praised the Taliban and advocated a violent interpretation of Islam.²⁴ For example, a 1999 article stated, "If America dared to attack Afghanistan then we will retaliate sharply: Guns will be answered with missiles. We will not let America police us, and we will neither accept its policing over humanity nor will we accept its monopoly."²⁵ Other articles within the book similarly propagated violence against enemies of Islam. This makes it fairly evident that Hamid generally followed a fairly radical and militant version of Islam that believed Islam was being attacked and it was the duty of Muslims to retaliate.

Hamid had no prior criminal record before these charges. This was noted by U.S. District Judge Garland E. Burrell Jr. who sentenced Hamid to 24 years in federal prison instead of the maximum sentence of 39 years.²⁶

Thus, Hamid was a poorly educated social outcast who harbored militant and jihadist beliefs. In taped conversations with Khan he clearly indicated his desire to wage jihad. However, when the opportunity arrived to participate in training for such a jihad, Hamid expressed hesitancy to carry out his words. This raises the question as to whether Hamid truly was committed to militant Islam or bluffing in order to befriend Khan.

3. Motivation

It seems that the two significant motivators for Hamid Hayat were Naseem Khan and his belief in jihad. To begin, Khan seemed to encourage Hamid to attend a training camp in Pakistan. This was shown by their phone conversation

²³ Ibid

²⁴ Frontline, The Enemy Within, "Hamid Hayat."

²⁵ Ibid.

²⁶ Layla Bohm, "Hamid Hayat Sentenced," *Lodi News-Sentinel*, September 10, 2007.

while Hamid was in Pakistan. Hamid told Khan that “I’m not going to go . . .”²⁷ but Khan tried to convince him by threatening to go to Pakistan and forcing Hamid. While this threat did not seem to be credible, it shows that Khan was trying to convince Hamid to go to a camp. Furthermore, in the conversations between the two before Hamid left for Pakistan, it often seemed that Khan was leading Hamid and encouraging jihadist activity. Therefore, Khan was one of the primary motivators for Hamid to go to a terrorist camp.

Secondly, Hamid’s apparent belief in militant Islam could have motivated him to attend the Pakistani terrorist training camp. It seems that from Hamid’s conversations with Khan and the scrapbook in his home, Hamid believed that Islam needed to be defended, especially from the United States. These beliefs could have motivated Hamid to attend a training camp. However, there was no specific event or policy identified by any of these sources that Hamid felt particularly strong about or offended by.

4. Goals

The court in Hamid Hayat’s case found that Hamid “returned to the U.S. ready and willing to wage violent jihad when directed to do so . . .”²⁸ The federal prosecution initially identified the Hayats as an al-Qaeda sleeper cell. However, prosecutor McGregor Scott retreated from this language in an interview with Frontline, saying that a connection with al-Qaeda should never have been made.²⁹ It is clear though, that the FBI and the federal prosecution believed that Hamid Hayat’s goal was to wage violent jihad against the United States. This view was further supported by Hamid’s confession to the FBI on June 5, 2005. In this confession, Hamid told of how he was trained in weapons and explosives and taught ideological rhetoric aimed against the United States and other non-Muslim countries.³⁰ These pieces of evidence all suggest that Hamid’s goal was to wage jihad against the United States. However, this is a very abstract goal.

5. Plans for violence

What Hamid intended to accomplish by waging a jihad was never approached in the interrogation. He did not have any specific plans for violence, but if he was beginning to plan something, the FBI apprehended him before any concrete—or even any not-so-concrete—plans were formed. Since these plans were not present, Hamid’s goals were only referred to in a hypothetical and abstract capacity.

6. Role of informants

Naseem Khan was the only informant in the Lodi case. He had lived in Lodi during the late 1990s. He was working as a convenience store clerk in 2001 when he informed federal officials that he had seen Ayman al Zawahiri in a Lodi mosque while he was living there. This directly led to Khan’s recruitment as an

²⁷ Frontline, *The Enemy Within*.

²⁸ Department of Justice, *Hamid Hayat Sentenced*.

²⁹ Frontline, *The Enemy Within*.

³⁰ “U.S. v. Hayat” Affidavit.

FBI informant because the FBI was beginning to investigate the two Lodi Imams around the same time.³¹

In December 2001, Khan moved into an apartment behind the Lodi mosque, and began to infiltrate the Muslim community. As noted, he was specifically ordered to befriend the two Imams. Posing as a computer engineer, he claimed he would help the imams build a website for the madrassa, or religious school, that they planned to build in Lodi. He secretly searched their computers and recorded his conversations with them. The FBI was afraid that these imams would use their madrassa as a front to send Muslims to Pakistan to become radicalized and receive terrorist training. The FBI's investigation of these two individuals would continue until they were deported in 2005.

Khan was important to the Lodi case because he initially raised suspicion about Hamid Hayat. Khan befriended Hamid and secretly recorded their conversations. Not only was this critical to the prosecution's case against Hamid, but it is also the most likely reason why the FBI began to watch the Hayats. While officials have not released why Hamid was on the "no fly" list when he tried to return to the United States from Pakistan in 2005, it is probable that it had something to do with the investigation being conducted by Khan and the FBI.

Additionally, Khan's role as an informant was important because he appeared to lead Hamid in many instances. For example, in an excerpt from the pair's conversation highlighted by Frontline, Khan asked Hamid if he would participate in a jihad if the opportunity arose. He raised the issue and led Hamid to comment on it.³² Perhaps more indicative of Khan's role in this case was the phone conversation between the two while Hamid was in Pakistan. As previously stated, in this conversation Khan tried to force Hamid to attend a terrorist camp, but Hamid hesitated to do so.

Therefore, Khan played two important roles as an informant in this case. First, by befriending Hamid Hayat and identifying him as having militant and jihadist ideas, he more than likely initiated the FBI's investigation into the Hayats. Second, in his conversations with Hamid, Khan often leads Hamid to talk about jihads and terrorism. This could have motivated Hamid to attend a terrorist training camp. Ultimately, the investigation conducted by Khan on the Hayats was a critical piece of evidence in Hamid's conviction. Without him, the FBI would probably never have prosecuted the Hayats. Furthermore, if Hamid actually did attend a training camp, he might never have done so without Khan's encouragement.

While Khan played a crucial role in this case, his credibility was questionable. To begin, the FBI only recruited Khan because of his statement claiming to have seen Ayman al Zawahiri in Lodi in the late 1990s. According to Lawrence Wright's *The Looming Tower*, al Zawahiri did appear at several California mosques in 1993.³³ In an interview with PBS' Frontline, U.S. attorney McGregor Scott doubted Khan's claim as a "situation of mistaken

³¹ Frontline, *The Enemy Within*.

³² *Ibid.*

³³ Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11*. New York: Knopf, 2006, 203 (paperback edition).

identification.”³⁴ Therefore, it is unclear as to whether al Zawahiri ever did attend a mosque in Lodi. Lowell Bergman has suggested that this all raises questions about Khan’s credibility as he could just have been saying what he thought the FBI wanted to hear. However, Drew Parenti, the FBI agent in charge of the Sacramento field office, argued that Khan was hired not only for this claim, but also because he “clearly was familiar with the Lodi area.”³⁵

By attempting to lead Hamid and convince him to go to a camp, Khan undermined his integrity and at the same time portrayed Hamid as reluctant to commit to terrorist activities. Some argue that Khan appeared to be trying to force Hamid into admitting terrorist connections or was seeking to please the FBI. In his interview with Frontline, prosecutor Scott acknowledges this failing and states that he wished that some of Khan’s interviews had gone differently. However, Khan was not a trained agent but a civilian informant, and Scott defends him as trying to do his best.³⁶ Furthermore, Parenti stated that the tapes that showed Khan “bullying” Hamid into jihadist activities were “very small snippets” of the conversations between the two men.³⁷ When taken in context and in their entirety, the conversations between the two men show that Hamid was fully aware and fully committed to participation in jihadist activities.

The FBI paid Khan approximately \$230,000 for his work from 2001 until 2005. Parenti noted that most of this money was for living expenses and not profit for Khan.³⁸ Critics however, cite this sum as an incentive for Khan and the FBI to prosecute the Hayats. James Wedick, a retired FBI officer who looked at this case as a favor for a friend, argued that the Hayats were prosecuted because the FBI “had to bring about charges concerning someone.”³⁹ In other words, Wedick suggests that the FBI launched an investigation that took about four years and millions of dollars to try and convict the two Lodi imams. When there was not enough evidence to prosecute these leaders, they needed to find a scapegoat in order to prevent the investigation from looking like a waste of resources.

Therefore, while Khan’s role as an informant was critical in the apprehension and conviction of the Hayats, several strands of evidence undermine his credibility and cast doubts on the validity of the FBI’s case against the Hayats: his claims to have seen al Zawahiri, his leading questions to Hamid, and his large pay.

7. Connections

When Hamid and Umer were arrested in June of 2005, the FBI accused them of attending a terrorist training camp run by al-Qaeda.⁴⁰ Shortly afterwards, the authorities confirmed that the camp was run by al-Qaeda⁴¹ and the media began speculating about al-Qaeda sleeper cells operating within the United

³⁴ Frontline, *The Enemy Within*.

³⁵ Frontline, *The Enemy Within*, “The FBI’s Response.”

³⁶ Frontline, *The Enemy Within*.

³⁷ Frontline, *The Enemy Within*, “The FBI’s Response.”

³⁸ *Ibid*.

³⁹ Frontline, *The Enemy Within*, “Interview With James Wedick.”

⁴⁰ “U.S. v. Hayat” Affidavit, 4.

⁴¹ Frontline, *The Enemy Within*, “Interview With McGregor Scott.”

States.⁴² However, Scott later clarified that the Hayats were not an al-Qaeda sleeper cell within the United States.⁴³

Even without a direct link to al-Qaeda, however, there were many connections to suspected terrorists within this case. To begin with, Hamid's grandfather and Umer's father-in-law, runs a madrassa in Rawalpindi, Pakistan. According to Scott, this madrassa teaches a radical form of Islam that is "antithetical to the [security of the] United States."⁴⁴ While this information did not seem to play a critical part in the prosecution of the Hayats, it might explain Hamid's radical beliefs.

Second, the reason that the FBI wanted an informant in the Lodi community was because Mohammed Adil Khan and Shabbir Ahmed, the two Lodi imams, were suspected of having terrorist connections. As Scott said in his interview with Frontline, the FBI suspected that the Imams wanted to establish a madrassa to recruit young men and send them to Pakistan for terrorist training.⁴⁵ Adil Khan's father runs a radical madrassa in Pakistan, and when bin Laden issued a fatwa against the West in 1998, he specifically mentioned this madrassa as having scholars that supported him.⁴⁶ Ahmed was also watched because of an anti-American speech he made while in Pakistan. While these connections do not link the Lodi community to al-Qaeda, they do show that there were some ties between the imams and the radical Islamic community.

The last connection to terrorist organizations was the camp that Hamid was said to have gone to in Pakistan between 2003 and 2005. Satellite photos were taken of a compound outside of Balakot Pakistan, which closely resembled the description given by Hamid in his confession to the FBI.⁴⁷ In Hamid's trial, the prosecution labeled this compound as a "probable militant training camp." Furthermore, a Pakistani police chief testified that a militant author runs a training camp around the area where the compound was photographed. Books written by this author were found in the Hayat residence.⁴⁸ Federal agents thus deduced that Hamid had attended this terrorist training camp and thus had connections with terrorist organizations in Pakistan. However, as the Frontline documentary points out, there was no attempt to verify the existence of this camp from the ground. Instead, the satellite photographs were the sole proof of the camp's existence in the Hayat trial.⁴⁹

Thus, some of the Muslim community in Lodi did have tenuous connections with militant Muslims in Pakistan. Relatives of Hayat and the Imam, Adil Khan, were known radicals in Pakistan. Furthermore, the description that Hamid gave to authorities matched that of a suspected terrorist camp in Northeast Pakistan. This suggests that some links may have existed between the Lodi community and Islamic jihadists in Pakistan. However, officials' original claims

⁴² Isikoff, "New Terror Camp."

⁴³ Frontline, *The Enemy Within*, "Scott Interview."

⁴⁴ *Ibid.*

⁴⁵ Frontline, *The Enemy Within*.

⁴⁶ Frontline, *The Enemy Within*, "Scott Interview."

⁴⁷ Rone Tempest, "Prosecutors Rest Case in Terrorism Trial," *Los Angeles Times*, March 29, 2006.

⁴⁸ *Ibid.*

⁴⁹ Frontline, *The Enemy Within*, "Scott Interview."

that the Hayats were an al-Qaeda sleeper cell were proven to be unfounded. Any relations to al-Qaeda were not substantiated during the investigation process. The court did find Hamid guilty of planning to wage a jihad when so instructed, but who was going to instruct him was not clarified. Therefore, while the Hayats may have had connections with militant Muslims, there did not appear to be a terrorist network operating within Lodi.

8. Relation to the Muslim community

The Muslim community in Lodi was important because it was through this community that Naseem Khan met and identified Hamid Hayat. Furthermore, the FBI suspected the imams, two leaders in this community, of terrorist activities.

That being said, the Muslim community in Lodi was not supportive of the terrorist activities that the Hayats and the imams were being investigated for. Disbelief was the main reaction by this community. They felt shocked that Hamid would be accused and convicted of these charges,⁵⁰ and felt as if the U.S. government unjustly accused them.⁵¹ According to one member of the community, nobody believed that the Hayats were terrorists.⁵² In his interview with Frontline, Umer stated that no one in the Muslim community in Lodi would support terrorism, but instead would report suspicious activities to the authorities.⁵³ Therefore, the charge of terrorism against the Hayats was not met with support in the Lodi community, but with disbelief. This case damaged the relationship between the federal government and the Lodi Muslim community, who felt they were being unjustly targeted.⁵⁴

9. Depiction by the authorities

Throughout the investigation in Lodi, the FBI believed that there was a significant threat of terrorism. As McGregor Scott explained, they felt that the threat posed by the Imams was not immediate, but rather a long-term threat. They suspected that Adil Khan's planned madrassa would be a front for radicalizing Muslims.⁵⁵ Therefore, the decision to simply monitor the community was appropriate. However, the FBI's assessment of the case changed when Hamid returned from Pakistan. At this instance they felt that there was an immediate threat and that action needed to be taken.

When the Hayats were arrested in June of 2005, the FBI and the Department of Justice initially "claimed they had shattered a trained Al Qaeda sleeper cell in California's agricultural Heartland."⁵⁶ This idea was repeated in Hamid's trial when a U.S. attorney stated that Hamid was "'awaiting orders' to commit a terrorist attack in the United States."⁵⁷ This shows that from the time of

⁵⁰ "Lodi Muslim Community Shocked at Hayat's Sentence," *American Muslim Perspective*, September 11, 2007.

⁵¹ Frontline, The Enemy Within, "Lodi Muslims: Under the 'Eye of Suspicion.'"

⁵² Frontline, The Enemy Within, "Hamid Hayat."

⁵³ Frontline, The Enemy Within, "Hayat Interview."

⁵⁴ Frontline, The Enemy Within, "Lodi Muslims."

⁵⁵ Frontline, The Enemy Within, "Scott Interview."

⁵⁶ Tempest, "Prosecutors Rest."

⁵⁷ Ibid.

the Hayats' arrests until at least after Hamid's trial, the authorities either believed that they had broken a major terrorist network operating within the United States or were trying to create positive publicity about the case. Either way, they clearly did not have the evidence to support these claims.

Later, in his interview with Frontline, prosecutor Scott indicated that the federal government had misspoken about the connection of the Hayats and al-Qaeda. However, Scott did portray the incident as a success for the new approach to handling terrorism in a post 9/11 world:

[W]hen we look at a situation like Hamid Hayat, who gets off an airplane and within 100 hours admits, "I've been to a terrorist training camp in Pakistan, and I came back here with the intent to kill Americans," that's where we're going to take that case, and we're going to prosecute him for the crime of providing material support to terrorists as opposed to waiting until after his intent to come back here and kill Americans [is] carried out. That's the paradigm, and that's the shift that's happened since 9/11.⁵⁸

However, there does not seem to be any time when Hamid stated that he came here to harm Americans. Scott seems to be interpreting Hamid's confession of attending a terrorist camp very broadly.

Scott is thus defending the actions of the FBI, which could have been construed as alarmist. The federal government believed that there was a significant threat of terrorism, and that it was better to remove that threat before any actual acts of terrorism materialized.

Therefore, the assessment of this case by the authorities changed when Hamid returned to the United States in 2005. Prior to this event, the FBI had a cautious and responsible approach to investigating possible terrorist activity in a small Californian city. After Hamid returned however, the investigation drastically shifted. The FBI arrested the Hayats and eventually deported the two imams, claiming that it had broken up a terrorist cell within the United States. While this language may have been extreme and alarmist, Scott defends the state's actions, believing that it was better to act with possibly too little evidence than to wait until after a terrorist act occurred.

10. Coverage by the media

The Lodi investigation first went public in June of 2005 when Hamid and Umer Hayat were arrested. Initially, the media took an alarmist stance about this case. Local and major news sources reported that al-Qaeda was operating within the United States and speculated on what this case implied for the safety of Americans.⁵⁹ In retrospect, these claims by the media seem rather alarmist as it was later determined that the Hayats were not operating as an al-Qaeda sleeper cell in Lodi. However, this approach by the media is understandable as the federal prosecution made similar claims shortly after the Hayats were arrested.⁶⁰ Therefore, the media was simply reporting the information that was being released to it by the federal government.

⁵⁸ Frontline, *The Enemy Within*, "Scott Interview."

⁵⁹ For example see: Wood, "US Arrests."

⁶⁰ Frontline, *The Enemy Within*.

After the trial and sentencing though, the local and national media approached the Lodi case with more caution. For example, the *Los Angeles Times*,⁶¹ the *New York Times*,⁶² and the *Lodi News-Sentinel*⁶³ each reported the trial and sentencing, but also expressed many of the criticisms and doubts that were being raised by the defense and the Muslim community. This shows a more cautious and balanced approach to the case.

Perhaps the most extensive coverage of this case came from PBS Frontline's documentary "The Enemy Within" televised on October 10, 2006. This documentary not only reported on the Lodi case, but it also raised numerous doubts about the FBI and federal government's methods and credibility. An integral part of this documentary was an interview with retired FBI agent James Wedick who, as noted, criticized the FBI for their lack of evidence and poor interrogation techniques and even went as far as to suggest that the federal government prosecuted so that the resources spent in the Lodi investigation did not seem wasted.⁶⁴ The Frontline documentary is a very comprehensive report on this case. Although it may lean to the side of Wedick and the defense, it offers the federal government a chance to respond and provides extensive details about the case.

Finally, the online community continued to report on the Lodi case ever since it went public in 2005. Fringe groups both supporting and attacking the Muslim community continually commented on this case. For example, groups such as the American Muslim Perspective and CAIR expressed their disbelief and skepticism of the arrests and trial.⁶⁵ Meanwhile, other sites such as *Jihad Watch* supported the prosecution entirely and criticized the defense.⁶⁶ While these examples show a polarization on the Lodi case, the mission of these groups dictated their stance on these issues. The mainstream media is a better indication of the press coverage on this case.

11. Policing Costs

The investigation and prosecution of the Hayats was a long and expensive process. It began in 2001, when the FBI hired Khan as an undercover agent in Lodi, and ended in September of 2007 when Hamid Hayat was sentenced by the federal court system. The surveillance of the Hayats by Khan and the FBI began sometime in late 2001 or early 2002, and ended with their arrest in June of 2005. As noted, Khan was paid approximately \$230,000 for these four years of work.⁶⁷ However, that was only a fraction of the cost to the FBI of this case. Wedick estimated that a four-year operation like this would cost millions of dollars. Not

⁶¹ Tempest, "Prosecutors Rest."

⁶² Carolyn Marshall, "24-Year Term for Californian in Terrorism Training Case," *New York Times*, September 11, 2007.

⁶³ Bohm, "Hamid Sentenced."

⁶⁴ Frontline, The Enemy Within, "Wedick Interview."

⁶⁵ AMP, "Lodi Community Shocked."

⁶⁶ Username: Marisol. "Hamid Hayat Sentenced to 24 Years for Attending Pakistani Jihad Training Camp," Jihad Watch. Posted September 15, 2007. www.jihadwatch.org/2007/09/hamid-hayat-sentenced-to-24-years-for-attending-pakistani-jihad-training-camp.html

⁶⁷ Frontline, The Enemy Within, "FBI's Response."

only is the informant paid, but there is a support staff of FBI that would have been needed to monitor Khan, analyze the tapes, handle administrative matters, pursue leads, and conduct an overseas investigation.⁶⁸ While there is no detailed list of the agents working on the Lodi case available, it can be assumed that there was a large support staff to aid this undercover investigation.

In addition to the cost of the investigation, the trial of the Hayats lasted for a significant length of time in court. The Hayats were held in custody until the trial began on February 14, 2006, which lasted until April 25, 2006.⁶⁹ Over the next year, Hamid's appeal was denied, and Umer pled guilty to lesser charges in order to drop the terrorist related charges. Hamid's sentence was announced on September 10, 2007.⁷⁰ This trial was lengthy and costly for the U.S. government.

The great expense of this case raises questions about its validity. Wedick argues that the main reason that the Hayats were prosecuted was because the FBI had spent so much money on the investigation, and did not have enough evidence to prosecute their initial targets, the two Imams: "They had paid more than almost [\$230,000] to a government informant. ... They had to bring about charges concerning someone."⁷¹ This raises the question as to whether the FBI prosecuted with a legitimate case, or if they prosecuted in order to avoid having the investigation look like a waste of money.

12. Relevance of the internet

None in this case.

13. Are we safer?

As a result of the Lodi investigation, Hamid Hayat is in prison, Umer Hayat is on probation, and the two Imams, Mohammed Adil Khan and Shabbir Ahmed, were deported. Were these actions necessary to the security of the United States? The answer to this question is controversial. On the one hand, the FBI and federal prosecution argue that they prevented jihadists and terrorists from performing acts of violence and recruiting members within the United States. On the other hand, skeptics like Wedick argue that the case was not vital to the security of the United States, but rather that these actions were a way to make the expensive operation seem like a good investment.

To begin, the FBI claimed that the Hayats were part of a terrorist organization here in the United States. According to the FBI, Hamid at least received training on how to kill Americans and recruit others to his cause.⁷² This made the Hayats a threat to national security, even without a specific plan to carry out violence. FBI agent Parenti states, "We caught it extremely early, we were questioning the Hayats within a couple of days of Hamid returning from Pakistan and the terrorist training camp. So what may have been afoot we may never

⁶⁸ Frontline, The Enemy Within, "Wedick Interview."

⁶⁹ Department of Justice, Hamid Hayat Sentenced.

⁷⁰ Ibid.

⁷¹ Frontline, The Enemy Within, "Wedick Interview."

⁷² "U.S. v. Hayat" Affidavit.

know.”⁷³ The FBI therefore believes that by catching these terrorists early, they were able to protect American lives. The courts agreed with the FBI, stating in Hamid’s sentencing, “Hamid Hayat attended a terrorist training camp, returned to the U.S. ready and willing to wage violent jihad . . .”⁷⁴ To that degree, Americans are safer because the federal agents were able to remove the terrorist threat before any violence occurred.

Additionally, by deporting Mohammed Adil Khan and Shabbir Ahmed, the federal government claims to have prevented a long-term threat to the United States. As discussed, prosecutor Scott stated that they felt that Khan was a “long-term” threat to the United States because he planned to establish a madrassa, which would preach a form of Islam that was “antithetical to the best interests of the United States.”⁷⁵ This, he feared, would “serve as a recruiting ground to eventually dispatch young men over to Pakistan for training, with the potential to come back here and do some very bad things.”⁷⁶ If these fears were justified, we are safer because of the deportation of these two men. The FBI stopped a terrorist recruitment center from forming in the United States and creating future terrorists. However, the FBI had little evidence against the Imams, which suggests that this scenario was likely exaggerated.

Critics of this case however, argue that there was not enough evidence to convict the Hayats or support the FBI’s claims against the imams. Therefore, the United States is not safer by the arrest of the Hayats and the deportation of the imams because there was no real terrorist threat.

To begin, there was a notable lack of evidence in Hamid’s trial. The major pieces of evidence brought forth by the prosecution were his confession to the FBI, the tapes of conversations between Hamid and Khan Khan, Hamid’s scrapbook and prayer, and the aerial photos of the suspected terrorist training camp in Pakistan. However, the validity of each of these pieces of evidence was questionable.

First, the confession given by Hamid to the FBI was problematic. To begin, it took several hours of questioning after Hamid failed the polygraph test before he confessed.⁷⁷ This raises doubts because the lengthy interrogation process could have caused Hamid and Umer to confess to something that they were not guilty of. Furthermore, at times the FBI agents conducting the interrogation project seemed to lead the Hayats, clearly looking for a specific answer. When Hamid gave details of the camp in his own words, it often seemed ridiculous. For example, he speaks about practicing pole vaulting in a basement with masks like the Ninja Turtles.⁷⁸ Wedick argues that,

They [Hamid and Umer] were attempting to return home, to go back to their house. . . . They had repeatedly denied attending any camp, being associated with any terrorist activities, but then finally at some point, if

⁷³ Frontline, *The Enemy Within*, “FBI’s Response.”

⁷⁴ Department of Justice, *Hamid Hayat Sentenced*.

⁷⁵ Frontline, *The Enemy Within*, “Scott Interview.”

⁷⁶ Frontline, *The Enemy Within*.

⁷⁷ “U.S. v. Hayat” Affidavit.

⁷⁸ Frontline, *The Enemy Within*.

you look at the tape-recorded confessions, you'll see that they more or less answered the way the bureau wanted them to answer. Most of the answers were just short bursts of agreement of whatever was proposed. Other times it doesn't make any sense.⁷⁹

This criticism suggests that the FBI mishandled the interrogation process. By leading the Hayats, they got the answer they wanted to hear from a pair of individuals who were desperate to tell the FBI what they wanted to hear and go home.

Second, the role of the informant was questionable at best. As noted, he often tried to convince Hamid to attend a terrorist camp, and his credibility was doubtful.⁸⁰

Finally, Wedick criticizes the lack of an investigation on the supposed terrorist camp in Pakistan. He claimed that the prosecution should have tried to validate the facts given in Hamid's confession.⁸¹ However, there was no investigation of the camp in Pakistan, instead the prosecution simply introduced aerial photos as evidence that it existed and that it matched Hamid Hayat's description.

In addition to these reservations about the evidence produced by the prosecution, critics of this case have problems with the amount of money spent by the FBI. As Wedick said, the FBI spent so much money on this case that it had to convict somebody.⁸²

Therefore, critics of this prosecution believe that the evidence produced by the FBI was not significant enough to link Hamid and Umer Hayat to terrorism. If the Hayats were not terrorists, their prosecution did not protect the security of the United States and we are not safer. It is thus debatable as to whether the federal government acted correctly in handling this case and whether they protected the United States from terrorism.

14. Conclusions

As in Lackawanna (Case 5), there were no plans for violence and little or no evidence that linked the supposed terrorists to any terrorist acts. The FBI acted extremely early in this case, prosecuting Hamid and Umer Hayat even before Hamid could tell Naseem Khan whether he had attended a terrorist camp. While there have been other cases in which the terrorists were apprehended before they created concrete or manageable plans of violence, the FBI always waited until they had significant evidence before acting. Even in the Albany case (Case 10), although the FBI suspected the pair of terrorist activities before any plans of violence were formed, it did not act on these suspicions until it had concrete evidence that could be used to argue that the two men were involved in illegal activities. In Lodi, by contrast, the FBI acted so early that it did not have a solid case to prosecute the accused terrorists. Instead, as Wedick suggests, the FBI

⁷⁹ Frontline, *The Enemy Within*, "Wedick Interview."

⁸⁰ Frontline, *The Enemy Within*.

⁸¹ Frontline, *The Enemy Within*, "Wedick Interview."

⁸² *Ibid.*

relied on “hysteria” in the United States to convict the Hayats and not the facts of the case.⁸³

The FBI had initially launched an investigation into the Muslim community of Lodi in order to examine two imams that they suspected were radicalizing the community. However, when little evidence emerged that implicated the imams, the FBI began focusing on the Hayats. The investigation lasted for several years, and in the end Hamid Hayat was sentenced to 24 years in prison for attending a terrorist camp and lying to the authorities.

This case was anything but clear. Many critics have claimed that there was not enough evidence to link the Hayats to terrorist activities. Instead, the FBI may have prosecuted the Hayats in order to make their investigation seem like a worthwhile endeavor.

The controversy created by these arguments highlights the careful balance that counter-terrorism efforts need to have. On the one hand, counter-terrorist organizations, such as the FBI, need to act before any acts of violence occur. On the other hand, these organizations need to insure that the people they are prosecuting are actually terrorists. In this case, the FBI seemed to have acted before they could prove the Hayats’ terrorist connections without a doubt. As such, their credibility, especially within the Muslim community, has surely declined. This case should be used as a learning experience, so the FBI can repeat what it did correctly, and make sure it does not make the same mistakes in the future.

⁸³ Frontline, *The Enemy Within*, “Wedick Interview.”

Case 15: JIS

John Mueller

June 3, 2011

The JIS plot of 2005, located in the Los Angeles area, was developed and inspired by Kevin James, who was doing time for armed robbery in a jail several hundred miles away during the whole period. It was to be carried out by a man he converted in prison, Levar Washington. After Washington was released on parole, he was to recruit five men and for the cell to acquire explosives. The goal was to commit various acts of terrorism to protest American foreign policy against Muslims and to begin a process that would somehow eventually culminate in the establishment of a Muslim Caliphate in the United States.

Upon release, Washington was able to recruit two (not five) men to the mission, one of them a schizophrenic. Although they really wanted to use explosives as James had ordained, they had no competence whatever in the creation, maintenance, or detonation of such weapons, and consequently they fell back, by default, to a simple plan they could handle: driving up to a target, jumping out, shooting a bunch of people with the two weapons they had—a semi-automatic rifle and a pump-action shotgun—hopping back in the car, and then speeding off to the next target. They spent one day practicing with the shotgun and none with the rifle, though they did engage in martial arts exercises from time to time.

The three-man group seems to have come fairly close to actually committing violence: they appear to have decided on a date for the attack and had distinct targets in mind.

Their rather extravagant target list, largely compiled by the schizophrenic, began with a dozen or so military recruitment stations in the Los Angeles area. According to an FBI affidavit, “a check of these addresses revealed that all were, or had been, United States military recruiting stations in Los Angeles County.”¹ In other words, some of the targets on the list were no longer recruiting centers. The list also included various Jewish targets and a “military base” in Manhattan Beach.² According to the city clerk, this suburb of less than four square miles does not actually have anything that could be called a military base although, as she helpfully points out, it does have a State Army National Guard armory that is home to an engineering battalion, a support battalion, and a maintenance shop.

But the tiny group did have the will, the car, and the weapons. They planned to begin with a series of attacks on the military recruitment centers—targets, as Demetrius Daniels-Hill notes, of rather questionable value to them compared, for example, to places of public congregation. It is hugely unlikely they could successfully have attacked very many of these before being foiled—and they never seem to have considered this likelihood. Relevant here may be the experience of Little Rock (Case 25) where a terrorist shot two recruiters and was

¹ NEFA Foundation, “Target: America: The L.A. Plot to Attack U.S. Military, Israeli Government, & Jewish Targets,” January 2008, 5.

² NEFA, “Target America,” 5; Jeffrey Cozzens and William Rosenau, “Training for Terror: The ‘Homegrown’ Case of Jami’at al-Islam al-Sahih,” *CTC Sentinel*, August 2009,

caught by police within 12 minutes. Even if they got away, it is likely all the recruitment centers remaining on their list would immediately be put on alert. But clearly they could have killed some people. The process by which such murders would inch them along toward establishing their Caliphate was not, it appears, deeply considered.

The plot was disrupted not by a terrorism investigation, but by ordinary police work. Short of the cash needed to purchase the rifle, the three man group carried out a set of gas station robberies. They had apparently convinced themselves that these had the added benefit of being expressive acts of terrorism against oil companies which are, of course, a symbol of U.S. oppression of Muslims. One of them managed to drop his cell phone at the last of these robberies, however, and the police were able to use it to find them and then uncovered evidence in their apartment of the plot and of their incarcerated inspiration, James, who has since had his sentence extended by sixteen years.

The case is often used by those voicing concern about the potential for terrorist radicalization in prisons, and Daniels-Hill joins in this concern. However, although James seems to have been fairly charismatic and did convert a number of fellow inmates to Islam, only one seems to have been inspired to seek to commit violence in the religion's name.

Case 15: JIS

Demetrius Daniels-Hill

June 3, 2011

typographical and other minor corrections November 19, 2011

1. Overview

Few cases of homegrown terrorism have come closer to implementation than that of Jama'at Ul-Islami As Sahih or JIS.¹ Four members of a terrorist cell in California were indicted on August 31, 2005 on charges of conspiracy to levy war against the United States government.² Kevin James, an African-American, was the founder and spiritual leader behind JIS. He was serving time in a California prison for armed robbery and had converted to Islam there, becoming radicalized in the process.³ He then founded JIS and recruited several other inmates to join his terrorist organization.⁴ The recruits participated in martial arts training before and after Islamic prayer services in the prison.⁵ This was the only real training that occurred among the JIS members in prison. In an effort to increase his leadership credentials, James lied and claimed that he had trained in Sudanese terrorists camps with foreign radicals.⁶ Since James was serving a long sentence in prison, he needed someone who could orchestrate and lead the terrorists outside the prison walls. James convinced one of the recruits, Levar Washington, to be the man who would coordinate JIS attacks once he was released on parole.⁷ Washington swore a personal oath of allegiance or bay'at to James and agreed to never fall out of contact for longer than ninety days at a time.⁸

Once out of prison, Washington began to recruit other like-minded individuals to join their terrorist cell.⁹ He met Hammad Samana, a Pakistani, and Gregory Patterson, an African-American, at the Jamaat-E-Masijudal mosque in Inglewood, California.¹⁰ The same month the three men met, they acquired an apartment in south central Los Angeles.¹¹ Here they discussed US foreign policy and its harmful consequences for Muslims around the world, specifically the war in Iraq and the prison at Guantanamo Bay.¹² All concluded that the United States was hostile to Islam and that direct action needed to be taken. Samana took a

¹ NEFA Foundation, "Target: America: The L.A. Plot to Attack U.S. Military, Israeli Government, & Jewish Targets," January 2008, 3.

² NEFA, "Target: America," 1.

³ NEFA, "Target: America," 1.

⁴ Jeffrey Cozzens and William Rosenau, "Training for Terror: The 'Homegrown' Case of Jami'at al-Islam al-Sahih," *CTC Sentinel*, August 2009, 21.

⁵ Cozzens and Rosenau, "Training for Terror," 21.

⁶ Cozzens and Rosenau, "Training for Terror," 21.

⁷ Cozzens and Rosenau, "Training for Terror," 22.

⁸ Cozzens and Rosenau, "Training for Terror," 22.

⁹ Cozzens and Rosenau, "Training for Terror," 22.

¹⁰ NEFA, "Target: America," 2.

¹¹ Cozzens and Rosenau, "Training for Terror," 22.

¹² Cozzens and Rosenau, "Training for Terror," 22.

personal oath of allegiance to Washington and both Samana and Patterson promised to fight as mujahedeen or holy warriors.¹³

Once the three men were committed to carrying out terrorist attacks in the name of Islam, they began to follow the directions of the “JIS Protocol” and “Blue Print 2005”, pamphlets that James had authored in prison.¹⁴ James directed his agents to strike at religious, political, and military targets in the United States.¹⁵ In his opinion, these targets had received less attention than other parts of America’s national infrastructure such as electrical and transportation networks.¹⁶ James directed Washington and his subordinates to acquire guns and explosives with detonators to attack targets of their choosing in California.¹⁷ From the beginning there was no indication that the planned attacks were suicidal in nature. This is why James and Washington wanted explosives that could be detonated remotely once the bomb had been planted.

Washington realized that they would need money in order to purchase the weapons and explosives necessary to carry out their terrorist plots. He therefore directed Patterson and Samana to rob gas stations in southern California to finance their terrorist activities.¹⁸ This served as hands-on training for Patterson and Samana, who had never before been involved in a criminal enterprise, and also allowed them to demonstrate their loyalty to Washington and to the JIS vision.¹⁹ The pair robbed a dozen gas stations from May through June of 2005.²⁰ It is unclear exactly how much money the conspirators gained from the robberies but it was enough for Patterson to purchase a .223 caliber semi-automatic rifle on July 10, 2005.²¹ Washington already owned a pump-action shotgun.

Following the directive of James to attack targets of opportunity, Washington selected several military and religious targets in southern California. Samana also authored a document called “Modes of Attack” which listed such targets as the El-Al ticket counter at Los Angeles International airport, sixteen different army recruitment centers with individual addresses listed for each one, the Israeli consulate, and a U.S. military base in Manhattan Beach. All of these targets were within a twenty-mile radius of the L.A. apartment that was their base of operations.²² This list was approved by James, who communicated with the group through face-to-face visitations in prison and through letters that were smuggled in and out of the facility.²³ The attacks were to begin on September 11, 2005.²⁴

¹³ NEFA, “Target: America,” 2.

¹⁴ Cozzens and Rosenau, “Training for Terror,” 22.

¹⁵ Cozzens and Rosenau, “Training for Terror,” 22.

¹⁶ Cozzens and Rosenau, “Training for Terror,” 22.

¹⁷ Cozzens and Rosenau, “Training for Terror,” 21.

¹⁸ Cozzens and Rosenau, “Training for Terror,” 22.

¹⁹ Cozzens and Rosenau, “Training for Terror,” 22.

²⁰ Cozzens and Rosenau, “Training for Terror,” 22.

²¹ NEFA, “Target: America,” 7.

²² Cozzens and Rosenau, “Training for Terror,” 22.

²³ Cozzens and Rosenau, “Training for Terror,” 23.

²⁴ Julia Davis, “Convicted Terrorists Living Next Door, Deadly Terror Plot Devised Inside California Prison,” examiner.com, January 28, 2010.

Firearms became the default weapon of choice because the group already possessed a semiautomatic rifle and shotgun and the weapons were easy to use and required little training.²⁵ In terms of assuring that the attacks were successful and minimized the amount of risk to the assailants, a quick raid with firearms was the best choice available to the terrorists.²⁶ They neither had the training or the materials for more elaborate plots involving explosives or other weapons.

The terrorist plot was foiled by the group's own carelessness: during their last gas station robbery Patterson accidentally dropped his cell phone, leaving it behind at the scene of the crime.²⁷ Authorities traced the phone to the apartment that JIS had been using as their base of operations where they found documents detailing the group's plans for violent jihad, posters of Osama Bin Laden, a bulletproof vest, and other contraband.²⁸ Washington and Patterson were arrested for the gas station robberies and also charged with conspiracy to wage war against the United States government.²⁹ The documents that authorities found on the computer in the apartment included "Modes of Attack," the target list written by Samana.³⁰ He was also arrested and confessed to robbing two gas stations.³¹ Police also recovered a letter written by James to Washington, linking him to the plot.³² Subsequent investigations would reveal how close the conspirators were to carrying out their plans and just how essential James' leadership was to the whole operation.

On March 6, 2009, Kevin James was convicted on charges of terrorism and sentenced by Judge Carney to sixteen years in prison.³³ In 2008 the same judge sentenced Levar Washington to twenty-two years in prison for his role in the conspiracy.³⁴ Gregory Patterson pled guilty to charges of conspiracy to wage war against the United States and conspiring to possess and discharge firearms.³⁵ He was sentenced to a prison term of 151 months or nearly thirteen years in prison.³⁶ Hammad Samana upon his arrest was evaluated for mental illness and was found to be schizophrenic.³⁷ He pleaded guilty to one count of conspiracy to commit terrorism and was sentenced to seventy months in prison.³⁸ His lighter sentence is due partially to his mental illness and partially because he played a lesser role in the conspiracy, contributing mostly by conducting internet research of prospective targets and acting as the getaway driver during the gas station

²⁵ Cozzens and Rosenau, "Training for Terror," 23.

²⁶ Cozzens and Rosenau, "Training for Terror," 23.

²⁷ Cozzens and Rosenau, "Training for Terror," 21.

²⁸ Rob Harris, "Kevin James and the JIS Conspiracy," Frontline, PBS.

²⁹ Harris, "Kevin James and the JIS Conspiracy."

³⁰ Harris, "Kevin James and the JIS Conspiracy."

³¹ Harris, "Kevin James and the JIS Conspiracy."

³² Harris, "Kevin James and the JIS Conspiracy."

³³ FBI press release, March 6, 2009.

³⁴ FBI press release, March 6, 2009.

³⁵ Daniel Pipes, "Guilty Pleas By Would Be Los Angeles Terrorists," Danielspipes.org. August 26, 2009.

³⁶ FBI press release, March 6, 2009

³⁷ Pipes, "Guilty Pleas."

³⁸ Pipes, "Guilty Pleas."

robberies.³⁹ Although there were allegedly other people that James recruited to be apart of JIS, the main plot consisted of the efforts of Washington and his accomplices to successfully plan and execute terrorist attacks on targets in California. Once these men were arrested, the case was considered closed by the Department of Justice.

2. Nature of the adversary

The plot to attack targets in California took shape because of the leadership of Kevin James and Levar Washington. These men were able to forge a close bond ultimately because they could relate to each other's past life experiences. James was an African-American who had grown up in the inner city and was a member of the infamous Crips gang. He rejected the Nation of Islam teachings espoused by his father. James led a life of crime and was convicted in 1997 of armed robbery and sent to New Folsom County Prison. Once in prison he converted to Islam and became radicalized by reading the sermons of cleric Jamaal al-Din Zarabozo, and became convinced that Muslims were being oppressed worldwide by America and that the infidels needed to be punished.⁴⁰

He formed a community of disaffected African-American former gang members who were now fellow inmates in the prison and converted them to radical Islam. This was the beginning of JIS as an actual organization. James radicalized these recruits and instructed them to learn Arabic, and to familiarize themselves with the Hadith of Jihreel, or the writings of Zarabozo. James also contributed his own writings on radical Islam and the necessity of jihadist action in the mostly theological "JIS Protocol" that he wrote in 1997. By all accounts, James became a deeply religious man whose piety and devotion were well known in the prison.⁴¹

Washington was likewise African-American and was affiliated with the Rolling 60's gang before he was sent to prison. He and James came from similar backgrounds and they likely connected because of this common history. Washington was impressed with James when the two men first met. He eagerly listened to all that James said about religion and converted to Islam shortly after entering the prison. James immediately recognized a kindred spirit who would be useful once he obtained his parole in November 2004. The personal oath of allegiance that both men took very seriously sealed the deal and the framework for a homegrown terrorist cell was established.⁴²

The involvement of Samana and Patterson, recruited by Washington at the Inglewood mosque after he was parolled, is more of a mystery. Samana was a Pakistani national who was a legal resident in the United States.⁴³ He attended Santa Monica College and came from a family that was well adjusted to life in the United States.⁴⁴ Patterson was an African-American who also attended the

³⁹ Pipes, "Guilty Pleas."

⁴⁰ Cozzens and Rosenau, "Training for Terror," 21.

⁴¹ Cozzens and Rosenau, "Training for Terror," 21.

⁴² Cozzens and Rosenau, "Training for Terror," 21.

⁴³ NEFA, "Target: America," 2.

⁴⁴ NEFA, "Target: America," 2.

mosque occasionally. Neither of the men had a criminal record.⁴⁵ It would later be discovered that Samana suffered from schizophrenia.⁴⁶ Literature on terrorist networks suggests that youths who feel alienated from their larger community or marginalized by society will join terrorist networks for the sense of belonging and acceptance. It is quite possible that Samana and Patterson, although they had good lives, felt marginalized by society because of their status as minorities and were thus receptive to Washington's idea of jihad. Jessica Stern points out that acts of terrorism are often committed because of a perceived humiliation or injustice.⁴⁷

Washington, then, was the only one of the three men operating in the cell who had any operational experience in breaking the law.⁴⁸

3. Motivation

There is a wealth of information about the motivation of JIS to commit terrorist attacks because authorities recovered Kevin James' writings from inside the prison. Once James was radicalized by the preaching of clerics like Zarabozo, he took their intense rhetoric and propaganda and made it his own. James wrote over and over that Islam is locked in a holy war against the infidels of the west and supporters of Zionism.⁴⁹ As part of this, James reserved a special hatred for Israel and for the government of the United States and the United States military.⁵⁰ By all accounts, James truly believed in the need for violent jihad to fight against the perceived oppression of Muslims. He wrote in the JIS Protocol that Allah commanded Muslims to fight against non-believers.⁵¹ James saw the struggle of JIS as only one part of a global jihad. He urged his followers to learn Arabic and to consider themselves to be members of the international Islamic community.⁵² James stated in his writings that membership in this community of international jihad superseded the needs and the importance of the individual being.⁵³

James was charismatic enough to establish JIS and to convince other inmates, including Washington, of the need for action. James, with his deeply radical convictions and personal charisma, was the driving force behind the entire operation. He wanted his recruits to learn Arabic and to recruit other potential members to the cause and to radicalize them to support jihad.⁵⁴ Washington turned recruited two disaffected and naïve younger men to the cause. At James' sentencing, the judge remarked that he was the mastermind behind the whole operation.⁵⁵ Kevin James was the main source of motivation for the JIS plot.

⁴⁵ NEFA, "Target: America," 2.

⁴⁶ Pipes, "Guilty Pleas."

⁴⁷ Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill*. New York: Harper Collins, 2003.

⁴⁸ Cozzens and Rosenau, "Training for Terror," 22.

⁴⁹ United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

⁵⁰ Cozzens and Rosenau, "Training for Terror," 21.

⁵¹ United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

⁵² Cozzens and Rosenau, "Training for Terror," 23.

⁵³ Cozzens and Rosenau, "Training for Terror," 23.

⁵⁴ Cozzens and Rosenau, "Training for Terror," 22.

⁵⁵ United States, Federal Bureau of Investigation, press release for March 6, 2009

Although Washington was the only follower who ever truly acted to carry out James' message, he did so with a zeal inspired by his personal loyalty to James as his mentor. He was able to recruit Samana and Patterson after lengthy discussions about the war in Iraq and the prison at Guantanamo Bay.⁵⁶ On some level, all four shared the conviction that the infidels, chief among them being the United States, should pay for their crimes against Muslims. They saw themselves as soldiers in a global jihad, a massive clash of civilizations. The perception was that America was engaged in a war against Islam and needed to be punished was a conviction that all four men shared. They were ultimately ready to die in service to Allah if necessary in order to see that their plans carried out.⁵⁷

4. Goals

James' two main goals were to establish an Islamic caliphate in the United States and to punish the U.S. for their crimes against Muslims. By establishing an Islamic caliphate, James could realize his goal of allowing Muslims to live under sharia law and not a secular state government. James considered the inability of Muslims to have self-determination in government to be a form of oppression.⁵⁸

James saw his organization as part of a global jihad against the infidel. Like most terrorists, JIS planned to claim responsibility for any successful attacks they committed to bring attention to their cause and to strike fear in the hearts of the enemy. James wrote a pamphlet called "Notoriety Moves" in which he composed a sample letter that was to be sent to news stations after a successful attack had taken place. In the letter he urged his fellow Muslims to follow Sharia law or the community would enforce the law. He also warned Muslims not to associate themselves in any way with the intended targets of JIS, like the American military. He considered any Muslim who was a member of the military or any non-Islamic form of government bureaucracy to be his enemy.⁵⁹

These threats against fellow Muslims indicate that James wanted a pure Islamic society based on the strictest of radical interpretations of the Koran. The fact that James harbored the same level of hatred for Muslims who he considered to be traitors as he did infidels speaks to his uncompromising level of devotion to jihad. Whether or not Washington and Samana and Patterson shared this level of devotion is irrelevant to the damage they could have caused had authorities not stopped the plot from unfolding. Washington's plea agreement acknowledged that the goal of his cell was "to kill as many people as possible who were present at the locations that they were targeting."⁶⁰

5. Plans for violence

Kevin James had very specific plans for violence once he founded JIS. In "Blue Print 2005" he wrote extensively about the need for JIS members to maintain secrecy at all times because of the dangers of being caught by law

⁵⁶ Cozzens and Rosenau, "Training for Terror," 21.

⁵⁷ NEFA, "Target: America," 7.

⁵⁸ United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

⁵⁹ NEFA, "Target: America," 8.

⁶⁰ NEFA, "Target: America," 4.

enforcement. His members were to take the necessary steps to acquire firearms and explosives for use in the struggle against the infidels. They were to do this while appearing to the rest of the world to be ordinary American citizens. In order to better blend in with their community, James suggested his recruits should hold a steady job, obtain a driver's license, and to even marry if they so chose, all as a part of the cover the JIS members would need to plot without arousing suspicion. He also directed JIS members to avoid dressing or acting in a manner that would arouse suspicion or attract attention to themselves. He demanded that JIS members live by the religious guidelines of Dar al-Harb or living in the abode of war.⁶¹ Even though he urged caution and secrecy so as not to arouse the public's suspicions, he still expected his soldiers to behave like true Muslims and to remain ideologically and spiritually pure. Strict adherence to the Koran and ideological purity were always important to James.

James had specific instructions for Levar Washington. Washington was to acquire two pistols with silencers for use in covert terrorist attacks. He was also to recruit five men without criminal records who would form the main body of the terrorist cell. He was to appoint one of these five men to establish contacts to acquire explosives with detonators that could be used in their future planned attacks.⁶² Washington never acquired pistols with silencers nor did he ever acquire explosives or material for making a bomb. None of the conspirators had the technical expertise to know how to build or use a bomb and none of them made a serious attempt to gain this knowledge. Washington also failed to recruit five willing men, but the two that he found, Patterson and Samana, did fit James' requirement that they be free of a criminal record.

Once Patterson and Samana were committed to the cause, the group began plotting actual terrorist attacks. First they needed money to finance their plots. Washington, a former gang member, decided to raise money by robbing gas stations. The decision to rob gas stations served two purposes. On a practical level, it would allow the group to buy weapons and other materials from the proceeds. However, there are many different kinds of places that the terrorists could have robbed in order to obtain money. Washington told the court during his sentencing hearing that gas stations were chosen as the target because oil was a political symbol of U.S. oppression in the Muslim world.⁶³ In Washington's mind, a simple criminal act of robbing a gas station turned into a sort of mini-jihad when one framed it as an attack on a symbol of U.S. imperialism. Thus the conspirators considered themselves as, in a small way at least, avenging the oppression of Muslims worldwide by robbing gas stations in southern California.

They three men had a training exercise on July 4, 2005 at Kenneth Hahn Park outside of Los Angeles. This training exercise consisted of the three men taking turns shooting at fabricated targets with Washington's shotgun. This was the only time the group spent on firearms training. However, they did continue the

⁶¹ Cozzens and Rosenau, "Training for Terror," 22.

⁶² United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

⁶³ Cozzens and Rosenau, "Training for Terror," 22.

daily ritual of physical training in martial arts that Washington learned from James while he was in prison.⁶⁴

James had made it clear in his writings that the enemy was America, Zionism, and infidels more generally, and any Muslim who was sympathetic to their cause. Accordingly, the targets that Washington and the others chose fell in line with the rhetoric of the founder of JIS. The main targets included several military recruiting stations, a military base on Manhattan Beach, the Israeli consulate, and Jewish synagogues.⁶⁵

Washington planned to attack the recruiting stations on September 11, 2005, and the synagogues on the Jewish holiday of Yom Kippur.⁶⁶ The September 11 date was probably chosen for symbolic reasons to try and recreate the success that Al-Qaeda enjoyed in the attacks on the World Trade Center. Attacking synagogues during a Jewish holiday would also carry symbolic meaning and would ensure that there were many people in attendance, increasing the projected casualties. Choosing to attack a place of worship when it is known that many people would be attendance corroborates Washington's claim that the goal of JIS was to kill as many people at the selected targets as possible.⁶⁷

Once the target list was approved, Washington and the others began preparations for the actual attacks. Washington's initial plan was to use bombs with detonators and firearms to attack the target and then escape before authorities arrived.⁶⁸ However, they never were able to acquire any explosives for use in their planned attacks.⁶⁹ More importantly, since they had no training with explosives, even if they would have been able to acquire the necessary materials it is unlikely that they could have utilized them effectively.⁷⁰ Accordingly, firearms—Washington's pump-action shotgun and the .223 caliber semi-automatic rifle they had purchased with the proceeds from their gas station robberies, became, by default, their weapons.

The actual plans for attacking the sites were not complicated at all. In an interview with a FBI agent, Samana describes that the plan for attacking the military stations was for Washington and Patterson to simply enter the building with Samana bringing up the rear. They would all begin shooting at whoever was in the building and then flee in the car that they had arrived in. The group planned to withhold taking responsibility for any attack until they had hit all ten recruitment centers on their list.⁷¹

There are several things worth noting. First, following the basic psychology behind all of the JIS' operations planning and propaganda, these were not suicide attacks. Second, it showed that the terrorists were willing to plan within their means. They had been unable to acquire explosives and therefore settled on what was familiar and on what they had available to them. Firearms

⁶⁴ NEFA, "Target: America," 7.

⁶⁵ Cozzens and Rosenau, "Training for Terror," 23.

⁶⁶ NEFA, "Target: America," 8.

⁶⁷ NEFA, "Target: America," 4.

⁶⁸ Davis, "Convicted Terrorists."

⁶⁹ Cozzens and Rosenau, "Training for Terror," 23.

⁷⁰ Cozzens and Rosenau, "Training for Terror," 23.

⁷¹ NEFA, "Target: America," 4-5.

may be inelegant, but they are effective and do not require much training or skill to handle.⁷² The less complicated the plan, the more likely that the attack will successfully inflict damage upon the intended target. It is not clear how all three men intended to participate in the attack when the group only had two guns. It is also important to note that besides the one day spent training in Kenneth Hahn Park there is no evidence that either Patterson or Samana knew how to handle a firearm. Also they had absolutely no combat experience; shooting at real people requires a different mental state than shooting at inanimate targets. However effective they would have been in an actual attack, it appeared that the group was dedicated to trying their best to carry out James' directive of violent jihad and they had an extravagant list of all the targets compiled by Samana.⁷³

Although Samana and Patterson participated in the gas station robberies, none of these had ever turned violent. They had thus never been in a real combat situation. This brings into question their level of effectiveness had they actually carried out their plans to attack various targets in southern California given their near total lack of adequate training and experience.

Although the planned attacks were not suicidal in nature, Washington acknowledged in an interview after his arrest that they were ready to die for Allah if that became necessary.⁷⁴

6. Role of informants

There was no informant in this case.

7. Connections

JIS made no efforts to contact other international terrorist organizations like al-Qaeda. They were a homegrown terrorist cell that was essentially self-radicalized and self-motivating because James was such a charismatic leader who had earned the personal loyalty of at least one of his prison recruits, Washington.

There is thus something of a discrepancy between James' emphasis on the importance of participating in a global jihad and the apparent lack of effort in seeking contact with international terrorist organizations. This contradiction is never explained by James or by subsequent investigations by law enforcement.

8. Relation to the Muslim community

The group had no real meaningful connection with the Muslim community. They stayed isolated to fulfill James' requirement that they not attract attention to themselves for fear of being discovered by the police.⁷⁵ Critics would point out that Washington first met Samana and Patterson at the Jamaat-E-Masijudal mosque in Inglewood, California, possibly showing that that served as a symbol for terrorist recruitment within the Muslim community.⁷⁶ However, Samana and Patterson were not radical at all before they met Washington and the

⁷² Cozzens and Rosenau, "Training for Terror," 23.

⁷³ Cozzens and Rosenau, "Training for Terror," 22.

⁷⁴ NEFA, "Target: America," 7.

⁷⁵ Cozzens and Rosenau, "Training for Terror," 22.

⁷⁶ NEFA, "Target: America," 2.

conversion did not occur till some time later. The fact that they met at a mosque seems to be mere coincidence and not evidence of strong ties between JIS and the Muslim community.

9. Depiction by the authorities

At the time of the discovery of the apartment the authorities had no idea what they had stumbled upon. They quickly realized however once they discovered “Modes of Attack,” Samana’s list of potential terrorist targets. Once the investigation was wrapped up, John Miller, the FBI’s assistant director of Public Affairs, remarked, “I think if you look at the JIS case, of all of the terrorist plots since 9/11, it is probably the one that operationally was closest to actually occurring.” He noted that the group had already acquired weapons, had chosen targets, and had even set dates for when the attacks would occur. Los Angeles Police Department Chief Michael Downing said that the JIS cell was the closest thing to operational that America had seen since 9/11.⁷⁷

Given that these events transpired before Major Nadal Hassan’s Fort Hood shooting (Case 32) and Faisal Hassan’s attempted Times Square Bombing (Case 34), the JIS plot was certainly the biggest terrorist scare at the time that our country had suffered since 9/11. Authorities took the matter extremely seriously judging by the scope of the subsequent investigation that involved over five hundred officers from over twenty-five different federal, state, and local police agencies.⁷⁸ If the justice department’s actions in sentencing the defendants is any indication of how the authorities felt about the seriousness of the plot, the defendants all received long prison sentences for their involvement in JIS.

10. Coverage by the media

Given the seriousness of the potential damage that JIS could have caused and the grave assessment that authorities gave concerning how close the cell came to successfully completing their mission, I expected there to be much more robust news coverage of the initial arrest and indictments of the suspects. That I didn’t find much news coverage could point to the fact that the media either didn’t think it was much of a story or perhaps the authorities took measures to keep the story under wraps so as not to induce a panic.

One story by ABC News from August 16, 2005 is very informative and accurate in terms of the information provided. Interestingly, there are some discrepancies between what is reported in the article and what authorities would release months later after they had concluded their investigation. The article reports that Kevin James and his cellmate Peter Martinez were responsible for masterminding a terrorist attack from prison that was supposed to occur later that year. Subsequent investigations would focus solely on James’ role as founder and head of the JIS and the special relationship that he developed with Levar Washington that made the rest of the plot possible. The article correctly identifies military recruitment centers and Jewish synagogues as the anticipated targets in the planned attack. The article identifies Levar Washington as the other main

⁷⁷ NEFA, “Target: America,” 3-4.

⁷⁸ NEFA, “Target: America,” 16.

conspirator and reports on his history with James and the fact that he became a converted Islamist radical after the two men met in prison. The article mentions the high-powered rifle that the men purchased and explains that Washington and Patterson were arrested after the string of gas station robberies. Patterson is not actually named in the article; he is simply referred to as Washington's "accomplice."⁷⁹ No mention is made of Samana or of the role that he played in the conspiracy.

Another story published on September 26, 2005, was also very fair in its approach to the facts. This story involved the indictment of James, Washington, Samana, and Patterson on formal charges of conspiracy to wage war against the United States government.⁸⁰ All of the information that the article contains is factually correct. The article basically contains an overview of the history of JIS and a brief synopsis of how Washington and Patterson were busted for the gas station robberies that led to the subsequent terrorism investigation.

The overall tone of these articles is not very alarmist in nature. The press was very responsible in their handling of the facts, they reported the facts as best as they could and did not sensationalize details or blow the threat out of proportion. In an article from March 7, 2009 detailing the sentencing of Kevin James, the reporter again handled the facts well without sensationalizing details. The article correctly reports that James was sentenced to sixteen years in prison for his role in the JIS plot. The rest of the article goes on to talk about the judge's reaction at the sentencing and James' apology for his actions.⁸¹

The media was very responsible in its handling of the JIS case. No one made an effort to blow things out of proportion in an effort to sensationalize the story. The information that was reported was accurate and up to date based on the information that the authorities had released at the time the articles were written. I am surprised at the lack of national coverage of the plot. Most of the reporting was done by local L.A. news stations and newspapers. There was little or no national coverage of the event that I could find.

11. Policing costs

For the most part the costs of the investigation that brought down the terrorists was not expensive. The investigation did, however, ultimately involve over 500 officers from 25 different law enforcement agencies.⁸² Tipped off when Patterson left his cell phone at the site of one of the gas station robberies, authorities were led to the apartment that Patterson and Washington shared.⁸³ Local police in Torrance shadowed Washington and Patterson for two days following the tip and then arrested them while they attempted to rob a Chevron station in Fullerton, California.⁸⁴ There was no paid informant in the case or

⁷⁹ "Terror Plot Hatched in California Prison," ABC News, August 16, 2005.

⁸⁰ "Accused Terror Plot Mastermind Arraigned," ABC 7 KABC-TV, Los Angeles, September 26, 2005.

⁸¹ Christopher Goffard, "Founder of prison-based terrorist group sentenced to 16 years," *Los Angeles Times*, March 7, 2009.

⁸² NEFA, "Target: America," 16.

⁸³ Harris, "Kevin James and the JIS Conspiracy."

⁸⁴ "Accused Terror Plot Mastermind Arraigned."

lengthy FBI investigation prior to the arrests. The four men did not have lengthy trials with multiple appeals because they agreed to plea deals with the county prosecutor.⁸⁵ The policing costs associated with closing the case were minimal.

12. Relevance of the internet

JIS searched the internet extensively when they were planning attacks on the various targets they had selected, and Samana used it to compose the list of targets including the military recruiting centers and the Israeli consulate. Samana and Patterson also used the internet to research information on the Israeli Consulate, including finding the names of individual officials who worked there. Samana also conducted research on Jewish holidays and on the location of Jewish synagogues in the area.⁸⁶ This is how they chose Yom Kippur as the day in October that they would attack to maximize potential casualties. Again it is curious to note that the internet was not employed to contact like-minded terrorist networks globally or to obtain any kind of training in explosives or other terrorist activities.

13. Are we safer?

We are safer because the JIS plot was broken up. As authorities noted once the investigation was wrapped up, this was the closest that America had come to experiencing another attack since September 11, 2001. The terrorists had the weapons, information, targets, dates, and apparently the determination to see their plot through to the end.⁸⁷ By all accounts, the JIS plot was a substantial one that posed a real danger to public safety.

14. Conclusions

Since the JIS case, the FBI and other government agencies have become increasingly interested in the radicalization of prison inmates and there is a substantial literature on this subject. In February 2005, even before the JIS arrests, FBI director Robert Mueller testified before the Senate Intelligence Committee that his agency was cooperating with state and local law enforcement to address the issue. Similarly, in September 2006, Donald Van Duyn, the Deputy Assistant Director of the FBI's Counter Terrorism Division, testified before the Senate Homeland Security and Governmental Affairs Committee that inmates can be influenced by imams and other radical inmates who preach a radical Salafi form of Sunni Islam. He noted trends in prison radicalization, contending that most cases appeared to be made up of homegrown extremists with few or no foreign connections, that there is a tendency of former gang members to be susceptible to the rhetoric of Islamist extremism, and that prison radicalization appears to be most prevalent among high population areas on the west coast and in the northeastern part of the United States. All of these trends came from a study that surveyed three thousand state and local prisons from around the country.⁸⁸ These

⁸⁵ Pipes, "Guilty Pleas."

⁸⁶ NEFA, "Target: America," 6.

⁸⁷ NEFA, "Target: America," 4.

⁸⁸ NEFA, "Target: America," 12-13.

trends are seen in the JIS plot which features homegrown terrorists who were first radicalized in prison on the west coast after being former gang members.

Harvey Kushner discusses an excellent example of the vulnerability of prison inmates to the preaching of radical imams in his book, *Holy War On The Home Front*. He tells the story of a radical imam named Warith-Deen Umar who was a former head Muslim chaplain of all of New York State's prisons. This imam preached anti-western sermons to his converts and actively recruited other imams to do the same. Kushner asserts in his book that al-Qaeda recruiters actively look for converts in America's prison system because these men are likely to be disenchanted with their country's government. Kushner goes on to detail a secret Islamic recruiting network that is designed by terrorists groups like al-Qaeda to provide them with a supply of recruits who are eager for revenge and who are U.S. citizens and can therefore travel and interact with others in this country without arousing much suspicion. The JIS case consisted of a network of homegrown and self-radicalized terrorists and did not involve al-Qaeda or any other foreign terror networks. Kushner does bring up an interesting point when he discusses why prison inmates convert to Islam. He writes that Islam provided the inmates with an escape from prison violence, an alternative that was a community where members looked out for one another's spiritual and physical well being.⁸⁹

It is quite plausible that the inmates who first listened to James' preaching in New Folsom Prison were interested for reasons very similar to the ones Kushner describes. In a sense, these men could have been replacing the street gangs they had belonged to with the religion of Islam and the sense of community and safety that being among other believers would have provided. Once race relations, economic systems that create an impoverished underclass, and a sense of hatred toward the government are created, it is plausible that James could have turned to Islam as an answer to why he felt oppressed by society and by the government in particular. In the wake of September 11, it is not implausible to consider that someone like James, with hatred in his heart and a hunger for revenge, could use radical Islam as his vehicle to hit back at his perceived oppressors.

Because of the near success that the JIS plot had and the startling realization that the plot was not only entirely homegrown but was also organized by a man who was in prison the entire time, prison radicalization will be a topic that the FBI and other agencies continue to monitor and investigate as the war on terror continues. That such a plot could begin and nearly succeed while being orchestrated from a prison cell is truly terrifying.

Some of Kevin James' goals such as establishing an Islamic caliphate are nothing but nonsense: it is obviously beyond the means of four conspirators to establish true Sharia law throughout the entire United States. But, had Patterson not been careless and dropped his cell phone at the gas station, there is no telling what could have happened. The JIS could have successfully attacked some of their targets, making them the first successful terrorist attack since September 11, 2001, and resulting in the potential deaths of innocent civilians.

More attention needs to be given to how James was able to orchestrate these

⁸⁹ Harvey Kushner, *Holy War On The Home Front*. New York: Penguin, 2004, 36-43.

efforts while he was still in prison. Efforts to stop inmates from smuggling messages in and out to organize criminal activity need to be made by the authorities. In the meantime it is comforting knowing that the conspirators behind the JIS plot are all behind bars and that law enforcement agencies continue to vigilantly work to uncover all threats to national security both foreign and domestic.

Case 16: Pipelines and the Terrorist Hunter

John Mueller

June 4, 2011

Although he lacked weapons, money, training, competence, and mental capacity, Michael Curtis Reynolds, a non-Muslim American who was outraged at his country's invasion of Iraq, thought he should do something to punish the country for this act. Enterprisingly, if bone-headedly, he sought to connect to al-Qaeda on an internet chatroom to see if the organization might be interested in funding a project to blow up pipelines in Canada, a venture he imagined would do major economic damage to the United States.

Although no one from al-Qaeda picked up on his ardent and very public request, he did get through to someone who was willing to pose as an al-Qaeda operative: a former cheerleader and former judge in Montana who, after 9/11, had devoted herself to hunting out terrorists on the web. After an exchange over 50 messages, Reynolds ventured out on his last day as a free man to meet his interlocutor in person to pick up the \$40,000 support money she had promised him to supplement the \$24.85 he had in his pocket.

After a trial often made chaotic by Reynolds' erratic behavior, the would-be terrorist was sentenced to 30 years in prison and the terrorist-hunter continued her quest.

Pipelines, actually, don't make very good terrorist targets because they are designed to be readily repairable.¹ But that was the least of Reynolds' delusional problems.

¹ John Mueller and Mark Stewart, *Terror, Security, and Money: Balancing the Risks, Costs, and Benefits of Homeland Security* (New York: Oxford University Press, 2011), ch. 6.

Case 16: Pipelines and the Terrorism Hunter

Shannon Buckner

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typographical and other minor corrections November 19, 2011

1. Overview

In 2005, Michael Curtis Reynolds was accused of planning to bomb oil pipelines in response to the U.S. invasion in Iraq. He was captured through the efforts of a female former judge in Montana, a self-styled “terrorism hunter” who he met on the internet when she posed as an al-Qaeda operative. At the time of his arrest for attempting to blow up the oil pipelines, he only had \$24.85 in his possession.¹ Reynolds was faced with up to 80 years in prison and fines amounting to \$1,500,000, and on November 6, 2007, he was sentenced to 30 years in prison as well as a fine of \$500. Much of his behavior, particularly at his trial, suggests that he is mentally unbalanced.

2. Nature of the adversary

Reynolds, 6 feet, 3 inches tall with dark hair, had a very conventional upbringing in a wealthy suburb of Westchester, New York, and was not a Muslim. His parents both worked for Reader’s Digest and gave him a very stable childhood, which serves in stark contrast to his adult life which was characterized by transient behavior and struggles with relationships.

Graduating from high school in 1976, he was later arrested for breach of the peace and disorderly conduct as well as being sued for tax liens and unpaid debts. In 1978, he attempted to burn down his family’s house, in Purdys, New York. He pleaded guilty and received a fourth-degree arson misdemeanor charge. A few years later, he married and had three children. According to his father-in-law, he had grandiose plans for his future home, showing a lack of connection with reality. The marriage resulted in divorce, and his wife received full custody of the children. Throughout his life he moved all over the country, including Indiana, Connecticut, California, Arizona, Massachusetts, New York and Pennsylvania. He even lived abroad in Austria and Thailand. With this constant moving, he was unable to have solid employment and struggled financially.

He was known by his neighbors for working on electronics in an old van outside his mother’s house. They would not see much of him but occasionally they would see him carry electronics between the house and the van. He even connected an extension cord from the house to this van and would often spend entire nights in it. When Reynolds hit a neighbor’s parked car with his van, he responded by screaming, resulting in the police being called to calm him down.² He projected a loner type persona to those who lived near him, and when he had an encounter with his neighbors, he often bragged of his expertise with electronics. The combination of his aggressive tendencies, his need to constantly be on the move, his inability to maintain relationships, and his technological skills

¹ “Michael Curtis Reynolds,” Wikipedia. Accessed November 30, 2010.

² Alfred Lubrano and John Shiffman, “Federal Authorities Say W-B Man is a Terrorist,” *Philadelphia Inquirer*, February 12, 2006.

may have contributed to his turn to terrorism. However, throughout the judicial process, some officials believed he was not a terrorist, but mentally ill.

3. Motivation

The motivation for his plot stemmed from anger against the United States over the invasion of Iraq. He was also resentful because the United States government revoked his passport while he was working in Thailand as an English and math teacher.

4. Goals

The main idea behind his planned attacks on pipelines was to punish the United States for its actions against Iraq. Furthermore, Reynolds sought money from al-Qaeda for his help as well as the opportunity to continue working for it in the future.

5. Plans for violence

As Reynolds began to develop his plan, he decided to make a connection with al-Qaeda in Canada, as they would have closer access to the pipeline he intended to bomb. He went on a Yahoo chat room to vent his frustration and to get responses from like-minded people: "It is true America has overstepped its bounds in invading Iraq. Those serious enough to do something about it should e-mail....Contact soon....We both want something, let's talk." He also offered to help al-Qaeda by assisting in various tasks beyond his own plan, such as planning attacks, researching bomb making and identifying targets.

After connecting to al-Qaeda in Canada, his idea was to destroy the Trans-Alaskan Pipeline that services the United States. By blowing up pipelines, he believed he would hurt energy resources and reserves, have a negative environmental impact, cause the government to redirect military funds to protect other energy resources from damage, and create a feeling of fear within the United States. He was also hoping to drive fuel prices up which would somehow lead to an increase in the number of people opposing the war in Iraq. All of these impacts would positively benefit al-Qaeda.

Although he seems to have been quite serious about completing his plan, he appears to have had no realistic idea of how to actually go about it, hence his reaching out for potential help on the internet. He did not have any formal training in bomb making or in the engineering of pipelines, but he did spend a large amount of time working to better understand technology. As previously mentioned, his neighbors witnessed him, on multiple occasions, working in his van with a variety of wires and pieces of technology.³

The plan did not have any prospect of suicide, and Reynolds apparently did not have any intention of physically hurting anyone.

6. Role of informants

Unfortunately for Reynolds, the connection he thought he had made to al-Qaeda was actually to an FBI informant, and the effort to contact al-Qaeda led to

³ Lubrano and Shiffman, "Federal Authorities."

his conviction for “attempting to provide material support to al-Qaeda, a terrorist organization.”

As Reynolds began to reach out on the internet, he started to talk to Shannen Rossmiller. After the arrest, Rossmiller gained considerable attention in the media. A former cheerleader, she had served as a municipal judge in Montana—appointed at 29, she was the youngest female judge in American history. Throughout her childhood, she loved to read true crime books while surrounded by the majestic mountains of Montana. In response to the September 11 attacks, Rossmiller, now the mother of three and in her late thirties, turned herself into a “terrorism hunter” and began patrolling the internet for potential threats. In an interview with the *Philadelphia Inquirer*, she said, “I feel compelled to do what I can and I know that I have an ability to do something. I’m out for the hunt.”⁴ She educated herself on the Koran and studied Arabic as well as the culture within the radical Islamic community by reading over fifty books. Her tactics were to go online, specifically in chat room type settings and pose a man who was involved with al-Qaeda. She would then befriend potential suspects, luring them to relay all the details of their plans to her. Her tactics proved to be successful and she has been working closely with the United States Government on over 200 different undercover operations, which, according to her website, have led to three convictions in the United States and a dozen detainments abroad.⁵ Rossmiller is considered by the FBI to be a very credible informant.⁶

Reynolds used a Yahoo chat room titled OBLcrew which stands for Osama Bin Laden Crew, when he began to seek for assistance in October 2005, using the name Fritz Mueller as an alias. Reynolds had a long term goal of enlisting individual units of al-Qaeda members to assist in his attacks on the pipeline system. After finding Reynolds’ post, Rossmiller knew she had to react. Originally he planned to put fuel in trucks, but after coming in contact with Rossmiller, he began to think it would be a better idea to gain the support of al-Qaeda members in the region and have them assigned to specific areas to perpetrate acts of violence against pipelines and energy facilities.

Reynolds and Rossmiller exchanged over 50 messages regarding his plans leading, on December 5, 2005, to Reynolds’ arrest by FBI agents. At the time of his arrest, Reynolds believed he was meeting Rossmiller who had promised him \$40,000 to aid in his mission.

Rossmiller's connection to Reynolds seems an example of entrapment, or at any rate enticement, as Rossmiller posed as someone who could potentially assist him. She put a large emphasis on building a high level of trust between them so he would be comfortable revealing all of his plans to her and she offered him money. However, if there were no informants, he would have been caught eventually as he was not showing much common sense when he reached out for help in completing an act of terrorism in chat rooms which can be easily monitored. Eventually someone would have caught on to his plan and reported him to the authorities.

⁴ “Her Story,” shannenrossmiller.com.

⁵ “Her Story.”

⁶ Lubrano and Shiffman, “Federal Authorities.”

Reynolds was in the beginning stages of his plan when he was arrested for possession of a hand grenade, and the police used this charge to obtain a search warrant to confiscate his computer. After searching his records, the police had enough evidence to move forward with the terrorism charge.

When FBI agents began to question Reynolds after his arrest, he claimed to be a patriot with the intention of exposing al-Qaeda cells within the United States, by luring them in with his request for help. However, when comparing his claims to the emails sent from his account, his patriotism excuse was seen as far from credible. Within his emails he showed a clear plan to attack the oil pipeline and then escape; however, his escape plans were not well developed and he was aware that he would eventually need a fraudulent passport to leave the country. He was even aware that attacking the pipelines and fleeing would put him at risk for being sentenced to death as a traitor to the United States. After his intentions were reported to the Philadelphia branch of the FBI, they began to dig deeper into his communications and eventually found drawings, emails and letters, all showing his intent to have trucks filled with propane placed along the Alaskan pipeline and detonated to create a large amount of damage. There was even a greater plan to attack the Transcontinental Pipeline, which transports natural gas and services such areas as New York City. The Standard Oil Co. and Williams Refinery were also listed by the government as potential targets for Reynolds.

The first count against Reynolds was knowingly providing resources as well as material support to a terrorist organization, specifically al-Qaeda. The second count related to his specific plans to damage or destroy the fuel pipelines, which were considered a piece of property used in foreign commerce. Count three refers to his solicitation and persuasion of another to assist him in the damaging of the piece of property related to foreign commerce, specifically the pipelines. His spread of knowledge on bomb making through the chat room and other internet outlets led to the fourth count against him. The last two counts stemmed from his unlawful possession of a grenade, and he was acquitted of one of these by the jury. These charges were signed by Judge Thomas A. Marino on October 3, 2006, about a year after Reynolds made his first attempt to make a connection with al-Qaeda on the internet.⁷

According to court documents from the appeal, Reynolds waived his constitutional rights at the time of his arrest and confessed that he was in communication with someone connected to al-Qaeda. But, as noted earlier, he claimed he was not a terrorist and that the purpose of his communication was to gain knowledge regarding al-Qaeda and then to work with a private paramilitary group that he had been connected to during the 1980s. However, records show he had never communicated this plan to anyone in this paramilitary organization.

After searching Reynolds computer, agents found very thorough plans for a bomb-like device, and a search warrant helped them discover a grenade within a storage unit registered to Reynolds. Reynolds pleaded not guilty to two counts on the unregistered ownership of grenades, as indicted by a grand jury on December 20, 2005. Subsequently, his court-appointed attorney opted to

⁷ “United States of America vs. Michael Curtis Reynolds, Superseding Indictment” Investigative Project http://www.investigativeproject.org/documents/case_docs/334.pdf.

withdraw. Reynolds' replacement court-appointed counsel also withdrew from the case on June 7, 2006.

Then on October 3, 2006, a grand jury gave the court an indictment of six counts. Reynolds had representation from the court, but opted to file twenty-three pro se motions, such as writs, complaints and letters. His counsel then moved to suppress evidence as well as dismissing the indictment due to a violation of the Speedy Trial Act on May 18, 2007. However, the court denied both motions on July 2, 2007. Reynolds came to trial in the court of U.S. District Judge Kosik and a jury on the dates of July 9-12, 2007 and was found guilty by the jury on five of the six counts, the one acquitted count being in relation to his unregistered possession of a grenade. His appeal was filed on July 23, 2007, prematurely before his November 6, 2007 sentencing of 30 years in prison, three years of probation following his release, and a \$500 fine.

Regarding Reynolds' claim of a lack in the sufficiency of evidence, the jury had the responsibility of determining beyond reasonable doubt that the evidence was adequate to justify the guilty verdict and the subsequent sentence. Reynolds claimed that he could not have been guilty as a computer monitor, which is required to send e-mails, was not in his possession before November 23, 2005. He then went on to fallaciously state that the government did not disagree with the claim that he did not own a computer and therefore that this statement must be taken as fact. However, the government was able to prove that e-mails regarding the suspected terrorist plot did in fact come from an e-mail address registered to Reynolds and that these were sent in the region in Pennsylvania where Reynolds was residing. Because the government could prove the e-mails were from Reynolds, the fact that Reynolds did not have a working computer in his possession was not enough to win an appeal based on lack of sufficient evidence.

After his sentencing, Reynolds appealed the decision on the grounds that 1) there was not sufficient evidence to warrant his conviction because the "master' affidavit of probable cause for the search warrants contained a reckless or intentional material misstatement of fact," 2) that perjured testimony from the trial was used to help develop the conviction, 3) that the prosecution was done vindictively by the United States government, and 4) that there was a violation of his right to a speedy trial. Each part of Reynolds' appeal was turned down by the District Court, often because Reynolds was unable to provide evidence to back them up.⁸

During the trial process, the court requested a competency test because some questioned Reynolds' mental state and because Reynolds' actions throughout the trial showed a severe disconnect with reality.⁹ As noted, his first two attorneys requested to be removed from the trial. Reynolds was far from an ideal client especially because his various pro se motions were entered against the advice of his court-appointed legal counsel.

⁸ For details on the appeals, see the appendix to this case report.

⁹ "United States of America v. Michael Curtis Reynolds, Appellant" NEFA Foundation nefafoundation.org/file/US_v_MReynolds_3rdcircuitappealsop.pdf

Reynolds' dysfunctional personality was also displayed in a note sent to the judge overseeing his case. It began by stating that he was aware elections were coming up soon, and that he should not be made into an example. Then, speaking in a very condescending manner, he suggested that the judge "Hold the hearings this week, remove the press, acquit me and call it a day." Reynolds also states "why do you choose to waste hundreds of thousands of dollars on this scam?" Moreover, "I won't be convicted, no matter what new laws you break. Give it up; send me home now."¹⁰

The letter demonstrates the confrontational tone used throughout. Reynolds seems to have been under the impression he was in charge and there was no chance he will be convicted. This attitude is interesting because, while he began to plan his attack and a subsequent flight from the United States, he expressed fear in being tried as a traitor and then sentenced to death.¹¹ This change in attitude demonstrates a clear lack of connection with reality. A rational person would be concerned that they were being tried for terrorism charges that could potentially put them in jail for quite a long time. To the degree that Reynolds was oblivious to his current situation and truly thought he was in charge, certain professionals were led to believe he was suffering from mental illness which should have been taken into account during his trial.

7. Connections

Throughout, there were no connections whatever to al-Qaeda or any real terrorist group though Reynolds was, of course, led to believe otherwise.

8. Relation to the Muslim community

Reynolds did not have any personal connections to the Muslim community and was not a Muslim. The only connection that could possibly be made between Reynolds and the religion of Islam would be the one he attempted to make with al-Qaeda.

9. Depiction by the authorities

Not included in this paper.

10. Coverage by the media

This terrorism plot inspired a surprisingly small amount of press coverage in comparison to the potential harmful effects his plot could have had on national well-being. There were a few articles in major newspapers such as the *Washington Post*, and a good number of them in newspapers from the Philadelphia and Scranton areas. However, the information presented tended to be a quick summary regarding Reynolds' background and plans. They also seem to represent him as somewhat mentally incapable by showing that his plan was not well thought out and that he did not do much to keep it well hidden from authorities.

¹⁰ "Letter from Reynolds to Judge" www.investigativeproject.org/case/188 The Investigative Project on Terrorism US v. Michael Curtis Reynolds

¹¹ Lubrano and Shiffman, "Federal Authorities."

The most interesting part of the news reporting on the case was the amount of attention given to Shannen Rossmiller. She was presented as a modern day patriotism vigilante and hailed by some as a hero. Various news sources reported the basics of Reynolds' plot, but then shifted to focus on Rossmiller's turn from mother to terrorism hunter. After the events of September 11, many Americans felt powerless, so the idea that a mother living in Montana could help catch terrorists around the world makes it seem that everyday people can turn into superheroes. The news took a story that was meant to focus on Reynolds but managed to turn it into a feel-good story of a mother of three doing good in the world.

11. Policing costs

Policing costs were not high because the majority of the work was done by one agent, monitoring Reynolds' activities online. Shannen Rossmiller tracked Reynolds actions online for a few months, providing the FBI with evidence to develop a strong case. The largest part of the costs came from police arresting Reynolds near Pocatello, Idaho on December 5, 2005, where he believed he would be meeting Rossmiller and receiving \$40,000, and bringing him back to Pennsylvania where he was tried and convicted on the terrorism charges.

12. Relevance of the internet

In this case the internet was key. Reynolds used it for the purposes of research and to find someone to assist with the plan. The internet then allowed the FBI to closely monitor his plot through the informant.

13. Are we safer?

Reynolds had shown violent tendencies in the past and a disconnect with reality throughout his trial making a determination of what he is capable of very questionable. If Reynolds had had access to the proper finances and if he had managed to develop a skill at bomb making, there is a slight chance that he might have been successful with his plot. Overall, it can be concluded that citizens are safer with Reynolds in jail as it is difficult to know what he is truly capable of.

14. Conclusions

Comparisons can be made between Reynolds and Timothy McVeigh, the man who bombed the Alfred P. Murrah Federal Building in Oklahoma City in

While the cases are very different regarding the damage done by McVeigh and the damage Reynolds was planning, there are similarities in their personal stories. Both McVeigh and Reynolds grew up with a stable upbringing. However, relationships within the family structure became tumultuous as McVeigh's parents divorced and Reynolds attempted to burn down his family's home. Family often serves as the voice of reason, and these two had a disconnect with the role of family in their lives. Another common denominator was their inability to maintain steady employment which led both of them to the road where they developed an identity revolving around self reliance. During their time spent

¹² "Timothy McVeigh Biography," Biography.com.

venturing around the country, they both had a profound moment in which they began to see the government as an enemy that must be punished for its actions. For Reynolds it was the invasion of Iraq and for McVeigh it the Branch Davidian siege. They then began to focus their attention on seeking a violent revenge. These similarities displayed between the two cases, suggest that if Reynolds would have had McVeigh's knowledge of military tactics and bomb making, he may have been successful in causing a severe amount of damage to the pipelines.

Reynolds was punished for thinking of committing an act of terrorism against the United States. Brian Michael Jenkins argues that cases like this may bring "the American justice system perilously close to prosecuting people solely on the basis of what is in their hearts and on their minds."¹³ This is very controversial because it can be argued that someone should be imprisoned for thinking and planning an act of terrorism because the country will be safer if they are in jail. However, it can also be argued that Reynolds didn't attempt the act of terrorism and was imprisoned based on his thoughts, as Jenkins says. There is a line between the government taking actions to keep the American public safe and protecting the rights of an individual, and it seems that line has become quite hazy in the post-9/11 world. It may even be said that the government is pushing constitutional boundaries in the wake a revitalized sense of patriotism. As long as average Americans do not feel that their rights are being infringed upon, the government will continue to prosecute all they feel are potential threats.

After closely evaluating the case against Michael Curtis Reynolds, the question must be raised of whether he was truly a terrorist out for vengeance against the United States or a man with severe mental instability. The facts presented in support of the idea that Reynolds is mentally unstable would be his violent tendencies, specifically almost burning down his house, the inability to have a steady living and work environment, his loner-type persona, and his behavior throughout the trial procedure. Reynolds did, however, pass a court-ordered competency test, and he showed through his e-mails that he was well aware of the implications of his actions. In summary, Reynolds cannot be clearly put into one of these categories and appears to be someone who struggles with normal socialization and also lacks a well-defined sense of right and wrong.

¹³ Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica, CA: RAND, 2010.

Appendix: Reynolds' appeals

1. If there were misstatements in the “master” affidavit, as Reynolds claimed, the evidence obtained from the search warrant would then be unacceptable. However, Reynolds failed to assert a specific example of a misstatement of fact.

2. For his appeal about perjured testimony to have been successful, Reynolds needed to show that a witness provided by the government committed perjury, that the government was aware (or should have been aware) of the perjury, that this perjury went without correction, and that the perjury affected the final verdict. Reynolds argued the grenades found in the storage unit were actually placed in there by his brother-in-law, Kevin Reardon, and that Reardon lied under oath when he said the grenades belonged to Reynolds. The court could not find evidence to back up this claim

3. Although Reynolds accused the government of vindictiveness, he could not actually present any examples or support for his claims. He also failed to show how the persecution had retaliatory motives.

4. To justify the claim that he was denied his constitutional right to a speedy trial, Reynolds needed to demonstrate that he had not been tried within a period of 70 days excluding delay time. Delay times include “pretrial motions, from filing to their disposition, and any period of delay from a continuance provided there is an ends of justice reason given by the court.” Reynolds was first indicted on January 3, 2006 and his trial was held on July 9, 2007—a gap of considerably more than 70 days, of course. However, there was much delay time. These stemmed from a motion filed on January 12, 2006 by Reynolds’ counsel to reevaluate the decisions made by a magistrate judge regarding his detention; irreconcilable differences that caused Reynolds’ counsels to remove themselves from the case with consequent delays in appointing new attorneys to the job; an *ex parte* motion filed by the defense for the purpose of granting the authority for expert services to be sought out; a withdrawn motion regarding Reynolds’ bail; and Reynolds’ repeated *pro se* motions that had to be reviewed by the court. In addition, on October 3, 2006, four more charges were handed down by the court as part of a superseding indictment, and the introduction of these new charges instituted a new speedy trial period, independent from the first. The time for the court-mandated competency exam to determine whether Reynolds was competent to stand trial—October 11, 2006, to January 5, 2007—was also properly excluded. In all, concluded the District Court, non-excluded time was actually quite minimal, and therefore the Speedy Trial Act was not violated.

Case 17: University of North Carolina

John Mueller

February 21, 2014

On March 3, 2006, a young Iranian-American man, a recent graduate of the University of North Carolina at Chapel Hill, returned to his alma mater in a rented Jeep Grand Cherokee equipped with four-wheel drive, drove to a central assembly area, and tried to run over as many of this former fellow students as he could. He injured nine on his rampage, none seriously, killed no one, and then drove off a short distance, parked, dialed 911 on his cell phone, and calmly told the operator, “Sir, I just hit several people with a vehicle....You can come and arrest me now.” Asked why he had done this, he replied, “Really, it’s to punish the government of the United States for their actions around the world.”

Assuming he would be killed or captured in the act (and armed with a knife so he could go down fighting), he left a letter in his apartment not only printed on paper but also thoughtfully saved on a computer memory card “so the police would have an electronic version.” It is included as an appendix to the case study. Mostly an autobiographical ramble, and it does not really say much more about his motives in carrying out his bizarre act than his response to the 911 operator. In it, he asserts that Allah made him do it, that he completed his degree at the university “so that the world will know that Allah's servants are very intelligent,” and that the Quran “is completely validated by modern science and also mathematically encoded with the number 19 beyond human ability.”

Later, he issued several “meditations,” as he called them, from prison. These disclosed that he became outraged at American foreign policy in the aftermath of the Gulf War of 1991 (which occurred when he was seven), and, raised in a non-religious household, that he didn’t really discover Islam until 2003. At some point he contemplated going to Iraq or Afghanistan to fight against American forces there, but was discouraged by visa restrictions. He also thought about becoming a pilot in the U.S. Air Force so that he could drop a nuclear bomb on Washington, but his eyesight was too poor to qualify for the position. His first choice of weapon to kill people at the university was a pistol, but to obtain the permit to purchase one, he would have to find three friends who could attest to his good moral character and, something of a loner, he found this challenge to “out of my reach at present.”¹

As Andrew Braun notes, his relation to Islam was rather idiosyncratic and somewhat muddled. He refused to face Mecca when saying his prayers and never learned any Arabic—perhaps a prejudice carried over from his Persian background.

A rather strange aspect of this case is that it is often considered not to be an act of terrorism. The university, as Braun suggests in an appendix to the case study, had an incentive to downplay the significance of the event, and the fact that no one was killed or even seriously injured helps some in this quest. But more than almost any case in this book, the perpetrator went out of his way to document

¹ Charles Kurzman, *The Missing Martyrs: Why There Are so Few Muslim Terrorists?* New York: Oxford University Press, 2011, 5, 17.

the political point of his attempt at mayhem, to point out that it was fully premeditated, and to assure everyone that he was out to kill: “to murder citizens and residents of the United States of America on Friday, March 3, 2006 in the city of Chapel Hill, North Carolina by running them over with my automobile and stabbing them with a knife if the opportunities are presented to me by Allah.”

Case 17: University of North Carolina

Andrew Braun

February 21, 2014

1. Overview

“The Pit” is the beloved name of a special spot on the campus of The University of North Carolina, Chapel Hill which serves as the center for campus society.¹ On a typical day, the activity trickling throughout this area ranges from friends stopping to catch up over coffee to organizations campaigning to gain the attention of potential members to students trying to get some last minute studying in. In short, The Pit is a high traffic area for UNC students, which is probably one of the reasons recent alumni Mohammed Reza Taheri-Azar chose it as a place to attack on the not so typical afternoon of March 3, 2006.

On this day around 12:00pm Taheri-Azar, age 22, drove a rented silver 2006 Jeep Grand Cherokee through The Pit with the intent to kill American citizens in order to “avenge the deaths of Muslims” around the world, according to campus officials.² While not readily accessible to vehicular traffic beyond a narrow service road, the barricades that normally prevent cars from approaching the Pit were not in place on the day of the attack. Taheri-Azar’s top speed while attacking was estimated to be between 40 to 45 miles per hour.³

Although Taheri-Azar explicitly stated that his intent to kill, nobody was seriously injured in the attack. However, nine people were hit. and Taheri-Azar’s his actions, coupled with his intent to murder shook up the community and stirred up controversy about ‘terrorism’ and its relation to Islam.⁴ Of the nine individuals struck by the SUV, 6 were transported to the hospital for treatment and released while the other 3 declined medical treatment.

After his attack on The Pit, Taheri-Azar drove to nearby Plant Road and called authorities in order to turn himself in for his crimes. It was reported that he calmly admitted to being the perpetrator behind the attack, telling the dispatcher his location so that the police could come and arrest him. He also disclosed to the dispatcher that there was a letter detailing the reasons for his actions left on his bed in his apartment in nearby Carrboro, North Carolina. Taheri-Azar was taken into custody when police arrived and he did not resist such action. Suspicious at the open invitation to inspect the suspect’s apartment, police sent a bomb squad from the State Bureau of Investigation to check the residence for any immediate threat of explosives.⁵ None were found, but the letter that baited the police to the apartment was recovered.

When Taheri-Azar appeared in an Orange County courtroom on March 6, 2006, he was charged with nine counts of attempted first-degree murder, and nine counts of assault with a deadly weapon with intent to kill. He was then taken to be

¹ “The Pit: The University Of North Carolina At Chapel Hill,” HeelsHousing.com, 2009.

² Richard Fausset, “SUV Attack Prompts Debate Over ‘Terrorism’ and Islam,” *Los Angeles Times*, March 7, 2006.

³ Dana Franks and Kamal Wallace, “FBI Joins Investigation of UNC Hit-And-Run,” WRAL.com, March 4, 2006.

⁴ Fausset, “SUV Attack Prompts Debate Over ‘Terrorism’ and Islam.”

⁵ Franks and Wallace, “FBI Joins Investigation of UNC Hit-And-Run.”

jailed in Central Prison located in Raleigh, NC on a bond totaling 5 and a half million dollars.⁶ A few months later on May 3, 2006, a grand jury indicted him on nine counts of attempted first-degree murder, four counts of assault with a deadly weapon with intent to kill, and five counts of assault with a deadly weapon to kill inflicting serious injury. In 2008, he pleaded guilty to nine counts of attempted first-degree murder and was sentenced to a prison term of at least 26 years and 2 months, but up to 33 years.⁷

2. Nature of the adversary

Mohammed Reza Taheri-Azar was born in Tehran, Iran, in 1983 but moved to the United States with his family at the age of 2 and spent the rest of his life in America. Though foreign-born, he eventually became an American citizen. His parents, named Lily and Latif, were married in Tehran in 1972 but eventually divorced in 2003.⁸ Taheri-Azar was the middle child with older and younger sisters. His family was not very religious and when they moved to North Carolina, the family attended services at a Baptist church. Thus Taheri-Azar did not grow up Muslim, but converted later in life when he became more interested in his ancestral roots. Now his family is very spread out. His father lives and works in California and his mother in Afghanistan, while his older sister, Laila Taheri-Azar, is studying in a Miami cosmetology school and his youngest sister is in college in Charlotte.⁹

Taheri-Azar attended elementary, middle, and high school in North Carolina. He attended South Mecklenburg High School in Charlotte, where he was described as a socially awkward honors student, “not to the point that he would shy away from people, but he would never make an effort to go out,” said high school and college classmate John Kirschbrown who also happened to work at a Best Buy with Taheri-Azar.¹⁰ As a high school student, Taheri-Azar had a fascination with fast cars. A South Mecklenburg yearbook caption labeled him “South’s Speedster.” In his souped-up Eagle Talon, Taheri-Azar would race on Charlotte’s highways, often topping 100 mph, friends said. “I think he had the fastest car in school,” said Cordova, who remembered watching Taheri-Azar lose control in a street race, resulting in two 360-degree turns on a Charlotte highway.¹¹

Between 2001 and 2003, Taheri-Azar was ticketed four times for “unnecessary honking, driving down the middle of two lanes of traffic, and failure to obey directions at a police checkpoint.”¹² He was last ticketed in June 2003 for traveling at 74 mph in a 45-mph zone along N.C. 54 in Carrboro. It is not too surprising then, that after the frustration of not being able to buy a gun, Taheri-

⁶ Eyewitness News WTVD.com, March 14, 2006.

⁷ “State of North Carolina v. Taheri-Azar, Mohammed Reza,” Investigativeproject.org/case/176.

⁸ “Mohammed Taheri-azar, His Letter and Biography,” March 18, 2006.

⁹ Daniel Pipes, “More on the North Carolina Jihadi, Mohammed Taheri-Azar,” Danielpipes.org, March 14, 2006.

¹⁰ Jane Stancill and Jessica Rocha, “Taheri-Azar Expects Life in Prison,” Newsobserver.com, March 16, 2006.

¹¹ Stancill and Rocha, “Taheri-Azar Expects Life in Prison.”

¹² Stancill and Rocha, “Taheri-Azar Expects Life in Prison.”

Azar chose a car as his weapon. Cars had played a large in his life and in his identity, he was known for his affinity for speeding and all around recklessness.

When the time came to go to college, Taheri-Azar chose UNC Chapel Hill in 2001 where he studied Psychology and Philosophy, eventually graduating in December of 2005.¹³ He remained socially marginalized in college as in his high school days. Although he started out his first year by spending time with high school friends, it quickly became apparent that maintaining long term friendships were difficult. His roommate was a high school friend but in living together, they did not get along well, and Taheri-Azar moved out in fall of 2001, eventually dropping out of UNC the next semester only to reenroll that summer. He was supposed to live with another high school acquaintance, Philip Brodsky in his sophomore year, but Taheri-Azar started to hang out with a different crowd and Brodsky rarely saw him from then on. At one point around the time of his sophomore year, Taheri-Azar completely unexpectedly sent an email to some old friends saying something along the lines of “we haven't talked in a while but we used to be friends. I just wanted to say if I ever did anything to offend you, I'm sorry,” according to Brodsky.¹⁴ Such an attempt to reach out to past friends in such an unconventional way seems to indicate a sense of loneliness and isolation, if not possible suicide ideation and an attempt to right any past wrongs before some dramatic attempt on his own life.

Brian Copeland, a fellow student of Taheri-Azar's at UNC who had taken a history of philosophy class with him and worked with him in a sandwich shop was surprised by the act of violence Taheri-Azar committed on March 3, 2006. In class, Copeland recalls being impressed by Taheri-Azar's knowledge of classical Western thought but did not remember him speaking about Islam. “He was kind and gentle, rather than aggressive and violent,” Copeland said.¹⁵ However, not all those who encountered Taheri-Azar agreed on such a positive reflection of his character. Chancellor James Moeser said that although Taheri-Azar was a good student and deserved being admitted into UNC, he was also “totally a loner, introverted and into himself.”¹⁶

In addition to his lack of strong social skills and tendencies towards introversion, Taheri-Azar was considered an outcast in the Muslim community at UNC's campus for several reasons that exemplified religious fanaticism and a lack of regard for basic tenets of Islam. Although he was not really accepted by others who practiced his own faith, he was well into his own version of Islam, a version which he created tailor-made to himself and his ideologies. His devotion to this version was expressed in a letter to a media outlet requesting an interview in which he said “I've read all 114 chapters about 20 times since June of 2003 when I started reading the Koran.”¹⁷ To further describe the intensity of which Taheri-Azar has invested in his faith, it is quoted that he once said “If Allah wills,

¹³ “Mohammed Taheri-Azar's Letter to Police,” *Heraldsun.com*, March 24, 2006.

¹⁴ Stancill and Rocha, “Taheri-Azar Expects Life in Prison.”

¹⁵ Fausset, “SUV Attack Prompts Debate Over ‘Terrorism’ and Islam.”

¹⁶ Jane Stancill, “Moeser Will Not Label SUV Attack,” *Newsobserver.com*, March 10, 2006.

¹⁷ Pipes, “More on the North Carolina Jihadi, Mohammed Taheri-Azar.”

I will plead guilty to all 18 charges currently against me and I expect a life term in prison,” in a letter to a *News & Observer* reporter.¹⁸

While attending UNC, Taheri-Azar frequented the student union prayer room, but he refused to pray facing towards Mecca, which is traditionally considered to symbolize the unity of Muslims worldwide. His rejection of this unity emphasizes his unorthodox beliefs and tendency towards self-reliance and loneliness. He also refused to recite his prayers in Arabic, which is standard practice in Islam. Although 90% of the world’s Muslims do not speak Arabic as their native tongue, most try to at the very least learn the basics so that they can recite prayers in Arabic. This is incredibly important to the faith because the Qur’an was originally communicated in the Arabic language and although it has been translated to many languages, most Islamic scholars agree that to understand the text in its full glory and intention it must be read through the Arabic language. Reciting prayers in the language also allows Muslims again to form one community undivided by racial, cultural, or linguistic terms and Taheri-Azar’s anti-Arabic stance played a big role in distancing himself from the UNC Muslim community. “His prayer was obviously very, very different from the norm,” said Atif Mohiuddin, a UNC-CH sophomore from Valdese who ran into Taheri-Azar several times last year in the prayer room. Taheri-Azar would not respond to “Assalaam Alaikum,” a common Arabic greeting. “He never had any intention to learn Arabic,” Mohiuddin said. “I never heard of a Muslim who was so anti-Arabic.”¹⁹

Taheri-Azar used his take on Islam to skew the meaning of the Qur’an to fit his perspective. He claimed that the holy book gave him permission to drive a Jeep Grand Cherokee into The Pit in order to punish the United States government for their treatment towards Muslims all over the world. He claimed that these people supported the government by not actively trying to usurp them and was thus justified in trying to kill them.

In fact, Taheri-Azar’s knowledge about the Muslim faith and about interpreting the Quran in terms of Muslim relations in the world was severely underdeveloped. Charles Kurzman points out that he apparently did not know the difference between Sunni and Shia Islam or that al-Qaeda, where his role model Atta came from, does not recognize him as a follower of the faith because he is Shia. As Kurzman also notes, Taheri-Azar repeatedly misspelled al-Qaeda in the many letters he wrote while in prison as “Al-Quaeda.” These letters also detail his favorite songs and albums while, as Kurzman continues, “Islamist militants frown upon Western music as frivolous and sinful.” Thus, “he “knew next to nothing about the Islamist ideology that he was willing to kill and die for.”²⁰ Taheri-Azar scarcely seems to be the intelligent individual that he sought to be by going through and graduating from UNC. Instead, he appears to be a naïve young man

¹⁸ Stancill and Rocha, “Taheri-Azar Expects Life in Prison.”

¹⁹ Stancill and Rocha, “Taheri-azar Expects Life in Prison.”

²⁰ Charles Kurzman, *The Missing Martyrs: Why There Are so Few Muslim Terrorists?* New York: Oxford University Press, 2011, 19.

whose credibility and interpretations of the Quran are invalidated by the lack of knowledge about the Muslim faith in general.

However, Taheri-Azar is by no means insane or psychotic or suffering from any other mental health condition. Rather, he is completely in control of what he is saying and what he is trying to say to the point of being calculated and articulate. If you listen to the phone call Taheri-Azar made to authorities after his attempted murder streak, you can hear how incredibly calm his voice is as he is in control of the situation and speaks clearly and efficiently about what he has just done so that the police can come and arrest him.²¹ He was even quoted to have said the following in a letter to a journalist from *The Herald Sun* “I turned myself in to assure the world that I wasn't some insane person who went on a killing rampage suddenly.”²² This shows that there was meaning behind Taheri-Azar's actions and there was intent. He thought that he had the right to murder innocent United States citizens because of the U.S. government's role in the Middle East. He was not insane; his act of violence was methodical, criminal, intentional, and pre-meditated.

His thought processes however cannot exactly be counted as normal. This is evident in the extremity of his religious convictions. His role models were also atypical from his peers. Taheri-Azar idolized Mohamed Mohamed El-Amir Awad El-Sayed Atta, one of the hijackers of the infamous American Airlines Flight 11 that crashed into the Twin Towers on September 11, 2001. In one letter, Taheri-Azar wrote that he was “aiming to follow in the footsteps of one of [his] role models, Mohammed Atta.”²³

Although he sympathized with Al Qaeda and was inspired by Atta, Taheri-Azar acted completely independent of any terrorist organization. His actions were solely his own, and he had no accomplices throughout his planning process and on the actual day of the execution of his plan. In other words, he acted as a ‘lone wolf’, a phenomenon that many experts believe is an emerging wave of terrorism. To be more specific, a person qualifies as a lone wolf if they are someone “who commits, attempts, or prepares violent acts in support of a group, movement or ideology, but who does so alone, outside the context of any command structure and without material assistance from any group.”²⁴

Terrorism expert Jeffrey D. Simon addresses this rising issue in his book *Lone Wolf Terrorism: Understanding the Growing Threat*.²⁵ Those like Taheri-Azar are considered to be more dangerous than conventional terrorists who work within umbrella structures of terrorist organizations because they just as dangerous as these groups but much harder to track and survey. Simon argues that lone wolves, as individual terrorists can be particularly innovative, creative, and dangerous. In an email correspondence about the book between Simon and Mark Thompson of *Time Magazine*, Simon makes the point that these types of attackers

²¹ The phone call is at www.newsobserver.com/2006/03/06/90672/police-release-teheri-azar-911.html

²² Pipes, “More on the North Carolina Jihadi, Mohammed Taheri-Azar.”

²³ Pipes, “More on the North Carolina Jihadi, Mohammed Taheri-Azar.”

²⁴ “DailyTube - Lone Wolf (terrorism) - Wiki Article.” *DailyTube*, August 25, 2013.

²⁵ Jeffrey D. Simon, *Lone Wolf Terrorism: Understanding the Growing Threat*. Amherst, NY: Prometheus, 2013.

are responsible for the first major midair plane bombing and for, vehicle bombings, hijackings, product contamination, and anthrax attacks within the United States.²⁶ They are forced to think outside the box because that is where they live their lives: on the outskirts of society. They are loners who operate independently, which means there is no group pressure to go in a certain direction that would stifle any creativity.

This is certainly the case for Taheri-Azar. When he was denied access to a gun, he thought outside of the box on what kind of weapon would be best to kill as many people as possible in a high pedestrian area like The Pit, and came up with a car. Although cars are commonly used in combination with explosives by terrorists, the use of the car simply to drive into and run over victims is quite distinct and unique to Taheri-Azar's case. This is thus quite frightening because all it takes to commit an act of violence is access to a car.

In his research, Simon says that lone wolves absolutely love to talk about their extremist beliefs and plans. He says he did not expect this because one of the advantages that lone wolves have over terrorist groups and cells is that there are no communications among members for the authorities to intercept and thus lead to the identification, arrest, or capture of these terrorists.²⁷ However, they indeed do love to talk, and they do so using the internet, whether it be chat forums, blog postings, or other media. This is why Simon refers to the Internet as a double-edged sword for lone wolves. On one hand, information about tactics, targets, weapons, ideology, causes, detailed instructions on bomb-making and so forth is readily available to them. However, on the other hand, authorities can track and identify those who visit these types of sites by monitoring their Internet activity.

An unusual thing about Taheri-Azar, then, is that he chose not to talk about his plans to anyone at all. He never consulted anyone on how he should carry out his plans via chat rooms and there has been no indication that he reached out or had any contact with anyone in planning his attack. Although Simon makes the case of trying to dispel the myth that little can be done about lone wolves by advocating the use of innovative strategies like Internet monitoring, Taheri-Azar defies this debunking by showing how lone wolves can potentially rise up completely on their own initiative without any help and without visiting websites that pin them as a red flag by the United States government. Taheri-Azar is an example of how dangerous a lone wolf can be: one who shows no concrete indication of attacking and one day fulfills their plans without warning.

3. Motivation

One factor that seems to be key in the understanding of the behaviors and motivations of many terrorists and the atrocities they commit is the role of religion. Religious systems tend to dominate thinking patterns and weigh heavily in decision making processes and determining a terrorist's course of action. As Martha Crenshaw has observed, "The actions of terrorist organizations are based

²⁶ Mark Thompson, "The Danger of the Lone-Wolf Terrorist," *US The Danger of the Lone Wolf Terrorist Comments*, February 27, 2013.

²⁷ Thompson, "The Danger of the Lone-Wolf Terrorist."

on a subjective interpretation of the world rather than objective reality.”²⁸ For those whose decisions are impacted by faith, religion tends to highly influence their cognition. In psychology, cognition is the general process by which people come to know about and make sense of the world and includes specific processes such as thinking, knowing, remembering, judging, and problem-solving. For religious people who practice faith through terrorism, religion invades every aspect of the cognitive process. It extends into all areas of life and does not allow for the separation of the private and political realms. For these religious terrorists, their actions are not seen as self-interests for themselves or their group affiliation (if one exists) but as moral imperatives for the sake of their religion and their God. Thus religion is one way that terrorists and their organizations are motivated to the use of violence to accomplish their goals.

This is certainly the case for Mohammed Taheri-Azar, whose motivations spurred from his own interpretation of Islam and the Quran. Because he thought that he was going to die on the day of the attack due to the potential of retaliation by police forces, he left a letter in his apartment explaining his exact reasoning and intentions for his attempted murder scheme. He begins the letter with the following: “I am writing this letter to inform you of my reasons for premeditating and attempting to murder citizens and residents of the United States of America on Friday, March 3, 2006 in the city of Chapel Hill, North Carolina by running them over with my automobile and stabbing them with a knife if the opportunities are presented to me by Allah.” Already in the first paragraph, Taheri-Azar has admitted his attempt to murder these people not just injure, a statement that was eventually used in court to indict and convict him of nine incidences of attempted murder. His direct mention of Allah begins to tie in religion to his motivations and the role religion plays becomes more present as the letter develops. Knowing that retaliation either in the form of death or imprisonment was going to result from his attack, Taheri-Azar admits in the letter that he no longer wanted to pursue being a student due to his lack of any desire to amass the impermanent and temporary fame and wealth of the material world. However, he made the decision to finish his degree to prove to the world that Allah’s servants are very intelligent. In addition to ideology and his twisted and violent view of Islam, Taheri-Azar was partially motivated by the actions of the United States government towards Muslims worldwide. His letter states “Due to the killing of believing men and women under the direction of the United States government, I have decided to take advantage of my presence on United States soil on Friday, March 3, 2006 to take the lives of as many Americans and American sympathizers as I can in order to punish the United States for their immoral actions around the world.”²⁹

This shows his actions were, in his eyes, a retaliation meant to send a message to the United States government about their choice of foreign policy. Taheri-Azar used religion to justify his violent actions. In a later letter sent from prison, he bluntly defends his actions in saying, “people who fight in the cause of

²⁸ Rex Hudson, “The Sociology and Psychology of Terrorism,” *Terrorist Rationalization of Violence*, September, 1999.

²⁹ “Mohammed Taheri-Azar's Letter to Police.” The full letter is included in an appendix to this case study.

Allah are not guilty if and when they have no intention of killing more persons among their enemies than their enemies have killed among the believers."³⁰ Thus he uses his own interpretation of Islamic ideology in order to convince himself that he is right and just in murdering noncombatant and innocent U.S. citizens.

Several theories seek to develop reasons for the existence of violence and for people's predispositions toward it. These theories are not directly related to terrorism but provide general commentary on the concept of violence which can be applied to terrorist actions and behaviors. One such theory is the frustration-aggression hypothesis which states that every incident of frustration (from not being able to engage in some behavior) leads to aggression that builds up over time until an act releases the stress by some form of catharsis. For some, this catharsis is brought about by terrorism. One proponent of this hypothesis, Joseph Margolin, argues that "much terrorist behavior is a response to the frustration of various political, economic, and personal needs or objectives."³¹ These are people who are tired of the current government or political climate and see no other means of making a change than by performing terrorist attacks and this climate is what contributes to their motivation. Taheri-Azar was unhappy with the current state of affairs and with how the United States government treated Muslims worldwide. From his perspective, the only way to change anything was to revert to violence.

4. Goals

Taheri-Azar's goals were specifically set out in the letter he left in his apartment. Although no casualties resulted after his attack, the letter clearly states that he had the intention of killing U.S. citizens by running them over in his SUV and potentially stabbing them to death, if Allah would provide that opportunity. Thus one very clear cut goal was murder. There was a more overarching goal behind this very specific and concrete objective, and that was to punish the United States government for their treatment of Muslims throughout the world. In his planning effort, Taheri-Azar had the goal of choosing a site that would allow him to target and kill several people before being killed himself or sent off to prison. He ended up choosing The Pit because of its high traffic qualities and chose an SUV because he figured he would be able to more damage with it.

5. Plans for violence

Some sources say that Taheri-Azar intended to perform some type of attack on U.S. soil two years in advance to the actual date of his crime. However, he only started to plan out the details of his attack a few months prior.³² As note, part of his plan was to surrender himself to authorities if they did not respond by shooting him. He had always planned on turning himself in, so technically the police never really disrupted his plan, but rather fit into it as can be seen in the way he only drove a short distance away from the attack and then called the police to come and arrest him.

³⁰ Schuster, "What Is Terrorism?"

³¹ Hudson, "The Sociology and Psychology of Terrorism."

³² Pipes, "More on the North Carolina Jihadi, Mohammed Taheri-Azar."

Although none of the nine people Taheri-Azar hit were killed, some were obviously still injured to varying degrees. Most of them had some scraping and bruising, two arms, a finger, and an ankle were broken, and one victim was given a black eye received some stitches. Nicholas Altman, who was having coffee nearby, said that one man was hit and thrown onto the hood of the SUV and then taken away on a stretcher.³³ Six of the victims were taken to UNC hospitals for treatment of minor injuries and all were later released, whereas the other three declined treatment on site at The Pit. Eight of the victims were UNC students and one was a visiting professor.

The targets of Taheri-Azar's attack were any U.S. citizens or sympathizers. Since he believed he was entitled him to run over anybody not trying to overtly overthrow the federal government, his victims could be selected at random: no one was singled out. No training was necessary for Taheri-Azar because he used a car as his weapon.

During his first court appearance, where he was appointed a public defender, Taheri-Azar did not deny the accusations against him. When he left court that day, he told reporters "The truth is my lawyer."³⁴ When asked whether or not he was trying to kill people, he replied that he had that intention. On May 3, 2006, a grand jury indicted him on nine counts of attempted first degree murder, four counts of assault with a deadly weapon with intent to kill, and five counts of assault with a deadly weapon with intent to kill inflicting serious injury.

Taheri-Azar had been planning to plead guilty to all of these counts. but on his court date on January 24, 2007, he did the exact opposite of what he had been saying he would and what everyone was expecting he would do: he pled not guilty to all counts.

On March 5, 2007, he exhibited extremely inappropriate behavior in a hearing and was committed to Dorothea Dix Hospital for psychological examination. The hearing was supposed to be about several letters Taheri-Azar had sent to Judge Carl Fox over the past two weeks, but his snide comments quickly got him kicked out of the courtroom. Before even entering the court, Taheri-Azar was seen making obscene gesticulations and cursing foully. When he got inside the courtroom, he disrupted the hearing by saying such things as "I hate all Americans and all Jews,"³⁵ and even called his own lawyer a moron. His attorney, James Williams later told media sources "I think the behavior you witnessed was the behavior of a severely disturbed mentally ill person."³⁶

Taheri-Azar apologized for his behavior later in a letter dated March 20, 2007, saying that he would "never again in [his] life display such poor, ignorant behavior." He went so far as to ask to be released from prison so that he could pursue his goal of living and working in California where he would like to get a job in his father's contracting company so that he could "re-establish [himself] as

³³ Franks and Wallace, "FBI Joins Investigation of UNC Hit-And-Run."

³⁴ "Warrant: Suspect In Pit Attack Was Disappointed With Outcome," WRAL.com, March 7, 2006.

³⁵ Kamal Wallace, "UNC 'Pit' Attack Suspect Lashes out in Court," WRAL.com, March 5, 2007.

³⁶ Wallace, "UNC 'Pit' Attack Suspect Lashes out in Court."

a good, caring and productive member of society.”³⁷ The request was, of course, not granted.

In June of 2007, he was deemed competent to stand trial after his mental health examination at Dorothea Dix Hospital. However, he attempted to offer the court a defense of insanity, mental infirmity, and or diminished capacity according to a court noticed filed by Williams.³⁸ On August 12, 2008, Taheri-Azar pleaded guilty to nine counts of attempted first degree murder, and on August 26, he was sentenced to at least 26 years and 2 months in prison but up to 33 years by the Orange County Superior Court.

6. Role of Informants

Although informants often play a critical role in the unveiling of a terrorist plot, none were involved in this case.

7. Connections

Although Taheri-Azar never had any personal contact with al-Qaeda or any other terrorist organization, he did consider one of 9/11 hijackers (Mohamed Atta) a role model not only because of his jihadist acts but also because he obtained a doctorate degree, something that inspired Taheri-Azar to stay in school and graduate from UNC to prove to the world that Muslims are intelligent people.

8. Relation to the Muslim community

Local Muslim leaders condemned the attack and the attempt by Taheri-Azar to connect the Quran to his murderous intentions. His actions were vehemently opposed by the Muslim community including UNC Chapel Hill’s Muslim Student Association which released a statement stating, “Regardless of what his intentions prove to be, we wholeheartedly deplore this action. Our relationship with him was limited to the few appearances he made in a prayer room.”³⁹

Several leaders in the Muslim community spoke out against Taheri-Azar’s interpretation of the Quran saying it was wrong and that it misrepresents the true beliefs of Muslims worldwide. Representatives from N.C. State, the Islamic Association of Raleigh, and UNC Chapel Hill said that although they were angry at Taheri-Azar and his actions, they also prayed to God to forgive his misinterpretation. One representative, Dr. Ihab Saad was quoted to have said the following: “We should feel angry because this has tarnished the image of Islam. But we should be angry as a father or mother does when their son or daughter does something wrong.”⁴⁰

When asked about how Taheri-Azar should be punished for his actions, members of the Muslim community firmly agreed that the law would punish him accordingly.

³⁷ Pipes, “More on the North Carolina Jihadi, Mohammed Taheri-Azar.”

³⁸ Pipes, “More on the North Carolina Jihadi, Mohammed Taheri-Azar.”

³⁹ “Pedal-to-the-Metal Terror,” LarryFlynt.com, December 20, 2006.

⁴⁰ Amber Rupinta, “Muslim Leaders Respond to Taheri-Azar’s Letter,” March 16, 2006.

9. Depiction by the authorities

The authorities, from the police force who arrested Taheri-Azar, to Moeser, the UNC Chancellor, all tried to depict Taheri-Azar and his actions as criminal while not giving in to the view of many students that Taheri-Azar was a terrorist. Thus he was not labeled as an Islamic terrorist by the authorities like many people wanted him to be. The police were cautious in the beginning of the case when following up on Taheri-Azar's assertion that he had left a letter explaining his actions in his bedroom: they sent a bomb squad to check out his apartment as an extra precaution. Although it might be a popular belief that Taheri-Azar was insane, an examination by psychiatric professionals confirmed that he was not insane but rather "articulate and perfectly in control of what he is saying."⁴¹

10. Coverage by the media

The coverage of Mohammad Taheri-Azar and his attack by reporters and news sources is overall very fair and competent. The stories display a holistic view and characterization of Taheri-Azar, taking into account experiences from birth such as his move to the America, to his high school years, all the way up through his time at UNC Chapel Hill. Most articles focused on presenting facts of the developing case and stories or anecdotes of those involved in the case either directly or indirectly. People who both staunchly opposed Taheri-Azar's character and those who defended him were represented in articles. This included disapproving members of UNC's MSA and former classmates like Brian Coleman who claimed Taheri-Azar was "kind and gentle, rather than aggressive and violent."⁴² An article, updated several times, by David Pipes entitled "More on the North Carolina Jihadi, Mohammed Taheri-Azar," presents a very useful timeline of events from the beginning of the case to Taheri-Azar's sentencing, and it also provides several letters Taheri-Azar wrote to different media outlets to get a better of idea of who the man is.

11. Policing costs

Policing costs are low because Taheri-Azar was not on anyone's radar until the time of the attack: it came as a surprise to all, including the authorities. In addition, there was little cost in apprehending him because he turned himself in almost immediately.

12. Relevance of the internet

The internet did not play a truly relevant role in this case. Taheri-Azar never sought outside help for his plans of violence over the internet and carried out his plan completely by himself. In terms of acquiring information, he first began to learn more about Al-Qaeda as a terrorist organization after discovering an anthology of writings about terrorism compiled by famed expert on terrorism, Walter Laqueur.⁴³ But this happened via book at Davis Library. Taheri-Azar

⁴¹ Pipes, "More on the North Carolina Jihadi, Mohammed Taheri-Azar."

⁴² Fausset, "SUV Attack Prompts Debate Over 'Terrorism' and Islam."

⁴³ Kurzman, *The Missing Martyrs*, 17.

became very interested in this anthology, particularly the Al-Qaeda chapters, so much so that he decided to become less open about his religious views, even to the friend who introduced him to the Quran just a few years earlier. He continued to read books in this category including some on the Oklahoma City bomber and the sarin poison-gas attack that killed 12 subway riders in Tokyo in 1995.

13. Are we safer?

Even though Taheri-Azar failed to kill or seriously injure anyone, the public is safer with him behind bars simply because his intention was to murder innocent people, as indicated in his letter to the police. Although he was deemed competent to stand trial, this does not mean that Taheri-Azar can be described as having a normal mentality: anyone who attempts to kill as many people as possible by driving through a congested area belongs in jail. His actions shook the UNC Chapel Hill community and, although the physical damage done to the victims and community was quickly absolved, the emotional toll was not. All of the victims expressed feelings of tension upon hearing a car behind them after the incident. Still, though these emotional stresses may never completely fade, especially for the victims, UNC Chapel Hill is once again the safe place it claimed to be before this horrible attack.

14. Conclusions

Even though nobody was actually killed or seriously injured in this case, it does suggest the potential threat that lone wolf terrorists can present as (or if) these kinds of attacks become more frequent. When individuals keep their plans to themselves and stay off websites that are tracked by government agencies, their plans are much more likely to take the community by surprise as happened in this case. It is also important to note that when Taheri-Azar was unable to get a gun and go on a shooting spree, he simply rented a car and hit as many people as he could. This demonstrates that it doesn't take a gun or a bomb to carry out terrorism. In the future other unconventional weapons may be used, whether cars or biochemical weapons.

Interestingly enough, two copycat episodes of running over innocent people occurred after Taheri-Azar's infamous attack. First, in August of 2006, just a few months after the UNC attack, Omeed Aziz Popal, a 29 year old Afghanistan-born American who grew up in America went on a rampage in an SUV killing one man and injuring over a dozen. The events started in Fremont, where Popal lived. In less than an hour, he was across the bay in San Francisco "ramming into people in an onslaught that lasted 14 minutes" in the middle of the day.⁴⁴ Officials found no evidence of a link to terrorism. San Francisco Mayor, Gavin Newsom stated that "The victims [were] of all ethnicities and of all ages. There seems to be no pattern. We make no assertions that this was a hate crime or that anyone else was involved."⁴⁵ Rather than terrorism, the impetus appears to have come from psychological stress. Popal had gone to Afghanistan for an

⁴⁴ Lee Romney and Maria La Ganga. "Bay Area Driver Goes on Rampage." *Los Angeles Times*, August 30, 2006.

⁴⁵ Romney and La Ganga, "Bay Area Driver Goes on Rampage."

arranged marriage just two months prior to the attack and showed signs of mental stress over the marriage just one month before the attack according to Popal's cousin Hamid Nekrawesh.⁴⁶ Unlike Taheri-Azar, Popal was not motivated by religion and was actually found not guilty by reason of insanity whereas Taheri-Azar was deemed competent to stand trial.

Second, Ismail Yassin Mohamed, a 22 year old Somali-American, stole a car in Minneapolis in January of 2007. He also went on a driving rampage, ramming the stolen car into other vehicles, then stealing a van and continuing to ram other cars. Apparently he kept repeating "Die, die, die, kill, kill, kill" throughout the rampage. When asked why he did what he did, he responded, "Allah made me do it."⁴⁷ Like Taheri-Azar, Mohamed may have been motivated at least in part by religion similar. However, like Popal, he ended up being found not guilty by reason of mental incompetence.

Whether or not these two 'copycat' cases were inspired by the events at the University of North Carolina is unclear. But it is clear is that, regardless of motive, the use of a car to run over and kill innocent people can be a serious threat and these cases may inspire others to participate in similar violent acts. These cases serve as instances that remind us that terrorism doesn't always have to have improvised explosive devices and also that not every act of violence is terrorism. These cases also show how dangerous one man can be and that you don't need a terrorist cell to commit terrorist acts.

Appendix: The debate over definitions of terrorism

After Taheri-Azar's plow through the pit, his action was debated on campus as to whether or not it could be considered an act of terrorism. Many students wanted to declare it as such, but campus authorities, including UNC Chapel Hill Chancellor James Moeser shied away from labeling it a full-fledged terrorist attack, claiming that it was up to the U.S. attorney to decide, not him and his colleagues.

Soon after the attack, a small group of conservative students rallied together to protest the university administration's on-the-fence position. They carried signs saying "Call it what it is" and "Support love, condemn terror." One student, Luke Farley, speaker of the student congress at UNC Chapel Hill stated that, "The chancellor should be out here with us" in support of their desire to label the act as terrorism.⁴⁸ The chancellor responded that he understood the students' feelings and where they are coming from. "I agree, this could feel like terrorism, especially if you're standing in front of a Jeep that's heading toward you trying to kill you," Moeser said. "As we have investigated this, we've come more and more to the conclusion that this was one individual acting alone in a criminal act."

Some students felt that the mainly conservative protestors were targeting Muslims by insisting that this event be considered an act of terrorism due to Taheri-Azar's association with the Islamic faith. They counter-demonstrated that

⁴⁶ Romney and La Ganga, "Bay Area Driver Goes on Rampage."

⁴⁷ Robert Spencer, "FrontPage Magazine - Salt Lake Jihad?" February 15, 2007.

⁴⁸ Stancill, "Moeser Will Not Label SUV Attack."

the declaration of terrorism “[wasn’t] community building!”⁴⁹ Jonathan Pourzal, an Iranian American added: “You’re strengthening the prejudices people have against Muslim people.” Sara Aghajanian concurred saying “I am Iranian-American, and [the suspect] does not represent me at all, OK?”

One of the leaders of the rally responded to the concerns of the counter-demonstrators. “OK,” stated Stephen Mann, “If we don’t call it terrorism, what do we call it?” This open ended question suggests the pejorative nature of the issue and leaves the decision about whether or not to declare it a terrorist or criminal attack up to the discretion of those who examine the case. Usually there is broad agreement in terrorist cases that the acts committed are terroristic in nature; however the UNC case is not so clear cut to many, and continues to present ambiguity.

Another reason that the Chancellor might have stopped short of calling this attack a full-fledged terrorist attack is that having a label like could have a very negative impact on enrollment at the University. Moeser claimed that UNC, regardless of this instance, was still a very safe place to be and that students should be more concerned about safety while traveling on spring break the next week.⁵⁰

Henry Schuster, a senior producer in CNN’s Investigative Unit and author of “Hunting Eric Rudolph,” interviewed Marc Sageman, a forensic psychiatrist and the author of “Understanding Terror Networks,” a groundbreaking book that examined why young men are inclined to join terrorist organizations, about whether Taheri-Azar’s case can be considered terrorism. At Schuster’s request, Sageman examined the letters written by Taheri-Azar and concluded that Taheri-Azar was convinced of what he was doing and knew why he did it. The emotionally uncharged and detached tone in the letters led Sageman to conclude that Taheri-Azar seemed “decontextualized” and that his mental health was a central issue. It is important to stress, however, that Sageman did not have access to Taheri-Azar in making his determination, only on reading the letters. Sageman stopped short of calling the attack on The Pit an act of terrorism, but then offered his own definition of the term: “terrorism is propagated by the deed and is designed to inspire young people to join [a certain] movement.”⁵¹ For purposes of comparison, the FBI defines terrorism as activities that appear intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.⁵² Taheri-Azar’s actions can certainly be seen as falling into this definition: it was his clear intent to kill innocent people to send a message to the U.S. government.

Appendix: Taheri-Azar’s letter to the police

⁴⁹ Fausset, “SUV Attack Prompts Debate Over ‘Terrorism’ and Islam.”

⁵⁰ “Chancellor: Not School’s Role to Call Attack Terrorism,” *Gun and Game Firearms Forums* RSS, March 10, 2006.

⁵¹ Henry Schuster, “What Is Terrorism?” CNN.com, May 25, 2006.

⁵² “Definitions of Terrorism in the U.S. Code,” *FBI*, August 20, 2013.



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Mohammed Taheri-Azar's letter to police

The Herald-Sun (Durham, Chapel Hill, NC)

March 24, 2006 9:20 pm

This is a transcript of the letter Mohammed Taheri-Azar left in his apartment for police to find after he drove into nine people with an SUV in The Pit at UNC on March 3:

<http://www.heraldsun.com/orange/10-716750.html>

In the name of Allah, the merciful, the compassionate.

To whom it may concern:

I am writing this letter to inform you of my reasons for premeditating and attempting to murder citizens and residents of the United States of America on Friday, March 3, 2006 in the city of Chapel Hill, North Carolina by running them over with my automobile and stabbing them with a knife if the opportunities are presented to me by Allah.

I did intend to use a handgun to murder the citizens and residents of Chapel Hill, North Carolina but the process of receiving a permit for a handgun in this city is highly restricted and out of my reach at the present, most likely due to my foreign nationality.

I am a servant of Allah. I am 22 years of age and I was born in Tehran, Iran. My father, mother and older sister immigrated to the United States in 1985 when I was two years of age and I've lived in the United States ever since.

I attended elementary, middle and high school in North Carolina and I was accepted into the University of North Carolina at Chapel Hill. I began my college career in August 2001 and graduated in December 2005 with a bachelor's degree in psychology and philosophy with Allah's help.

I do not wish to pursue my career as a student any further because I have no desire to amass the impermanent and temporary fame and material wealth this world has to offer. However I made the decision to continue my studies and to graduate from the University of North Carolina at Chapel Hill so that the world will know that Allah's servants are

very intelligent.

Due to the killing of believing men and women under the direction of the United States government, I have decided to take advantage of my presence on United States soil on Friday, March 3, 2006 to take the lives of as many Americans and American sympathizers as I can in order to punish the United States for their immoral actions around the world.

In the Qur'an, Allah states that the believing men and women have permission to murder anyone responsible for the killing of other believing men and women. I know that the Qur'an is a legitimate and authoritative holy scripture since it is completely validated by modern science and also mathematically encoded with the number 19 beyond human ability. After extensive contemplation and reflection, I have made the decision to exercise the right of violent retaliation that Allah has given me to the fullest extent to which I am capable at present.

I have chosen the particular location on the University campus as my target since I know there is a high likelihood that I will kill several people before being killed myself or jailed and sent to prison if Allah wills. Allah's commandments are never to be questioned and all of Allah's commandments must be obeyed. Those who violate Allah's commandments and purposefully follow human fabrication and falsehood as their religion will burn in fire for eternity in accordance with Allah's will.

Sincerely yours,

Mohammed Reza Taheri-Azar

URL for this article: <http://www.heraldsun.com/orange/10-716750.html>

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[\[back\]](#)

Case 18: Hudson River Tunnels

John Mueller

February 21, 2014

Beginning in 2003, after the American invasion of Iraq, a deeply-religious, drug-addicted professor of economics at Lebanese International University in Beirut (he taught business ethics and human resources), aged 28, began visiting militant Islamist websites and chat rooms. Together with seven people he met in virtual space, he eventually concocted a scheme to go to Canada, obtain explosives, and then journey south to set them off on a PATH commuter train as it traveled under the Hudson River in New York.

By 2005, the FBI had uncovered the plot (and possibly participated in it). The bureau tipped the Lebanese police, and the professor was arrested in 2006. It is said that he confessed to the deed, but the confession has never been made public. After 26 months in solitary confinement, he was released and then, on television, denied all the charges against him. In 2012, he was convicted and sentenced to time served. Two of the other conspirators were also arrested. One, a Canadian, was soon released for lack of evidence; what happened to the other, a Syrian, remains, like so much in this case, unknown. As Zachary Karabatak notes, the way the plot was portrayed may owe more to “domestic Lebanese politics than hard evidence”: it was in the Lebanese government’s interest “to convince the United States that it had foiled a major terrorism case” because it was seeking at the time “to consolidate relations with the United States in order to gain leverage over Syria and its Lebanese allies.”

Unusually for the cases in this book, officials in the United States did not leap to publicize it. Indeed, concerned that it might somehow upset cooperation with other governments, they were keeping it quiet and only came forward when it was leaked to the press. The lead FBI official explained that the conspirators were “about to go into a phase” in which they would “attempt” to surveil the target, figure out “a regimen of attack,” and acquire explosives. It was, he said, “the real deal.” Other officials, however, anonymously suggested to reporters that the plot was essentially “aspirational” and characterized by “jihadi bravado.” But, as one put it, “somebody talks about tunnels, it lights people up.” And, indeed, New York was quick to see the light: it immediately used the disclosure to try to get more funding from the federal government.¹

It is frequently claimed by officials that there are many terrorist plots out there in addition to the ones that have entered the courts and the public record like those examined in this book. Although these plots have been thwarted, it is said, information about them cannot be disclosed for various reasons. In working on an extensive report about how U.S. intelligence efforts (and budgets) were massively increased after September 11, the *Washington Post*’s Dana Priest says that she frequently heard this claim. In response, she says she “asked them to share with us anything they could, plots that were foiled that we could put in the paper because

¹ Spencer S. Hsu and Robin Wright, “Plot to Attack N.Y. Foiled: Transit Tunnels to N.J. Called Targets,” *Washington Post*, July 8, 2006.

we didn't have many examples. We said give us things, just in generalities." But "we didn't receive anything back."²

The experience with this plot may be helpful in assessing the claim. Information about it was indeed held back but, once it was forced out by a leak to the newspapers, it proved to be, on examination, far—perhaps hopelessly so—from consummation. Also, if there are so many undisclosed plots out there, why have so few come to public attention by the media which, by congenital necessity, are always on the lookout for things that “light people up”?

Finally, the internet obviously played a major role in this plot. Indeed, in an important sense the plot *only* existed on the internet—the conspirators never actually met in person and, while they were able to google tunnels in New York, they never actually made it into the country to have a look at one in three dimensions. In addition, although the professor was “radicalized” toward terrorism by the US invasion of Iraq, it may be the case, as Karabatak suggests, that his proclivities were then further enhanced by the information he sought out on line—though it remains likely that it was the information that was significant, not the method by which it was transferred.

But while the internet may have importantly enabled would be terrorists to find others of like mind on the world wide web, experience in this case suggests that it also facilitates, by its very openness, the ability of policing and intelligence agencies to uncover the conspirators—and even to join the plot. Indeed, there are quite a few cases in this book in which lonely would be terrorists foolishly and naively reached out on the web only to arouse the attention of police operatives. This case is clearly among them. On balance, it seems likely that the internet aids the police far more than it does the terrorists.

² Talk of the Nation, National Public Radio, July 19, 2010, transcript.

Case 18: Hudson River Tunnels

Zachary Karabatak

February 21, 2014

1. Overview

After the United States' invasion of Iraq in 2003, a Lebanese man, Assem Hammoud, began frequenting militant Islamic websites, becoming more deeply involved as time went on.¹ Later in the year, Hammoud met with a Syrian vegetable vendor and al-Qaeda affiliate known as Abu Jamil, who took him to Ain al-Hilweh, the largest Palestinian refugee camp in Lebanon.² In the camp, Hammoud practiced the use of weapons.³ This training appears to have been the only in-person contact Hammoud had with al-Qaeda.

While it is impossible to say exactly when Hammoud began seriously talking about attacking the U.S. in militant Islamist chat rooms, both Lebanese and American officials indicated that they had been monitoring Hammoud for over a year before his arrest, which occurred in April 2006.⁴ At some point during this time, Hammoud formulated a specific plot and was able to recruit other participants for his proposed terrorist attack.

The plot involved blowing up New York City's Port Authority Trans-Hudson Corporation rail system which connects Manhattan Island with New Jersey via the Hudson River (initial reports erroneously indicated that the Holland Tunnel was the target).⁵ There are five of these tunnels running underneath the Hudson River, and authorities did not name which of the PATH tubes was the target.⁶ The plotters discussed using explosives carried in backpacks, to breach the tunnel lining, flooding the PATH tunnel, underground stations in Lower Manhattan, and possibly other below-sea-level tunnels.⁷ An anonymous source in the New York Police Department's intelligence Division indicated that the terrorists were hoping to cause a major flood in Lower Manhattan, which the plotters believed would shut down the Financial District.⁸

The FBI eventually discovered the plot by monitoring email traffic and internet chat rooms on Islamist websites.⁹ The plotters used the internet for all communication, and they never actually met one another (Abu Jamil was not one of the plotters). They discussed at length the amount of explosive material necessary to breach the tunnel lining in the PATH system, and this caught the eyes of FBI monitors.¹⁰

¹ Mohamad Bazzi, "The new 'Prince' of terrorism," *Sydney Morning Herald*, July 9, 2006.

² Leila Hatoum, "Students thought terror suspect was 'a drug addict'," *Daily Star*, July 11, 2006.

³ Hatoum, "Students thought terror suspect was 'a drug addict'."

⁴ Bazzi, "The new 'Prince' of terrorism."

⁵ Jim Kouri, "Exclusive: Terrorist plot to bomb New York's Holland Tunnel uncovered," *renewamerica.com*, July 8, 2006.

⁶ Kelli Arena, "FBI: Three held in New York tunnel plot," *CNN*, July 7, 2006.

⁷ Brian Michael Jenkins and Joseph Trella, "Carnage Interrupted: An Analysis of Fifteen Terrorist Plots Against Public Surface Transportation," *Mineta Transportation Institute*, April 2012, 45.

⁸ Kouri, "Exclusive: Terrorist plot to bomb New York's Holland Tunnel uncovered."

⁹ Michel Young, "The Strange Case of Professor Hammoud," *reason.com*, July 13, 2006.

¹⁰ Jenkins and Trella, "Carnage Interrupted," 45.

Hammoud was arrested on April 27, 2006 in the Mosseitbeh district of Beirut (this date is disputed by some Lebanese sources, which indicate that the arrest occurred in early May).¹¹ The arrest apparently occurred two days before Hammoud had planned to travel to Pakistan for al-Qaeda training.¹² At the time of his arrest, Hammoud had been teaching a course at Lebanese International University. His students, seemingly unaware of Hammoud's religious extremism, attributed any of his odd behavior to drug abuse--indeed, many of his students believed that Hammoud was finally arrested for using illegal drugs.¹³

Ultimately, of the seven other alleged members of Hammoud's terrorist cell, only two were arrested.¹⁴ A Syrian man was seized in Libya and another was seized in Canada.¹⁵ The Canadian suspect was released very soon after his arrest for lack of evidence, while the fate of the Syrian man is unclear.¹⁶ As for Hammoud, he was ultimately convicted of involvement in the plot by a Lebanese court in February 2012, which sentenced him to two years in prison.¹⁷ Because he had already served over two years in prison, he was subsequently released.¹⁸

Hammoud never faced any charges in the United States, meaning he could not be extradited to the United States from Lebanon.¹⁹ Even if Hammoud faced charges in the United States, however, he could not be extradited because no extradition treaty exists between the U.S. and Lebanon.²⁰

The plot to bomb the PATH tunnel under the Hudson River seems to have had little chance of materialization or success. No one involved in the plot ever set foot in the United States, no bomb materials had ever been acquired, and no reconnaissance had ever been conducted by anyone involved in the plot.²¹ In fact, as noted, none of the plotters even met each other.²² The idea of an explosion in the tunnel somehow flooding Lower Manhattan's Financial District also seems preposterous, with the Financial District being well above the water table of the Hudson River.

2. Nature of the adversary

There were allegedly eight "principal players" in the plot, of which only three had been taken into custody and only one ever charged.²³ Little to nothing is known about the plotters, save for the self-professed ringleader of the plot, Assem Hammoud, who also went by the pseudonym Amir Andalouzi (which means

¹¹ Young, "The Strange Case of Professor Hammoud."

¹² Alison Gendar and Bill Hutchinson, "Assem Hammoud, suspect in alleged New York tunnels plot, released on bail in Lebanon," *New York Daily News*, March 18, 2009.

¹³ Hatoum, "Students thought terror suspect was 'a drug addict'."

¹⁴ Gendar and Hutchinson, "Assem Hammoud."

¹⁵ Young, "The Strange Case of Professor Hammoud."

¹⁶ Young, "The Strange Case of Professor Hammoud."

¹⁷ Gendar and Hutchinson, "Assem Hammoud."

¹⁸ Gendar and Hutchinson, "Assem Hammoud."

¹⁹ Arena, "FBI: Three held in New York tunnel plot."

²⁰ Gendar and Hutchinson, "Assem Hammoud."

²¹ John O'Neil, "New York Plot is Uncovered in Early Stage," *New York Times*, July 7, 2006.

²² Eric Lipton, "Recent Arrests in Terror Plots Yield Debate on Pre-emptive Action by Government," *New York Times*, July 9, 2006.

²³ O'Neil, "New York Plot is Uncovered in Early Stage."

Prince Andalus). His pseudonym is a reference to the Sunni Muslim empire of Al-Andalus, which ruled much of Spain until the 15th century. Hammoud was born on July 6, 1975. He grew up in an affluent Sunni Muslim Lebanese family and appeared to live a relatively normal life.²⁴

Hammoud was no stranger to Western culture. He began studying at Concordia University in Montreal in 1995, ultimately graduating with a bachelor's degree in commerce in 2002.²⁵ Until his arrest, Hammoud also maintained a relationship with his Canadian girlfriend, who lives in Montreal and holds a Canadian passport.²⁶ He regularly traveled to Canada and was involved in the party scene there with his girlfriend and her friends.²⁷ After graduating from Concordia, Hammoud worked as a professor of economics at the Lebanese International University in Beirut.²⁸ Specifically, he taught classes on business ethics and human resources.²⁹

Despite appearing like a typical young, secular Lebanese man, Hammoud was allegedly a religious extremist.³⁰ According to Lebanese authorities, Hammoud was a playboy poseur, allegedly following al-Qaeda advice to parade a party lifestyle in order to cover up his extremism.³¹ This practice of deception (called *taqiyah* in Arabic) is recommended in the al-Qaeda training manual, which Hammoud was able to acquire via militant Islamic websites.³² With no criminal history and no history of involvement with militant groups, Hammoud was an ideal candidate for this strategy, able to live far from any suspicion.³³ In fact, even after public knowledge of his arrest was made, many of Hammoud's students were surprised and did not think that he looked or acted like a fanatic.³⁴ His students attributed any of Hammoud's odd behavior to him being drug addict.³⁵ After Hammoud's arrest and subsequent disappearance from his business ethics course, his students often speculated that he had finally been caught for using illegal drugs.³⁶

Hammoud's shift from religious extremism to terrorism occurred after the U.S. invaded Iraq. Around this time, he began visiting militant Islamic websites and participating in Islamist chat rooms.³⁷ During his frequent visits to these terrorist Internet sites, forums, and chat rooms, Hammoud learned jihadi tactics

²⁴ Gendar and Hutchinson, "Assem Hammoud."

²⁵ Judi McLeod and Beryl Wajzman, "Al Qaeda goes to ground in Montreal," canadafreepress.com, July 10, 2006.

²⁶ Debbie Schluskel, "Schluskel Exclusive: NYC Tunnel Qaeda Plotter Had Strong Detroit Hezbollah, Palestinian Ties," debbieschluskel.com, July 9, 2006.

²⁷ Schluskel, "Schluskel Exclusive: NYC Tunnel Qaeda Plotter."

²⁸ McLeod et al, "Al Qaeda goes to ground in Montreal."

²⁹ Hatoum, "Students thought terror suspect was 'a drug addict'."

³⁰ Bazzi, "The new 'Prince' of terrorism."

³¹ Arena, "FBI: Three held in New York tunnel plot."

³² Schluskel, "Schluskel Exclusive: NYC Tunnel Qaeda Plotter."

³³ Bazzi, "The new 'Prince' of terrorism."

³⁴ Hatoum, "Students thought terror suspect was 'a drug addict'."

³⁵ Hatoum, "Students thought terror suspect was 'a drug addict'."

³⁶ Hatoum, "Students thought terror suspect was 'a drug addict'."

³⁷ Bazzi, "The new 'Prince' of terrorism."

and met others who shared his feelings towards the United States.³⁸ He met a Syrian al-Qaeda member (not one of the plotters) in person to receive weapons training in the Ain al-Hilweh Refugee Camp, which was located in Syria-controlled Lebanon at that time.³⁹ At some point, he began to use the sites as forums to discuss possible ideas for inflicting harm against the United States. Federal officials indicated that Hammoud had posted about the possibility of setting wildfires in California, bombing the Holland Tunnel, and attacking the Golden Gate Bridge in California before finally settling on the PATH tunnels as his target.⁴⁰

The nature of the terrorist group Hammoud assembled appeared to be self-organizing and ad hoc.⁴¹ While Lebanese authorities indicated that he appeared to be reaching out to al-Qaeda, Hammoud came up with the idea for the tunnel plot and contacted many others through Internet communication, independent of al-Qaeda's organization.⁴² None of the group members had ever met each other and all communication between them occurred over the internet.⁴³

During his interrogation by the Lebanese authorities, Hammoud openly claimed to be an al-Qaeda member and the plot's ringleader.⁴⁴ He allegedly also professed his loyalty to Osama bin Laden.⁴⁵ There remains some speculation about whether Hammoud was actually the leader of the terrorist network, however.⁴⁶ Some Lebanese sources previously indicated that the actual head of the gang was a "Palestinian with European nationality."⁴⁷ No other evidence corroborates these reports, with the overwhelming majority of open source intelligence on the plot indicating that Hammoud was entirely responsible for its inception.

3. Motivation

While very little is known about the motivation of the plotters, it appears that at least Hammoud was motivated by the U.S. invasion of Iraq. This line of motivation follows the territorial ambition of other al-Qaeda associates, who seek to recover lands that they believe were lost to Islam in the fifteenth century. Hammoud's chosen pseudonym, which refers to the conquered Islamic empire in Spain, also points to the significance of specific territorial grievances shared with other militant Islamists. Because he believed that America's actions in Iraq were unjust, he became involved with militant Islamist websites and frequented militant chatrooms.⁴⁸

³⁸ Douglas Hagmann and Judi McLeod, "A Detailed Overview of the 2006 New York Tunnel Bombing Plot," canadafreepress.com, July 11, 2006.

³⁹ Arena, "FBI: Three held in New York tunnel plot."

⁴⁰ Hatoum, "Students thought terror suspect was 'a drug addict'."

⁴¹ Spencer S. Hsu and Robin Wright, "Plot to Attack N.Y. Foiled: Transit Tunnels to N.J. Called Targets," *Washington Post*, July 8, 2006.

⁴² Hsu and Wright, "Plot to Attack N.Y. Foiled."

⁴³ Lipton, "Recent Arrests in Terror Plots Yield Debate."

⁴⁴ Arena, "FBI: Three held in New York tunnel plot."

⁴⁵ Arena, "FBI: Three held in New York tunnel plot."

⁴⁶ Young, "The Strange Case of Professor Hammoud."

⁴⁷ Young, "The Strange Case of Professor Hammoud."

⁴⁸ Bazzi, "The new 'Prince' of terrorism."

4. Goals

None of the plotters appeared to have a clear goal in mind, other than racking up a high body count and striking a symbolic blow against the U.S. by flooding Manhattan's financial district.⁴⁹ The plotters viewed their actions as part of al-Qaeda's global jihad against the United States.⁵⁰

5. Plans for violence

The basic plot was to detonate a large amount of explosives inside of the PATH tunnel—a train tunnel connecting Manhattan and New Jersey—with the intent of blasting a hole in the tunnel and killing everyone traveling in it. According to initial reports on the plot, which cited unnamed FBI leakers, the plotters also thought that the blast would create a large flood in Lower Manhattan and the Financial District.⁵¹

First, the plotters planned to travel to Canada and then cross the Canadian border into the United States.⁵² Next, they planned to board PATH trains with backpacks full of explosives.⁵³ Once the trains were passing through a tunnel under the Hudson River, the plan was to detonate these explosives, killing everyone onboard the trains and possibly breaching the tunnel lining. Authorities indicated that it was slated to take place in October or November of 2006.⁵⁴

The scale of Hammoud's plans for violence is widely disputed and the evidence needed to settle the dispute is largely classified. For instance, according to an anonymous NYPD intelligence official, part of the investigation revealed that these same terrorists were looking at other targets, like subways, bridges and other tunnels, including that the "tunnel bomb plot may be merely part of a massive, multi-target attack that would shut down transportation into and out of Manhattan Island."⁵⁵ While such claims seem a bit grandiose and probably beyond the capabilities of the terrorist network in question, the material necessary to corroborate or contradict the claims—namely all chat room and email communication between the plotters—remains classified.

In early 2006, the FBI discovered that Hammoud had planned a trip to Pakistan, where he was to undergo four months of training with al-Qaeda.⁵⁶ On April 27, two days before this planned trip, the FBI coordinated a sting operation with the Lebanese Interior Security Forces and arrested Hammoud in his Beirut apartment. The exact date of his arrest has been contested by a Lebanese judicial

⁴⁹ Jenkins and Trella, "Carnage Interrupted," 3.

⁵⁰ Jenkins and Trella, "Carnage Interrupted," 45.

⁵¹ David Michaels and Kathleen Carroll, "PATH terror foiled," *freerepublic.com*, February 11, 2007. While the goal of flooding Lower Manhattan and the Financial District did not appear to come from Hammoud's ISF interrogation statement, no Lebanese or American officials ever disavowed these details.

⁵² Arena, "FBI: Three held in New York tunnel plot."

⁵³ Arena, "FBI: Three held in New York tunnel plot."

⁵⁴ Arena, "FBI: Three held in New York tunnel plot."

⁵⁵ Kouri, "Exclusive: Terrorist plot to bomb New York's Holland Tunnel uncovered."

⁵⁶ Arena, "FBI: Three held in New York tunnel plot."

source, who insisted that the arrest did not occur until early May.⁵⁷ However, the FBI only revealed Hammoud's arrest on July 7, 2006, in response to a news report that had leaked details about the plot.⁵⁸ According to the then Lebanese Premier, Fouad Siniora, his arrest was not announced until July 7, 2006 for "security reasons."⁵⁹ Lebanon's Internal Security Forces (ISF) indicated that Hammoud's arrest was due to a collaborative effort between the American Federal Bureau of Investigation, the Lebanese ISF, and Danish police⁶⁰

Investigators in the FBI believed that the plot was about to enter a phase where the suspects would assess targets and obtain the material necessary to create the explosive devices for the attack.⁶¹ At the time of his arrest, Hammoud had been teaching a business ethics at Lebanese International University (LIU).⁶² Shortly after his arrest, which had not initially been made public, Lebanese ISF confiscated all computers in the LIU business department, including Hammoud's.⁶³ On his laptop, authorities discovered preliminary plans for attack and maps pinpointing the Hudson River train tunnels.⁶⁴

It is difficult to tell how serious this plot was, as it never advanced beyond talk and none of the plotters, including Hammoud, ever set foot inside the United States.⁶⁵ The plotters also never met each other outside of email and internet chatrooms.⁶⁶

If the plotters did carry out an attack like the one talked about, it could have caused considerable, but not catastrophic, damage. After the plot was foiled in 2006, the Port Authority of New York and New Jersey commissioned the Lawrence Livermore National Laboratory and the Rensselaer Polytechnic Institute to assess the vulnerability of the PATH train tunnels to a bomb attack. The analysis in the report indicated that the four PATH tunnels were structurally more fragile than previously thought.⁶⁷

Unlike most underwater tunnels, which are bored through bedrock, the PATH Hudson River tubes lie in soft riverbed.⁶⁸ While silt has built on top of the 90 year old tubes, they do not have the security of being encased in bedrock and thus are more vulnerable to being flooded from an explosion.⁶⁹ In fact, according to the report, it would only take six minutes for a PATH tube to flood, even if the

⁵⁷ Young, "The Strange Case of Professor Hammoud."

⁵⁸ O'Neil, "New York Plot is Uncovered in Early Stage."

⁵⁹ Mayssam Zaaroura and Meris Lutz, "Lebanese arrest suspect in New York bomb plot," *The Daily Star*, July 8, 2006.

⁶⁰ Zaaroura and Lutz, "Lebanese arrest suspect in New York bomb plot."

⁶¹ Arena, "FBI: Three held in New York tunnel plot."

⁶² Hatoum, "Students thought terror suspect was 'a drug addict'."

⁶³ Hatoum, "Students thought terror suspect was 'a drug addict'."

⁶⁴ Gendar and Hutchinson, "Assem Hammoud."

⁶⁵ Graham Rayman, "Bloomberg, Kelly say NYPD Foiled 14 Terror Plots; Not So, Article Counters," *villagevoice.com*, July 11, 2012.

⁶⁶ Lipton, "Recent Arrests in Terror Plots Yield Debate."

⁶⁷ William K. Rashbaum and William Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack," *New York Times*, December 22, 2006.

⁶⁸ Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

⁶⁹ Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

bomb detonated was not very large.⁷⁰ The bomb, which could be easily carried aboard a train, could blow a 50-square-foot hole in the tube, with 1.2 million gallons of water pouring into the tunnel every minute.⁷¹ With 230,000 people riding the PATH system every weekday, and potentially around 900 people aboard a single crowded train, such an attack could have had a high casualty count.⁷² Such an attack would not, however, flood the financial district in Manhattan, which lies a couple of feet above the Hudson River's water table.⁷³

The detailed communication between all of the plotters over chat rooms and email indicates that all of the suspects involved were well aware of what was going on.⁷⁴ Assuming all the plotters were aware of the plot, they were also likely aware that suicide seems to be an inevitable outcome.⁷⁵ Once on the trains, the terrorists planned to detonate the explosives in their backpacks, to be made from triacetone triperoxide, killing themselves and everyone onboard.⁷⁶

Hammoud was prosecuted in a military court, but was temporarily released in June 2008 on a bail of 1 million Lebanese pounds (about \$667), pending a verdict. At the time he was released, Hammoud had already spent 26 months in solitary confinement. The release was kept quiet by Lebanese authorities until Hammoud appeared in an interview with Al-Arabiya Television, in which he denied all of the charges against him. After the release became public, Lebanese officials indicated that, according to Lebanese law, Hammoud had spent the maximum time in custody for the charges against him. Finally, on February 17, 2012, Hammoud was convicted of involvement in the plot. However, he was only sentenced to two years in prison, which he had already served.⁷⁷

6. Role of informants

There seem to be no informants involved in finding out about this particular plot. The FBI allegedly discovered Hammoud's plans by monitoring internet chat rooms, subsequently tipping off Lebanese ISF, which identified and later arrested Hammoud.

7. Connections

Although Hammoud openly reached out to al-Qaeda, Lebanese authorities indicated that Hammoud did not appear to have been assigned a specific mission by the group; instead, Hammoud independently came up with the idea and contacted other would-be plotters over the internet.⁷⁸ While there is very little clarity about the relationship between the plotters and al-Qaeda central, there were widespread allegations that the plot received a pledge of financial and tactical

⁷⁰ Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

⁷¹ Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

⁷² Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

⁷³ "Surging Sea Report: Lower Manhattan Especially Vulnerable to Rising Sea Level," newyork.cbslocal.com, March 15, 2012.

⁷⁴ Gendar and Hutchinson, "Assem Hammoud."

⁷⁵ Jenkins and Trella, "Carnage Interrupted," 12.

⁷⁶ Hagmann and McLeon, "A Detailed Overview."

⁷⁷ Gendar and Hutchinson, "Assem Hammoud."

⁷⁸ Hsu and Wright, "Plot to Attack N.Y. Foiled."

support from Jordanian associates of the well-known terrorist Abu Musab al-Zarqawi, prior to Zarqawi being killed in Iraq.⁷⁹ However, there is no evidence to indicate that Hammoud had any sort of direct or personal link to Zarqawi.⁸⁰ Regardless of any actual connections, the plotters viewed themselves as part of al-Qaeda's global jihad against the United States.⁸¹

There were some allegations of Hammoud also being a member of Hezbollah. Other than some cigarette smugglers accused of funding Hezbollah, who happen to share the same last name (a very common one in Lebanon), there seems to be little evidence to support this claim.⁸²

8. Relation to the Muslim community

While Hammoud was raised in a moderate Sunni Muslim family, the Muslim community in Beirut and beyond did not appear to have any knowledge of the plot. In his alleged strategy of deception, Hammoud deliberately lived an anti-Islamic lifestyle to cover his extremism, making the Muslim community completely unaware of his true religious leanings or plans.

9. Depiction by the authorities

There were two different narratives among U.S. officials in the immediate aftermath of the plot being made public. The first narrative came from an FBI statement after the story broke, which indicated that the threat was the “real deal.”⁸³ According to the statement, made by FBI assistant director for New York, Mark Mershon, the plotters were about to “surveil targets, establish a regimen of attack and acquire the resources necessary to effectuate the attacks.”⁸⁴

The second narrative, coming from U.S. counterterrorism and Homeland Security officials, gave a much less dire assessment of the plot. Two anonymous U.S. counterterrorism officials were quoted in numerous media sources as saying that the plot was “more aspirational in nature” and that the threat was simply “jihadi bravado” with little activity to back up the talk. Publicly, Homeland Security Secretary Michael Chertoff indicated that there “was never a concern that this would actually be executed.”⁸⁵

American authorities also used the plot to highlight the need for the New York City area to receive a greater portion of Department of Homeland Security funds.⁸⁶ According to a number of lawmakers who made speeches after the plot was uncovered, the plot shows why the New York City area is at greater risk to terrorism due to its symbolic landmarks.⁸⁷

⁷⁹ Jenkins and Trella, “Carnage Interrupted,” 45.

⁸⁰ Spencer Hsu and Robin Wright, “Tunnel Plot Suspects Linked to Al-Qaeda,” *Washington Post*, July 11, 2006.

⁸¹ Jenkins and Trella, “Carnage Interrupted,” 45.

⁸² Schlüssel, “Schlüssel Exclusive: NYC Tunnel Qaeda Plotter.”

⁸³ Hsu and Wright, “Plot to Attack N.Y. Foiled.”

⁸⁴ Arena, “FBI: Three held in New York tunnel plot.”

⁸⁵ Hsu and Wright, “Plot to Attack N.Y. Foiled.”

⁸⁶ Hsu and Wright, “Plot to Attack N.Y. Foiled.”

⁸⁷ “FBI Busts ‘Real Deal’ Terror Plot Aimed At NYC-NJ Underground Transit Link,” FoxNews.com, July 7, 2006.

Among Lebanese authorities, the plot was depicted as a significant, alarming, and credible threat. Indeed, the only sources of Hammoud's supposed admission of guilt are Lebanese officials, without any independent confirmation of what he supposedly divulged during his interrogation. In Hammoud's very first chance to speak publically about his role in the plot, which occurred on Al-Arabiya, he denied any wrongdoing. The overwhelming seriousness with which the plot was depicted might have had more to do with domestic Lebanese politics than hard evidence. In reality, it was in the Lebanese government's interest to convince the United States that it had foiled a major terrorism case. The ISF, which conducted the investigation of Hammoud in Lebanon, was then headed by a key ally of Saad Hariri. During the time of the investigation, Hariri's party was attempting to consolidate relations with the United States in order to gain leverage over Syria and its Lebanese allies.⁸⁸ While Hammoud is almost certainly not innocent, it appears at least plausible that the ISF exaggerated details of the plot for Hariri's political gain.

10. Coverage by the media

The initial story about the plot only broke when someone leaked the story to the *New York Daily News*.⁸⁹ The authorities in the United States openly expressed their frustration with media coverage surrounding the plot.⁹⁰ Specifically, the FBI indicated that the leak hurt its relationship with foreign intelligence services that participated in the investigation.⁹¹ The plot's exposure also came during the first anniversary of the London Underground bombings that involved four suicide bombers killing 52 people on the London Underground and on a bus.⁹²

It is clear that either media sources jumped to a number of wrong conclusions or the leaker was relatively uninformed about the actual nature of the plot. For instance, the first press reports on the terrorist plot erroneously indicate that the plot's target was the Holland Tunnel.⁹³ Most of these sources cite the original *New York Daily News* report for their information, which has since been taken down from the newspaper's website.

Perhaps the most surprising aspect of the media's coverage of the plot is that, despite the rather "flimsy, internally contradictory and fantastic character of the plot," the media uncritically accepted almost all government claims.⁹⁴ One explanation might be the difficulty of finding evidence to question government claims. Most of the information that officials used to draw their conclusions is classified or relies on unconfirmed admissions of guilt by Hammoud, during his interrogation by Lebanese authorities.⁹⁵

⁸⁸ Young, "The Strange Case of Professor Hammoud."

⁸⁹ Arena, "FBI: Three held in New York tunnel plot."

⁹⁰ Arena, "FBI: Three held in New York tunnel plot."

⁹¹ Arena, "FBI: Three held in New York tunnel plot."

⁹² Barry Grey, "Plan to attack New York tunnels: Yet another dubious 'terror plot'," infowars.net, July 10, 2006.

⁹³ Kouri, "Exclusive: Terrorist plot to bomb New York's Holland Tunnel uncovered."

⁹⁴ Grey, "Plan to attack New York tunnels."

⁹⁵ Young, "The Strange Case of Professor Hammoud."

11. Policing costs

The investigation of the plotters began in early 2005, meaning that the investigators followed the plot for about a year before taking any action.⁹⁶ While the exact monetary amount of policing costs involved in the plot is unknown, it is believed to be quite high. Surveillance of the suspects lasted “several months” and, in a televised interview referring to the investigation, Representative Peter T. King, the chairman of the House Committee on Homeland Security, indicated that “an extraordinary amount of money” had been spent by the New York City Police Department on the plot.⁹⁷ The number of agencies and countries that participated in the investigation is remarkable. In addition to the NYPD and FBI in the US, intelligence and investigative agencies in Lebanon, Canada, Pakistan, and Iraq were involved.⁹⁸

As there were no charges brought against Hammoud in the United States, there were no court or prison costs incurred by the U.S. government. Hammoud’s arrest and imprisonment occurred entirely in Lebanon.

12. Relevance of the internet

The internet was key in both the planning of the plot and its subsequent foiling by Lebanese and American authorities. First, Hammoud used it to acquire detailed maps of the PATH system.⁹⁹ Second, he used it to announce his idea and contacted other plotters by email and through chat rooms.¹⁰⁰ Because the plotters never met in person, the internet was the only form of communication the plotters had.¹⁰¹ The role of the internet in this particular plot was especially concerning to authorities.¹⁰² Hammoud was able to use it to recruit members and to identify targets without ever having to travel or have in-person meetings.¹⁰³ These tactics reinforce the notion of the internet and chat rooms becoming the new habitat for al-Qaeda and its affiliates.

The discovery and consequent foiling of the plot was widely cited as another success resulting from internet monitoring and intelligence gathering. The FBI, which was able to track the bomb plot by monitoring militant chat rooms, tipped off Lebanese ISF, which was able to identify Hammoud through the internet protocol address he was using to access Islamist websites. The ISF then monitored Hammoud’s internet activity and phone calls for several months prior to his arrest in April 2006.¹⁰⁴

Most critical, and perhaps most frightening, was the role the internet played in Hammoud’s radicalization. The internet—specially the terrorist sites that Hammoud frequented—provided Hammoud with the tools to transition from

⁹⁶ Rashbaum and Neuman, “PATH Tunnels Seen as Fragile in Bomb Attack.”

⁹⁷ O’Neil, “New York Tunnel Plot is Uncovered in Early Stage.”

⁹⁸ Arena, “FBI: Three held in New York tunnel plot.”

⁹⁹ Hagmann and McLeon, “A Detailed Overview.”

¹⁰⁰ Hsu and Wright, “Plot to Attack N.Y. Foiled.”

¹⁰¹ Lipton, “Recent Arrests in Terror Plots Yield Debate.”

¹⁰² Hsu and Wright, “Plot to Attack N.Y. Foiled.”

¹⁰³ Hsu and Wright, “Plot to Attack N.Y. Foiled.”

¹⁰⁴ Bazzi, “The new ‘Prince’ of terrorism.”

a religious extremist to a terrorist. While the U.S. invasion of Iraq infuriated and radicalized Hammoud to a certain extent, it was the internet that connected Hammoud with like-minded individuals and jihadist teaching material. The internet also provided Hammoud with a sounding board for his ideas as well as a network of terrorists to put his violent plans into action.

13. Are we safer?

Taking into account fairly recent improvements in the PATH tunnels, it would be hard to deny that we are significantly safer from a plot similar to Hammoud's today. In 2006, after the Port Authority got wind of the foiled plot, it authorized a \$900 million project to install reinforced metal plates along the interior walls of the PATH tunnels, as well as massive flood-prevention gates on both ends of the main PATH lines, which run between the World Trade Center and the West Village to Jersey City.¹⁰⁵ In 2010, the PA lowered reinforced "blankets" over the top of the PATH tubes. While it is unclear what these blankets are made of, they would reduce the amount water that would flow into the tunnels in the event of an explosion.¹⁰⁶

Along with improvements to the physical stability of the tunnels, safety has been improved by screening. PATH security personnel now conduct increased patrols and bag searches on the system.¹⁰⁷ In addition, a new screening system called the Passive Millimeter Wave was added to all stations in June 2009. The system analyzes energy waves to detect hidden explosive devices.¹⁰⁸ Presumably, this system can detect explosive devices like the ones Hammoud and the other plotters planned to use.

The case might have also motivated overall increases in the attention paid to security of the New York City area. The timing of the Department of Homeland Security's announcement to boost funds to protect rail and transit lines in the New York City area on July 7, 2006—the same day as the disclosure of the PATH tunnel plot—seems like more than coincidence.

Despite these improvements, security, at times, remains a problem in the PATH system. On May 8, 2011, Reymundo Rodriguez was able to slip into a PATH tunnel in Manhattan and walk all the way to New Jersey before telling a Port Authority contractor that he left a bomb on the tracks. While there was no bomb on the tracks, the ease with which Rodriguez could enter the tunnel without anyone noticing seriously questions the security of the system.¹⁰⁹

¹⁰⁵ Tom Namako, "PATH tunnels get \$600M ring of steel," *New York Post*, November 30, 2010. These safety additions follow the recommendations of a report done by the Lawrence Livermore National Laboratory and the Rensselaer Polytechnic Institute in 2006. See Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

¹⁰⁶ Tom Namako, "Security blankets," *New York Post*, December 27, 2010.

¹⁰⁷ Rashbaum and Neuman, "PATH Tunnels Seen as Fragile in Bomb Attack."

¹⁰⁸ Laura Batchelor, "New security to get test with New York rail commuters," *CNN*, June 10, 2008

¹⁰⁹ Larry Celona, "Two tunnel security breaches cause scare in city," *The New York Post*, May 9, 2011.

14. Conclusions

Unlike most of the cases presented in this book, the PATH tunnel plot and subsequent arrest of suspects occurred entirely overseas. Due to this complication, as well as to a relative lack of transparency by Lebanese and American authorities, much about this case remains unknown. There continue to be numerous discrepancies in the details disclosed by American and Lebanese officials.¹¹⁰

On the one hand, the PATH plot represents the ultimate nightmare for U.S. security officials: a group of ideologically driven extremists, who have never met in person and appear relatively normal to their family and friends, plan a massive terrorist attack on an insecure target. Public transportation presents an easy target for would-be terrorists. Security tends to be very lax—usually nothing beyond some closed circuit television coverage and a few routine police patrols—due to concerns for efficiency of riders.¹¹¹

On the other hand, so much about this plot appears unlikely or unrealistic, with no plotter ever entering the United States, let alone conducting reconnaissance on the target or collecting materials necessary to make a bomb. Even if the plotters actually were able to enter the United States and acquire the necessary bomb material, patrols on the PATH were increased in the wake of the terrorist attacks on rail and transit systems and Madrid and London in 2004 and 2005.¹¹² Presumably, most, if not all, of the plotters would need to be on the same train in order to produce an explosion large enough to breach the PATH tunnel lining. In order to rack up the most casualties, the plotters would also presumably need to strike the tunnels during the evening rush hour. It would be hard for the sizable security personnel presence on the system (including a large number of security cameras) during rush hour not to notice a large group of Middle Eastern men, with large backpacks, pushing to get on the same train.

With so many obvious holes in Hammoud's plot, Hammoud's public statements of innocence, and the fact that no charges were ever brought against him in the United States, it is plausible to think that some exaggeration occurred on the part of the ISF in Lebanon. The political incentives for the Hariri camp in Lebanon to sensationalize the plot make this scenario even more likely. Hammoud never authenticated his interrogation statement, which was sent by the ISF to the FBI, nor did a legal representative confirm his alleged confession.¹¹³ On the other hand, if Hammoud was truly loyal to al-Qaeda and the mastermind of a major and credible terrorist attack, it seems strange to think that he is a free man in Lebanon today.

Appendix: "Daylight" and Underwater Tunnel Terror

The idea of breaching the lining of underwater tunnels is frightening prospect and has captivated the imagination of terrorists and screenwriters alike. The Sylvester Stallone action film "Daylight," which opened December 6, 1996,

¹¹⁰ Young, "The Strange Case of Professor Hammoud."

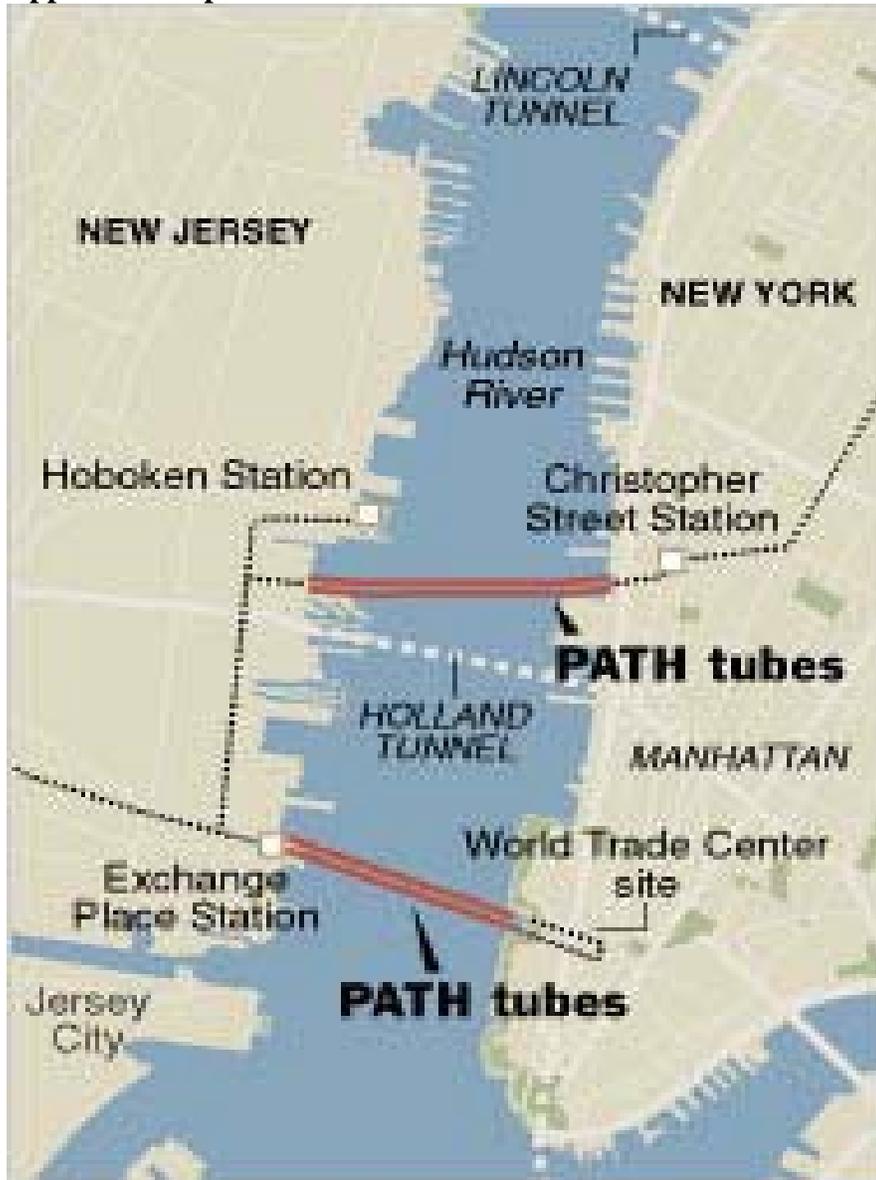
¹¹¹ Jenkins and Trella, "Carnage Interrupted," 16.

¹¹² Jenkins and Trella, "Carnage Interrupted," 46.

¹¹³ Young, "The Strange Case of Professor Hammoud."

depicts the fictional Manhattan Tunnel flooding and collapsing when a tractor-trailer filled with gas explodes. The movie has prompted the New York City Port Authority to examine the feasibility of “Daylight” becoming a blueprint for real-life incidents.¹¹⁴ The authorities at the PA concluded that, “...no explosion short of a missile warhead...could flood either the Holland or Lincoln Tunnel the way the tunnel in ‘Daylight’ begins to fill with water...spilling water would simply run out the ends of the tunnel.”¹¹⁵ Perhaps it was these images that the initial reporters on the plot had in mind when they erroneously cited the Holland tunnel as the target of Hammoud’s plot.

Appendix: Map of the PATH Tubes



¹¹⁴ Nick Charles, “Tunnel Terror: Could it happen here?” *New York Daily News*, December 3, 1996.

¹¹⁵ Charles, “Tunnel Terror: Could it happen here?”

Case 19: Sears Tower

John Mueller

June 4, 2011

The Sears Tower, or Liberty City Seven, episode of 2006 seems to have been designed for Hollywood.

It centers around Narseal Batiste, a charismatic failed businessman in Miami who was in the process of inventing a new, polyglot religion, and dreamed of founding a new Moorish nation within the United States. Although his father none-too-generously described him as being “not in his right mind,”¹ he was able to fabricate a small sect of some six acolytes, most with criminal backgrounds, all of them, like him, black and downtrodden, and all employed by him at one time or another.

With his cosmic goal apparently in mind he told a local Yemeni grocer that he wanted to conduct jihad to overthrow the U.S. government and was interested in connecting up with al-Qaeda. As it happened, the grocer was an informant for the FBI, and when he spread the tale to them, they arranged to have another informant infiltrate the group posing as an al-Qaeda operative with the requisite connections. Through the informer, the FBI also provided the group with a rent-free, if bugged, warehouse for its meetings. Batiste became ever more voluble, saying he lived for jihad and wanted to conduct a “full ground war” against the United States.

His initial plan was to topple the Sears Tower in Chicago, an undertaking that, he felt, might outdo even the efforts of the 9/11 terrorists. He said he anticipated either that the building would fall into Lake Michigan, creating a tsunami to distract officials so the group could free Muslims from the local prison to join their army. Or perhaps it would topple directly into the prison with the same effect. This truly impressive idea, Batiste said later, was inspired by the movies.² The informant suggested more modest measures, at least for starters, such as exploding a bomb at the local FBI headquarters. He also dangled before them other inducements including a facilitating payment of \$50,000. Duly impressed, Batiste and the others did some surveillance of the potential targets and, at the informant’s bidding, took a solemn oath to bin Laden. However, at no time did the group have written plans, weapons, explosives, money, transport, training, skills, or in all probability the competence to carry out the imagined attacks.

The FBI also obligingly paid for a visit of a religion entrepreneur and convicted rapist from Chicago, who called himself as Sultan Khan Bey. He was accompanied by wife, whom he called Queen Zakiyaah. The Sultan proved to be a fly in everybody’s liniment. He soon began to have disagreements with Batiste and suggested correctly that the informant was an informant, an observation that began to cause the group to splinter. Later, he shot at one of Batiste’s supporters

¹ Pincus, “FBI Role.”

² Walter Pincus, “FBI Role in Terror Probe Questioned,” *Washington Post*, September 2, 2006.
Amanda Ripley, “Preemptive Terror Trials: Strike Two,” *Time*, December 13, 2007.

and was arrested. Then in custody, he alarmed the police by opining that Batiste's plot was "starting to get serious."³

Or it may be, as Lauren Brady suggests, that the group was arrested at that point because it was beginning to fall apart and there would soon be no case—a concern that may also apply to the Herald Square plotters (Case 12).

At his trial, Batiste claimed that he was never serious about any of this stuff, and that he, in fact, was trying to bamboozle the informant out the mouth-watering \$50,000—that in essence, he was entrapped by his own con. This, however, does not explain his earlier behavior before the Yemeni grocer, as Brady notes, a plot device that will doubtless bear consideration by future script writers.

A further issue. Even if this whole episode was essentially dreamed up and impelled by the FBI and its paid informant, it involved some pretty serious stuff (not necessarily including the extravagant Sears Tower plot itself), and many people might conclude that perhaps the public is rather better off with these guys, however deluded and incompetent, in jail for a while.

The case not only led to multiple trials as the government sought to gain convictions from skeptical juries, but it inspired sustained and pointed criticism from the media for the first time in the post-9/11 era. In the lead was Richard Cohen of the *Washington Post* who ridiculed the Attorney General for taking seriously Batiste's preposterous cracks about launching a "full ground war" against the United States and about his desire to "kill all the devils," and for voicing the extravagant extrapolation that, if "left unchecked, these homegrown terrorists may prove to be as dangerous as groups like al-Qaeda." All this, despite, Cohen notes, "a clear lack of materiel and sidewalk-level IQs" by "seven hapless idiots who would blow up the Sears Tower, if only they could get to Chicago."⁴

In part perhaps because of such criticism, the Sears Tower case (like the Albany episode of 2004, Case 10) has led, as Brady notes at the end, to improvements in FBI procedures. As one commentator she quotes puts it, "today, authorities are more likely to carry their ruses further, give suspects more opportunities to clearly state their intentions for FBI microphones and even let them light a fuse to a fake bomb."⁵ That also suggests, however, that if the new approaches had been in place in Miami in 2006, the colorful Batiste and his little band of "hapless idiots" would never have been arrested in the first place.

³ Pincus, "FBI Role."

⁴ Richard Cohen, "Terror Alert: Severe Risk of Hype," *Washington Post*, June 27, 2006.

⁵ "FBI Terror Stings: Entrapment or Prevention?" CBS News, November 30, 2010.

Case 19: Sears Tower

Lauren Brady

June 4, 2011

typographical and other minor corrections November 21, 2011

1. Overview

The group often called the “Liberty City Seven” comprised men from the Liberty City neighborhood of Miami who were arrested on June 23, 2006 for plotting to bomb the Sears Tower in Chicago and various federal buildings in Miami. The men were not Muslims, but rather members of a religious sect they called the Seas of David, which blended Christianity, Judaism, and Islam.¹ The leader of the Liberty City Seven, Narseal Batiste, stated that he wanted to wage Islamic jihad against the U.S. and establish a sovereign Moorish nation within the United States.²

Batiste first came to the government’s attention in October 2005 after he spoke to a local grocer, who happened to be an FBI informant, about contacting al-Qaeda.³ This led to an undercover operation in which a second informant posed as an al-Qaeda representative and provided the group with supplies, ideas, and encouragement for their terrorist plots and activities.⁴ However, the plots never moved beyond the discussion phase, and no concrete attack plans were ever developed.⁵ In April 2006 one group member moved away,⁶ and Batiste expressed that there was disagreement within the group and it seemed to be disbanding.⁷ In June 2006, the FBI arrested all seven men. While no reason was ever explicitly stated for the decision to move to arrest, it is likely that the FBI did not want its work to go to waste and felt pressure to make an arrest before the group’s disbandment would make it appear nonthreatening to a jury.

They seven men were indicted on four counts: conspiracy to provide material support to a terrorist organization, conspiracy to provide material support and resources to terrorists, conspiracy to maliciously damage and destroy buildings by means of an explosive device, and conspiracy to levy war against the government of the United States.⁸ Defense attorneys labeled the case an egregious example of entrapment and claimed their clients neither had the will nor the means to carry out the plot.⁹

¹ Steven Emerson. *Jihad Incorporated: a Guide to Militant Islam in the US*. Amherst, NY: Prometheus, 2006, 74-75.

² Walter Pincus, “FBI Role in Terror Probe Questioned,” *Washington Post*, September 2, 2006.

³ NEFA, “The Miami Plot to Bomb Federal Buildings and the Sears Tower,” January 2008. www.nefafoundation.org/miscellaneous/Miami_Plot.pdf, 7.

⁴ NEFA, “Miami Plot,” 3-4.

⁵ Joe Kay, “Miami: Collapse of Liberty City 7 Case Exposes Fraud of War on Terror.” *GlobalResearch.ca - Centre for Research on Globalization*, December 16, 2007.

⁶ Peter Whoriskey, “Man Acquitted in Terror Case Faces Deportation,” *Washington Post*, March 2, 2008.

⁷ NEFA, “Miami Plot,” 6-7.

⁸ Jerome P. Bjelopera and Mark A. Randol, “American Jihadist Terrorism: Combating a Complex Threat,” Congressional Research Service, September 10, 2010, 96-97.

⁹ *Ibid.*

The first trial, held in 2007, resulted in acquittal for one member and a mistrial for the other six men. In 2008 a second trial for the remaining six resulted in yet another mistrial. Finally, a third trial in 2009 resulted in acquittal for one member and convictions for the other five. It appears that there was little difference between the final trial and the first two, except a new jury and increasing pressure for the government to win convictions. Only Batiste was convicted on all four charges; he received 13.5 years in prison. One member was convicted on three counts and was sentenced to nine years in prison. The other three members were convicted on two counts and sentenced to eight, seven, and six years in prison.¹⁰ Lawyers for those convicted stated that they would most certainly appeal the convictions,¹¹ but no appeals have been reported on as of December 2010. The member acquitted in the first trial, Lyglenson Lemorin, is facing deportation charges; he is a Haitian national living in the U.S. legally at the time of the arrests.¹²

2. Nature of the adversary

All seven members of the Liberty City Seven were black. Five were born in the U.S., one was a Haitian national living in the U.S. legally, and one was a Haitian national living in the U.S. illegally. In addition to Narseal Batiste, 32, the other members include Burson Augustin, 21; Rothschild Augustine, 22; Naudimar Herrera, 22; Stanley G. Phanor, 31; Patrick Abraham, 27; and Lyglenson Lemorin, 31, with the last two being the illegal and legal immigrants, respectively.¹³

The education levels of the Liberty City Seven are unclear, but there is no indication that any of them attained a higher education. Batiste attended a Catholic school in Chicago but graduated from a public high school.¹⁴ He married after high school and he and his wife eventually had four children.¹⁵ At least one other member of the group was married,¹⁶ and another became married after the arrests.¹⁷ At least one member other than Batiste had children.¹⁸

Batiste and the other members of the Liberty City Seven can be described as economically downtrodden. Batiste grew up on the South Side of Chicago, but his family moved back and forth between the city and their farm in Marksville, Louisiana.¹⁹ After high school, Batiste worked as a FedEx driver in Chicago, but

¹⁰ Bjelopera and Randol, "American Jihadist," 97.

¹¹ "5 Convicted in 'Liberty City' Terror Trial," CNN.com, May 12, 2009.

¹² Jay Weaver, "Acquitted Member of Liberty City Seven Fights Deportation," MiamiHerald.com, December 15, 2010.

¹³ Scott Shane and Andrea Zarate. "F.B.I. Killed Plot in Talking Stage, a Top Aide Says," *New York Times*, June 24, 2006.

¹⁴ Charles Rabin and Susannah A. Nesmith. "Accused Terror Plot Leader Was Once a Guardian Angel," *Miami Herald*, June 27, 2006.

¹⁵ *Ibid.*

¹⁶ Whoriskey, "Man Acquitted".

¹⁷ "Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaida Pledge," Associated Press, August 23, 2009.

¹⁸ Whoriskey, "Man Acquitted."

¹⁹ Rabin and Nesmith, "Accused."

filed for bankruptcy in 2001.²⁰ After briefly moving to the farm in Louisiana, he abruptly moved his family to Miami and eventually formed Azteca/ACME Organizations Inc., a stucco and drywall firm.²¹ The small construction business was described as struggling, but it employed all members of the Liberty City Seven at one point or another.²²

In addition to his construction business, Batiste led the Seas of David, a religious sect seemingly of his own creation that combined elements of Christianity, Judaism, and Islam and is supposedly related to the beliefs of the Moorish Science Temple.²³ The Moorish Science Temple was a religious movement started in 1913 in New Jersey by Drew Ali, who claimed that blacks were descendants of Muslims and had had their Islamic identity taken from them by slavery and segregation. He advocated reclaiming their spiritual heritage by returning to the Islam of their Moorish forefathers. Many of the Moorish Science Temple's formal practices are derived from Islam, but it is said to also have significant elements of Christianity and Judaism.²⁴ The Moorish Science Temple does not recognize the legitimacy of the U.S. government.²⁵

As a child, Batiste is said to have attended both a nondenominational church and a Baptist church, and his father said that he always carried a Bible with him. His father also said that after high school, Batiste introduced his parents to a man that was dressed in strange robes and identified as a Muslim. When Batiste's father asked him why he was hanging around with this man, Batiste replied that he wanted to learn about the Holy Quran and the man was going to teach him.²⁶ Nothing more is known about this man or the influence he may have had on Batiste.

Miami neighbors claimed that Batiste would roam the neighborhood in his trademark cape, carrying a cane and proselytizing on street corners.²⁷ One neighbor claimed that Batiste attempted to become a pastor at a local church, but was denied.²⁸ However this did not prevent him from becoming a source of spiritual guidance to many in the neighborhood. When describing their connection to Batiste, the wife of group member Lyglenson Lemorin stated, "It was on our spiritual journey that we got involved with Narseal...He was just another way of learning the Bible and the Koran. We always read interesting books."²⁹ Clearly the Seas of David, Batiste, and the other group members were not Islamist in the traditional sense. Aspects of Islam were present, but the actual religious beliefs and practices of the group seemed to be a mash-up of many different religions.

²⁰ Ibid.

²¹ Ibid.

²² Kirk Semple, "U.S. Falter in Terror Case Against 7 in Miami," *New York Times*, December 7, 2007.

²³ Emerson, *Jihad Incorporated*, 74-75.

²⁴ "Moorish Science Temple of America (religious Movement), *Britannica Online Encyclopedia*. Web.

²⁵ Amanda Ripley, "Preemptive Terror Trials: Strike Two," *Time*, December 13, 2007.

²⁶ Rabin and Nesmith, "Accused."

²⁷ Whoriskey, "Man Acquitted."

²⁸ Rabin and Nesmith. "Accused."

²⁹ Whoriskey, "Man Acquitted."

They were said to practice witchcraft³⁰ and study martial arts.³¹ They wore uniforms with the Star of David on them and studied both the Bible and the Quran.³² Neighbors interviewed after the arrests claimed that Batiste and his teachings were “intriguing” but never spoke of violence.³³ Many family members of the group maintained that their relatives were Christians,³⁴ and the mother of one group member even claimed that her son woke up every morning and claimed that he loved Jesus.³⁵

It seems that Batiste was a spiritual leader and a messiah-like figure in the economically destitute neighborhood of Liberty City. He was interesting and charismatic, and he viewed himself as a guardian. One member of the Liberty City Seven, Naudimar Herrera, who was acquitted during the third trial, credits Batiste with helping him find purpose in his life.³⁶ Herrera had been dealing drugs in Miami when he met Batiste, who offered him spiritual guidance and employment at his construction business. While Batiste had no criminal record, at least five of the men in the Liberty City Seven had been previously arrested on drug, assault, or weapons charges.³⁷ It is unclear whether or not prison directly played any role in their decision to become members of the Seas of David, but prison and a criminal past would likely result in a need for guidance and difficulty finding employment. Batiste offered both employment through his construction business and spiritual guidance through the Seas of David. From the experiences of Herrera and Lemorin, it seems that Batiste first met members of his group as a spiritual or religious leader and then gave them construction jobs, rather than the reverse.

There are no official reports describing Batiste or any members of the Liberty City Seven as psychologically unbalanced or mentally handicapped, but there have been comments by those who knew Batiste suggesting that he may have had some psychological issues. His father described him as “not in his right mind” to the news media after his son’s arrest.³⁸ He said that Batiste had changed after his mother died in 2000, and that one day without a word he packed up his family and moved to Miami. The father had not had contact with him since.³⁹ But while certain aspects of his plotting were fanatical, there is little indication that he or any of the other group members suffered from a psychological disorder that would explain their participation in terrorist activities.

The Liberty City Seven was a group of economically downtrodden, black and immigrant men, most of whom had criminal records and were searching for spiritual guidance. Batiste was an intriguing, messiah-like figure who happened to have an array of religious knowledge that would be appealing to those searching

³⁰ “Families Insist Suspects Not Terrorists,” CNN.com, June 26, 2006.

³¹ Shane and Zarate, “FBI Killed.”

³² Ibid.

³³ Shane and Zarate, “FBI Killed.”

³⁴ “Families Insist.”

³⁵ Ibid.

³⁶ “Liberty City 7 Member: ‘Nobody Had Heart In’ Al-Qaida Pledge.”

³⁷ Shane and Zarate, “FBI Killed.”

³⁸ Pincus, “FBI Role.”

³⁹ Rabin and Nesmith, “Accused.”

for guidance. Batiste also offered employment through his construction business, something that would be hard to come by for young black males with criminal records in an economically destitute area. Batiste was their leader; he controlled all aspects of the group's activities, religious and otherwise. The other members joined for religious and spiritual guidance, and as a bonus received employment and social camaraderie. There was one set of actual brothers in the group, but they all referred to each other as their "brothers".⁴⁰ Batiste gave them a religion, a job, and a fraternal group of confidants.

3. Motivation

According to Batiste's legal defense team, he was motivated by one thing only: money. Batiste said his desperation for money caused him to go along with the informant to get the proposed \$50,000 to carry out the plot; he claimed to be conning the informant just as the informant was conning him.⁴¹ Other members of the Liberty City Seven said Batiste told them to go along with it as a charade to squeeze as much cash as possible out of the informant.⁴²

But this defense does not explain how he originally attracted the attention of the FBI. In October 2005, before he met the informant, Batiste told his local Yemeni grocer that he wanted to conduct jihad to overthrow the U.S. government and was interested in finding an al-Qaeda contact in the Middle East. Later the FBI recorded him as saying that he wanted to "wage war against the United States" to "kill all the devils we can" in an attack that would be "just as good or greater than 9/11."⁴³ He also said, "I want to fight some jihad. That's all I live for."⁴⁴ The result of the war would be the establishment of a Moorish state within the U.S.⁴⁵

But Batiste's motivation for waging jihad against the U.S. is quite vague. His religious beliefs were not strictly Islamic, and he is not an Islamist in the traditional sense. The Seas of David connection to the Moorish Science Temple, a group that does not recognize the legitimacy of the U.S. government, likely explains the desire to establish a Moorish state, but there is no indication why the establishment of such a state was necessary to Batiste. There is no mention that he was specifically making a statement against U.S. foreign policy, American culture, or the treatment of Muslims. In fact, he never expressed any specific discontent with the United States, other than he wanted to wage war against it and establish a Moorish nation within it. From some of his statements it seems that he was simply obsessed with the notion of jihad and was ready to fight. As for the other members, they were simply followers of Batiste's spiritual guidance and his leadership.

4. Goals

⁴⁰ United States of America v. Batiste Et Al. United States District Court Southern District of Florida. 22 Jan. 2006, 1.

⁴¹ Ripley, "Preemptive Terror."

⁴² "Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaida Pledge."

⁴³ Shane and Zarate, "FBI Killed."

⁴⁴ NEFA, "Miami Plot," 7.

⁴⁵ Pincus, "FBI Role."

Because no plans ever transcended the discussion phase, the plot and goals of the Liberty City Seven seem very hypothetical. However, if we assume they were not engaged in conning the informant and that their proclamations were their true intentions, the goal was to build an Islamic army and wage jihad through a “full ground war” against the United States.⁴⁶ To initiate the war, they would bomb the Sears Tower and free Muslim prisoners to join their army. The end result would be the establishment of a sovereign Moorish nation within the U.S.⁴⁷ Clearly, they were lofty, even cosmic, goals, and in reality the Liberty City Seven did not have the means or ability to accomplish them. Underneath these outlandish ideas, however, seemed to be the broad goal of Batiste’s to just wage jihad: “I want to fight some jihad. That’s all I live for.”⁴⁸ No long term goals for their war against the U.S. or the establishment of a Moorish nation were ever discussed. They also never mentioned particular social or political goals they wished to accomplish. The end seemed less important to Batiste than the means; he was interested in the jihad part, not the final result.

5. Plans for violence

Actual plans for violence by the Liberty City Seven never made it past the discussion phase, and the FBI famously noted that the group was more “aspirational than operational.”⁴⁹ As stated before, Batiste was recorded as saying that he wanted to wage jihad against the U.S. in an attack that would be just as good or greater than 9/11.⁵⁰ He also spoke of waging a “full ground war” against the United States with the goal of establishing a Moorish nation.⁵¹ To initiate his war, he planned to bomb the Sears Tower in Chicago. He had lived in Chicago, so was vaguely familiar with the building, but his former residence there was the group’s only connection to the tower. As noted, the plans included various situations for when the tower came down. One possibility was that it would fall into Lake Michigan and create a tsunami to distract officials so the group could free Muslims from the local prison to join their army.⁵² Another was that it would smash into the prison and free the Muslim prisoners.⁵³

Probably because of the ridiculous and implausible nature of the Sears Tower plot, the FBI informant suggested a more realistic, and therefore more threatening, plot for the group. He encouraged them to participate in an “al-Qaeda plot” to bomb various federal buildings across the U.S. Batiste agreed to help, and the group took surveillance photos of the FBI building in Miami, the Miami police headquarters, and the federal courthouse and detention center. As with the Sears Tower plot, no specific plans were ever developed for the Miami federal building bombings.⁵⁴ Aside from the amateur surveillance photos of the outside

⁴⁶ Emerson, *Jihad Incorporated*, 75.

⁴⁷ Pincus, “FBI Role.”

⁴⁸ NEFA, “Miami Plot,” 7.

⁴⁹ Shane and Zarate, “FBI Killed.”

⁵⁰ NEFA, “Miami Plot,” 2.

⁵¹ Pincus, “FBI Role.”

⁵² Ripley, “Preemptive Terror.”

⁵³ *Ibid.*

⁵⁴ Kay, “Collapse.”

of the Miami federal buildings, the group had no photos, maps, or written or drawn out plans for any attacks. They did not have weapons, explosives, or explosive-making materials. They did not have money or a mode of transport. They did not have training, and most suggest that they did not have the competence to complete such elaborate attacks.

The comical nature of the Sears Tower plot suggests their incompetence and the lack of feasibility of their plan. The government likely found itself in a quandary; the original Sears Tower plan was so ridiculous and implausible that it seemed incredibly nonthreatening, but the more attainable Miami federal building plot was entirely the creation of the FBI. Thus the Liberty City Seven by themselves, while apparently willing to participate in the attacks, posed no immediate threat of violence.

6. Role of informants

Essentially there would be no case against the group without informants. It first came to the attention of the FBI in October 2005 when Batiste mentioned to his Yemeni grocer that he wanted to wage jihad in the United States and was interested in finding an al-Qaeda contact in the Middle East. Batiste knew the man often traveled back to Yemen, so he asked for his assistance in finding such a contact.⁵⁵ What he did not know was that his Yemeni grocer, Abbas Al-Saidi, happened to be an FBI informant. According to court documents, Al-Saidi said that Batiste wanted to form an army and wage jihad to overthrow the federal government and was “willing to work with al-Qaeda to accomplish the mission and wanted to travel with the informant overseas to make appropriate connections.”⁵⁶ Al-Saidi, known as cooperating witness 1 or CW1 in court documents, informed the FBI and kept in touch with Batiste.

In November 2005, the FBI introduced a second informant, Elie Assad, known as cooperating witness 2 or CW2 in court documents. Assad, who is of Lebanese origin, was introduced to Batiste by CW1 as an al-Qaeda representative and a potential financier of Batiste’s mission. He claimed to be there to evaluate Batiste’s operation and do what he could to assist in carrying out his mission.⁵⁷ Batiste drew up a needed supply list for him that contained uniforms, boots, automatic hand pistols, cell phones, an SUV truck, radios, binoculars, firearms, and \$50,000 in cash.⁵⁸ Batiste stated that he wanted to “form an army powerful enough to force the U.S. government to recognize the ‘Sovereign Moors’... as an independent nation.”⁵⁹

In January 2006, Assad gave Batiste a rent-free warehouse large enough for the group’s activities and training. In the group’s previous location, the FBI was not able to set up complete surveillance, but in the new location the FBI rigged extensive audio and visual surveillance. Also in January, CW1 informed the group that al-Qaeda officials had approved their plan. This coincided with an

⁵⁵ Pincus, “FBI Role.”

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ NEFA, “Miami Plot,” 4. Ripley, “Preemptive Terror.”

⁵⁹ Pincus, “FBI Role.”

announcement by Osama bin Laden that al-Qaeda would soon strike the U.S. Assad informed Batiste that bin Laden was talking about his mission, and that an explosives expert was going to come and help them.⁶⁰

Acting on instructions from the FBI, Assad asked Batiste and the group to assist with an “al-Qaeda plot” to bomb various federal buildings across the U.S. They agreed, and in March 2006, using vehicles, cameras, and video recorders provided by the FBI, they took surveillance footage of the FBI building in Miami, the Miami police headquarters, and the federal courthouse and detention center. These photos would become key visual aids for both the prosecution and the media. The entire Miami federal building portion of the plot was suggested and encouraged by the FBI and Assad.⁶¹

Also in March 2006, Batiste was said to be growing impatient with Assad for money. To placate him, Assad arranged a ceremony in which the Liberty City Seven swore an oath of ‘byat’ or loyalty, to al-Qaeda, which was video recorded by the FBI surveillance. Along with the Miami federal buildings surveillance photos, this ceremony would constitute a large portion of the prosecution’s case connecting the Liberty City Seven to al-Qaeda and terrorist activities. But it was Assad who suggested the ceremony and administered the oath.⁶² One member, Lemorin, later said that he was misled about what was going on, stating “I regret that I went along with taking the so-called oath.”⁶³

In April 2006, Assad told Batiste that he would like to meet his Chicago associates and gave him \$3,500 to fly them to Miami. Batiste brought down Charles James Stewart, also known as Sultan Khan Bey, and his wife, whom he called Queen Zakiyaah. Stewart was a convicted rapist and had a long arrest record. He led his own branch of the Moorish Science Temple and spoke with Batiste about his plans to build a Moorish nation and army. But within days of Stewart’s arrival he and Batiste began to have disagreements, and Stewart questioned Batiste’s association with Assad. A few days later, Stewart was arrested in Miami for shooting at one of Batiste’s supporters. When he was in custody, federal officials asked if he knew of any plots against the U.S., and Stewart spoke of Batiste’s plot as “starting to get serious.”⁶⁴ He later became a witness against Batiste and the others.

After the issues with Stewart, Batiste’s group started to have disagreements and commitment to the group was wavering. Federal prosecutors note that Stewart had apparently caused a rift in Batiste’s organization when he suggested that Assad might be an FBI informant, and the group fractured over whether or not to continue supporting Batiste.⁶⁵ Lemorin stopped going to group meetings and distanced himself from Batiste, and he and his wife moved to

⁶⁰ Ibid. Bin Laden’s statement was: “As for the delay in carrying out similar operations in America, this was not due to failure to breach your security measures. Operations are under preparation, and you will see them on your own ground once they are finished, God willing.” BBC News, “Text: Bin-Laden tape,” news.bbc.co.uk, January 19, 2006.

⁶¹ Pincus, “FBI Role.”

⁶² Pincus, “FBI Role.”

⁶³ Whoriskey, “Man Acquitted.”

⁶⁴ Pincus, “FBI Role.”

⁶⁵ NEFA, “Miami Plot,” 6-7.

Atlanta and began working at a mall.⁶⁶ As a result of this separation, he would be the only member acquitted at the first trial. On May 24, 2006 Batiste told Assad that he was “experiencing delays because of various problems within his organization, but that he wanted to continue his mission and maintain his relationship with al-Qaeda.”⁶⁷ It was at this meeting that he recorded saying “I want to fight some jihad. That’s all I live for.”⁶⁸

By the end of May 2006 the entire group had lost cohesion and seemed to be disbanding. While not explicitly stated, this seems likely the reason that the arrests took place in June 2006. After spending months and tens or hundreds of thousands of dollars on informants, surveillance, staffing, and supplies, the government could not allow Batiste’s group to disband and become seemingly non-threatening. The FBI moved to arrest and declared it a victory in combating homegrown terrorism.

But the group and their legal defense team claimed entrapment. Defense attorney Albert Levin stated that “the case was written, produced, and directed by the FBI.”⁶⁹ The government and the informants provided money and a meeting place for the group, they gave them video cameras and cell phones for surveillance, the loyalty oath ceremony was suggested and led by the informant, and most importantly, the informant suggested the target and plot for the Miami federal building bombings.⁷⁰ Batiste claimed he was desperate for the \$50,000 the informant said he could get, and was conning the informant just as the informant was conning him.⁷¹ It seems implausible because it was Batiste that first mentioned waging jihad, but it could be considered plausible enough to create reasonable doubt, and thus could be considered a legitimate defense.

Claims of entrapment led to questions regarding the informants themselves. Neither were actual FBI agents. Both were cooperating witnesses that became involved with law enforcement as a result of their own criminal history. Al-Saidi, or CW1, was a 22-year old who, beginning at the age of 16, used his ties to the drug world to turn in dealers to the NYPD; in return, the NYPD gave him an apartment and a stipend.⁷² In 2003 his girlfriend was raped by a friend in his Harlem apartment and he extorted \$7,000 from the friend in return for not pressing charges.⁷³ He used the money to move with his girlfriend to Miami, where he was eventually arrested on domestic battery charges.⁷⁴ While in jail, he called his contact at the NYPD, who put him in touch with the FBI, who helped secure his release.⁷⁵ After Batiste first approached him about finding an al-Qaeda contact the FBI hired him as an official paid informant on the case. Most of the

⁶⁶ Whoriskey, “Man Acquitted.”

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ripley, “Preemptive Terror.”

⁷⁰ Pincus, “FBI Role.”

⁷¹ Ripley, “Preemptive Terror.”

⁷² Bob Norman, “Liberty City Seven Trial Travesty,” *Miami New Times*, November 22, 2007.

⁷³ Ibid.

⁷⁴ Bjelopera and Randol, “American Jihadist,” 50.

⁷⁵ Norman, “Trial Travesty.”

information about Al-Saidi's past was kept out of the trials by Judge Joan Lenard who presided over all three trials.⁷⁶

Elie Assad, or CW2, raised even larger questions. Assad had worked as an FBI informant on a prior case in Chicago and he had failed an FBI administered polygraph about the case.⁷⁷ Like Al-Saidi, Assad was also once arrested on domestic battery charges.⁷⁸ Assad was hired as a paid informant on the Miami case, and would eventually receive political asylum in the U.S. as a result of his work. James Wedick, a 35-year veteran of the FBI and hired expert witness for the defense, stated that Assad should never have been hired to work the Liberty City Seven case.⁷⁹ Wedick claimed that if an informant is known to have lied once, his credibility is gone and it violates the attorney general's guidelines to use him again. He emphasized that "the single most important factor when evaluating an informant's suitability is truthfulness."⁸⁰ However, Judge Leonard barred Wedick's testimony and would not allow any testimony regarding Assad's failed polygraph.⁸¹

The fact that the FBI informants had criminal records and that one was recorded as lying in regard to another case further supported the entrapment defense. The argument was that the informants had proven to be untrustworthy and their motivations were questionable. Indeed, it was in the best interest of the informants to ensure that the government could build a strong case against the group. As a result, Assad suggested the Miami federal building plot, administered the loyalty oath to al-Qaeda, and provided encouragement to Batiste and his group. Entrapment was already a strong defense, and the backgrounds and actions of the FBI informants only made it stronger.

7. Connections

The Liberty City Seven never had any actual connections or links to al-Qaeda or any other terrorist organization.⁸² The FBI's investigation turned up no evidence that any member of the group had met with any real terrorist, received e-mails or wire transfers from the Middle East, possessed any al-Qaeda literature, or had even a picture of bin Laden.⁸³ In an interview, Batiste's father revealed that Batiste was taught the Quran by a man that he had met who wore a black robe and carried a black staff.⁸⁴ Batiste's father suggested that the man may have given him bad advice or misdirected him, but nothing more is known about this man or whether he recruited Batiste or suggested any ideas to him.⁸⁵ Overall it appears

⁷⁶ Ibid.

⁷⁷ Bjelopera and Randol, "American Jihadist," 50.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Norman, "Trial Travesty."

⁸¹ Ibid.

⁸² "Transcript of Press Conference Announcing Florida Terrorism Indictments," NEFA, June 23, 2006.

⁸³ Pincus, "FBI Role."

⁸⁴ Frank Main, "Dad: Sears Tower Suspect under Spell of Man," *Chicago Sun-Times*, January 25, 2006.

⁸⁵ Ibid.

that Batiste was essentially self-motivated and the other members were motivated by his leadership.

8. Relation to the Muslim community

Despite the fact that Batiste spoke of building an Islamic army, the Liberty City Seven had little connection to the Muslim community. They were members of a religious or spiritual group of Batiste's own creation called the Seas of David. Batiste's teachings were reportedly based on the Moorish Science Temple, a religious sect advocating that blacks were of Moorish origin and should return to the Islam of their Moorish forefathers. Many of the practices and beliefs of the Moorish Science Temple are derived from Muslim observances, but they also have many elements of Christianity and Judaism.⁸⁶ Like the Moorish Science Temple, Batiste's teachings were said to be an amalgam of Christianity, Judaism, Islam. The Seas of David were described as practicing witchcraft and martial arts, studying the Bible and the Quran, and wearing the Star of David on their uniforms.⁸⁷ After their arrest, many relatives of the group insisted the men were Christians.⁸⁸

The Seas of David does not seem classifiable with any organized religion or group. Leaders of the Moorish Science Temple of America have explicitly stated that they are not affiliated with them. Willie Bey, a divine minister at the Moorish Science Temple in Chicago said that he has "no idea who these people are. We are law-abiders, not lawbreakers. This is home. We are not fighting against the U.S.A."⁸⁹ DePaul University professor of Islamic studies, Aminah Beverly McCloud said that the Liberty City Seven are definitely not Muslims. She says that if they are like the Moorish Science Temple, they are more of a "re-appropriation of Christianity" rather than Islam.⁹⁰ Thus, Batiste seemed to have created his own distinct religious community.

There is no indication that Batiste or the other members of the group were members of the Muslim community or sought to become members. Batiste knew the Quran and taught it to members of his group, along with teaching them the Bible and other religious texts, but he did not go to mosque or partake in many traditional Muslim observances. He spoke of jihad and Islamic armies, but overall was not a Muslim and had no connection to the traditional Muslim community.

9. Depiction by the authorities

On June 23, 2006, Attorney General Alberto Gonzales and various FBI officials held a news conference to announce that they had taken down a "homegrown terrorist cell," and Gonzales called the Liberty City Seven a "new brand of terrorism" created by the "convergence of globalization and technology."⁹¹ This description inaccurately depicts them as sophisticated,

⁸⁶ Ibid.

⁸⁷ Shane and Zarate, "FBI Killed."

⁸⁸ Ibid.

⁸⁹ Main, "Dad."

⁹⁰ Main, "Dad."

⁹¹ John O'Neil, "Terror Plot Was in 'Earliest Stages,' Gonzales Says," *New York Times*, June 23, 2006.

connected, and able. He remarked that if left unchecked, “these homegrown terrorists may prove to be as dangerous as groups like al-Qaeda.”⁹² At the news conference, FBI Deputy Director John Pistole said that the arrest marked “yet another important victory in the war on terrorism” and was “a grim reminder of the persistent threat environment that exists here at home.”⁹³

But after his announcement of victory, Gonzales did admit that the Liberty City Seven “were never able to obtain... the explosives or access needed to implement their plan”, and Deputy Director Pistole called the plot “more aspirational than operational.” Still, the arrest and prosecution of seven men described as posing “no immediate threat” was hailed as a successful example of preemptively fighting terrorism, and Gonzales applauded the FBI for successfully performing its mission to “prevent terrorism by identifying, disrupting and prosecuting these individuals before they posed an immediate threat to our nation.” When presented with the fact that there was no link to Al-Qaeda and no weapons or explosives, Gonzales remarked that the FBI’s philosophy and strategy was to “try to identify plots in the earliest stages possible.” In the case of the Liberty City Seven, he presented a situation in which there were plans to hurt Americans, requests for material, funding, and equipment, and a sworn allegiance to Al-Qaeda. For Gonzales and the FBI, these were “sufficient facts to support this prosecution.”⁹⁴ The case against the Liberty City Seven was presented as ushering in a new era of preemptive prosecution, and officials claimed victory for thwarting a homegrown potential terrorist threat.

10. Coverage by the media

The news media was not ready so quickly to claim victory. Even at Gonzales’s news conference the press questioned the role of the FBI informants and the ability of the group to actually carry out an attack.⁹⁵ Early coverage was friendlier to the government’s preemptive actions than later coverage, but this is unsurprising – the laughable nature of the plots and extensive role of the informants had not yet been revealed. But even early coverage took care to emphasize the preemptive nature of the arrests.⁹⁶ Most articles seized on Pistole’s now popular phrase, “more aspirational than operational.”⁹⁷ Because most of the coverage took care to highlight that there was never an immediate threat, no weapons or explosives were ever in possession, and the plot was still in its talking stages, the media coverage cannot be described as alarmist. The media did cover the case quite extensively, but there seemed to be little use of sensationalism or fear tactics.

⁹² O’Neil, “Terror Plot”.

⁹³ “Prepared Remarks of Attorney General Alberto R. Gonzales,” *GlobalSecurity.org*, June 23, 2006.

⁹⁴ “Transcript of Press Conference.”

⁹⁵ “Transcript of Press Conference.”

⁹⁶ O’Neil, “Terror Plot.” Shane and Zarate, “FBI Killed.”

⁹⁷ Ari Shapiro, “U.S. Arrests 7 Accused of Chicago Bomb Plot,” National Public Radio, June 23, 2006. “Seven Charged over ‘Chicago Plot,’” BBC News – Home, June 23, 2006. “Seven Charged in Terrorism Plot,” Public Broadcasting Service, June 23, 2006.

As more details about the case emerged in interviews and trial, the media coverage became increasingly critical of the government's actions and the FBI informants' involvement in the plot. Headlines began to read "FBI Role in Terror Probe Questioned"⁹⁸ and "U.S. Falters in Terror Case Against 7 in Miami."⁹⁹ The *Washington Post* called the plot a "pipe dream of a few men with almost no ability to pull it off on their own" while *Time Magazine* stated that "the entire situation was concocted by the government," and the "heavy reliance on informants has led to cases that sometimes appear to exist in the land of make-believe."¹⁰⁰ The media probed for background information on the informants themselves, and brought up concerns about their motivations and criminal history. They reported on the ridiculous nature of Batiste's ideas, i.e. the Sears Tower falling into Lake Michigan and creating a tsunami.¹⁰¹ They essentially portrayed the Liberty City Seven as incompetent, their plots as unviable, and the government as irresponsible.

The government responded by underscoring the need for preemptive prosecution of terrorism. But after two mistrials the media labeled the case "a significant defeat for the Bush administration."¹⁰² They criticized the government for politicizing terror plots and turning them into huge victories for news conferences when their evidence could not even result in conviction.¹⁰³ *Time Magazine* proposed that the government wasn't winning its cases because "jurors were struggling with the very things that makes the Liberty City case so typical of the Justice Department's war on terrorism: it feels phony."¹⁰⁴

In this case, the news media departed from its typical fear and sensationalism and essentially chastised the government and the FBI for its actions. They were given the ammunition of one acquittal and two mistrials before convictions (and an additional acquittal) were returned on a third trial attempt. After the announcement that the government would seek a third retrial, a *Washington Post* editorial bluntly stated that the attempt appeared to be "unprecedented and raises serious questions about whether prosecutors are more concerned with saving face than seeking justice."¹⁰⁵ The government had made mistakes, and the media was more than willing to point them out.

11. Policing costs

The investigation of the Liberty City Seven began in October 2005 when Batiste first mentioned violent jihad to his local grocer who happened to be an informant for the FBI. It lasted until June 23, 2006, the day of the group's arrest. That is approximately nine months of investigation and surveillance involving two informants and the full effort of the Southern Florida Joint Terrorism Task

⁹⁸ Pincus, "FBI Role."

⁹⁹ Semple, "U.S. Falters."

¹⁰⁰ Pincus, "FBI Role."

¹⁰¹ Ibid.

¹⁰² Damien Cave, "Mistrial Is Declared for 6 Men in Sears Tower Terror Case," *New York Times*, April 17, 2008.

¹⁰³ Cave, "Mistrial."

¹⁰⁴ Ripley, "Preemptive Terror."

¹⁰⁵ "A Trial Too Far," *Washington Post*, May 2, 2008.

Force which includes approximately seven federal government agencies (the U.S. Attorney's office, the FBI, U.S. Immigrations and Customs, U.S. Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the IRS, and the Bureau of Prisons) and approximately eight police departments in Southern Florida.¹⁰⁶ Nine months is a relatively short time compared to many other undercover informant terrorist stings. It is very plausible that it was likely cut short because the group was beginning to disband and the government wanted to make the arrest while the group could still be perceived as dangerous.

Two informants were assigned to the case, Abbas Al-Saidi, the grocer that Batiste first spoke with, and Elie Assad, the "al-Qaeda representative." According to the *Washington Post*, Al-Saidi received \$10,500 for his services and \$8,815 in reimbursement for expenses, and Assad received \$17,000 and approval for political asylum in the U.S.¹⁰⁷ According to the *Miami New Times*, it came out in trial that Al-Saidi was actually paid \$40,000 and Assad was paid \$80,000, and *Time* also states that Assad received \$80,000.¹⁰⁸ It is possible that the *Washington Post* numbers are what the government originally released but the actual larger figures later came out in trial.

Along with direct funds paid to the informants, the FBI provided a substantial amount of supplies and equipment to the Liberty City Seven. Rent was paid on the Liberty City warehouse for six months. Combat boots, cell phones, and digital cameras were also provided to the group, along with \$3,500 cash.¹⁰⁹

Three lengthy, high-profile trials also drove up the cost of the case. The trials and sentencing spanned more than two years, from October 2007 to November 2009. Each trial lasted between two and four months. The first was from October 2007 to December 2007, the second from January 2008 to April 2008, and the third from February 2009 to May 2009. The five who were convicted were sentenced in November 2009.

12. Relevance of the internet

There is no indication that the internet played a significant role in either the plot or in the FBI's surveillance. Batiste and the other members are never described as using the internet to research weapons or targets. There is no indication that they attempted to recruit or be recruited on the internet. In fact, it is not even clear if they owned a computer or had regular access to the internet.

13. Are we safer?

The government would say yes. They would claim that while the Liberty City Seven posed no immediate threat to the U.S. at the time of their arrest, they expressed a willingness to participate in terrorist activities that demanded

¹⁰⁶ "Prepared Remarks."

¹⁰⁷ Pincus, "FBI Role."

¹⁰⁸ Norman, "Trial Travesty." Ripley, "Preemptive Terror." The original *Miami Herald* article quoting the informant payments as \$40,000 and \$80,000 is no longer available on their website, and trial transcripts are not published online. The *Washington Post* figures are from September 2006, while the original *Miami Herald* article, the *Miami New Times* article (Norman), and the *Time* article (Ripley) are all from late 2007, after the first trial had begun.

¹⁰⁹ NEFA, "Miami Plot," 4.

government intervention. But as the media has duly noted, the group never had any weapons, they never had any training, and they were heavily influenced and guided by the FBI informants. An entire portion of their plot, to bomb the federal buildings in Miami, was suggested by an informant. The surveillance photographs of the Miami buildings, so emphasized by the prosecution, were taken with FBI purchased cameras from an FBI rented vehicle. And the Al-Qaeda oath, also emphasized by the prosecution, was suggested and administered by the FBI informant.

This case exemplifies the difficulties of preemptively prosecuting terrorism. The government is pressured to undo these plots before they come to fruition, yet they are criticized here for stopping a plot in its discussion phase. But the criticism in this case is a result of the government's direct involvement in the plotting. Batiste took the initial steps to make contact with an "al-Qaeda representative," but because the "al-Qaeda representative" did so much suggesting and encouraging, we have no idea what the group would have done on its own.

Overall, because Batiste and his group expressed a willingness to do harm to others, it can be said that we are safer, but it must be qualified—we are not significantly safer. The group never possessed the means or the competence to carry out such an elaborate plot. Perhaps they would have realized this and developed a simpler plot that could actually be viable, but as their plans stood at the time of arrest, it is extremely unlikely that they could have accomplished any of their goals. It is also relevant to note that the group was experiencing organizational problems and seemed to be falling apart. Near the time of arrest, Batiste expressed worry about fractures within the group.¹¹⁰ He still claimed to want to wage jihad,¹¹¹ but the others were moving on. So we are safer in the respect that a group of men that once showed a predilection for terrorism are off the streets, but the United States was never in danger from an actual threat.

14. Conclusions

The Liberty City Seven case is distinct from most terrorism plots in the U.S. since 9/11. The most prominent difference is that Batiste and the other members were not Islamists in the traditional sense. They had their own amalgam of religious beliefs and practices, and were said to be more congruent with the Moorish Science Temple and Christianity than with Islam. They never expressed any specific discontent with the U.S., its foreign policy, or its treatment of Muslims. Moreover, their plans were so outlandish, so unrealistic, that the plot itself hinted at their incompetence. While several recent plots have been seemingly outside the realm of possibility, bombing the Sears Tower so it would fall into Lake Michigan and create a tsunami so local Muslim prisoners could escape and join an Islamic army to wage jihad against the U.S. and establish a Moorish state is the most complicated and unrealistic plot uncovered to date.

In the decade following 9/11, many terrorists in the U.S. have been arrested as a result of an FBI undercover informant operation, and many times the alleged terrorist will use an entrapment defense. But if there was ever a legitimate

¹¹⁰ NEFA, "Miami Plot," 7.

¹¹¹ Ibid.

case of entrapment, the Sear Tower case was it. Other cases gave the defendants fake explosives and watched them set them off, or explicitly gave the defendants repeated options to back out. But the informants in this case played key roles in the plotting, provided ideas and encouragement, and suggested and administered the loyalty oath to Al-Qaeda. They became, as terrorism expert Brian Jenkins suggests, “*agents provocateurs*, subtly coaxing radicalized but hesitant individuals into action.” Jenkins also emphasizes that “even without providing overt encouragement, the informant often plays the role of an enabler, offering people with extreme views but faint hearts the means to act, thereby potentially facilitating actions that otherwise might not occur.”¹¹² Batiste and the group did participate and they proved willing, but they acted on suggestions from a seemingly powerful figure, never came close to committing an actual crime, and were encouraged to go further rather than given the option to back out. In addition, at the time of their arrest the group had essentially dissolved and was no longer meeting. The entrapment defense in this case could be considered legitimate, and this separates it from many other informant based cases.

Both Max Abrahms and Marc Sageman suggest that people participate in terrorist organizations more for the social solidarity and networking than for the political return, and this seems to be the case with this group.¹¹³ The Liberty City Seven was a group of socially alienated minorities united by a need for guidance. Batiste offered spiritual guidance, employment through his construction business, and a social atmosphere for young men with similar backgrounds. The group did not form to wage jihad and it was not their main motivation for staying; they were primarily a social and spiritual group united by Batiste’s leadership. Sageman particularly indicates the importance of social alienation of minorities in forming terrorist groups. He also notes the importance of a leader in the group, someone to bind the group together and focus their energy.¹¹⁴ Batiste fills this leadership role in this case. Thus, despite the lack of actual terrorist connection or threat posed by the Liberty City Seven, their group dynamics and profiles fit certain paradigms of modern terrorism literature.

The Sears Tower case seems to be one in which there is no winner. The members of the group itself were dragged through three trials and, with the exception of one member, are either sitting in jail or have been deported. The informants that put them there have been heavily discredited and lambasted by the media for their actions in the case and their role in the plotting. And the FBI and the government lost legitimacy when their touted captures in the fight against terrorism were, as Richard Cohen of the *Washington Post* called them, “seven hapless idiots who would blow up the Sears Tower, if only they could get to Chicago.”¹¹⁵

¹¹² Brian Michael Jenkins, *Would-be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 10.

¹¹³ Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security*, Spring 2008. Marc Sageman, *Understanding Terror Networks*. Philadelphia: University of Pennsylvania, 2004.

¹¹⁴ *Ibid.*

¹¹⁵ Richard Cohen, “Terror Alert: Severe Risk of Hype,” *Washington Post*, June 27, 2006.

But the FBI and the government took valuable lessons from the case. On November 26, 2010 they arrested Mohamed O. Mohamud in Oregon for attempting to detonate an FBI issued fake car bomb during a Christmas tree lighting (Case 38). Authorities remarked on how far the FBI's role-playing has come since the earlier Miami case.¹¹⁶ The FBI set up phony explosives, let Mohamud attempt to set them off, and had repeatedly encouraged him to walk away from the plan. Patrick Rowan, the Justice Department's former top counterterrorism official, stated that "particularly in light of cases like Liberty City, everybody at Justice and the FBI is predisposed to taking it as far as they can." Because of the mishaps in the Sear Tower case, "today, authorities are more likely to carry their ruses further, give suspects more opportunities to clearly state their intentions for FBI microphones and even let them light a fuse to a fake bomb."¹¹⁷ While waiting longer is riskier, it prevents the mistrials, acquittals, and legitimate entrapment defenses like those seen during the Sears Tower case, and it returns to the government's war on terror some of the legitimacy it had lost.

¹¹⁶ "FBI Terror Stings: Entrapment or Prevention?" *CBS News*, November 30, 2010.

¹¹⁷ *Ibid.*

Case 20: Bombing Transatlantic Airliners

John Mueller

June 4, 2011

Four years after the event, former deputy secretary of homeland security James Loy argued that terrorists “nearly succeeded in blowing up seven planes crossing the Atlantic.”¹

This widely-held proposition is simply preposterous. Most importantly, as Tyler Puhl documents, the London-based terrorist group, outraged at American and British incursions in the Middle East, that was planning the attack was under constant and extensive police surveillance throughout, including all their international communications, and it could be closed down at any time.

And there are other problems. It is not clear that, when authorities closed the plot down, the conspirators had anything like sufficient materials or effective bombs. Moreover, bomb-making was in the hands of a 28 year old dropout who is described by analyst Bruce Hoffman as “a loser with little ambition and few prospects.”² He was also in charge of creating the group’s “martyrdom videos” which are, as Puhl observes, “crudely shot.”

In addition, the plot required two terrorist bombers per plane, and at the time, notes Puhl, “the inner circle” of the plot contained only three people, though of course more could eventually have been brought in from those on the periphery who were at the time still in the dark about the full nature of the plot. As this suggests, there was nothing imminent about the plot, a conclusion that is reinforced by the facts that no tickets had been bought, that no dry runs had been made, that no bombs had been tested, and that many of the conspirators did not possess passports that would have allowed them to board the planes—as Puhl documents, it routinely takes six weeks to obtain one in the United Kingdom.

Also relevant is the “sophistication,” that is, the complexity, of the plot.³ The 9/11 plotters succeeded in considerable part because of the simplicity of their plot, not because of its complexity or sophistication. The notion that none of the bombs, created by a “loser,” would prove be duds is, to say the least questionable, as is the notion that all of the amateurs (few, if any, of which had been undergone any training at the time) would be successful in detonating them—particularly given the failed efforts by the shoe and underwear bombers (Cases 1 and 33).

¹ James Loy, “Al-Qaeda’s undimmed threat,” *Washington Post*, November 7, 2010.

² Bruce Hoffman, “Radicalization and Subversion: Al Qaeda and the 7 July 2005 Bombings and the 2006 Airline Bombing Plot,” *Studies in Conflict & Terrorism*, September 2009, 1107

³ As Homeland Security Secretary Michael Chertoff repeatedly characterized it on the day of the arrests: “This was a very sophisticated plan and operation....The conception, the large number of people involved, the sophisticated design of the devices that were being considered, and the sophisticated nature of the plan all suggest that this group that came together to conspire was very determined and very skilled and very capable...[T]his was a plot that is certainly about as sophisticated as any we’ve seen in recent years, as far as terrorism is concerned.” Quoted, Ashley Lohmann, “Jihad on Main Street: Explaining the Threat of Jihadist Terrorism to the American Homeland Since 9/11,” Honors Program for International Security Studies, Center for International Security and Cooperation, Stanford University, May 18, 2010, 38-39. Although Lohmann considers the plot to be a “serious” one, she also finds it “unclear” whether the plotters “received top-notch training” (77).

There is also the almost impossible problem of simultaneity. If one bomb were to go off in one airliner restroom (the detonation venue decided on by the plotters), all other airliners aloft and on the ground would likely be immediately alerted in the post-9/11 and post-shoe bomb era. This would render replications nearly impossible, particularly by dark skinned people. As Puhl also notes, an airliner does not necessarily crash when its fuselage is breached,⁴ and moreover the notion promulgated that thousands would be killed on the ground if the planes were attacked over cities does not survive sensible analysis.

At the time there were understandable concerns that there might be other people connected to the plot in the UK or possibly even in the United States that the police did not know about. That concern has happily proven to be unfounded, but nonetheless American airports remained on elevated, that is “orange,” alert for years after the event. There are suggestions that it cost the Los Angeles airport alone \$100,000 per day to be on orange rather than on the more normal yellow alert.⁵ However, when I asked the head of security at one airport what he would do differently if the alert level was lowered from orange to yellow, he said he didn’t know.

⁴ See also John Mueller and Mark Stewart, *Terror, Security, and Money: Balancing the Risks, Costs, and Benefits of Homeland Security* (New York: Oxford University Press, 2011), ch. 7.

⁵ Sara Kehaulani Goo, "Going the Extra Mile," *Washington Post*, April 9, 2004.

Case 20: Bombing Transatlantic Airliners

Tyler Puhl

June 4, 2011

typographical and other minor corrections November 21, 2011

1. Overview

On August 9, 2006,¹ 24 British citizens were arrested in connection with a conspiracy to blow up transatlantic flights with liquid chemical bombs smuggled on board. If the ambitious plot had been successful, the loss of life would have been devastating: the death toll could have been enormous with perhaps 2,700 people perishing and could have had a bigger impact than 9/11 on society and international relations.²

The plan was to mix liquid chemical bombs using ingredients that can be bought virtually anywhere, then mix the homemade solution with detonating substances that would create an explosion to bring down the plane. The men planned, it appears, to bring down seven planes all departing from Heathrow airport in London to major cities in the United States and Canada. The plotters also had a connection to the terrorist network al-Qaeda, to questionable Islamic charitable organizations, and to some in the lawless region around the Pakistani-Afghan border, and some of these may have provided logistical and ideological support.

However, no matter how serious the plot, the men had essentially no chance of pulling off the attack. They were under close watch by British, American, and Pakistani authorities in an enormous multi-year and multi-million dollar operation that was capable of closing it down at any time.

Of the 24 arrested, only 15 were charged, and of those fifteen, only eight went to trial.³ Three, Abdullah Ahmed Ali (the plot's ringleader), Assad Sarwar, and Tanvir Hussain, were convicted of conspiring to activate bombs disguised as drinks and for conspiracy to commit murder. Three others, Ibrahim Savant, Arafat Khan, and Waheed Zaman were convicted of conspiracy to commit murder.⁴ In addition, Adam Khatib was convicted of conspiring with Ali to blow up commercial aircraft, Nabeel Hussain was convicted of acts preparatory to terrorism, and Mohammed Shamin Uddin was convicted of possessing a document likely to be used by terrorists.⁵

2. Nature of the adversary

The arrested were all British-born Muslims, who resided in the cities of Birmingham, Buckinghamshire, and East London, and who were between the

¹ The arrest date varies from August 9 and August 10 because the arrests were made before and after midnight.

² Sandra Laville, Richard Norton-Taylor, and Vikram Dodd, "A plot to commit murder on an unimaginable scale," *Guardian*, August 11, 2006.

³ Germain Difo, "Ordinary Measures, Extraordinary Results: An Assessment of Foiled Plots Since 9/11," American Security Project, May 2010.

⁴ "Would-be suicide bombers jailed for life," BBC, July 12, 2010.

⁵ Sean O'Neill, "Bomb plot leader's friends convicted of terror offences," *Times*, December 10, 2009.

ages of 17 and 36 at the time of the arrest.⁶ While they were not all lifelong friends and family members (some were),⁷ most of those arrested are second- or third-generation British citizens hailing from the war-torn Kashmir region of Pakistan.⁸

It is difficult to pigeon hole the men into a specific terrorist profile. Some were politically, socially, and economically disadvantaged, while others were successful or promising members of British society.

The plotters could be unofficially divided into two groups based on their apparent levels of participation in the planning, preparations, and potential execution of the plot. Those in the inner circle (Ali, Sarwar, and Hussain as well as a man in Pakistan, Rashid Rauf) planned the attacks and most were willing to participate in them. Those in the outer circle (such as Savant, Khan, Zaman, Khatib and Nabeel Hussain) were not really informed of the attack plans, but provided logistical support to the mission including purchasing supplies, renting apartments, and transferring money to the inner cell. While both groups had been preparing for the attack for six months, not all members may even have known of the others' existence.⁹

Abdullah Ahmed Ali, the apparent ringleader¹⁰ hardly conformed to the stereotype of the wild-eyed, fanatical, homicidal suicide bomber. Aged 27 at the time of the arrests, he was the son of a first generation immigrant family from Pakistan. Though unemployed,¹¹ he attained a bachelor's degree in computer science engineering from a respectable British university,¹² and had a wife, Cossar Ali,¹³ and a young son. In his young adulthood, prior to graduating and starting a family, however, he started to develop an Islamic militancy, in which he praised the Taliban's model society and wanted *sharia* law enacted in Britain. He may have been radicalized by older students who watched videos of the killing and mistreatment of Muslims in Bosnia and Chechnya with him.¹⁴

Assad Ali Sarwar was a 28 year old university dropout and is described by Bruce Hoffman as "A loser with little ambition and few prospects who is thus

⁶ "Who are the terror plot suspects," BBC, August 11, 2006.

⁷ There were 3 sets of brothers arrested (Hussains, Raufs, and Khans). Khuram Ali Shazan and Assad Ali Sarwar worked at a car trading dealership together (see Focus: Terror in the Skies). Abdullah Ahmed Ali and Tanvir Hussain (see Bruce Hoffman, "Radicalization and Subversion: Al Qaeda and the 7 July 2005 Bombings and the 2006 Airline Bombing Plot," *Studies in Conflict & Terrorism*, September 2009).

⁸ Brian Bennett and Douglas Waller, "Thwarting the Airline Plot: Inside the Investigation," *Time*, August 10, 2006.

⁹ Carrick Mollenkamp, Chip Cummins, David Crawford, and Robert Block, "U.K. Terror Plot Points to New Threat," *Wall Street Journal*, August 11, 2006. This article provides great insight into thought in the days following arrests as it explores the planning, group, motivations and policing of the foiled plot.

¹⁰ Gordon Corera, "Bomb Plot—the al-Qaeda connection," BBC, September 9, 2008.

¹¹ Don Van Natta Jr., Elaine Sciolino and Stephen Grey, "Details Emerge in British Terror Case," *New York Times*, August 28, 2006.

¹² Hoffman, "Radicalization and Subversion," 1106.

¹³ "Cossar Ali found not guilty of failing to pass on airline bomb plot information," *Times*, March 5, 2010. She was arrested on suspicion of having knowledge of the terrorist attack from her husband, but was never charged with any operational connection to the execution of the attack.

¹⁴ Hoffman, "Radicalization and Subversion," 1106-1107.

prime cannon-fodder for a terrorist movement looking for someone who himself is looking for some purpose or meaning for his life.”¹⁵ Married, he travelled to Pakistan several times for charity work. During a charity mission to Pakistan in 2002, he met Ali and over the next couple of years they met and discussed UK foreign policy and its involvement in the Middle East. In Sarwar’s description, Ali had the characteristics of a leader, compared to his own weak character.¹⁶

Tanvir Hussain, aged 25 at the time of the arrest, described himself as a drug user and womanizer in college, but in 2005 he reinvented himself as a devout Muslim. Before the arrests, he was described as Ali’s right-hand man and was extremely loyal.¹⁷

Rashid Rauf, 25, arrested at the same time in Pakistan, was never in the UK during the planning,¹⁸ but played a vital part in the advancement of the plot due to his connection to al-Qaeda. He has had extensive connection to many senior ranking al-Qaeda officials and operators, and was in daily contact with the plotters in Britain.¹⁹ In a bizarre 2002 incident, he had fled Britain for Pakistan. He was wanted by police for questioning over the stabbing death of his uncle in Birmingham on his way home from work.²⁰ No motive has ever found for the murder.²¹

3. Motivation

The transatlantic plotters were motivated particularly by Western foreign policy in the Middle East, focusing on the involvement of the US and UK in Iraq and Afghanistan, as well as on those country’s protection of Israel. By attacking the West, they felt that they were achieving justice for past atrocities committed by Western countries and that they were defending Islam.

Authorities were given insight into the member’s motivations by a set of martyrdom digital videos that explained the reasons for the attacks.²² These were recorded by Assad Sarwar and were recovered after the arrests were made,²³ although MI5 had followed and recorded the men for three months²⁴ including the period when the tapes were being made.²⁵ Six of the men recorded seven martyr videos,²⁶ performing in front a black sheet, with some of them wearing headscarves and black robes but showing their faces. These tapes contained some Arabic words, as well as some inaudible sounds, but the vast majority of the

¹⁵ Hoffman, “Radicalization and Subversion,” 1107.

¹⁶ Peter Walker and Vikram Dodd, “Video tirades seal case against liquid bomb plot,” *Guardian*, September 9, 2008.

¹⁷ “Airliner bomb pilot: Profiles,” *Guardian*, September 7, 2009.

¹⁸ Though his exact whereabouts were unknown, it is widely suspected that Rauf was in Pakistan.

¹⁹ NEFA Foundation, “Bojinka II: The Transatlantic Liquid Bomb Plot,” April 2008, 11.

²⁰ Ian Cobain and Matthew Weaver, “Rashid Rauf,” *Guardian*, November 22, 2008.

²¹ Ian Cobain, “The mysterious disappearance of an alleged terrorist mastermind,” *Guardian*, January 8, 2008.

²² Hoffman, “Radicalization and Subversion,” 1105.

²³ Walker and Dodd, “Video Tirades.”

²⁴ The three months MI5 investigated the men in operation Overt were May, June and July, and arrests were made on August 9, 2006.

²⁵ Walker and Dodd, “Video Tirades.”

²⁶ Van Natta, Sciolino and Grey, “Details Emerge.”

language spoken was English, making the concept of killing Westerners especially ironic or peculiar.²⁷

Ali's rhetoric and wording in his martyrdom tape are quite frightening. Interestingly though, he does not open his argument by berating Western countries or defending Muslim lands. Instead, he says he is doing this because of the rewards Allah has promised for himself, his family, and those close to him. Then he states that he also wants to punish and humiliate his enemies. To Ali, Muslims are people of honor and are brave, not cowardly. Ali shows admiration for Osama bin Laden when he reminds the viewer that "Sheikh Osama warned you many times to leave our lands or you will be destroyed, and now the time has come for you to be destroyed."²⁸ It is strange that his opening is about himself and about personal gains since these could be viewed as a lessening of his commitment as a martyr to the cause. He also identifies Westerners as enemies and killers, but then quickly notes that Muslims are still capable of defending themselves through retaliatory measures. By referencing bin Laden, one of the men responsible for the worst terrorist attack in history, and by stating that "*now* is the time for you to be destroyed," he could be interpreted as suggesting that an attack is imminent.

In many other terrorist groups, a charismatic leader may be the motivation for many to join and carry out the attacks.²⁹ As noted earlier, Sarwar viewed Ali as having leading characteristics, while Sarwar viewed himself to have a "weak character."³⁰ Through this admiration of Ali, it is possible that Ali may have had a hand in radicalizing Sarwar and convincing him, as well as others, that this attack would be justified. In his video, Tanvir Hussain echoed Ali's sentiment that such operations should be done "again and again until people come to their senses and realize, don't mess with Muslims."³¹

None spoke of their hatred of Western ideals. It appears that most of those involved focused on problems with American or British foreign policy in the Middle East which constituted, as one of the tapes puts it, waging "war against Muslims."³² Some terrorists and groups may be motivated by their sheer hatred of democracy, freedom, and liberty: however, the men on these tapes were looking for retribution for what they felt were appalling policies in the Middle East that were, "trying to humiliate, kill us and destroy us."³³

There is no mention anywhere on the tapes of the plot itself.

4. Goals

²⁷ Walker and Dodd, "Video Tirades." Some of the words in the tapes are inaudible or in another language, which makes it difficult to attain a direct quotation. Excerpts from the tapes can be viewed on the same webpage as Walker and Dodd's "Video Tirades."

²⁸ Hoffman, "Radicalization and Subversion," 1105.

²⁹ Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton: Princeton University Press, 2009, 14-15.

³⁰ Walker and Dodd, "Video Tirades."

³¹ Walker and Dodd, "Video Tirades."

³² Don Van Natta Jr., Elaine Sciolino and Stephen Grey, "In Tapes, Receipts and a Diary, Details of the British Terror Case," *New York Times*, August 28, 2006.

³³ Hoffman, "Radicalization and Subversion," 1105.

The plotters' motivations are clear, but the goals they hoped to accomplish with their martyrdom are much more vague. That is, none of the six men³⁴ taped mentioned what specific achievement would be accomplished by their terrorist act.³⁵ However, it seems clear from the tapes that the goal of the transatlantic plot was to inflict pain upon the West by expressing their outrage at what the plotters viewed as political wrongdoing in foreign policy and by obtaining a degree of revenge against Westerners for these injustices. The conspirators' aim was not to just kill British or American citizens aboard planes and exert pressure to change Middle Eastern policy, but also to demonstrate to the world that Muslim lands are not to be disturbed by outsiders.

However, in recent history a massive terrorist attack does not cause Western powers to leave a region, but draws them in, as we have seen in the years following 9/11. So, it could be seen as counterproductive for transatlantic plotters to attack innocent Western civilians aboard commercial aircrafts and expect the US and others to leave the Middle East.

The crudely shot tapes are filled with an-eye-for-an-eye rhetoric: "as you bomb, you will be bombed; as you kill, you will be killed."³⁶ This type of statement lends credibility to the arguments made above. The suspects are looking to show their resolve in the face of increasing Western presence and influence in the regions their families hail from, and the plotters are eager to see this recent phenomena disappear by whatever means necessary, even martyrdom.

Ali gives the West an ultimatum. "Stop meddling in our affairs and we will leave you alone, otherwise expect floods of martyr operations against you and we will take our revenge and anger."³⁷ This sort of rhetoric suggests there was a political outcome expected by the would-be attackers. This statement would not have been uttered if they only wanted a lot of Americans and the Britons to die indiscriminately. The conspirators presumably hoped that their deed would cause a rethinking of foreign policy in the Middle East by the US and UK.

Tanvir Hussain's martyrdom tape provided information about his desire to show Muslim resolve in defending their lands: "I only wish I could come back and do this again...until people come to their senses and realize, don't mess with Muslims." In similar vein, Ali says "we will teach them a lesson they will never forget is that we, the Muslims, are people of honor...we are brave, we're not cowards and enough is enough." Thus, Hussain and Ali are trying to forcefully persuade Western powers to exit the Middle East, and are trying to show tenacity for their commitment to Islam. By carrying out this attack, Islamic concerns would be taken much more seriously, if the attackers had their way.

After the arrests, however, the group claimed its goal was to make a documentary about the unfairness of the West, stating that they never meant to hurt anyone and that the tapes were made as spoofs created to make the movie more provocative. The documentary, it was argued, would be used to protest

³⁴ Van Natta, Sciolino and Grey, "In Receipts."

³⁵ Walker and Dodd, "Video Tirades."

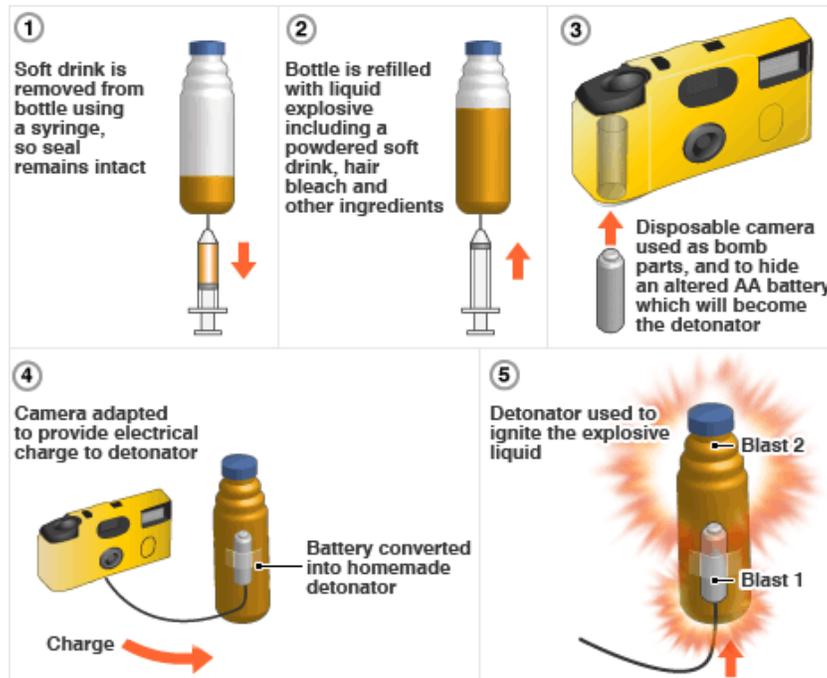
³⁶ NEFA, "Bojinka II."

³⁷ Hoffman, "Radicalization and Subversion," 1105.

British policies in Iraq, Afghanistan, and Lebanon.³⁸ This defense obviously proved futile.

5. Plans for violence

The means to be employed in the terrorist act were as sophisticated as they were simple.³⁹ The bombs, to be detonated in midflight, would be homemade and each bomber would carry the necessary products needed to create and detonate them.⁴⁰



The plotters would use 500ml bottles of the popular British energy drinks, Lucozade and Oasis, as the bomb capsule. As the diagram shows, the drink would be taken out through a syringe,⁴¹ used so as to not tamper with the factory sealed top of the drink.⁴²

The mixture was likely to be handled by Sarwar. During the trial, the “loser” Sarwar is said to have demonstrated knowledge and skill in concentrating hydrogen peroxide to levels that were appropriate for a destructive bomb.⁴³ Next, the homemade explosive mixture was to be injected into the bottle prior to boarding the flight. If the explosive mixture did not match the original color of the contents in the energy drink, food dye would have been added.⁴⁴ The key, though, is that the liquids must be able to pass through airport security,⁴⁵ so these ingredients should be commercially available.⁴⁵ The main ingredient in the

³⁸ Hines, “Terror mastermind guilty.”

³⁹ Hoffman, “Radicalization and Subversion,” 1105.

⁴⁰ “Airliners Plot: The Allegations,” BBC, April 3, 2008.

⁴¹ From “Three guilty of airline bomb plot,” BBC, September 7, 2009.

⁴² Vikram Dodd, “The drink that could have downed a plane” *Guardian*, September 7, 2009. Dodd’s article provides immense insight in the exact planning and execution of the attack on commercial airlines. Nuance and details are provided with great understanding.

⁴³ Dodd, “Drink.”

⁴⁴ Richard Edwards and Duncan Gardham, “Airline terror plot: The bomb-making plan,” *Telegraph*, April 3, 2008.

⁴⁵ Hoffman, “Radicalization and Subversion,” 1105.

mixture would be hydrogen peroxide⁴⁶ mixed with other organic materials. To increase the power of the explosion, the sugary drink Tang was to be added.⁴⁷

When the mixture in the bottle is complete with hydrogen peroxide and other organic materials, the terrorist would detonate it: the camera was to be connected to bottle and the electrical charge would cause an explosion. This would be done in the plane bathroom to prevent suspicion from crewmembers or passengers. It is not completely clear why the explosion was to occur in the bathroom, when one would think it might be easier to detonate the bomb from a passenger seat without arousing suspicion. The detonating substance in the plan was HMTD⁴⁸ (hexamethylene triperoxide diamine) concealed in hollowed out 1.5-volt AA batteries which could be placed into any electronic device allowed onto a plane. HMTD is an organic chemical compound that could be made from “household and commercial ingredients that are freely available,” including solid fuel camping stoves.⁴⁹ A small tail lead was supposed to connect the adapted battery (now in the mixture) to an electric power source, in this case a disposable digital camera.⁵⁰

The group had several diversions and distractions to increase their chances of getting on their assigned flights. First, the teams were going to travel in duos in order to separate the bomb materials carried on and to give each other support.⁵¹ If something were to happen to one of the men in the security process of the airport, Ali wanted to require all men have two bottles on them in case their partner was compromised or caught. This would have required 14 suicide bombers to down seven planes, and Ali’s team at the time of the arrests was not nearly this large—most of the group was rather peripheral to the plot.

Ali also had plans to make the would-be killers look like regular men: they should carry pornographic magazines and condoms on to the plane to ensure the security personnel did not think they were religious zealots.⁵² Ali went even as far to suggest that he bring his 2-year-old son with him on the flight so as to not arouse suspicion.⁵³

Police believe plans were first drawn up during Ali’s several trips to the lawless region on the border of Pakistan and Afghanistan,⁵⁴ but it is unclear whether the idea came from Ali or an al-Qaeda member in Pakistan. The plan was

⁴⁶ Dodd, “Drink.” Terrorists use hydrogen peroxide extensively because of its ability to cause destruction and ease of attaining it. However, it must be concentrated in order to have a destructive effect that terrorist’s desire.

⁴⁷ Transportation Security Administration, “UK Liquid Explosives Plot Trial Overview,” September 7, 2009.

⁴⁸ There were a lot of conflicting reports initially after the arrests. However, in the trial the prosecution claimed the plotters used HMTD as an explosive as opposed to TATP and reports by the TSA and the *Guardian* confirm these allegations. So, I will assume that the HMTD was the primary explosive.

⁴⁹ Edwards and Gardham, “Bomb-making plot.”

⁵⁰ Dodd, “Drink.”

⁵¹ Sebastian Rotella, “Britain Looks for Links to Transit Blasts,” *Los Angeles Times*, August 15, 2006.

⁵² TSA, “UK Trial.”

⁵³ Hoffman, “Radicalization and Subversion,” 1106.

⁵⁴ Hines, “Terror mastermind.”

finalized during a trip to Pakistan in 2005, according to counter-terrorism officials.⁵⁵ It is alleged that Ali and the planners of the July 7, 2005 and the failed July 21, 2005 attacks were all in Pakistan around the same time in 2004, and they all returned with hydrogen peroxide-based bombing plans that were not used before in the UK.⁵⁶

In order to carry out the plot, Ali would need help, and he set about recruiting long-standing friends, associates at mosques, and others referred by al-Qaeda.⁵⁷ Many were assigned specific roles in the preparation and practice in the attacks. The biggest role in this case is by Sarwar, who was in charge of the bomb making⁵⁸ and of purchasing material for the bombs,⁵⁹ as well as video taping the martyrdom videos.⁶⁰

Ali's apartment was purchased, in cash, for \$250,000 in June of 2005, and it became the venue for a bomb-making factory⁶¹ and the recording of the martyrdom tapes.⁶² While Ali was living in the apartment he codified his plans in his handwritten diary. During the trial, pages from this contained incriminating evidence about the planning and execution of the plot, as well as the clever bits about getting through airport security by carrying pornographic magazines and condoms.⁶³

Immediately after the arrests, reports on the number of planes to be blown up by Ali and his men gave widely conflicting numbers, from six by the *Wall Street Journal* all the way up to twelve by Times Online.⁶⁴ In the months that followed, investigators found evidence on a computer memory stick belonging to Ali that indicated Ali had identified seven flights from four different airlines that he wanted to attack, all leaving from Heathrow Airport in London: Air Canada, American Airlines, and United Airlines flights to San Francisco, Toronto, Montreal, Washington D.C., and New York City, as well as two to Chicago.⁶⁵ These were all large planes with a lot of passengers and crewmembers. The timing of these flights was key because if they wanted to bring down multiple planes, they would have to be in the air around the same time because, if one plane went down, most other planes would be kept on the ground, while authorities could do little to save the other planes once they were up in the air.⁶⁶ The flights listed above all took off within two hours and thirty-five minutes of each other, which would have made it impossible for authorities on the ground to directly intervene.⁶⁷

⁵⁵ "Airline Bomb Plot Profiles," *Telegraph*, September 7, 2009.

⁵⁶ Corera, "al-Qaeda connection."

⁵⁷ "Airline Bomb Plot Profiles."

⁵⁸ TSA, "UK Trial."

⁵⁹ Hoffman, "Radicalization and Subversion," 1107.

⁶⁰ Hoffman, "Radicalization and Subversion," 1107.

⁶¹ NEFA, "Bojinka II," 7.

⁶² Hoffman, "Radicalization and Subversion," 1107.

⁶³ TSA, "UK Trial."

⁶⁴ NEFA, "Bohinka II," 3.

⁶⁵ "Airliner's Plot: The Allegations."

⁶⁶ TSA, "UK Trial."

⁶⁷ Duncan Gardham, "Airline terror trial: The bomb plot to kill 10,000 people," *Telegraph*, September 7, 2009.

These large planes (777, 767 or 763 jets) were carrying between 241 and 285 each.⁶⁸ Some analysts and reports estimated that the attacks could have led to thousands of more deaths if the planes were brought down over American cities.⁶⁹ The plotters had considered the possibility of expanding the attack to 18 suicide bombers on 9 planes, a circumstance that, Duncan Gardham estimates, “could have led to 5,000 deaths in the air and as many on the ground.”⁷⁰

Commercial aviation was not the only target researched by the London terrorist group. During the trial, the prosecution characterized their ambitions as “limitless,”⁷¹ noting that they were considering other attacks against British infrastructure: power plants, including nuclear power stations, in Britain; gas and oil refineries in Bacton, Fawley, Coreeton, and Kingsbury; the country’s national electricity grid; London’s Canary Wharf office complex; a gas pipeline between Britain and Belgium; Heathrow Airport’s new control tower; and industrial facilities that store and process hydrogen peroxide.⁷²

Many have been skeptical of the feasibility of the airline plot and believe that these men were not capable of pulling off an attack like this.

To begin with, the terrorist attack was not imminent in some respects. No tickets had been purchased, and some of the plotters did not even have passports.⁷³ It takes around six weeks to attain a new passport, while it is three weeks for a renewal of a passport and both are accompanied by an interview from Identity and Passport Service.⁷⁴ Concerns that the plot might be imminent had to be taken seriously, however, because the audio surveillance the British were using in the apartment of Ali indicated that Sarwar was disposing of a large number of hydrogen peroxide bottles at a recycling site, suggesting that preparations and experimenting may have been undertaken.⁷⁵ Moreover, when asked what the time frame was by a conspirator, Ali responded by saying, “a couple of weeks.”⁷⁶ With this information, authorities had to act and make arrests. In particular, President George W. Bush urged Pakistan to arrest Rashid Rauf, an action that prompted all other arrests, once this surveillance intelligence had reached the White House.

Some of the skeptical conclusions were made without full information. Many thought that TATP would be used as the explosive, and this requires a lot of expertise to mix and detonate. However, the plotters were using HMTD, a much

⁶⁸ “Airliner’s Plot: The Allegations.”

⁶⁹ There is a discrepancy to whether the terrorists planned to bring the planes down over land or over the Atlantic Ocean. NEFA quotes Mark Mershon, Special Agent in Charge of the FBI’s New York Field Office as saying, “the plan was [to] bring them down over U.S. cities, not over the ocean.” Meanwhile, the TSA report of the trial claims that, “The liquid explosives would have been detonated while flying over the Atlantic Ocean.”

⁷⁰ Gardham, “Plot to kill 10,000.”

⁷¹ Richard Edwards, Gordon Rayner and Duncan Gardham, “Terror suspects planned nuclear station strike,” *Telegraph*, April 4, 2008.

⁷² Hoffman, “Radicalization and Subversion,” 1106.

⁷³ Patrick Smith, “Ask the Pilot,” Salon.com, September 15, 2006.

⁷⁴ “Timetable for Passport Applications,” Identity and Passport Services UK.

⁷⁵ Dominic Casciani, “Liquid bomb plot: What happened,” BBC, September 9, 2008.

⁷⁶ Duncan Gardham, “Airline bomb plot: investigation one of the biggest since WWII,” *Telegraph*, September 8, 2009.

easier and less dangerous mixture to detonate. Additionally, as noted, Sarwar showed extensive skill in working with hydrogen peroxide during the trial.⁷⁷

Many thought the explosion would be insufficient to down the planes. The BBC investigated this notion by inviting explosives engineer, Sidney Alford, to detonate a HMTD bomb on a decommissioned aircraft on the ground. A massive hole was blown in the stationary plane, but Alford also said there are many problems that could have played a part in assembling and detonating the bomb, so if Ali and his men boarded the planes with bomb making materials, it would not necessarily yield death for all aboard.⁷⁸ This is because a successful bombing does not necessarily imply that the plane would crash. In 2008, an oxygen cylinder exploded on a Qantas flight from Hong Kong blasting a six-foot hole in the fuselage, depressurizing the plane, but it still returned safely to Hong Kong.⁷⁹ In 1989, a cargo door opened on a United Airlines flight heading across the Pacific, extensively damaging the fuselage and cabin structure adjacent to the door. Nine passengers were sucked out and lost at sea, but the plane was able to land in Honolulu.⁸⁰ These examples show that extensive damage to a fuselage, while dangerous and deadly, does not automatically yield a catastrophic crash and hundreds of lives lost.

There were also potential problems with simultaneity. After the first bomb goes off all, passengers and crew on other planes, especially ones coming from Heathrow, would be on instant alert, making it far harder to assemble and detonate a bomb inconspicuously. This is what happened on the fourth flight on 9/11. Passengers were informed via cell phone conversations with family members that other planes had been hijacked and were crashed into significant government and economic buildings prompting them to revolt and force a crash landing into an empty field.⁸¹

There are also problems with the notion that if the planes had been detonated over land, there would be many casualties on the ground. In 1988, a plane was brought down over Lockerbie, Scotland, a city of more than 4,000 people, yet only eleven were killed on the ground.⁸² Another, more recent example is a plane crash in a suburb of Buffalo, New York, in which only one man on the ground was killed.⁸³ The best example probably comes from an Airbus A300 crash in the Queens borough of New York, an area with a population density of around 20,000 per square mile, in which only five were

⁷⁷ Vikram Dodd, "The drink that could have downed a plane," *Guardian*, September 7, 2009.

⁷⁸ "Three guilty of airline plot," BBC, September 7, 2009.

⁷⁹ "Depressurization—475 km north-west of Manila, Philippines—25 July 2008", ATSP Transport Safety Report, Aviation Occurrence Investigation AO-2008-053 Interim Factual No. 2, Australian Transport Safety Bureau, Australian Government, November 2009.

⁸⁰ Craig Skehan, "Valve in Oxygen Cylinder the Culprit of 747 Explosion", *The Age*, July 29, 2008.

⁸¹ Susan Sward, "The voice of the survivors," *San Francisco Chronicle*, April 21, 2002.

⁸² M. M. Charles, "Aircraft Accident Report No 2/90 (EW/C1094)," Department of Transportation, December 21, 1988.

⁸³ Doug Alexander and Chris Dolmetsch, "Continental Plane Reported Icing Before Crashing," Bloomberg News, February 19, 2009.

killed on the ground.⁸⁴ This evidence leads one to believe that even if the plotters had decided to crash the planes over land, then there would not have been the massive number of casualties estimated by some analysts.

Most of the above claims are hypothetical in that they assume what would have happened had the plotters been able to board the plane. However, here was no chance of this happening due to British counterterrorism work. Working from tips, British authorities British domestic security services had the group thoroughly under surveillance, bugging their apartments, tapping their phones, monitoring their bank transactions, eavesdropping on their internet traffic and e-mail messages, even watching where they traveled, shopped and took their laundry. In a secret search before the August 10 raids, agents had discovered that would-be terrorists had scooped out the insides of batteries and there was evidence of chemical experiments.⁸⁵

The investigation used all available British resources. However, Ali sensed he was being watched and started having his meetings in public places to make it more difficult for security agents to monitor their target. However, a breakthrough was made on July 26 when audio and visual surveillance was set up in Ali's apartment. Authorities overheard Ali and his cohorts discuss North American targets, hydrogen peroxide, and other incriminating issues. Action was taken when American President George W. Bush received the intelligence briefing that the plotters had set up a timetable of a few weeks and Bush ordered the arrest of Rashid Rauf. Since the plotters in Britain were in daily contact with Rauf, this forced the British hand, and counterterrorism arrested 24 people whom they thought were connected.⁸⁶

6. Role of informants

There is only one report that suggests an undercover British agent infiltrated Ali's group. This information was only stated by U.S. officials however, not British ones.⁸⁷ This was the extent of information disseminated about the role of informants.

In this case, the extensive investigation that British authorities had underway may have resulted in the lack of need for informants. The security operation that officially started in May of 2006, was led by police and MI5, who carried out more than a year of surveillance before the terrorist group was arrested.⁸⁸ During the operation, authorities heard the terrorists discuss smuggling bombs onto a plane, making martyrdom videos, and talking of hydrogen peroxide.⁸⁹

⁸⁴ "NTSB Press Release," *NTSB News*, October 26, 2004. The official title of the press release: NTSB says pilot's excessive rudder pedal inputs led to crash of American flight 587; Airbus rudder system design and elements of airline's pilot training program contributed.

⁸⁵ Van Natta, Sciolino and Grey, "In Receipts."

⁸⁶ Gardham, "WWII." The paragraph derives from Gardham's extremely detailed work.

⁸⁷ "Agent infiltrated terror cell," CNN, August 10, 2006.

⁸⁸ "Hunt for Rashid Rauf that ended with hellfire," *Sunday Times*, November 23, 2008.

⁸⁹ Duncan Gardham, "Airline Bomb Plot: investigation 'one of biggest since WW2'," *Telegraph*, September 8, 2009.

In many other cases of terrorism, counterterrorism officials have an entire network of informants and infiltrators. Why did British and American media outlets have so little to say about the function of informants and infiltrators in foiling this plot? Essentially, there are two reasons that an insufficient amount of information is available. First, during criminal trials, and especially criminal trials involving terrorism, the British are notoriously reserved so as not to sway the mind of the jurors. In addition, if an investigation is still pending, the prosecution cannot enter new evidence that jeopardizes the investigation. Hoffman views this as a reason for the lack of convictions in the first trial. He believes that the prosecution was severely hampered by this procedure in this case because extremely valuable evidence was not admissible.⁹⁰

7. Connections

The plotters had three connections of concern: the relation of Ali and his men to Islamic charity and service groups, to the country of Pakistan, and, most importantly, to al-Qaeda. These may have increased the plotters' ideological commitment and logistical capabilities during the months of planning.

Tablighi Jamaat is a Pakistani-based missionary organization that ties several individuals from this plot together.⁹¹ TJ has come under fire in recent years because of its connection with terrorism. The FBI's Michael Heimbach, deputy chief of the FBI's international terrorism section, went so far as to say, "We have a significant presence of Tablighi Jamaat in the United States, and we have found that Al Qaeda used them for recruiting, now and in the past."⁹² The notion that there is a clear connection between TJ and Islamic terrorism needs to be addressed. The plot leader, Ali, became involved with Tablighi Jamaat in his teens. Around the same time, Ali's former schoolteacher noticed he had a growing Islamic militancy.⁹³ While this does not prove that TJ was the deciding factor in the radicalization of Ali, it does show a connection in that he was not *de-radicalized* by the charitable organization. Ali was not the only plotter to attend TJ gatherings, though. Both Sarwar and Zaman did as well. Moreover, suicide bombers from the July 7, 2005 terrorist attacks in London were regulars at TJ meetings.⁹⁴

While Tablighi Jamaat may have played a role in radicalizing and ideological identification, another charitable group, Crescent Relief, may have helped the plotters financially. Rashid Rauf's father founded Crescent Relief in 2000 to help refugees and epidemic and natural disaster victims and to provide health care. While this seems like a noble cause, a number of conspirators of the transatlantic plot were involved with the organization.⁹⁵ It is claimed that after a

⁹⁰ Hoffman, "Radicalization and Subversion," 1110.

⁹¹ "Bojinka II," NEFA 17.

⁹² Susan Sachs, "A Muslim Missionary Group Draws New Scrutiny in US," *New York Times*, July 14, 2003.

⁹³ Hoffman, "Radicalization and Subversion," 1106.

⁹⁴ Hoffman, "Radicalization and Subversion," 1110.

⁹⁵ NEFA, "Bojinka II," 12.

Pakistani earthquake, funds donated to help these struggling people may have been funneled to conspirators.⁹⁶

With most of the alleged plotter's families hailing from Pakistan it makes logical sense that Pakistan could be a factor in this terror plot. In fact, eight out of 10 priority terrorist investigations in the UK have some connection to Pakistan.⁹⁷ Ali is known to have made several trips to Pakistan, and, as noted earlier, he was there at the same time as other attackers who were getting ready to harm London with bombs consisting of hydrogen peroxide. In the months before British officials disrupted the plot, several of the other alleged transatlantic plotters were thought to have gone to Pakistan in order to attain instructions and speak with unknown conspirators.⁹⁸

Most importantly, investigators now believe that there is a clear link between al-Qaeda and the attempted transatlantic bombings. Immediately after the attack was foiled, officials were cautious about suggesting there was a direct link.⁹⁹ However, as the evidence poured in over the next months and subsequent years, it became clear that al-Qaeda did play a part in the attack. The key player in the connection between the transatlantic plotters and al-Qaeda is Rashid Rauf. He is believed to put the two sides in touch with one another. This link presumably added to the training and motivation of the plotters to carry out a plot of such sophistication.¹⁰⁰ Another important man in this connection is Abu Obeida al-Masri. He is believed to be al-Qaeda's external operations chief and served as the conduit between the British-Pakistani cells that carried out the July 7, 2005, public transit bombings in London as well as the failed transatlantic airliner plot in Britain in 2006.¹⁰¹

8. Relation to the Muslim community

Britain has a substantial minority of Muslims living in the country, comprising some 4 percent of the total population of Britain,¹⁰² whereas the Muslim population makes up about 0.8 percent of the population of the United States.¹⁰³ The would-be attackers were connected by their faith to the Muslim community. On a broader scale, however, the Muslim population in Britain expressed condemnation of these attacks, though often skeptical of the allegations because of recent incidents in Britain of official harassment of Muslims.

The police have stated that the Muslim community was a big help in starting the investigation. British officials felt completely blindsided by the July 7,

⁹⁶ Brian Ross and Vic Walter, "Islamic Charity's Assets Frozen for Alleged Connection to Terrorism," ABC News, August 24, 2006.

⁹⁷ Corera, "al-Qaeda connection."

⁹⁸ NEFA, "Bojinka II," 14.

⁹⁹ NEFA, "Bojinka II," 14. DHS Secretary Michael Chertoff did say it has the "hallmarks of an al-Qaeda plot," but failed to explicitly say al-Qaeda was involved, meaning it had several traits that had been seen through previous al-Qaeda attacks and research about the terrorist organization.

¹⁰⁰ Corera, "al-Qaeda connection."

¹⁰¹ NEFA, "Bojinka II," 10.

¹⁰² Richard Kerbaj, "Muslim population rising 10 times faster than population," *Times*, January 30, 2009.

¹⁰³ "Mapping the Global Muslim Population," Pew Research Center, October 2009.

2005 attacks and felt the Muslim community was unreliable in combating terrorism. However, in the transatlantic case, Muslim residents tipped police off about the growing violent nature of a group of young, Islamic men after the earlier attacks, and counterterrorism officials have lauded those efforts.¹⁰⁴

The terrorist group, as noted earlier, claimed to have a membership in Islamic charity organizations that have been called into question by US and UK authorities. The organizations, Tablighi Jamaat and Crescent Relief, brought the plotters together in meetings and also connected them to dangerous men that may have played a part in their radicalization. Moreover, these charity organizations are suspected of having increased the financial and logistical capacity of the plotters.¹⁰⁵

Several members of this plot are known to have frequented the Queen's Road Mosque, where Ali, the plot leader, was a regular member.¹⁰⁶ There is a question as to how these mosques affect the radicalization of young men and the dissemination of Islamic militancy. Officials of the Queen's Road mosque have called the plotters "fanatics" and have accused them of being "against the mosque."¹⁰⁷ The Masjid-E-Umer Mosque served as another contact for the British suspects.¹⁰⁸ There is not much information about its nature, but while the mosque did not cause this attack or even move the men toward the terrorism, it did occasionally bring them together with violent ideologies.

The reaction by the Muslim community has been a major topic of interest in British media since the plot was foiled. The initial reaction from Muslim communities was condemnation. Khurshid Ahmed, a member of the Commission for Racial Equality, said, "The response here is one of shock that we still find young people actively involved in activities which we would condemn as a society and also a sense of relief that a possible attack has been thwarted."¹⁰⁹ However, many Muslims felt the entire community was being targeted. Previous to the arrests of the airline plotters, British investigations had resulted in the death of several Muslim men.¹¹⁰ Muslim community leaders warned that a third case of unfounded or exaggerated allegations would enhance the growing bitterness of British Muslims.¹¹¹

The plot led to a discussion about British foreign policy as well. Muslims felt these recent attacks were prompted by resentment of foreign policy in the Middle East. This may have some merit in that there is evidence that a growing number of Muslims believe British foreign policy ignores their concerns, and this in turn can lead some to be radicalized. Indeed, a London *Times* poll found that 13 percent of British Muslims believed that those who perpetrated the July 2005 bombings were martyrs. Muslims leaders pointed out the British participation in

¹⁰⁴ Rotella, "Link."

¹⁰⁵ See Connections section for all sources and information.

¹⁰⁶ Duncan Gardham, "Biggest investigation since WWII," *Telegraph*, September 8, 2009.

¹⁰⁷ Jason Burke, "Muslim anger: the real story," *Guardian*, August 20, 2006.

¹⁰⁸ NEFA, "Bojinka II," 17.

¹⁰⁹ "Muslims Skeptical of Airline Plot," 9 News, August 11, 2006.

¹¹⁰ Murphy, "Bomb Plot Immense."

¹¹¹ Kim Murphy, "Bomb Plot Evidence 'Immense' British Say," *Los Angeles Times*, August 22, 2006.

Iraq and Lebanon as a reason for radicalization of young Muslims as well.¹¹² Muslim leaders in Britain, including some government officials, wrote an open letter to the government arguing that a change in foreign policy would show that the UK values the lives of civilians and suggesting that there would be a decrease in terrorism if the British left the Middle East.¹¹³ The British government was unmoved, and the transport minister replied, “Frankly, no government worth its salt would allow its foreign policy to be dictated under the threat of terrorism.”¹¹⁴ Also relevant is that France and Germany, countries that have not taken military action in Iraq, face a similar threat from Islamic militants.¹¹⁵

9. Depiction by the authorities

After the arrests authorities announced that they had stopped a devastating attack. “This was a plan by terrorists to cause untold death and destruction and commit mass murder,” said Paul Stephenson, a deputy commissioner of the Metropolitan Police in London. Meanwhile in America, the Director of the Department of Homeland Security said, “I think that the plot, in terms of its intent, was looking at devastation on a scale that would have rivaled 9/11...there could have been thousands of lives lost and an enormous economic impact with devastating consequences for international air travel.”¹¹⁶ However, as more evidence came out in the months after the arrests, many came to wonder whether this dire language was needed.

In evaluating why the early reports given by authorities were so alarming, it is necessary to consider the way it looked to them at the time. Through surveillance and raids, counterterrorism agencies knew that the group had been experimenting with hydrogen peroxide explosives in Ali’s apartment. They also heard the six men making the ominous martyrdom tapes with language about death and destruction. Finally, they knew there might have been a connection to al-Qaeda and Pakistan through Rashid Rauf.

However, the authorities also knew that air tickets had not been purchased, that some members did not have passports, and that there had not been a “dry run” by the conspirators. They also knew that they were capable of preventing the plotters from getting anywhere close to an airplane. Their only real worry was that perhaps not all of the plotters were in custody and that those unknown to them could try something in the wake of their conspirators’ arrests, perhaps out of fear that those arrested might inform on them.¹¹⁷ After the arrests, however, no more suspects were detained.

The group was under surveillance for months by British, American and Pakistani security agencies,¹¹⁸ and there was a massive amount of intelligence in

¹¹² Kim Murphy and Josh Meyer, “More Suspects Sought in Alleged Bomb Plot,” *Los Angeles Times*, August 13, 2006.

¹¹³ “Muslim letter ‘misjudged’—Reid,” BBC, August 13, 2006.

¹¹⁴ Murphy and Meyer, “Suspects Sought.”

¹¹⁵ Burke, “Muslim Anger.”

¹¹⁶ NEFA, “Bojinka II,” 7.

¹¹⁷ Sandra Laville, Richard Norton-Taylor, and Vikram Dodd, “A plot to commit murder on an unimaginable scale,” *Guardian*, August 11, 2006.

¹¹⁸ John Judis, “Fear Factor,” *New Republic*, September 5, 2006.

hand. Considering all this, it seems that the language and rhetoric used by officials was alarmist and overstated the potential danger. There was no a chance the British were going to forget about this group and let them pursue their aims. In fact, the British were willing to wait and watch to gain more incriminating evidence against the plotters.¹¹⁹ This suggests that they had the situation under control and that they knew an attack was not imminent.

Terrorism expert Bill Durodie said at the time of the arrests that he was “slightly concerned that we heard a very senior official in one of your opening packages describing this plot as being on an unimaginable scale. I think we do expect officials to moderate their language appropriately. Obviously, it would be terrible but to inflate the language in that way lends itself to increasing public concern, rather than assuaging concerns and showing a robust response.”¹²⁰

Some contend that the arrests were made and publicized for political reasons, that US President George W. Bush, UK Prime Minister Tony Blair, and Pakistan President Pervez Musharraf were exaggerating the crisis for political reasons. With low approval ratings for Bush and Blair, and with Musharraf wanting to earn points with its chief protector, the US, all had reasons to seek support by achieving a big success in counterterrorism.¹²¹

10. Depiction by the media

In the beginning, the media reported government documents and the information received from press conferences, echoing that of the government. However, it was extremely difficult to obtain concrete additional evidence, and conflicting reports and speculations became common. For example, citing anonymous officials, the number of flights targeted by the plotters ranged widely.¹²² As time went on and more data was discovered or released, press reporting became more reliable.

Between 2006 and 2008, press reporting served as the sole source for information on the routes identified by the operatives¹²³ because British trial practice requires officials and prosecutors to be extremely tight lipped because public information may have detrimental effects on their prosecution of the case.

In the following months, the media speculated about the validity and immanency of the threat and its plotters. John Judis, a writer for *The New Republic*, noted that “If the initial story offered by Chertoff and Townsend—and the British and Pakistani counterparts—represents a house, then that house is now tottering on its foundations and ready to collapse in ruins...Accounts contradicting the original story have appeared, among other places, in the *New York Times*, *Boston Globe*, and *Los Angeles Times*...These accounts appear to have been inspired by leaks from American and British officials.”¹²⁴ Once the

¹¹⁹ Philip Shenon and Neil A. Lewis, “British were willing to wait,” *New York Times*, August 13, 2006.

¹²⁰ Bill Durodie, “Terrorism Expert of UK Plot,” *Australian Broadcasting Company*, August 11, 2006.

¹²¹ Judis, “Fear Factor.” Judis describes this as a mere speculation.

¹²² NEFA, “Bojinka II,” 3-4.

¹²³ NEFA, “Bojinka II,” 4.

¹²⁴ Judis, “Fear Factor.”

media started to question the government on the immanency and likelihood of success of the attack, reporting started to become more coherent and rational.¹²⁵ Only then, did important aspects of the plot that were vital to the public's knowledge, such as plotters background, true connection to al-Qaeda, and the explosives planning to be used, become available.

11. Policing costs

The transatlantic bombing plot was one of the most costly and complex criminal investigations in Britain since WWII.¹²⁶ Authorities worked around the clock through dozens of agencies to bring these plotters to justice, and intelligence and counterterrorism work was performed on three continents. The group was under surveillance for more than a year before the arrests, and it led to two trials over three years.

Over 220 officers worked on the anti-terror command, and 9,710 statements were taken, there were 102 searches of houses, flats, cars and cafes, and 800 devices were seized including computers, laptops, external hard drives, and USB devices. As of September 2009, police, security services, and prosecutors had spent £35,000,000 on foiling the plot, and, most staggeringly, the case had cost the Crown Prosecution Service and Legal Services Commission £100,000,000.¹²⁷ And there have been additional costs since that tally was made because further trials connected to the case have been held.

Some other costs might be mentioned. Despite the fact that officials foiled the plot, a heavy financial burden was placed on airlines: British Airways declared that new security measures cost their company £100m, while Easy and Ryanair also announced massive losses.¹²⁸ OAG, a provider of travel industry data, estimated that up to 400,000 people were affected by the security alert. Officials at airports around Britain reported delays and cancellations. This economic hindrance could be viewed as a victory for al-Qaeda which has sought to strike economic targets such as the World Trade Center. Osama bin Laden has commented on the economic impact of 9/11 saying that the hijackers struck the American economy in the heart and inflicted more than a trillion dollars in losses.¹²⁹

12. Relevance of the internet

Compared to other cases, this case relied less on the internet for recruitment and radicalization. Nonetheless, it was extremely important to the terrorists for overseas communication and for gathering logistical information including flight schedules, although these uses were also a vital source of

¹²⁵ The lack of coherent reporting was known among the media. So much so that the *New York Times* published an extensive story on August 28, 2006, three weeks after arrests were made, that is titled, "Details Emerge in British Terror Case" which shows the lack of information the press initially had.

¹²⁶ Gardham, "WWII." Gardham's article is a virtual encyclopedia for the costs of the work that went into foiling the plot.

¹²⁷ "Airline bomb plot by the numbers," *Telegraph*, September 7, 2009.

¹²⁸ NEFA, "Bojinka II," 21-22.

¹²⁹ NEFA, "Bojinka II," 22.

intelligence for counterterrorism officials, helping them to foil the devastating operation. Kip Hawley, head of the Transportation Security Administration, said that the terrorists “were clicking online all over the place.”¹³⁰

Communication with Rashid Rauf in Pakistan was accomplished daily through e-mail¹³¹ and phone calls.¹³² Rauf offered advice and encouragement while maintaining his connections to al-Qaeda operatives in Pakistan. British authorities intercepted these e-mails and they were very important in gaining information about the seriousness and the timetables of the men. As noted, when this intelligence reached President George W. Bush, he ordered the arrest of Rauf in Pakistan, prompting the arrests of all other 24 suspects in Britain.¹³³ Authorities were given a high incentive to act when internet traffic increased heavily and certain men disappeared from the intelligence radar.¹³⁴ Authorities also gathered a vast amount of incriminating evidence from this activity to be used in foiling the plot as well as in the court prosecution.

13. Are we safer?

Essentially the answer is yes and no.

It is clear that these men meant to harm innocent people with these attacks, and their martyrdom tapes show their fanaticism and militancy. When Ali was asked about the justification of the death of women and children aboard the planes, he dismissively replied, “There are no innocents.”¹³⁵ The world is clearly safer with Ali, Tanvir Hussain, Sarwar,¹³⁶ Savant, Khan, Zaman,¹³⁷ Khatib, Uddin and Nabeel Hussain¹³⁸ all behind bars.

On the other hand, however, the plotters would never have been able to do anything because they were under full surveillance. Even though some of their reports were overcooked and inaccurate,¹³⁹ counterterrorism officials showed resolve and competence in the investigation, and the foiling of this plot proves that terrorists, especially if they are connected to al-Qaeda, are fighting an uphill battle.

¹³⁰ NEFA, “Bojinka II,” 6.

¹³¹ Gardham reported telephone calls were made from Ali to someone in Pakistan and they were talking in code. This was the only report in which this information was stated, so the legitimacy of this claim is not concrete.

¹³² Gardham, “WWII.” This article was one of the few reports to contain e-mails between Rauf and the plotters.

¹³³ Gardham, “WWII.”

¹³⁴ Philip Webster, Sean O’Neill, and Stewart Tendler, “A ‘plan to commit unimaginable mass murder,’” *Times*, August 11, 2006.

¹³⁵ Hoffman, “Radicalization and Subversion,” 1105.

¹³⁶ Vikram Dodd, “Three terrorists convicted of plotting to blow up jets over Atlantic,” *Guardian*, September 7, 2009. In researching this paper, it was clear soon after I began that Vikram Dodd’s work was the most reliable and encompassing reporting available in the press. I have cited numerous works by him that have been enormously insightful.

¹³⁷ “Would-be suicide bombers jailed for life,” BBC, July 12, 2010.

¹³⁸ Sean O’Neill, “Bomb plot leader’s friends convicted of terror offences,” *Times*, December 10, 2009.

¹³⁹ Patrick Smith, “Ask the Pilot,” Salon.com, September 15, 2006.

But have the measures the authorities have taken after the arrests made us any safer? Many say no. By banning bottles of liquids that are over four ounces, authorities thought air travel would be safer because the plan of the transatlantic bombers would not be possible. Conversely, this measure may have created more of a risk than the liquids did. After the ban on liquids, airports saw a 20% surge in checked luggage, and screeners of checked baggage have been forced to hurry, and checked bags accordingly may not be properly inspected for explosives or other dangerous materials thereby actually decreasing security.¹⁴⁰

Security analyst Bruce Schneier believes that the response to the foiled attack has been shortsighted and counterproductive. According to Schneier, focusing on the attacks that have been planned by terrorists is a waste because there are just too many threats and targets available to terrorists. He wants to see counterterrorism officials pool their resources toward classic methods of investigation and intelligence because that is how Ali's plot was foiled.¹⁴¹ In his work, Schneier has both scolded the work of airport security and lauded that of investigative teams because he views investigative work to be the best way to make passengers safe.

With respect to the alleged connection to al-Qaeda, revelations that have come to light since the plot was thwarted suggest to some that there is still a long way to go until we are safe. In particular, Bruce Hoffman finds the target of the attacks to be considerably troubling:

“What is especially alarming about the airlines plot, however, is that it was not directed against the softer, more accessible targets like subway or commuter trains, hotels, and tourist destinations that the conventional wisdom once held a diminished and de-graded Al Qaeda only capable of: but against arguably the most internationally hardened target set since 9/11—commercial aviation. This development calls into question some of the most fundamental assumptions about Al Qaeda's capabilities and intentions, given that the movement seems undeterred from the same grand homicidal ambitions it demonstrated on 9/11.”¹⁴²

Hoffman's fear is based on the fact that authorities and counterterrorism officials thought the extensive work done to quell al-Qaeda since 9/11 had weakened their ability to wreak havoc against the world, but with the plotters' connection to al-Qaeda, it is clear officials need to re-evaluate the strength and goals of the terrorist network to successfully prevent future attempted destruction by al-Qaeda.

14. Conclusions

This case was unique in its scale and in its goals and objectives. No other case since 9/11 has involved this level of commercial aviation terrorism, and it has been compared to 9/11 for its potential for killing thousands of people. This comparison is a stretch when looking at the respective methods of attack. In 9/11,

¹⁴⁰ Thomas Frank, “Checked luggage strains security,” *USA Today*, August 24, 2006.

¹⁴¹ Bruce Schneier, “Bruce Schneier: Focus on terrorists, not tactics,” *Minneapolis-St. Paul Star Tribune*, August 12, 2006.

¹⁴² Hoffman, “Radicalization and Subversion,” 1111.

the terrorists used the planes as missiles, plunging them into occupied buildings, whereas the transatlantic plot sought simply to bring the planes down.

One case that occurred before 9/11 almost mirrors this one. Bojinka, a plot hatched by 9/11 planner, Khalid Sheikh Mohammed, and 1993 World Trade Center bomber, Ramzi Yousef, was hatched in the Philippines in 1994 and foiled in 1995. Unlike the London plot, it did not involve suicide. Rather, the planners sought to smuggle liquid chemical bombs on flights over and around the Pacific Ocean, then leave them on the flight after the plane had landed, and the bomb would detonate in mid-air on the next flight on a timed schedule. KSM and Yousef succeeded in their plan once when the chemical test bomb killed a Japanese businessman. This plot was eventually discovered in January 1995 in Manila, when a fire broke out in an apartment where chemicals were being mixed.¹⁴³ Yousef was eventually caught and convicted in a New York court for his role in the conspiracy. Both plots used liquid chemical explosives and were focused on planes that were over oceans. And, of course, both failed. After the transatlantic plot had been foiled, authorities cited Bojinka as almost an identical plot, different only in the name of the ocean flown over.¹⁴⁴

Audrey Cronin has written extensively about the importance of a leader in a terrorist plot and considers a leader as the communicator of the rationale and the one who helps supporters overcome moral qualms about killing innocent people.¹⁴⁵ Though she does not reference this transatlantic case, her work can be applied to the role of Abdullah Ahmed Ali.¹⁴⁶

Max Abrahms has written extensively on the motives of terrorism and the individuals drawn to the movements, arguing that people join terrorist organizations for their social solidarity, not their political return.¹⁴⁷ Abrahms notes that there is a discrepancy between the official goals of an organization and the latent social goals governing its behavior. At least with respect to this case, Abrahms' position appears to be inadequate to explain why many joined this group. While some may have been socially alienated, the plotters maintained that their motivation was to protest UK foreign policy,¹⁴⁸ not perpetuating the existence of the group. Moreover, the group would not have been interested in killing the vast majority of its members in a martyrdom act if it was worried about the survival of their organization.

At first glance, this plot is extremely frightening. The men involved had al-Qaeda connections and were intent on murdering thousands of people in the name of their religion and in protest of Western policies they deemed to be unfair. Their plot was possible and could have been carried out had there been no counterterrorism work against them, something that could potentially have led to

¹⁴³ NEFA, "Bojinka II," 21.

¹⁴⁴ NEFA, "Bojinka II," 20-21. All information from this section was found in this source.

¹⁴⁵ Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton: Princeton University Press, 2009, 14-15.

¹⁴⁶ Rashid Rauf may have helped connect the plotters to al-Qaeda operatives in Pakistan who may have come up with the plan, but Ali was the operational leader in the UK.

¹⁴⁷ Max Abrahms, "What Terrorists Really Want," *International Security*, Spring 2008, 95-96.

¹⁴⁸ Nico Hines, "Terror mastermind Abdulla Ahmed Ali guilty of bomb plot," *Times*, September 8, 2008.

the deaths of 1750 passengers¹⁴⁹ in an attack that rivaled 9/11. Citizens in North America and Europe could be on red-alert as in the fall of 2001, the economy might take a huge loss out of fears of another attack, and the airline industry could be in the toilet. The potential backlash against Muslims in the Western nations could reduce the level of freedom and liberty now commonplace. And there could be military action by Western nations causing more needless death and destruction. The world might possibly become extremely different and a more dangerous place if the attack had been carried out.

However, this case should also give citizens of Western nations hope. Work by British counterterrorism officials was unparalleled—and credit should be given to the US and Pakistan as well for their work in gathering intelligence. Their commitment to stopping these men was unwavering and, by catching this plot early, they were able to obtain massive amounts of intelligence. This attack was sophisticated and possible, but the counterterrorism work obviated it. The al-Qaeda connection is particularly scary, but the ability of officials to recognize the connection and those identified with it, made sure no attack was going to occur. And for this work, I, as well as many others I am sure, are extremely thankful that governments around the world are working around the clock to ensure their citizens safety and well-being from those who would like to see innocent people die.

¹⁴⁹ Not including any that might be killed on the ground if the planes were bombed over land.

Case 21: Rockford Mall

John Mueller

June 4, 2011

Derrick Shareef had been considering terrorist plots for three years before, at age 22, he attempted actually to carry out an attack in 2006 on a Rockford, Illinois, shopping mall in concert with a man who turned out to be an FBI informant.

His grievances, mainly against what he saw as offensive American actions against Islam in the Middle East, were substantially focused when he lived in Phoenix for a while with another extremist, Hassan Abu-Jihaad, although they eventually broke off over the issue of committing violence. Then, after spouting off about violent jihad in Rockford, he was tagged with the informant, and, as David Bernstein notes, it was only then (and especially after the triggering Israel-Hezbollah war of July 2006), that his plottings became concrete.

They remained, however, daffy. It was his notion that the way to create shrapnel with grenades is to explode them in garbage cans. Since grenades are essentially made of shrapnel, it has been pointed out that his approach would be comparable to shooting somebody through a wooden board in hopes they would be impaled by flying splinters.

Another problem is that he didn't actually *have* any grenades or, indeed, any other instruments of mayhem. Moreover, he didn't even have \$100 to purchase the ones the informant conveniently said he could supply. The price was then lowered to a swap of some stereo speakers, and the deal was consummated—at which point Shareef was arrested.

Whatever his cosmic inadequacies, Shareef was bent on violence, and he might have somehow managed to do something on his own, although one suspects the person far the most in danger of being killed in the effort would have been Shareef himself. More probable, suggests Bernstein, is that he might eventually have managed to hook up with a “smarter and more sophisticated radical,” though how he would find one while avoiding being picked up by the FBI or the police in the meantime remains questionable.

It would be interesting to learn more and to have Shareef explain himself—to the degree that he is able to do so. But we'll have to wait for that one. The Federal Bureau of Prisons has declined to allow him to be interviewed because they have somehow determined such an exercise to be a security threat. For the record, Shareef has been sentenced to 35 years.

Following Guy Lawson, who wrote an article on the case for *Rolling Stone*, Bernstein is set to wondering whether policing resources are best expended—at a time when there is still plenty of violent crime out there—on the expensive pursuit of “loud idiots who discuss grand actions but have no means or ability to bring them about.”¹ It's a thought.¹

¹ For some ruminations on this issue, see John Mueller and Mark Stewart, *Terror, Security, and Money: Balancing the Risks, Costs, and Benefits of Homeland Security* (New York: Oxford University Press, 2011), ch. 8.

Linked to this case is one concerning Abu-Jihaad himself, who, as a sailor, passed classified information onto terrorists in the Middle East. He had no plans to commit violence in the United States, and his case is accordingly not included in this book. Some information about that case, however, is provided in an appendix to this one.

Case 21: Rockford Mall

David Bernstein

June 4, 2011

typographical and other minor corrections November 22, 2011

1. Overview

On December 6, 2006 around 12:30PM, Derrick Shareef, then 22 years old, was arrested in a store parking lot in Rockford, Illinois for attempting to swap a stereo system for four hand-grenades, a 9-millimeter handgun, and ammunition to use in a terror plot targeted at CherryVale Shopping Mall, near Rockford, during the busy holiday shopping season. Shareef was unaware at the time that he was attempting to purchase non-functioning grenades and non-functioning ammunition. He was equally unaware that at all stages of his plot he was under intense FBI-surveillance and that his only accomplice was a planted FBI undercover informant.¹

The plot began when Shareef informed an unknown acquaintance that he wanted to commit acts of violent jihad against targets in the United States as well as to commit other crimes.² This acquaintance, who has never been identified in public reports, immediately reported Shareef's behavior to the FBI, which then sent an undercover informant to Rockford, Illinois, to investigate Shareef and his intentions. Upon meeting Shareef at a Rockford video game store where he was employed, the informant immediately befriended Shareef and offered his home to Shareef, which according to the informant is not unusual as it is a Muslim custom to offer shelter to fellow Muslims in need.³ Shareef, who had bounced around places to live, accepted the invitation and, according to the informant, began discussing jihad early on in their relationship.⁴

After two months of friendship, Shareef told the informant, who went by the name of Jamaal but was later identified as William Chrisman,⁵ of his intent to carry out an act of terrorism.⁶ After discussing with the informant many potential targets for an attack including government buildings and synagogues, Shareef decided that a shopping mall would be a much easier target. On November 30 and December 1, Shareef and the informant conducted surveillance and dry-runs for an attack at CherryVale Mall.⁷ During the first walk-through of the mall on November 30, Shareef concluded that he could cause great damage by throwing

¹ "Federal Task Force Arrest Rockford Man in Foiled Plan to Set Off Grenades in Rockford Shopping Mall," Department of Justice Press Release, December 8, 2006, http://www.nefafoundation.org/miscellaneous/Chicago/DOJPR_Indictment.pdf

² Mike Robinson, "Man Charged With Planning Mall Attack," AP Online, December 9, 2006.

³ John Christofferson, "Hearing Shows Informant's Work," Associated Press, December 1, 2007.

⁴ Christofferson, "Hearing."

⁵ Guy Lawson, "The Fear Factory," *Rolling Stone*, February 7, 2008. Christofferson, "Hearing."

⁶ U.S. v. Abu-Jihaad, (D.C. CT.), Federal Bureau of Investigation FD-302 of William "Jamaal" Chrisman, Interview conducted December 2, 2006,

http://nefafoundation.org/file/FeaturedDocs/U.S._v_Abu-Jihaad_FBIInvus.pdf

In this material, the FBI informant is interviewed with FBI agents and submits recordings of interactions with Shareef after November 29, 2006. These interviews were submitted as evidence in a related terrorism trial of Hassan Abu-Jihaad. Also included is an FBI interview with Shareef.

⁷ U.S. v. Abu-Jihaad, Chrisman, interview.

grenades at intervals around the mall with Chrisman's help. Shareef and Chrisman picked December 22, 2006 as the attack day because the Friday would be one of the busiest times of the entire year for the mall. Chrisman also informed Shareef that he could obtain weapons from a friend unknown to Shareef.

On December 6, Shareef accompanied Chrisman to obtain the weapons for Shareef's unopened stereo system from Chrisman's alleged weapons-dealer. Unbeknownst to Shareef, the weapons dealer was actually an undercover FBI agent. Shareef was arrested without incident after placing the dud weapons in Chrisman's trunk.⁸ He was charged with one count of attempting to damage or destroy a building by fire or explosion and one count of attempting to use a weapon of mass destruction.⁹

On November 28, 2007, prior to the trial's scheduled start of December 10, Shareef pled guilty to the charges filed against him. Although there was no plea agreement, the government dismissed the arson charges.¹⁰ On September 30, 2008, Shareef was sentenced to 35 years for attempting to use a weapon of mass destruction.¹¹

2. Nature of the adversary

Derrick Shareef, also known as Talib Abu Salam Ibn Shareef, was born on September 30, 1984.¹² Information on his early life is limited, but his mother, Marie Dunn, said that they moved around a lot as a family.¹³ As a child, Shareef's parents divorced and he was raised by his mother, who eventually remarried.¹⁴ His mother is a self-described Christian, but she allowed her children to pursue whichever religion they felt comfortable with.¹⁵ At age sixteen, Shareef, an African-American, decided to convert to his father's religion, Islam, while living in Detroit.¹⁶ Shareef's father was also a member of the Nation of Islam.¹⁷ According to his mother, Shareef lacked a proper male role model once his parents divorced and he "got linked with the wrong crowd" and became "radical."¹⁸ His mother also has said that when he started to become radical, he began to wear traditional Muslim clothing, which made the family uncomfortable

⁸ Andrew Harris, "U.S. Charges Illinois Man With Plotting Mall Attack," Bloomberg News, December 8, 2006.

⁹ Robinson, "Man Charged."

¹⁰ "Rockford Man Pleads Guilty in Foiled Plan to Set Off Grenades in Rockford Shopping Mall," Department of Justice Press Release, November 28, 2007, http://nefaoundation.org/miscellaneous/FeaturedDocs/U.S._v_Shareef_DOJPR_GuiltyPlea.pdf.

¹¹ Nicole Vrsansky, "24 Year Old Derrick Shareef Sentenced to 35 Years In Prison," WIFR.com, September 30, 2008.

¹² U.S. v. Abu-Jihaad, Chrisman, interview.

¹³ Natasha Korecki, Annie Sweeney, and Dan Rozek, "Mall a terror target: Feds: Muslim convert charged with plotting Rockford grenade attack," *Chicago Sun Times*, December 9, 2006.

¹⁴ Shareef's mother married a man named Schultz and is called Marie Schultz in many news articles.

¹⁵ Lisa Smith, "Suspect had mother worried," *Chicago Daily Herald*, December 9, 2006.

¹⁶ Korecki et al., "Mall a terror target."

¹⁷ "Illinois Man Sentenced for Planning Holiday Mall Attack," ADL.org, October 13, 2008.

¹⁸ Leonard M. Fleming, "Guilty plea in plot to blow up Rockford mall," *Chicago Sun-Times*, November 29, 2007.

because they did not want to be singled out for being terrorists after already being one of the few Black families living in Genoa, Illinois.

One of the most formative influences on Derrick Shareef for his development into a young jihadist was his relationship with Hassan Abu-Jihaad, born Paul Hall, a 27 year old former sailor who was later convicted of passing information that supported terrorism. Although Shareef was already Muslim and somewhat radicalized, his jihadist passions flourished when he met the older man at a mosque in Phoenix in 2003.¹⁹ Abu-Jihaad gave Shareef a ride home from the Islamic Community Center of Phoenix. They immediately bonded, and Shareef soon accepted an offer from Abu-Jihaad to move in with him.²⁰ Shareef experienced both positive and negative motivation from Abu-Jihaad who Shareef grew to view as a brother and mentor.²¹ At age 18, Shareef had not finished school, but Abu-Jihaad convinced him to get his G.E.D. Shareef also later enrolled for a time in community college classes but he had to stop because of a lack of funds. When they met, Shareef expressed a desire to move to Sudan, but when Abu-Jihaad questioned Shareef's intentions for moving, he changed his mind.²² Abu-Jihaad even tried to convince Shareef to enlist in the Navy, which Abu-Jihaad saw as a positive experience. Shareef took the ASVAB (the military entrance exam) but decided against joining for unknown reasons. Even with support, was unable to ever find steady work. Meanwhile Abu-Jihaad furthered Shareef's desires for jihad and provided motivation, background, and religious foundation for jihadist actions.

Although Shareef was a converted radical Muslim, he did not have a history of violence that would lead one to believe that he would have been capable of causing great harm to a mall of strangers. In fact a search of his only police record turned up four traffic tickets issued by the DeKalb County Courthouse, where Shareef lived from 2005 to 2006, and these were for minor incidents such as driving without a license and driving without insurance.²³ However, his reaction to receiving these tickets reveals much about his temperament and anger problems. In response to having to go to the court monthly for traffic hearings about his suspended license, Shareef responded that "I just want to smoke a judge."²⁴ This apparent desire to murder a judge in a secured courthouse may also reveal his unsophisticated nature as a possible violent criminal or terrorist.

Being young, Shareef likely adopted his beliefs for the respect and admiration he received from friends that he himself looked up to, like Abu-Jihaad. However, these beliefs were likely not of strong conviction as Shareef has openly turned against his lifestyle, not surprisingly, since being incarcerated. As can be

¹⁹ U.S. v. Abu-Jihaad, Chrisman, interview. It is never explicitly mentioned why Shareef was in Phoenix. However it is possible that he was visiting his father who was suggested to be living there: Smith, "Suspect."

²⁰ U.S. v. Abu-Jihaad, Chrisman, interview.

²¹ U.S. v. Abu-Jihaad, Chrisman, interview.

²² U.S. v. Abu-Jihaad, Chrisman, interview.

²³ Corina Curry, "Little known about would-be terrorist," *Rockford Register Star*, December 9, 2006 and updated November 28, 2007.

²⁴ Curry, "Little known".

seen in his anger over having to handle traffic violations, Shareef takes his frustration to another level by wanting to attack a government building. Shareef can easily be seen as a confused, moronic kid who became involved with the wrong group of people and made subsequent stupid actions that culminated in an amateur terrorist plot.

According to the court, Shareef now feels that his past views of Islam led by groups such as Al-Qaeda are misguided and unfair to the true teachings of Islam.²⁵ According to his defense attorney, Shareef has now become the Imam of the Metropolitan Correctional Facility, where he is serving his sentence.²⁶ His actions in prison demonstrate that Shareef may have simply been a foolish, misguided young man who got involved with the wrong people, as his mother suggested at the time of his arrest.

3. Motivation

What first led Shareef down the path to radicalism is unknown. According to FBI interviews with Shareef and Chrisman, the FBI informant who was assigned to Shareef, however, Shareef learned much of his jihadist hate while living with Abu-Jihaad in Phoenix. When discussing their desire to commit Jihad, Abu-Jihaad began to show Shareef videos of jihadi fighters in Chechnya and throughout the world and also taught Shareef about “defensive jihad.”²⁷ Shareef and Abu-Jihaad also had multiple discussions about attacking military targets, which never developed into any real plan or actions. However, once Shareef was educated by Abu-Jihaad about Islamic websites and groups that promoted jihad, Shareef no longer needed a teacher to be fueled by terrorist propaganda. Eventually concluding that Abu-Jihaad had “become soft,” Shareef returned to Illinois.²⁸

Shareef had acknowledged that he might die in executing his plot, but remained committed and ready to “defend jihad; to die in submission to Allah.” Taught about “defensive jihad” by Abu-Jihaad, Shareef was very troubled by the 2006 Israeli-Lebanese war against Hezbollah because he felt that the Israelis were the aggressors in the war. Shareef and Abu-Jihaad exalted Hezbollah as a perfect Islamic organization preaching Islamic unity which was why they were “successful” against the Israelis. However, the war between Israel and Hezbollah likely pushed Shareef from simply ranting about wanting to attack to having more serious discussions and developing a plan for violence. According to Shareef’s own admission in conversations recorded for the FBI by Chrisman, Shareef after the war began to seriously plan and scope out synagogues in DeKalb County where he could assassinate a Rabbi in retribution for Israeli action against Muslims in Lebanon. Ultimately, however, he decided against it.²⁹

²⁵ Jeff Coen, “Man Gets 35 Years in ’06 Terror Plot,” *Chicago Tribune*, October 1, 2008.

²⁶ Mike Robinson, “35 years for man who offered speakers for grenades,” *USAToday*, September 30, 2008.

²⁷ U.S. v. Abu-Jihaad, Chrisman, interview. According to their discussions, defensive jihad is the act of attacking (U.S.) military installations as retribution if they have attacked Muslim targets.

²⁸ U.S. v. Abu-Jihaad, Chrisman, interview.

²⁹ U.S. v. Abu-Jihaad, Chrisman, interview.

Shareef also made many comments that suggested that he was frustrated with the American government for its foreign policy and its involvement in the Arab world. According to Chrisman, as early as their first night, Shareef was already discussing his “issues with the U.S. government.”³⁰ In a recorded video of Shareef, in which he is dressed like a mujahedeen warrior, Shareef threatens to target Americans in their places of business and their homes. He calls Americans “enemies of Islam” and says that “for the sake of Allah, we are coming for you.”³¹ Shareef has also expressed his hate of the U.S. justice system, fueling further hate for the government. In a recorded conversation, Shareef said “No, hell, I don’t talk calm when it comes to this... ‘cause man the courthouse in DeKalb where I be going every month them niggers do weak as hell.”³² In this conversation, Shareef was likely expressing frustration over qualms with the county courthouse over traffic violations. Again, Shareef can be seen as a frustrated young man looking to cause harm to the government and nation that he believed has wronged him.

Once Shareef was away from Abu-Jihaad and living in Illinois, he became largely self-motivating and mentioned on many separate occasions that Abu-Jihaad was too passive and would never actually go through with any act of violence.³³ Educated on Islamic websites and an avid reader of propaganda, Shareef said that he had been on edge for a year and that the 2006 Israeli-Lebanese War pushed him over the edge.³⁴ As he began to conduct surveillance on CherryVale Shopping Mall, Shareef also watched more speeches such as one in which Azzam al Amriki argued that it was okay to kill women and children in acts of violence.³⁵ He also watched a martyrdom video from one of the July 2005 London bombers, and was extremely pleased when Chrisman suggested that Osama bin Laden would be talking about Shareef after he attacked the mall.³⁶ Like many other homegrown radicals, Shareef fed off jihad propaganda on the internet and found enough self-motivation to be able to conduct a terrorist plot essentially by himself with some assistance from the Chrisman.

On December 2, 2006, after days of conducting surveillance on CherryVale Shopping Mall, Shareef recorded a martyrdom video in case he died while executing his plans. In the video, Shareef says “this tape is to let you guys know, who disbelieve in Allah, to let the enemies of Islam know, and to let the Muslims alike know that the time for jihad is now...This is a warning to those who disbelieve, that we are here for you, and I am ready to give my life.”³⁷ Through this video, Shareef shows that he was motivated by trying to bring fear

³⁰ Michael P. Mayko, “FBI Informant Testifies in Terror Case,” *Connecticut Post*, November 30, 2007.

³¹ Ben Bradley, “Special Segment: The Making of a Terrorist,” WLS News, February 15, 2011.

³² U.S. v. Shareef, (N.D. IL), No. 06-CR-919, Complaint, Filed December 8, 2006, http://nefafoundation.org/file/FeaturedDocs/U.S._v_Shareef_Complaint.pdf. This is the original complaint from the government against Derrick Shareef.

³³ U.S. v. Abu-Jihaad, Chrisman, interview.

³⁴ U.S. v. Abu-Jihaad, Chrisman, interview, 4.

³⁵ U.S. v. Abu-Jihaad, Chrisman, interview, 5.

³⁶ U.S. v. Abu-Jihaad, Chrisman, interview.

³⁷ U.S. v. Shareef, (N.D. IL), No. 06-CR-919, Complaint, Filed December 8, 2006.

and violence to those who do not follow Islam and that those who are opposed to his beliefs should be afraid.

4. Goals

Shareef's goals for his attack were never clearly expressed. However, he said in recorded conversations and in FBI interviews that he wished to enact the will of Allah. He did express pleasure at the idea that Osama bin Laden might discuss him after the attack, but it was not his intentional goal to gain awareness from bin Laden or al-Qaeda.³⁸

5. Plans for violence

From 2003 until his arrest, Shareef had expressed multiple desires to be a part of a terrorist plot against various sources. While in Phoenix, Shareef discussed with Abu-Jihaad the possibility of attacking a military base in San Diego or military recruiting station in Phoenix.³⁹ Shareef even claimed that Abu-Jihaad sent him to conduct surveillance of the targets. However, these discussions never materialized into any plans and Shareef moved away from Phoenix when he felt that Abu-Jihaad had become soft. After being angered by the Israeli-Lebanese War in 2006, Shareef claims that he desired to attack a synagogue and stab a Rabbi in DeKalb County and he also conducted some surveillance of possible targets, but again nothing materialized.⁴⁰

However, when Shareef began living with Chrisman, early discussions of taking action against those who wrong Muslims developed into discussions of possible targets for attack in only a few weeks' time.⁴¹ Shareef was first interested in targeting federal buildings and government targets, such as court houses (including a strong desire to kill a judge), post offices, and police departments.⁴² However after discussions with the Chrisman, Shareef came to the conclusion that a shopping mall would be a much easier target, that attacking it during the Christmas shopping season would cause general chaos in the United States, and that the attack would have maximum effect if it was conducted the last Friday before Christmas when the shopping mall was busiest.⁴³

Shareef's actions and comments throughout the planning paint him to be violent and unstable. For example, when discussing the possibility that his plot would kill innocent women shopping in the mall, Shareef responded coldly that "they kill ours." Even Abu-Jihaad confided with the FBI source that Shareef was a "loose cannon" and that he [Abu-Jihaad] would "not follow Shareef onto a battlefield." But he also appears to be incompetent and unsophisticated. He said he planned to throw the grenades in trashcans in the mall and put bags of nails next to them to magnify the effect of his explosions.⁴⁴ However, he did not

³⁸ U.S. v. Abu-Jihaad, Chrisman, interview.

³⁹ Christofferson, "Hearing."

⁴⁰ U.S. v. Abu-Jihaad, Chrisman, interview.

⁴¹ U.S. v. Abu-Jihaad, Chrisman, interview.

⁴² U.S. v. Abu-Jihaad, Chrisman, interview, 1.

⁴³ U.S. v. Abu-Jihaad, Chrisman, interview, 2.

⁴⁴ U.S. v. Abu-Jihaad, Chrisman, interview.

consider the likelihood that a trashcan would deaden the explosion of the grenade rather than magnify it.

Although Shareef was arrested weeks before his attack was scheduled to take place, he had taken multiple steps that showed that he was serious about going through with the plot. On November 29, 2006, Shareef had a falling out with Abu-Jihaad in an online conversation and felt that Abu-Jihaad would never be ready for serious action in a jihadi terrorist plot. After this, Shareef made it clear that he was serious about a plot and picked CherryVale Shopping Mall as his target.

On November 30, 2006 Shareef and Chrisman conducted a surveillance run on CherryVale Shopping Mall, outside of Rockford. Concluding that the mall would be an easy target, they set the date for the attack for Friday December 22, 2006 and began to discuss the tactics and how they would execute the plot. They discussed that they would wear hooded sweatshirts with large front pockets in which they could hide hand grenades. At first they planned to roll grenades under food stands and then walk away in opposite directions while dropping grenades at intervals as they walked out of the mall. Shareef estimated that the grenade would take 15 seconds to explode once he pulled the pin, showing that he had no experience with hand grenades and was plotting this violence with only the most amateurish ability.⁴⁵ During this planning, Shareef showed no concern that he would be killing women, finding justification in an online video that this is allowed when carrying out jihad.⁴⁶

On the first days of December 2006, Shareef and Chrisman conducted dry-runs at the mall. On December 1, they discussed the timing of their attacks and scouted out possible exit routes. Shareef also discussed his plan to make a martyrdom video and spend time with his family before the attack in case he did not survive. Although Shareef and Abu-Jihaad were not on good terms anymore, Chrisman spoke to Abu-Jihaad—Shareef had previously introduced them to each other over the internet—and Abu-Jihaad said that he wanted nothing to do with Shareef anymore. Shareef, who had earlier asked Abu-Jihaad over the internet for help with basic logistical planning such as setting up code words for when they were talking about any possible plot, did not inform Abu-Jihaad on details of his plan to attack the mall.⁴⁷

On December 2, Shareef and Chrisman conducted their final dry-run. They picked their exit route, and Shareef decided that he would throw the grenades in trash cans, while putting down nails in empty Krispy Kreme Donut bags next to the trashcans to magnify the effects of the grenade explosions and rain shrapnel throughout the mall. Shareef also suggested that after the attack, if he survived, he and Chrisman should plan to hide either in Chicago with friends

⁴⁵ en.wikipedia.org/wiki/M67_grenade

⁴⁶ U.S. v. Abu-Jihaad, Chrisman, interview, 2-3.

⁴⁷ U.S. v. Abu-Jihaad, Chrisman, interview. All information in this paragraph comes from separate FBI interviews with Chrisman and Shareef, as well as recorded audio tapes of Shareef that Chrisman conducted from November 30-December 6, 2006 for the FBI.

or in Maine. Shareef eventually planned to move to Morocco once it became safe for him to surface from hiding.⁴⁸

Although Shareef spent two days planning and practicing how he would execute his plot, he did not have the means to obtain weapons by himself. The plot required, he estimated, four grenades, two for each of them, at \$40-50 a piece, and a Glock 33 handgun. Initially Shareef said that he would be able to obtain guns, but later had to ask Chrisman who had mentioned that he would be able to get weapons for the attack.⁴⁹

When Chrisman said that all he would need is \$100, Shareef still could not come up with that amount of money.⁵⁰ Accordingly, he and Chrisman agreed on December 2, 2006 that he would swap Shareef's unopened stereo system for four hand grenades and two handguns. This shows that while Shareef might have had a hostile intent, he would have been unable to mastermind a plot completely by himself. However, Shareef stated in a December 2, 2006 recorded conversation with Chrisman that though he would not have had the means for an attack without the assistance of Chrisman, he would have done "something like this"⁵¹ and brought up his past desire to attack a Rabbi outside of a synagogue in DeKalb County with a butcher knife. Furthermore, when Chrisman asked Shareef if he would go through with the plot even if a freak accident happened and Chrisman died before being able to execute their plans, Shareef answered that he would still go through with the attack.⁵²

On the same day he recorded a martyrdom video in which he made his plans clear, justified his actions, and prepared for the possibility that he might not survive his plot. By recording the video, one can infer that Shareef was extremely serious about actually executing his plot. In his video, Shareef, dressed in traditional Muslim garb with a heavy beard, made these telling statements:

This may be my last will and testament, the last words that I have spoken to those who know me, to those who do not know me. My name is Talib Abu Salam Ibn Shareef. I am 22 years of age. I am from America, and this tape is to let you guys know, who disbelieve in Allah, to let the enemies of Islam know, and to let the Muslims alike know that the time for jihad is now...Be strong, oh Mujahideen. Be strong oh brothers who want to fight for jihad... This is a warning to those who disbelieve, that we are here for you, and I am ready to give my life...May Allah protect me on this mission we conduct...So do not cry, do not mourn for me. Do not believe what the kafir [infidel] will say about me when you read in the newspapers and when you see the television articles about me. Do not believe this. Understand that your son is a strong man...who believes and fears his Lord to the degree that he will give his life.⁵³

⁴⁸ U.S. v. Abu-Jihaad, Chrisman, interview, 1-5.

⁴⁹ U.S. v. Abu-Jihaad, Chrisman, interview, 2-3.

⁵⁰ Lawson, "The Fear Factory," 62.

⁵¹ U.S. v. Abu-Jihaad, Chrisman, interview.

⁵² U.S. v. Shareef, (N.D. IL), No. 06-CR-919, Complaint, Filed December 8, 2006.

⁵³ U.S. v. Shareef, (N.D. IL), No. 06-CR-919, Complaint, Filed December 8, 2006.

This excerpt shows that Shareef was fully committed to his plot and to the possibility that he would not survive his attacks.

Two days later, on Monday, December 4, 2006, Shareef got in contact with Chrisman's weapons dealer, who was actually an undercover FBI agent. In a telephone conversation, Shareef and the undercover agent agreed to swap Shareef's stereo system for four hand grenades, which they referred to as "pineapples," and a 9 millimeter handgun, which they referred to as a "9."⁵⁴ They agreed to meet up on Wednesday, December 6 to make the actual exchange.

At about 12:30 PM on Wednesday, December 6, 2006, Shareef drove with Chrisman in Chrisman's car to a store parking lot in Rockford. The undercover agent, disguised as an illegal weapons dealer, was waiting for them and introduced himself to Shareef. After Shareef showed him his stereo system and moved it to the agent's car, the agent showed and gave Shareef a locked case with four non-functioning grenades and a 9-millimeter handgun with non-functioning ammunition. Once Shareef took the box to Chrisman's trunk and took the keys for the case, the undercover agent signalled agents from Chicago's Joint Terrorism Task Force (JTTF) who were conducting surveillance. They then moved in, and Shareef was arrested without incident.⁵⁵

Although Derrick Shareef and his plot against the mall were undeniably amateurish, he still proved that he could be capable of helping to plot actions that would have led to the suffering and potential deaths of many innocent people. However, Shareef did not have much training that would have aided him in actually carrying out his plot. In Phoenix, he, Abu-Jihaad, and some of their other friends allegedly practiced rapid entry through a doorway, a technique they felt might be utilized during an attack, but that was about the extent of Shareef's tactical training. One of Abu-Jihaad's friends offered sniper lessons and Shareef for a time thought about taking some, but never did so.⁵⁶

6. Role of informants

The role of an FBI undercover informant, William Chrisman who called himself "Jamaal" when working on Shareef, was clearly paramount to the investigation and arrest. Although Shareef had pondered terrorist plots as early as 2003, it was only after he started living with Chrisman that these discussions developed into a concrete terrorist plot.

Chrisman, 34 at the time of Shareef's arrest, grew up with an interesting background that led him to work for the FBI. He was a gang member in Camden, New Jersey who sold crack cocaine and ended up in prison for attempted armed robbery and possession of a stolen car, and there converted to Islam.⁵⁷ After his conversion, Chrisman would have been a great asset to any terrorist organization. Being a white American, he does not fit the typical mold of an Islamic jihadist, and being a devout Muslim he possesses the ability eloquently speak about his religion. However, Chrisman gave up his life as a crack dealer and instead

⁵⁴ "Federal Task Force Arrest Rockford Man in Foiled Plan."

⁵⁵ "Federal Task Force Arrest Rockford Man in Foiled Plan."

⁵⁶ U.S. v. Abu-Jihaad, Chrisman, interview.

⁵⁷ Christofferson, "Hearing."

focused on the peaceful aspects of Islam rather than the distorted versions terrorists justify their actions with. Chrisman wanted to join the United States military after the Persian Gulf War to help fight against virulent forms of Islam, but was unable due to his criminal record.⁵⁸ After September 11, 2011, he was motivated by Muslim scholars in Saudi Arabia and Morocco who said it was incumbent upon Muslims to stop terrorists. In court Chrisman said “Anyone involved in terrorism was deemed the brother of the devil.”⁵⁹

According to Chrisman, in the fall of 2006 while he was working as a sheep farmer in Illinois, he was asked by the FBI to contact Derrick Shareef who worked at a video game store in Rockford, Illinois.⁶⁰ Chrisman then invited Shareef, who was in between places to live at the time, to move in with him and his family. While living together, Chrisman realized that Shareef’s violent rhetoric had the potential to be backed up with violent terrorism. Shareef and Chrisman were the only two true participants in the mall plot.

The media and Shareef’s defense attorneys have raised the issue of whether Shareef was more a victim of FBI entrapment than a true terrorist threat. Although Shareef was a more than willing participant, many crucial steps in the plot were led by Chrisman. Chrisman steered the conversation when Shareef and Chrisman were discussing potential targets, and Chrisman managed to refocus Shareef from targeting government buildings to the CherryVale Shopping Mall.⁶¹ Chrisman was also essential in providing a way for Shareef to obtain necessary weaponry for his attack. In a recorded conversation in which Chrisman asked Shareef whether he would have ever participated in an attack like the mall plot had he never met Chrisman, Shareef answered that he would have done the attack without Chrisman but would have never had access to grenades.⁶² Shareef also reinforced his commitment in recorded conversations with Chrisman in early December: asked by Chrisman if he was still committed to the plot, Shareef responded “I’m down,” noting that he was not afraid of getting caught by the police.⁶³

Although Chrisman’s role in the mall plot was facilitating, entrapment of Shareef by the FBI was ruled out. On multiple occasions Shareef emphatically declared that he was self-motivating and the leader behind the attack. In an interview with the FBI after his arrest, Shareef said he has been pushing himself to launch a jihadist attack for a long time and that not even his mother could have stopped him.⁶⁴ A *Rolling Stone* article by Guy Lawson entitled “Fear Factory” looked at the possibility that the FBI is fabricating its own terrorist plots through its intensive undercover investigations. However, early in the article, he concedes that with the great deal of audio and video recordings of Shareef incriminating himself, he could not argue entrapment as a viable defense and instead pled

⁵⁸ Christofferson, “Hearing.”

⁵⁹ Mayko, “FBI Informant.”

⁶⁰ Christofferson, “Hearing.”

⁶¹ U.S. v. Abu-Jihaad, Chrisman, interview, 2-3.

⁶² U.S. v. Abu-Jihaad, Chrisman, interview, 4.

⁶³ Lawson, “The Fear Factory,” 62.

⁶⁴ U.S. v. Abu-Jihaad, Chrisman, interview, 8-9.

guilty.⁶⁵ However, in court, Shareef argued that he was “coerced and trapped into doing things.”⁶⁶ Whether Shareef had the capabilities and competence to develop a terrorist plot on his own is questionable. However, given his radical rhetoric that stems back at least to 2003, he was unquestionably angered and willing to pursue a violent outlet to express his radical feelings.

Chrisman’s relationship with Shareef also allowed the FBI to pursue Hassan Abu-Jihaad for emailing Navy information to terrorist-related websites after Shareef opened up to Chrisman about his past with Abu-Jihaad (see appendix).⁶⁷

For his work as an undercover informant, Chrisman has been described by the FBI as a reputable and valuable asset.⁶⁸ According to Chrisman, he was paid \$8,500 for his two-month work on the Shareef case in 2006 and \$1,200 the prior four years for work in Buffalo, Atlanta, and Philadelphia. According to an FBI agent, Chrisman has been paid \$22,000 for his services since 2001 by the FBI.⁶⁹ Although it is unknown if Chrisman continued his work with the FBI after the Shareef case, his photograph was published in the media reports that came out after Shareef’s arrest and during Abu-Jihaad’s trial, likely dampening his effectiveness as an undercover informant.

7. Connections

In his shopping mall plot, Derrick Shareef was operating outside of any established terrorism network. Furthermore, except for his relationship with Abu-Jihaad which only produced hypothetical conversations of possibly attacking a military base, Shareef never even operated with other accomplices. As he has said himself, he was self-motivating and had an internal drive to please Allah through a jihadist act.

Although Shareef had no connections to terrorist organizations, he seemed thrilled at the possibility that Osama bin Laden and Al-Qaeda might be pleased with his Rockford plot.⁷⁰

8. Relation to the Muslim Community

The Rockford, Illinois shopping mall plot also had little relevance to the Muslim community. Shareef converted to Islam as a teenager and attended mosques, but no information suggests that he attended on a regular basis or that he experienced any radicalizing or significant experiences in mosque that affected his role in the CherryVale Shopping Mall plot.

Shortly after Shareef’s arrest, the imam of the Muslim Association of Greater Rockford, Shpendim Nadzaku, responded to the media that “No one in the [Muslim] community has any clue as to who this person is, he’s completely

⁶⁵ Lawson, “The Fear Factory,” 65.

⁶⁶ Lawson, “The Fear Factory,” 65.

⁶⁷ Mayko, “FBI Informant.”

⁶⁸ Christofferson, “Hearing.”

⁶⁹ Mayko, “FBI Informant.”

⁷⁰ U.S. v. Abu-Jihaad, Chrisman, interview.

anonymous.” Furthermore, the imam commended the FBI for intervening in Shareef’s plot and condemned all “terrorism in the name of Islam.”⁷¹

9. Depiction by the authorities

Overall, the authorities depicted Shareef’s shopping mall plot responsibly and did not seem to exaggerate the facts of the case or the danger Shareef posed to the general public. In the Department of Justice press release on Shareef’s indictment, FBI Agent Robert Grant said “Once the threat Shareef posed was detected by the Joint Terrorism Task Force, his activities and movements were under constant surveillance and there was no imminent risk to the public...This case demonstrates the value of teamwork and the partnership embodied in the JTTF [Joint Terrorism Task Force].”⁷² Grant also accurately described Shareef’s plot as “unsophisticated” immediately after his arrest.⁷³ Grant’s description of Shareef’s plot wisely does not try to exaggerate the actual immediate danger that Shareef posed, and rather focuses on the hard work of the authorities to bring Shareef’s investigation to a safe conclusion. However, the FBI, and Grant specifically, used Shareef’s case to argue that America’s main threat is not foreign terrorists, but home-born radicals like Shareef. Grant described a plot like Shareef’s as more likely than an Al-Qaeda inspired attack.⁷⁴

After Shareef’s guilty plea and sentencing, authorities again presented a rather fair depiction of Shareef and his crimes. After sentencing, the prosecutor who tried Shareef made the assessment that “there is absolutely no question that he intended to carry this [the plot] out—it would have killed many people” and later described Shareef as a ticking time bomb.⁷⁵ Many times in interviews and recorded conversations, Shareef made it evident that he intended to carry out his attack and had no qualms about killing innocent people. Additionally, after Shareef was sentenced to up to 35 years in prison for his crimes, U.S. District Judge David Coar described Shareef as a “respectful young man and not fundamentally evil.”⁷⁶ Although Judge Coar possibly felt that Shareef truly was a misguided, confused young man, he also felt that his crimes and violent intent warranted the 35 year prison sentence.

Despite a tempered reaction after Shareef’s arrest, the FBI responded harshly to Lawson’s *Rolling Stone* article, “The Fear Factory,” that argued that Shareef was a “wannabe jihadi” and incapable of causing violence without the assistance of the FBI undercover informant. In a letter-to-the-editor published in *Rolling Stone*, John J. Miller, FBI Assistant Director, argued that Shareef had all the “traits necessary to harm or kill citizens,” that Shareef possessed a “poisonous ideology” and a “single-minded desire to take action,” that when coupled with his documented intent to kill, he posed a true threat to American citizens, that men with the same skill set as Shareef, such as the D.C. snipers, have caused harm to

⁷¹ Robinson, “Man Charged.”

⁷² “Federal Task Force Arrest Rockford Man in Foiled Plan.”

⁷³ Harris, “U.S. Charges.”

⁷⁴ Bradley, “Making of a Terrorist.”

⁷⁵ Associated Press, “Islam convert gets 35 years in mall plot 24-year-old charged with scheming to blow up grenades at Illinois center,” MSNBC, September 30, 2008.

⁷⁶ Coen, “Man Gets 35.”

innocents, and that if the FBI chose not to intercede in a case such as this they would not be doing their job of protecting the innocent.⁷⁷ These statements depict Shareef as a much more dangerous terrorist than the FBI's initial press releases.

10. Coverage by the media

Initially after Shareef's arrest, the media gave responsible coverage of his plot, emphasizing its potential severity while also highlighting that the public was in no danger as in the first Associated Press report after Shareef's arrest, published on December 9, 2006, by journalist Mike Robinson⁷⁸ or in an article in the *Chicago Daily Herald* stressing that the whole plot was devised under the undercover surveillance of the FBI and that Shareef was not actually close to carrying out his plan.⁷⁹

Throughout Shareef's indictment, guilty plea, and sentencing, his case did not receive a great amount of media coverage possibly because he pled guilty and removed the attention that a trial would attract, or possibly because the plot was so amateurish, so far from execution, and in a small city in Illinois. Most articles were factual about his plea or sentencing, and were not extremely investigatory about what led him from a normal American boy to want to become a terrorist. However, his story received more media attention after it was featured in Lawson's *Rolling Stone* article in 2008.

Lawson details the ineptitudes of Shareef's plot and his incompetence as a person to suggest that the FBI's anti-terror investigation tactics were the driving factor in the plot. For example, Lawson highlights a conversation in which Chrisman seemed to be prodding Shareef into buying grenades from Chrisman's "source." Since Shareef did not even have \$100 to buy them, they settled on two stereo speakers as the price for the transaction.⁸⁰ Lawson uses this to show that, in addition to not knowing where to buy grenades without the FBI's help, Shareef still would not have been able to purchase weapons. Lawson believes, and demonstrates persuasively, that the FBI facilitated a terrorist plot that would have never occurred if Shareef had not met the FBI undercover informant. Lawson continues his article by highlighting the anti-terrorism tactics of the FBI and the FBI-led Joint Terrorism Task Force's that are spread throughout the country. Lawson suggests that these task forces are ineffective anti-terrorism weapons against homegrown threats whose existence and danger to the public are often overblown.

With public discussion that the FBI may be concocting more terrorist plots than they are actually preventing, Shareef began corresponding from prison with a Chicago reporter at ABC suggesting that he was entrapped by the undercover informant whom he thought was a friend and that he is not evil and only "knew the wrong people."⁸¹ According to the reporter, Ben Bradley, Shareef is arguing

⁷⁷ John J. Miller, "FBI Response to Rolling Stone Magazine Article," *Rolling Stone*, February 22, 2008.

⁷⁸ Robinson, "Man Charged."

⁷⁹ Rob Olmstead and Joseph Ryan, "FBI thwarts mall attack: Arrest made in Rockford area," *Chicago Daily Herald*, December 9, 2006.

⁸⁰ Lawson, "The Fear Factory," 62.

⁸¹ Bradley, "Making of a Terrorist."

that he was entrapped, even though he could not defensibly argue it in court. Additionally, Bradley wrote that Shareef was very willing to be interviewed by ABC7 television in Chicago but the Federal Bureau of Prisons declined to allow the interview, deciding that it would be a security threat.⁸²

11. Policing costs

Total policing and trial costs entailed in the Rockford case have never been explicitly tallied. In “The Fear Factory,” Lawson argues that the FBI consumed a huge amount of resources to bring about Shareef’s conviction, but he does not supply any numeric estimates of the costs.

However, a great deal of man-power, effort, and resources were put into the investigation and trial of Shareef to ensure that he will spend the next thirty-five years in prison. For two months, the FBI paid informant Chrisman to report on Shareef’s discussions and behavior and paid him \$8,500 for approximately two months of work.⁸³ Additionally, FBI agents were used for surveillance when Shareef and Chrisman conducted reconnaissance trips to the CherryVale Shopping Mall. Also, an undercover FBI agent posed as Chrisman’s weapons-dealer contact.

The investigation was supervised by the Northern District of Illinois Joint Terrorism Task Force, run by the FBI. Although the intention of the task force is to work in coordination with local law enforcement agencies and other federal agencies such as the IRS, Immigration and Customs, and even occasionally the CIA, the local Rockford police department was never informed in advance of Shareef’s plot, investigation, and arrest.⁸⁴ According to the Rockford police chief in December 2006, the cooperation between the levels of law enforcement in Illinois was “not good.”⁸⁵

Two Assistant U.S. attorneys oversaw Shareef’s trial. Shareef was indicted on January 4, 2007. However, his trial costs were limited as Shareef pled guilty on November 28, 2007 and avoided having to go to an actual trial that was scheduled to begin December 10, 2007. Shareef was sentenced on September 30, 2008.⁸⁶

12. Relevance of the internet

In the Rockford Mall plot, Derrick Shareef used the internet as a venue to listen to and read jihadist and radical material. In Phoenix in 2003, Abu-Jihaad showed Shareef certain radical websites that backed up the jihadist ideology that Abu-Jihaad was discussing with the younger man.⁸⁷

In late November and early December 2006, as Shareef was moving forward with his plot, he would go to the internet to find motivation and justification for the attack he was planning. For example, he frequented the

⁸² Bradley, “Making of a Terrorist.”

⁸³ Mayko, “FBI Informant.”

⁸⁴ Lawson, “The Fear Factory,” 65.

⁸⁵ Korecki et al., “Mall a terror target.”

⁸⁶ “Rockford Man Pleads Guilty in Foiled Plan.”

⁸⁷ U.S. v. Abu-Jihaad, Chrisman, interview, 8-12.

website Kavkazcenter.com that provided “news from a different view point.”⁸⁸ He also watched a martyr video from one of the London suicide bombers in which he justifies his actions and listened to an online speech by Azzam al Amriki that justifies killing women and children while committing acts of jihad.⁸⁹ Although Shareef claims he never saw any speeches arguing for violence against Americans and only read a fraction of the articles that Abu-Jihaad would send him to read on the internet, the internet content he did view gave him immediate motivation and justification to continue his actions.⁹⁰

While plotting the mall attack, Shareef used the internet to communicate with Abu-Jihaad via online chat rooms. However, the falling out between the two in late November 2006 removed Abu-Jihaad from having any direct role in the Rockford plot.

13. Are we safer?

In attempting to determine whether the U.S. public is actually safer with Shareef in prison, many factors must be considered. Shareef had no prior history of violent crime, was incapable of holding employment or being able to support himself with proper shelter, and had no money. However, from his teenage years, he began to become a radicalized Muslim convert. Especially when he befriended Abu-Jihaad, possibly looking up to him as the father-figure he never had, he became engrossed with radical ideology and began spewing out violent plans for jihad. Although a strong argument could be made that the FBI facilitated Shareef’s mall plot, he could have been brought in to any terrorist plot to be a willing and anxious partner in plans to cause harm to the American public and government. On many separate occasions, Shareef exclaimed his commitment to the plot and believed that he was carrying out the will of Allah. He said that he would have acted without the informant and that his own mother could not have convinced him to not launch a potentially-suicidal attack.⁹¹

Because of his virulent anger against those who he felt have wronged him and Muslims, namely the American government and Jews, the American public is probably safer with Shareef in prison. Although it is unlikely Shareef ever could have orchestrated and executed a successful terrorist plot by himself, he was a prime candidate to be used as a pawn by a smarter and more sophisticated radical. At different times over a few years span, Shareef desired to attack an army base, stab a Rabbi outside a synagogue, and blow up a government building. Though he was merely a young man when he began his mall plot, Shareef showed that he could get over the fact that he would be killing innocent women, children, and might even lose his own life to execute an incompetent plot against a shopping mall. However, unless someone else was organizing and commanding his actions, Shareef scarcely possessed the resources, competence, organizational skills, or tactical tradecraft for executing a terrorist plot that would lead to harming innocent people.

⁸⁸ U.S. v. Abu-Jihaad, Chrisman, interview, 11.

⁸⁹ U.S. v. Abu-Jihaad, Chrisman, interview, 8-12.

⁹⁰ U.S. v. Abu-Jihaad, Chrisman, interview.

⁹¹ U.S. v. Abu-Jihaad, Chrisman, interview.

14. Conclusions

According to the Terrorist Trial Report Card prepared by the Center on Law and Security at NYU School of Law, directed by terrorism expert Karen Greenberg, “93% of federal terrorism prosecutions between 2001 and 2009 brought about at least in part by an informant resulted in conviction.”⁹² As Guy Lawson also points out, the FBI continues to use undercover informants to infiltrate, investigate, and eventually prosecute potential terrorist threats. However, as Lawson also argues, these informants may be part of the problem themselves. For example, like the Rockford Shopping Mall plot, in the 2009 Bronx Synagogue bomb plot (Case 25), an undercover informant helped four incompetent petty-criminals prepare a bomb plot against two synagogues and an Air Force base in Newburgh, NY. Like Shareef, the four men were uneducated, jobless, misguided African-American Muslim converts. Also like Shareef, they seized an opportunity to be a part of a terrorist plot partially facilitated by an FBI undercover informant. Similarly, a strong argument could be made, and has been made by the convicted men’s defense attorneys, that they were coerced and trapped into their plot by the FBI undercover informant.

In his article, “What Terrorists Really Want,” Max Abrahms argues that terrorists are guided more by their social and communal bonds to their terrorist group than by a desire to maximize political goals.⁹³ Although Abrahms’ argument is based more on the history of established terrorist organizations, Shareef’s radicalization process may have followed along Abrahms’ theory. Shareef became a radical Muslim because of the people he was friends with and only gave it a second thought after he had been imprisoned.⁹⁴ Furthermore, he looked to Abu-Jihaad, the person who taught him much of what he knew about jihad, like a mentor or brother.⁹⁵ Not surprisingly, Shareef became reinvigorated with his radical ideology when he thought he had befriended Chrisman. Possibly, Shareef was merely fitting in with his friends rather than committing to a violent ideology at such a young age.

It may be useful to consider another question: why is the government investing so much time and resources on someone like Shareef? As Lawson argues in “The Fear Factory,” Rockford has some of the highest murder rates in Illinois, yet the 10 FBI agents stationed in the city focus their attention on “concocted” terrorist plots rather than homicide and street crime.⁹⁶ As the Rockford plot bears resemblance to many other recently prosecuted terrorist plots because of the FBI’s use of an undercover informant, the FBI’s anti-domestic terrorism methods should be analyzed to ensure they are ensnaring actual violent radicals instead of loud idiots who discuss grand actions but have no means or ability to bring them about.

⁹² Stewart Ain, “Implications of Riverdale Case Unclear,” *Jewish Week*, October 12, 2010.

⁹³ Max Abrahms, “What Terrorists Really Want,” *International Security*, Spring 2008, 78-105.

⁹⁴ Bradley, “Making of a Terrorist”.

⁹⁵ U.S. v. Abu-Jihaad, Chrisman, interview

⁹⁶ Lawson, “The Fear Factory,” 65.

Although their methods of investigation are questionable, in Shareef's case, the FBI and Justice Department imprisoned a young man who had a great deal of hate in his heart. Justifying this imprisonment are the many recorded discussions and videos in which Shareef adamantly insists that he wants nothing more than to do the will of Allah through jihad by killing innocent Americans.⁹⁷

Additionally, looking at Derrick Shareef's life begs the question of how an American boy grew up to be the man who will sit in prison for the next three decades. As argued before, much of his radicalization was likely caused in part because he was looking for friendship and camaraderie wherever he could find it, and he just happened to befriend the wrong people. This argument leads one to wonder whether his absent father, who was a known Nation of Islam member and left Shareef when he was a young boy, left a hole in Shareef's personal life that he filled with radical Muslims while befriendng radical members of his father's religion. Shareef often described Abu-Jihaad like a brother, but their relationship was almost more paternal as Abu-Jihaad convinced Shareef to finish school and get a job. However, this seemingly positive force was also indoctrinating Shareef with jihadist ideology reinforced by resentments against American foreign policy actions. Just as Shareef's father abandoned him at a young age, Abu-Jihaad also abandoned Shareef after Shareef made it clear to Abu-Jihaad that he was ready to take their discussions a step further with actual violence. Although Shareef stated his motivation was to harm those who harmed Muslims, perhaps he was also motivated by feelings of abandonment and trying to get respect and recognition from those whom he loved but had spurned him.

⁹⁷ U.S. v. Abu-Jihaad, Chrisman, interview.

Appendix: The case of Hassan Abu-Jihaad

Derrick Shareef's plot to commit violence at CherryVale Shopping Mall in Rockford, Illinois, is notable for being closely related to the case of Hassan Abu-Jihaad in 2008. Abu-Jihaad was arrested, convicted, and sentenced to up to 10 years in prison for disclosing classified information while serving in the U.S. Navy. This included sending movements of the United States Navy battle group to Azzam Publications, a London based company that allegedly provided material support to terrorists, in 2001.⁹⁸

The FBI learned much of Abu-Jihaad's guilt through their investigation of Shareef because Shareef opened up to Chrisman, the undercover informant, about Abu-Jihaad's past. However, Abu-Jihaad has argued that, despite some discussion with Shareef about attacking military targets in San Diego or Phoenix, he never had plans to be a part of a terrorist act and that Islam does not allow terrorism to be used except in defense.⁹⁹

⁹⁸ Department of Justice, "Former Member of U.S. Navy Sentenced to 10 Years in Federal Prison for Disclosing Classified Information," Office of Public Affairs, April 3, 2009, www.justice.gov/opa/pr/2009/April/09-nsd-306.html

⁹⁹ U.S. v. Abu-Jihaad, Chrisman interview; see "defensive jihad" and 8-12.

Case 22: Fort Dix

John Mueller

June 4, 2011

Attempting to convict criminals before they have actually committed a crime is a tricky business. Most crimes planned never happen: burglars case far more houses than they enter. And so the usual approach is to try to catch the criminal after the crime has actually been committed or if possible when it is in the process of being committed.

Since 9/11 in particular, the emphasis in the case of terrorism has shifted greatly so that the focus is on seeking to catch the terrorists before any violence takes place. This is understandable, particularly because the goal of many terrorists is to kill, not simply to loot, but it is vastly more expensive, and it essentially results in incarcerating people for what is on their minds.

Or, in the case of Mohamed Shnewer of the Fort Dix Six, what spews from their mouths. An insecure, overweight, congenital blowhard and the continual butt of jokes, he was 22 going on 15 when arrested in 2007. He seems to have found solace in, and gotten rather good at, extravagant tough-guy jihadist bravado laced with lies, some of it focused on attacking the Fort Dix, NJ, military base, particularly when he was enjoying the flattering attention of the much older informant. But perhaps he was, at base, serious—or would eventually become so. Some planned crimes, after all, do get executed. His sister and his mother insist it was all childish, if unpleasant, claptrap. The judge who sentenced him in 2009 to life in prison insisted otherwise.

The same ambiguity surrounds the most memorable aspect of this case, the episode that set it in motion. One of the three Duka brothers in the group took into a store a video to be duplicated that in part showed the men shooting guns while exuberantly shouting what can be taken to be threatening jihadist slogans. This has routinely been taken as an indicator of the out-of-it half-wittedness of the conspirators, a quality Jovan Galevski suggests was not in short supply in the group. Or it could be taken to be an indicator of utter, almost charming innocence.

Whether there *really* was anything to this case may never be known to full satisfaction. But Galevski does suggest there is at least one certainty: no one will ever have to worry again that the Duka brothers will drive recklessly or beat up people they get into arguments with.

This case has since been the subject of an extensive article:
Murtaza Hussain and Razan Ghalayini, “Christie's Conspiracy: The Real Story Behind the Fort Dix Five Terror Plot,” firstlook.org/theintercept, June 25, 2015.
<https://firstlook.org/theintercept/2015/06/25/fort-dix-five-terror-plot-the-real-story/>

Case 22: Fort Dix

Jovan Galevski

June 4, 2011
typographical and other minor corrections November 16, 2011
and February 17, 2016

1. Overview

The Fort Dix plot was first picked up in January of 2006 by the FBI when a Circuit City employee in Mount Laurel, New Jersey, reported to the police that someone had dropped off a video to be converted to DVD of men “shooting assault weapons at a firing range in a militia-like style while calling for jihad and shouting in Arabic “Allahu Akbar.”¹ The FBI then hired two informants to infiltrate the group and to record conversations with its members. After a 15 month investigation, the six men were arrested on May 8, 2007. Five of them, Dritan Duka, Shain Duka, Eljvir Duka, Mohamad Shnewer, and Serdar Tatar, were later charged with conspiring to kill American soldiers by attacking Fort Dix. The sixth, Agron Abdullahu, was charged with providing the Duka brothers, who were illegally in the United States, with weapons he owned legally.²

Upon conviction, Dritan and Shain Duka were sentenced to life in prison plus 30 years,³ Eljvir Duka and Mohamad Shnewer were sentenced to just life in prison, Serdar Tatar was sentenced to 33 years, and Agron Abdullahu was sentenced to 20 months.⁴

2. Nature of the adversary

The six men were all foreign born.⁵

The Duka family was of Albanian ethnicity and originated from Debar, Macedonia.⁶ The family entered the United States illegally, through Mexico in 1984 and settled in Texas, moving shortly thereafter to Brooklyn, New York. As children, the brothers were involved in modeling. “Eljvir appeared in a rock-music video, Dritan was an extra in *Law & Order*, and Shain was in a commercial for the World Wrestling Federation.”⁷ In 1989, the father of the family, Ferik

¹ Dale Russakoff and Dan Eggen, “Six Charged in Plot to Attack Fort Dix: ‘Jihadists’ Said to Have No Ties to Al-Qaeda,” *Washington Post*, May 9, 2007. “Allahu Akbar” literally means “God is Greatest.” Muslims use the words in numerous ways including when they are happy, when they wish to express approval for or praise a speaker, when they slaughter an animal in the hallal fashion, and when they fire guns and go to battle.

² Russakoff and Eggen, “Six Charged in Plot to Attack Fort Dix.”

³ “3 brothers get life for Fort Dix plot,” United Press International, April 28, 2009.

⁴ “Fifth Man Convicted in Fort Dix Terror Plot Sentenced to 33 Years in Prison,” Associated Press, Fox News, April 28, 2009.

⁵ Russakoff and Eggen, “Six Charged in Plot to Attack Fort Dix.”

⁶ Debar is located in Eastern Macedonia near the country’s border with Albania. The city’s diverse population is made up of ethnic Albanians (58%), ethnic Macedonians (20%), ethnic Turks (14%), and ethnic Roma (6%).

⁷ Amanda Ripley, “The Fort Dix Conspiracy,” *Time*, December 17, 2007.

Duka, applied for asylum⁸ with the Immigration and Naturalization Service and acknowledged that the family was residing in the country illegally.⁹ The application took 16 years to process by the INS and was thrown out when the FBI began investigating the three brothers. In 1995, the family applied for a new immigration lottery system which gave the winners and their families resident status in the United States, but according to *Newsweek*, this application also “ended up in some kind of bureaucratic limbo.”¹⁰ One of the brothers, Dritan Duka, married a U.S. citizen in 2001, but did not apply for a green card until 2005. By the time the application was processed Dritan had been arrested.

By 1996, the family had saved enough money to purchase a home on Mimosa Drive in Cherry Hill, New Jersey. A few years later, they purchased and ran a pizzeria in Turnersville New Jersey, where the three brothers worked. As it became evident that the business wasn’t making much money, the brothers started working as roofers with their father, and shortly thereafter, the family sold the pizza business in 2005. The three Duka brothers eventually opened their own roofing businesses¹¹ and continued to operate it until they were arrested.

They all had minor criminal records consisting of illegal driving, public disturbances, traffic violations, and drug possessions, and all had driver’s licenses and permits that were suspended on numerous occasions. Elvir had 23 points on, and 24 suspensions of, his New Jersey driver’s license, while Shain never went to renew his after it expired in 2003.¹² In total, the brothers had 50 traffic violations, including for driving without a license, speeding, and driving while a license was suspended. In the ten years before 2006, the brothers were also charged with a number of offenses including marijuana possession, obstruction of justice, improper behavior, prowling, making physical threats, disturbing the peace, hindering apprehension, failure to appear in court, and obstructing the administration. They were fined between \$20 and \$830 dollars for these violations, according to the court records of Cherry Hill and other municipalities, and in most cases sent home. Both Elvir and Dritan had previously been arrested, the former on drug charges and the later for disorderly conduct and drug possession.¹³ The Dukas all attended Cherry Hill West High School, where classmates described the brothers as having a “gangster attitude,” talking “about fighting a lot,” and being “in trouble all the time.”¹⁴ None of the brothers managed to graduate from high school.

⁸ In order to obtain asylum in the United States, they had to prove a well-founded fear of being persecuted for any reason, mostly political and religious, if they were to return to their country of origin.

⁹ John Appezzato, “Father of Fort Dix suspects arrested on immigration charges,” *Star-Ledger*, May 10, 2007.

¹⁰ Michael Isikoff and Mark Hosenball, “Fort Dix Suspects Illegally in U.S. for 20 Years.” *Newsweek*, May 16, 2007.

¹¹ The names of these roofing businesses, which were all registered to the address of the Duka family’s home, were Qadr, Inc., Colonial Roofing, and National Roofing.

¹² Dina Temple-Raston, “Fort Dix Suspects Skirted Law Enforcement,” NPR, May 10, 2007.

¹³ “Report #13 in a NEFA series, ‘Target: America’.” NEFA Foundation, January 2008.

¹⁴ Jason Laughlin, “Suspects in Terror Case Fought Hard to Fit In,” *Courier-Post*, May 14, 2007.

While attending high school, the Duka brothers met Mohamad Shnewer and Sedar Tatar. Shnewer immigrated to the United States with his family from Jordan when he was two years old. The family first lived in Philadelphia for nine years and then moved to Cherry Hill. Shnewer is described by neighbors as “shy, polite, and bright.”¹⁵ Unlike the other five, he graduated from high school and attended Camden County College, but dropped out in order to help support his family.¹⁶ He first worked at his family’s grocery shop, but after an argument with his father, the young man took up a job as a taxi driver.¹⁷ One of Shnewer’s sisters (he had five, all older than he) describes him as an impressionable kid, who acted as a tough guy to hide his insecurities about his weight. His mother describes him as being “like a baby” who liked to watch Nickelodeon, play video games, and hang out with his five sisters.¹⁸ Shnewer is the brother in law of Eljvir Duka. It seems he was also the butt of many jokes in the group and worked hard to impress the others.¹⁹ Shnewer, unlike the Duka boys, had never been arrested—indeed, he had no criminal record of any kind.

Serdar Tatar, moved to the U.S. legally with his family from Turkey in 1992. He attended the same high school as the other four and like the Duka brothers, did not graduate.²⁰ He worked at his father’s SuperMario’s Pizzeria, which delivered pizza to Fort Dix. Employees of the pizzeria describe Tatar as “really intense” and someone who “just prayed a lot.”²¹ His father, Muslim Tatar, describes Tatar as becoming increasingly religious and he cited this as the main reason why their relationship became strained. The father is quoted as saying “I don’t want my son to be a religious person, but he was a religious person.”²² Tatar quit his father’s pizzeria sometime in 2006 and took a job at a Philadelphia 7-Eleven, where he worked his way up to manager. Like Shnewer, Tatar did not have a criminal record.

The sixth member, Agron Abdullahu, who was charged with supplying “weapons to persons whom he knew to be preaching jihad,”²³ was a former refugee from Kosovo who had fled the Balkans in 1999 along with his family due to Serb aggression. After winning an immigration lottery,²⁴ the family entered the United States—ironically through Fort Dix—and settled in Williamstown, New Jersey.²⁵ He attended Williamstown High School, dropping out to focus on his job

¹⁵ George Anastasia, “A Radical Shift in Reputation for Six Men,” *Philadelphia Inquirer*, May 14, 2007.

¹⁶ *Ibid.*

¹⁷ Ripley, “The Fort Dix Conspiracy.”

¹⁸ *Ibid.*

¹⁹ This notion can also be used to explain his relationship with the informant, Omar, as discussed later.

²⁰ He did receive a G.E.D. shortly after dropping out his junior year.

²¹ John Doyle and Patrick Gallahue, “‘Plotters’ Blended in Like Bunch of Regular Guys,” *New York Post*, May 9, 2007.

²² Kareem Fahim and Andrea Elliott, “Religion Guided 3 Held in Fort Dix Plot,” *New York Times*, May 10, 2007.

²³ *U.S. v. Abdullahu* (D. N.J.), No. 1:07-CR-00459-RBK. Memorandum of Law of the United States in Opposition to Defendant Agron Abdullahu’s Motion for Bail. Filed May 16, 2007.

²⁴ This was the same lottery that the Duka family attempted to enter in 1995.

²⁵ *U.S. v. Abdullahu* (D. N.J.), No. 1:07-CR-00459-RBK.

as a janitor at ShopRite.²⁶ His attorneys described him and his family as hardworking Albanian-Americans who wanted to enjoy the American dream and were in great debt to the country for providing them with a way out of war-torn Kosovo. He is depicted as nothing more than a gun enthusiast and had no criminal record.²⁷

Each member of the group seems to be mentally stable. After listening to their recorded conversations and further researching the case, one comes to conclude that most of the six, if not all, were of below average intelligence. Only one of them graduated from high school, and none of them came anything close to being a terrorist mastermind. Based on these interpretations, it is reasonable to see how the two informants were able to influence the men.

As time went on, the three Duka brothers, Shnewer, and Tatar became more radicalized. The Duka brothers became more devout Muslims by giving up alcohol, growing beards, and marrying 15 year old girls in religious proceedings.²⁸ Press reports indicate that the Dukas were influenced by an uncle who had become radicalized in the early 1990s in a New York State jail and was later deported.²⁹ There is also evidence to suggest that the group's beliefs were strengthened by jihadist videos which the informant provided and which the group distributed amongst themselves. These videos included jihadist propaganda and recruitment videos by al-Qaida, martyrdom videos of two 9/11 hijackers, and attacks on U.S. military forces, which members of the group openly enjoyed and admired.³⁰

3. Motivation

If the group was ever going to conduct a terrorist attack, it would be clear that they were motivated by jihadist ideology. The FBI and their informants have on numerous times recorded the members of the group praising terrorist attacks by al-Qaeda and other Islamist groups. They are also recorded discussing the war in Iraq and their distaste with American policies concerning it. Even though the six might not have actually planned on carrying out an attack, there is concrete proof that they did admire Osama bin Laden and supported his actions.

It is also plausible that the group simply used radical Islam to get together and have something in common to talk about. Based on accounts by the friends and family of the accused, the men became devout Muslims more and more as time went on, and they could have used this devotion to Islam to create social bonds between them, becoming even more radicalized in the process. There is also speculation that the men, especially Shnewer, were following the lead of the informant and would have never viewed some of the videos if he had not suggested and provided them.

4. Goals

²⁶ Ibid.

²⁷ Ibid.

²⁸ "Report #13 in a NEFA series, 'Target: America'," NEFA Foundation, January 2008.

²⁹ Fahim and Elliott, "Religion Guided 3 Held in Fort Dix Plot."

³⁰ U.S. v. Duka, Complaint (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

The men wanted to participate in jihad and decided that they could wage their holy war in the United States instead of going abroad. According to the prosecutors, the goal of the accused terrorists was to acquire an arsenal of weapons, including pistols, machine guns, rifles, shotguns, and possibly even grenades and rocket propelled grenades, gain entrance to Fort Dix, and kill as many U.S. soldiers as possible. There seems to be little indication or discussion of how such actions would advance a broader agenda or goal.

5. Plans for violence

The six men, along with four other friends, visited the Poconos for the first time on January 3, 2006. They practiced shooting various semi-automatic weapons at targets while shouting “Allahu Akbar” in Arabic. The men would later describe this trip as a “boys” vacation among family and friends where they did many other activities, including skiing, snowboarding, hunting, horseback riding, etc., that would not be considered as terrorist training and spoke mostly English.³¹ The prosecution, on the other hand, would later claim that because the men were firing the weapons while kneeling and walking, their actions are considered “militia-like style” training.³²

It was after this trip that the Duka brothers brought their infamous recording to the employee of Circuit City who would later inform the FBI. The employee, Brian Morgenstern, greeted the Duka brothers in the usual fashion once they entered the store and answered the questions they had about the price of converting the 8-mm video to DVD. The interaction with the accused was routine, and he later described it as normal and usual.³³ The unusual part came later that evening when Morgenstern started converting the video. It started off as a recording of a winter vacation trip among men which included skiing, horseback riding, snowboarding, but soon turned into something that caught Morgenstern’s attention when the men started shooting guns at targets and yelling in Arabic. The Circuit City employee found this disturbing and after contemplating whether to inform anybody about what he saw, decided to alert his manager who the next day called in the FBI.³⁴ In March 2006, the first of the FBI informants, Omar, infiltrated the group.

The group did view jihadist and other videos pertaining to terrorism online, but it is interesting to note that there isn’t any proof that any of the men accessed these videos prior to the infiltration of the group by the informant Omar

³¹ Ripley, “The Fort Dix Conspiracy.” The six did not have a common language other than English. The Duka brothers and Abdullahu spoke Albanian, Tatar spoke Turkish, and Shnewer spoke Arabic. Aside from Abdullahu, who entered the country when he was 16 years old, all of the convicted had spent the majority of their lives in the U.S., used English heavily, and even spoke it better than their “native” languages, as is evident from some of the recordings conducted by Omar. For example, the Dukas brothers “Albanianize” English words to replace Albanian words they do not know and regularly switch to English in mid-conversation.

³² U.S. v. Abdullahu. (D. N.J.), No. 1:07-CR-00459-RBK.

³³ Ripley, “The Fort Dix Conspiracy.”

³⁴ “Report #13 in a NEFA series, ‘Target: America’,” NEFA Foundation, January 2008, at www.nefafoundation.org/miscellaneous/fortdixplot.pdf

in March 2006, and in most cases, these videos were only viewed on Shnewer's laptop, which Omar had access to on numerous occasions.

If the six men ever actually planned to attack Fort Dix in New Jersey, their goal was to kill as many soldiers stationed there as possible. Shnewer is recorded as saying on August 11, 2006 that his "intent is to hit a heavy concentration of soldiers..."³⁵ The idea was to use assault rifles and grenades in the attack.³⁶ Shnewer secretly surveyed the base one day with informant Omar, and determined that the base had relatively weak security. Serdar Tatar was said to know the base "like the palm of his hand" because he had delivered pizza there on numerous occasions. It was on these two criteria that the group "selected" the base for their operation.³⁷ Tatar was supposed to provide a map of the base to the group, to be used to plan out the attack. It is interesting to note that Omar was the only one pressuring Tatar for the map and once Tatar actually provided it, he reported Omar to the police, claiming that he was conspiring to do something that was a threat to national security.

It is also important to note that neither the Duka brothers, Abdullahu, nor Shnewer supported attacking civilians. Abdullahu is recorded stating that Islam forbids the murder of civilians, and one of the Duka brothers claims that attacking a military base is a way around this.³⁸

The six men, along with eight other friends, visited the Poconos again in February 2007, where they rented a house, which had previously been bugged by the FBI, at 2717 Eagleview Drive in Gouldsboro.³⁹ With the FBI watching, the group practiced firing with a 9 millimeter Beretta handgun, a Mossber 12 gauge pump shotgun, an SKS semi-automatic rifle, and a Beretta Storm semi-automatic rifle.⁴⁰ On February 5, some members of the group were recorded discussing "bombs, nitroglycerin, and the explosive C-4,"⁴¹ and whether to attack a warship when it was docked in Philadelphia during an annual football game.⁴² The prosecution used a snippet of Eljvir Duka saying that the trip "had been a training mission"⁴³ to prove that they were actually there to train and not on vacation, but the words leading up to and following this phrase were not presented at the hearing nor were they made available to the public. It is unclear what the trip had been a training mission for, or even if they were referring to the trip as the mission.

³⁵ U.S. v. Duka, Complaint (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

³⁶ Russakoff and Eggen, "Six Charged in Plot to Attack Fort Dix."

³⁷ As will be discussed later, there are reasons to believe that Omar was actually the one who influenced the selection of the base because he drove Shnewer to survey the base and he pressured Tatar to provide a map of the base to him. Omar would later even claim that the Duka brothers didn't have any knowledge that the base was an intended target.

³⁸ U.S. v. Duka, Complaint (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

³⁹ Dunstan McNichol and John Martin, "Pa. Playground Becomes Terror Training Ground," *Newark Star-Ledger*, May 20, 2007.

⁴⁰ U.S. v. Abdullahu (D. N.J.), No. 1:07-CR-00459-RBK.

⁴¹ *Ibid.*

⁴² David Kocieniewski, "The Role of an F.B.I. Informer Draws Praise as Well as Questions About Legitimacy," *New York Times*, May 10, 2007.

⁴³ U.S. v. Duka Complaint (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

The group is also said to have trained for Jihad by playing paintball because, as Dritan Duka described it, “they use this in the U.S. Army... It’s how they train you.”⁴⁴ Other sources say that the defendants simply loved paintball and saw it as a hobby and a game, not a training exercise.⁴⁵

The FBI also claims that on two other occasions, on February 26 and March 15 of 2007, the Duka brothers “conducted tactical training” at a shooting range in Cherry Hill.⁴⁶ The brothers describe their actions as another one of these activities where they were merely having fun.

None of the five charged with the conspiracy owned any guns. The guns they used to practice in the Poconos, three semi-automatic rifles and a pistol, were provided and legally owned by Agron Abdullahu. Aside from the two trips to the Poconos and the paintballing, the group did not do anything that could be considered to be training.

Omar offered to provide the men with weapons at a very favorable price. Two of the Duka brothers came to his apartment with the professed intent to buy some for their next trip to the Poconos. Impressed, they say, by the attractive price, they agreed to buy seven instead of the two they had said they would purchase.⁴⁷ At this point, on May 8, 2007, they and the rest of the group were arrested. The men never attempted to acquire anything heavier than assault rifles, even though heavier and more powerful weapons were among the choices on the list presented by Omar. Moreover, they would not have acquired any to that point if Omar did not claim he could provide them. The FBI chose to arrest the men on this date because they were afraid the men would manage to acquire the weapons needed to carry out the attack from someone else.

When arrested, the men were not very far along with their plans and “did not appear to be close to being able to pull off an attack.”⁴⁸ Thus, at the time of their arrests, the five men convicted of conspiring to attack Fort Dix had no weapons, no concrete plans on how or when to attack the base, no map of the base,⁴⁹ nor any professional or meaningful training. During the hearings, the informant even testified that the three Duka brothers had no knowledge of a plot to murder military personnel⁵⁰ and that he only thought they did because Shnewer had lied to him when discussing the plot after he, the informant, had constantly pressured the young Palestinian to bring the Duka brothers in on it.

The men did not plan to use suicide bombing as a method to attack the base, but they were not afraid to die in jihad. In other words, they were willing to die in battle against the soldiers stationed at Fort Dix, but they were not willing to simply blow themselves up. The Duka brothers are recorded in conversations as

⁴⁴ U.S. v. Duka Complaint (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

⁴⁵ Geoff Mulvihill, “Paintball training dispute wraps up 13th day of Fort Dix informant testimony,” Associated Press, November 20, 2008.

⁴⁶ The fort dix plot.

⁴⁷ “Before the Fact: Homegrown terrorism in the post-9/11 world,” Need to Know, PBS, September 10, 2010.

⁴⁸ Russakoff and Eggen, “Six Charged in Plot to Attack Fort Dix.”

⁴⁹ There is no mention that Omar actually made a copy for or even showed the map of Fort Dix provided by Tatar to any of the other five members.

⁵⁰ Joel Rose, “Fort Dix Trail May Be Tied To Informant’s Story,” NPR, November 14, 2008.

showing respect for suicide bombers but claiming that they are “too scared to blow themselves up.”⁵¹ Serdar Tatar also saw the possibility of attacking the army from the inside. He considered joining the army and even applied to become a police officer in both Oakland, California at an earlier date and in Philadelphia on April 10, 2007.⁵² The Duka brothers and Agron Abdullahu also suggested that they “train with the American army...learn all the tactics...and then turn on them.”⁵³

If the group had managed to go through with the attack on their own, it is unlikely that they would have killed many soldiers. First of all, they would have needed to find a way to acquire guns. If they managed to do this, they would then have needed to devise a plan of attack. Once the plan was devised, they would have to follow through with it. Since none of the men had any professional and/or meaningful military training, it is highly unlikely that they would be able to kill more than a few soldiers before being taken down. The number of soldiers they would be likely to kill depends on a number of variables, including the types of weapons they would use, their accuracy, the amount and types of security at the base, the amount of ammunition available to them, and, probably most importantly, sheer luck.

6. Role of informants

The FBI used two paid informants, both with previous criminal records.

Most of the work was done by Mahmoud Omar who, as noted, infiltrated the group in March 2006 and spent 15 months following the suspects until their arrest in May 2007, recording conversations with them and searching their computers. Omar was a 37-year-old Egyptian immigrant of legal status who had spent six months in prison and five years on probation for pleading guilty to three counts of bank fraud in 2001.⁵⁴ He had been charged with “opening bank accounts, depositing bogus checks and then trying to draw down the accounts.”⁵⁵ For these charges, he was ordered to pay Patriot Bank, the bank he committed fraud against, \$9,550 in restitution.⁵⁶ Omar supported himself by buying, fixing, and reselling used cars. He also chopped some down and shipped them overseas where they were reassembled and sold, and there are speculations that some of these cars might have been stolen.⁵⁷ Omar had filed for bankruptcy in New Jersey in 2002 at which point he was nearly \$38,000 in debt to more than 24 creditors.⁵⁸ In October of 2004, he was arrested a second time for fighting with a neighbor, although the charges were reduced to disorderly conduct after both men refused to testify.⁵⁹ The United States government had also failed on two occasions to deport

⁵¹ U.S. v. Shnewer et al. Criminal (D.NJ.), No. 07-0459 (RBK). Filed June 5, 2007.

⁵² Dave Schratwieser, “Suspect Applied to be Police Officer,” WTXF (Fox29), May 22, 2007.

⁵³ U.S. v. Shnewer et al. Criminal (D.NJ.), No. 07-0459 (RBK). Filed June 5, 2007.

⁵⁴ Ripley, “The Fort Dix Conspiracy.”

⁵⁵ Ripley, “The Fort Dix Conspiracy.”

⁵⁶ Ripley, “The Fort Dix Conspiracy.”

⁵⁷ “Informant To Take Stand In Fort Dix Terror Trial,” CBS4, October 25, 2008.

⁵⁸ Ripley, “The Fort Dix Conspiracy.”

⁵⁹ Ripley, “The Fort Dix Conspiracy.”

Omar.⁶⁰ One came shortly after his conviction in 2001, which he successfully won; the other was in April of 2006, right after he started working on the Fort Dix case.⁶¹ The case was dropped entirely in September 2006, shortly after Omar provided the FBI with a recording of Mohamad Shnewer talking about Fort Dix.⁶²

Sources say that, while working for the FBI, Omar managed to sell his Social Security card for \$3,000.⁶³ Defense lawyers have also stated that the informant had a drug problem and admitted that he had smoked marijuana a few days before the hearing. While on the stand, Omar admitted to sneaking into the U.S. in the mid-1990s, engaging in bank fraud, selling fake Social Security cards, smoking marijuana, and even asking a relative in Egypt to have a man killed. He also hinted at the notion “that he was pushing Shnewer towards carrying out a terror attack.”⁶⁴

The FBI claimed that Omar was credible and reliable. He had previously provided the FBI with information concerning the criminal conduct of two individuals who later had federal charges brought up against them to which they pled guilty. The only time the FBI had proof that Omar was untruthful was when he misstated the identity of friend in order to protect the individual.⁶⁵

He entered the group by repeatedly visiting Plaza Food Market & Halal Meats, a grocery store owned by Shnewer’s father, Ibrahim. The Shnewer family described him as “needy for companionship and sometimes for money.”⁶⁶ He always attempted to make small talk with people in the store, especially Mohamed Shnewer. After a while, the two started hanging out by playing billiards and talking about politics, sports, and religion. Omar used this time together with Shnewer to convince the impressionable young man to introduce him to the Duka brothers.⁶⁷ Shnewer is recorded as saying that Fort Dix would be a good target to attack, explaining how to attack the place and what weapons to use, and stressing the need for training and an experienced leader like Omar. According to federal law, it is only a conspiracy when you have two or more individuals conspiring, not an individual and an FBI informant, and thus Omar needed to get close to the Dukas and record them saying similar incriminating things.

At one point, Serdar Tatar suspected Omar of being an FBI informant. Most of the suspicion arose after Omar repeatedly pressured Tatar to provide a map of Fort Dix. Tatar finally did so, recorded the transaction, and then reported the event to the police, which later informed the FBI. Sgt. Dean Dandridge of Philadelphia Police Department filed the report and noted that Tatar was terrified

⁶⁰ “Report #13 in a NEFA series, ‘Target: America’,” NEFA Foundation, January 2008, at www.nefafoundation.org/miscellaneous/fortdixplot.pdf (November 12, 2010).

⁶¹ Ripley, “The Fort Dix Conspiracy.”

⁶² Ripley, “The Fort Dix Conspiracy.”

⁶³ “Informant To Take Stand In Fort Dix Terror Trial.”

⁶⁴ Geoff Mulvihill, “Informants scrutinized in Fort Dix terror trial,” Associated Press, December 19, 2008.

⁶⁵ “Report #13 in a NEFA series, ‘Target: America’,” NEFA Foundation, January 2008.

⁶⁶ Ibid.

⁶⁷ Ibid.

and described what he had to say as a “matter of national security.”⁶⁸ It took the FBI three weeks to finally interview Tatar at which point he backtracked according to the complaint, and denied any knowledge of the plot. Even though there is no clear explanation of why the FBI waited that long to interview Tatar, it is obvious, according to the complaint, why the young Turkish immigrant retracted his statements by that point. By providing Shnewer and Omar with the map of Fort Dix, he in turn became part of the plot which he was initially warning authorities about and as a result would incriminate himself as well. Therefore he needed to retract his statements.⁶⁹

It became clear that Omar was becoming suspicious to the group, as is evident from the incident involving Tatar and the FBI, and that he was not getting any closer to recording anyone except Shnewer saying anything incriminating. Accordingly, the FBI brought in another informant, an ethnic Albanian named Besnik Bakali, and he was aimed at the three Dukas brothers who were also Albanian. The FBI had picked him out from a Pennsylvania jail where he was awaiting deportation back to Albania where he admitted to⁷⁰ and was wanted for shooting a man.⁷¹ He befriended the group by walking into a Dunkin Donuts the Dukas were known to frequent after prayer service at the local mosque, and speaking Albanian on a cell phone. Intrigued to meet a fellow Albanian, the Dukas struck up a conversation and the informant was in.

Over the next fifteen months, the informants selectively recorded conversations with the suspects. Omar, most notably, turned the recording devices on and off at specific times during his conversations. No one has given an official reason for this, but the defense claims that he was attempting to protect himself and/or alter the conversation in a way that would get the FBI what they wanted. Most of these conversations, which included topics anywhere from sports and buying and selling cars to the war in Iraq and jihad, were between Omar and Shnewer. Shnewer seemed to look up to and admire the much older Omar, who presented himself as an Egyptian with a military background. There are even indications that Shnewer saw Omar as the brains of the operation and the one who would lead the attack. At one point Shnewer is quoted as telling Omar “I am at your services.”⁷² As noted, Omar also provided some members of the group with terror training videotapes and other jihadist material. During the two days of surveillance of possible targets, August 11 and 13, 2006, it is important to note that Omar was the one who actually drove Shnewer to each of the four military bases.⁷³ Fort Dix was the base chosen by Shnewer as the one to attack because it was seen as the most accessible due to their access to the map Tatar had of the

⁶⁸ Tony Graham, “Phila. Police officer testifies at Fort Dix trial,” *Philadelphia Inquirer*, November 26, 2008.

⁶⁹ Amanda Ripley, “The Fort Dix Verdict: A Victory for Pre-emptive Prosecutions,” *Time*, December 23, 2008.

⁷⁰ *Ibid.*

⁷¹ Kevin Whitmer, “Fort Dix five guilty of conspiracy to kill soldiers,” *New Jersey Real-Time News*, December 22, 2008.

⁷² Kocieniewski, “Role of an F.B.I. Informer Draws Praise as Well as Questions.”

⁷³ The bases were Fort Dix, Fort Monmouth Army Base, Lakehurst Naval Air Station, and the U.S. Coast Guard Base at Sector Delaware Bay in Philadelphia.

base. Aside from some video secretly and quickly recorded on a low resolution cell phone camera, the group did not have any other useful surveillance material.

The FBI paid each of the informants \$1,500 a week plus expenses for over a year and a half. Omar was able to move from a broken down apartment in Paulsboro to a middle-class one in Cherry Hill where the government paid his rent of \$1,400 each month. In total, Omar was paid about \$240,000 and Bakali about \$150,000. The FBI also agreed to erase the criminal records of the informants, both in the United States and abroad, keep them from getting deported, and provide U.S. citizenship for them and their families. One can easily conclude from this that the informants had a rather significant incentive to keep providing the FBI with the incriminating conversations of the suspects by any means necessary. They were getting paid large amounts of money that they would probably not be able to make any other way, they would get their criminal records erased, and they would become legal U.S. citizens.

7. Connections

The group had no connections to any other terrorist group. They were self-starters who used Osama bin Laden and al-Qaeda as inspiration.

8. Relation to the Muslim community

The families of the accused claim that they are not guilty and that they “loved America.” Shnewer’s sister claims that her brother would never go through with an attack as described and he just talked the talk to act tough. Members of the Duka family, both in the U.S. and Europe do not believe they are guilty and some claimed that it was “political propaganda” and a “setup.” Most Muslims in the tri-state area who knew the six, described them as simple and good men and were disappointed at the outcomes of the cases. Ferid Bedrolli, an imam at the Albanian Islamic Cultural Center on Staten Island where the Duka family prayed before moving to New Jersey, described the three brothers as men who “didn’t look like really they are bad people.” Albanian-Americans were disappointed at the ethnicity of the suspects and Fred Abrahams of Human Rights Watch stated that “Albanians on the whole are so very over-the-top pro-American that this news came as a shock.”⁷⁴

Each of the defendants attended the Islamic Society Mosque in Philadelphia and the Islamic Center of South Jersey in Palmyra, but as far as is known, they did not conspire there nor did they give any indication to any of the other attendees that they were planning a terrorist attack. As the trial began, most members of the community, even though on some points they sympathized with the defendants, were fairly neutral on the matter. The friends and families of the six, however, protested the trial and to this day are working on repealing the verdicts.⁷⁵

⁷⁴ Fahim and Elliott, “Religion Guided 3 Held in Fort Dix Plot.”

⁷⁵ Burim Duka, the youngest of the Duka brothers, who was not indicted in the plot, has set up a website (www.freefortdixfive.com) to support the accused. Family members have on numerous occasions protested the verdict and have joined with the families of other accused terrorists to “bring justice” for their family members.

9. Depiction by the authorities

The authorities took an alarmist stance on the case and hold that stance until today. U.S. Attorney Christopher J. Christie claimed that the case was “a model case where American law enforcement was a step ahead of those attempting to cause harm to American citizens.”⁷⁶ Acting U.S. Attorney Ralph J. Marra said, “I think that had the FBI and their partners not caught these men, we would have been attending funerals of military personnel at Fort Dix.”⁷⁷ Special Agent J.P. Weiss depicted the men as homegrown terrorist who attempted to acquire assault rifles and attack U.S. soldiers. On the day of their arrest, he stated that “today, we dodged a bullet.”⁷⁸ Interestingly enough, no member of government, from the onset of the arrests, ever claimed that any of these men had any connections to al-Qaeda.

10. Coverage by the media

The mainstream media initially portrayed the group as home grown terrorists, but as time went on and it got wind of some of the main aspects of the case, the portrayal became more vague. *Time* magazine featured an article about a letter which was claimed to be a confession of the plot by one the Duka brothers. The magazine hired two experts to compare the letter to a known sample of the his writing and concluded that the letter was not written by him.⁷⁹ This incident generated suspicion about the case and supported claims that the men were set up. The Need to Know Series on PBS paints an unclear picture of the investigation. It hints at the notion that the group might not have gotten as far as it did if it wasn't for the informant providing them with weapons and pressuring them, mostly through Shnewer, to go through with their plans.⁸⁰ In essence, most major media outlets gave a mixed conclusion of the case, neither stating that the six accused men were fully guilty nor that the government was fully justified in their actions and prosecutions.

11. Policing costs

The investigation was a sixteen month operation which led to the arrests of the six individuals. As noted, the two informants, Mahmud Omar and Besnik Bakali, were paid a total of about \$400,000 plus rent and expenses for less than two years of work. Other costs during the investigation include the cost of surveillance equipment, the renting and bugging of the house in the Poconos, and the man hours spent investigating the plot. The group was arrested on May 8, 2007 and the trial ended on December 22, 2008. In total, an exact number for the total cost of the case was never given, but the presiding judge of the case, U.S.

⁷⁶ “Before the Fact: Homegrown terrorism in the post-9/11 world,” Need to Know, PBS.

⁷⁷ “Three Brothers Sentenced to Life Prison Terms for Conspiring to Kill U.S. Soldiers,” Department of Justice. April 28, 2009.

⁷⁸ Dina Temple-Raston, “Fort Dix Convictions Seem To Validate FBI Strategy,” NPR, December 2008.

⁷⁹ Amanda Ripley-Washington, “Playing Tricks with the Fort Dix Six?” *Time*, January 14, 2008.

⁸⁰ “Before the Fact: Homegrown terrorism in the post-9/11 world,” Need to Know, PBS.

District Judge Robert B. Kugler, is quoted on numerous occasions as stating that the case cost multi-millions.⁸¹

12. Relevance of the internet

The internet did not play a major role in the plot. The group did not have communication with any other terrorist group nor did they frequent online jihadist message boards and blogs. The only time the internet was used in relation to the plot was when some of the group members, mostly Shnewer, used it to view and acquire jihadist videos and other material related to radical Islam such as depictions of American soldiers getting killed in Iraq and Afghanistan.

13. Are we safer?

We are not significantly safer. The group does seem to have idealized bin Laden and the Jihadist ideology, but it seems unlikely that this group would have carried out an attack, especially if the informant had not stepped in. There was hardly any mention of attacking anything during the “training” sessions, and the men did not seem capable of carrying out an attack. It is also unlikely that they would have acquired the types and quantities of weapons they had if it wasn’t for the “connections” of the informant. Shnewer, as noted at many points, spouted off repeatedly. However, he is the only one who seems to have been serious about doing anything, and it often seems he was pressured by the informant and said some of the things later used against him to impress and gain what he thought was respect from the older, more worldly Omar. The only way in which we are definitely safer is by not having the Duka brothers drive recklessly on the roads and beating up people they get into arguments with.

14. Conclusions

The Fort Dix six were all young Muslim men who had recently become radicalized. They came together primarily for social reasons, and it evident that they enjoyed the time they spent together. It is also evident that the only major thing they had in common was that they were young Muslims in America. It is plausible to assume that they used Islam as a unifying factor and in the process further radicalized themselves.

The action that set off this case, the trip to Circuit City to convert the video file, could be explained in one of two ways. The men were either really performing combat training and preparing to attack the military base and they were really stupid by risking that the video would be seen by the employee at the electronics store, or they were really just enjoying shooting guns as a hobby while on vacation. The group was highly unorganized and did not seem to be able to pull off an attack on a U.S. military base. They did believe in some aspects of radical Islamist ideology, but it is hard to prove from that that they were definitely willing to risk their lives by attacking a military base. All of the accused in the conspiracy, except for Shnewer, were married and had young children. All were also pretty Americanized and enjoyed activities that most would consider purely

⁸¹ “The Fort Dix 5 are Innocent, yet Convicted of Conspiracy,” FreeFortDixFive.com, 2009.

American. None of the men had any contact with terrorist groups, nor were they suspected of terrorist activity prior to the Circuit City incident.

It seems the group became much more radicalized and headed in the direction of conducting the attack once the informants entered the picture. Both informants, especially Omar, egged the young men on and pressured them to go through with the “plan.” The sentencing of the six also seems pretty harsh: none of the men ever conducted any terrorist activities and three of the four who received life in prison never even knew that there was a target, according to the informant. In conclusion, even though the members of the group seem to have a radical ideology and some are likely to disregard the law, at least to a certain degree, it is pretty unlikely that anything more than the “boys’ trips” to the Poconos and the radical conversations would have taken place if the informants were not in the picture to get the ball rolling.

Case 23: JFK Airport

John Mueller

June 4, 2011

The plot to blow up fuel pipelines serving the JFK airport was unusual in that the conspirators were older than the norm. Also in that they were neither social nor political outcasts nor former jailbirds—though the informant supplied by the FBI for the case does fit that characterization.

More typical, however, was the daffy infeasibility of the plot, the inability of the plotters to put it into motion, their absence of practical knowledge, and their apparent incomprehension about its essential absurdity. They also lacked effective connections to people who might be able to help them out on any of these scores. Indeed, as Bryan Straub points out, the leader of one group they tried to enlist deemed their plot “insane” and predicted, accurately as it turned out, that the plotters were likely to fall victim to an entrapping informant.

Perhaps because it was concocted in an area known for its theatrics and spot-lit self-obsession, the plot—which has both those qualities in full measure—generated a great deal of studied and very public hand-wringing. As with many plots, however, the question lingers: if simply left alone and to their own highly limited devices, would they ever actually had done anything at all?

Case 23: JFK Airport

Bryan Straub

June 4, 2011

typographical and other minor corrections December 5, 2011

1. Overview

A loosely associated group of conspirators of Guyanese descent planned to attack John F. Kennedy International Airport (JFK) and the fuel pipelines that serve it. Because the pipeline runs under a heavily populated area of the boroughs, the men hoped to inflict serious damage. Although the actual plot was only vaguely imagined, the suspects traveled extensively and allegedly made important contacts in the months leading up to their arrest in June 2007. An FBI informant infiltrated into the group provided the bulk of the evidence used against them. The men were arrested when one of the conspirators attempted to board a plane bound for Iran. Led by a former cargo handler at JFK, Russell Defreitas, the suspects pled not guilty to all charges including conspiring to attack a public transportation system. They were convicted of multiple crimes.¹

2. Nature of the adversary

The conspirators in this case are considerably older than the norm, not outcasts seeking a place in society nor politically un-represented. Moreover, none had criminal records or had served in time in jail.

Russell Defreitas is considered the mastermind of the plot and the driving force behind the formation of the group interested in the attack. According to his former friend Trevor Watts, Defreitas grew dreadlocks, proclaimed himself a Rastafarian, and embraced Islam in the late 1990s.² Others have described his propensity for get-rich-quick schemes, which he often thought about, but apparently never put into practice.³ Defreitas was reportedly impacted by the horror of the 9/11 attacks.⁴ Watching on television, he apparently stated that he could not understand how terrorists could kill so many innocents.⁵ Originally from Guyana, Defreitas frequently returned there for holidays. Before being laid off in 2001, Defreitas worked as a supervisor for a cargo contractor at JFK international airport, after which time he took odd jobs.⁶ It is unclear how he managed to fully make a living after he lost his job. At the time of his arrest, he was 62 years old, a U.S. citizen who had lived in New York for over 30 years.

Abdul Kadir, in his 50s at the time of arrest, is a former mayor of Guyana's second largest city (Linden) and former Member of Parliament in Guyana. He converted to Islam in college and finished his technical degree in

¹ Madeleine Gruen, "A NEFA Report on the JFK Plot," NEFA Foundation, November 2008, 2.

² Benton Campbell et al., "United States v. Defreitas et al." Cr. No. 07-543 (DLI). United States District Court, Eastern District of New York, March 8, 2010, 18. Available from the NEFA Foundation.

³ Jess Wisloski, Xana O'Neill, and Dave Goldiner, "I was so close to evil & didn't know," *New York Daily News*, June 4, 2007.

⁴ Quoted in Wisloski et al., "Close to evil" The credibility of these comments is questionable.

⁵ Ibid. Corresponds to his later assertion that the attack should minimize the loss of life.

⁶ Gruen, "NEFA Report," 2.

civil engineering at the University of Guyana. He spent time in Venezuela before receiving a further degree in civil engineering. His political career blossomed in the 1990s—he served as mayor between 1994 and 1996 and as an MP in 2001. He was an imam at a Shia Islamic Center which allegedly received funding from Iran.⁷ Identified by an intermediary, he was thought to have connections in Venezuela and Iran that would be useful in the plot.⁸ Numerous photos of Kadir and his nine children with high powered weapons as well as some ammunition were found in his home. At his trial, he denied he was a militant Muslim or an Iranian spy. He claims he sought only funding for a mosque from his connections with Defreitas; however, no funds materialized.⁹

Kareem Ibrahim is a 62 year old man charged as a co-conspirator in the plot. A citizen of Trinidad, Mr. Ibrahim converted to Islam at the age of 21. He was employed as a musician and later an accountant, a position from which he retired in 2005. Additionally, he served as the imam for two Shia mosques in Trinidad and sold Islamic texts as a hobby. He is apparently claustrophobic—he has refused to fly on an airplane since the 1970s and was recently hospitalized for a nervous breakdown.¹⁰ He has known co-conspirator Kadir for over 20 years. He advised the conspirators to allow him to contact trusted associates in Iran or the United Kingdom to see if they were interested in funding or assisting with the plot.¹¹

Abdel Nur is a 57 year old Guyanese citizen who was deported from the U.S. in the late 1980s on drug trafficking charges. He is described as an extremely devout Muslim who attended daily prayers. He provided connections and money transfers in the plot.¹² The conspirators originally felt that Nur would be the most appropriate to contact prospective terrorist group allies in the Caribbean because of his connections to their leaders.¹³

Besides these four men, seven other “associates” are identified in court documents with varying minor connections.¹⁴

3. Motivation

Defreitas stated that all Muslims should be part of a fight against a “war on Islam.” According to the informant, Defreitas was angered by the sight of military weapons being shipped to Israel during his time at JFK because he felt they were being used to kill Muslims. Defreitas also suggested a Jewish school or community as a potential target.¹⁵ He thus appears to be anti-Semitic in addition to being opposed to U.S. foreign policy vis-à-vis Israel.

4. Goals

⁷ Gruen, “NEFA Report,” 3-4.

⁸ Campbell et al., “United States v. Defreitas,” 6.

⁹ “2 JFK Airport Bomb Plot Suspects Convicted,” CBS News, August 2, 2010.

¹⁰ Gruen, “NEFA Report,” 2-3.

¹¹ Campbell et al., “United States v. Defreitas,” 10.

¹² Gruen, “NEFA Report,” 4.

¹³ Campbell et al., “United States v. Defreitas”

¹⁴ Gruen, “NEFA Report,” 5.

¹⁵ Gruen, “NEFA Report,” 10-11.

By blowing up the jet fuel tanks, igniting the airport, and causing damage to the surrounding area, the conspirators hoped to create mass terror and economic catastrophe.¹⁶ In addition to the immediate costs of the damage, Defreitas remarked that an attack on JFK airport would be like “killing the man twice” because “anytime you hit Kennedy, it is the most hurtful thing to the United States. To hit John F. Kennedy, wow. . . . They love John F. Kennedy like he’s the man. . . . If you hit that, the whole country will be in mourning.”¹⁷

5. Plans for violence

Nicknamed the “chicken hatchery” or the “chicken farm,” the plot sought to destroy JFK airport and cause significant damage to Queens by blowing up the jet fuel tanks and pipeline that supply the airport.¹⁸ In order to minimize the loss of life, particularly of women and children, the conspirators noted that they should carry out the attack in the morning, perhaps on Christmas Eve. They wanted the primary consequences to be economic, rather than human casualties.¹⁹ According to the informant, Defreitas desired to shoot down a passenger jet with a rocket when he worked at the airport but lacked the means to do so.

Beginning in 2007, Defreitas and the informant made several information-seeking visits to JFK to select targets and to evaluate security. It was determined that the control tower would need to be disabled for the attack to be carried out because the security personnel working in it were responsible for monitoring the fuel tanks as well as the roadways surrounding the airport. Additionally, the conspirators suggested releasing rats in the airport to distract security personnel, although it is unclear how they planned to do this.²⁰ From his time working at the airport, Defreitas had some knowledge of the security at JFK.²¹

Although they discussed various options, the conspirators possessed no weapons at the time of their arrests. The group seemed to be stuck on the nature of the fuel tanks and the specifics required to blow them up to ignite the fuel. They thought, from observation and background knowledge, that the fuel tanks were double tanks made of titanium, which would require two explosions to ignite. The use of chemicals to dissolve the metal were also discussed, but with no real thought was given to the practical implications of such a method of attack.²² Kadir was believed to have some knowledge of pipeline construction from his background in civil engineering.²³

As outlined in the legal brief produced by the government for the trial, the fuel tanks at JFK airport are supplied by the Buckeye Pipeline, the primary transporter of jet fuel to JFK, delivering fuel from Allentown, Pennsylvania

¹⁶ Ibid.

¹⁷ Anthony Faiola and Steven Mufson, “N.Y. Airport Target of Plot, Officials Say,” *Washington Post*, June 3, 2010.

¹⁸ Campbell et al., “United States v. Defreitas,” 7.

¹⁹ Gruen, “NEFA Report,” 7.

²⁰ Gruen, “NEFA Report,” 8.

²¹ Gruen, “NEFA Report,” 5-7.

²² Gruen, “NEFA Report,” 7.

²³ Ibid.

through New Jersey, Staten Island, and Queens.²⁴ At the airport, the fuel tanks are clustered in two groups away from runways and the passenger terminal. It is unlikely that a fire in the fuel tanks would result in damage to the terminal itself. Moreover, experts were quick to point out that the pipeline would not explode without oxygen and that safeguards were built into the system to prevent contagion should one section ignite.²⁵ A spokesperson for the pipeline's owners commented on the safety measures and security features built into the system, noting that the fuel tanks are separated from the pipeline by a cutoff valve, which could be activated if a fire were to occur in either. Furthermore, the pipeline is sealed; fire would require oxygen to ignite and burn the fuel. "To say that the pipeline would blow up is just not possible," the spokesman remarked.²⁶ In 1990, a fuel tank fire at Denver's Stapleton International Airport burned for two days, consuming more than 3 million gallons of fuel. Although the total cost was estimated between \$15 million and \$20 million, no one was injured.²⁷

6. Role of informants

As with many domestic Islamic terrorist cases, the FBI hired an informant. Steven Francis²⁸ was 36 years old in 2007 and had worked with them since 2004. According to court documents released on thesmokinggun.com, Francis was convicted of possession as well as conspiring to kill the leader of a rival drug gang in 1996. For this charge, he spent approximately 6 years in jail and may have been released as part of a earlier informant plea bargain.²⁹ In 2003, the long-time cocaine dealer was convicted of possessing over two million dollars of cocaine.³⁰ Now convicted twice of drug trafficking charges, Francis agreed to cooperate with the government in exchange for a reduced sentence and money.³¹

Francis played a direct, influential, and controversial role in both the formation of the plot and the subsequent case against the suspects, and provided the conspirators with leading information to advance their plot.³²

According to the government brief prepared for the trial, Francis was recruited by Defreitas in August 2006 to conspire to attack the airport even though he had no specifically relevant knowledge or connections. Later in the month, Francis traveled to Guyana at the invitation of Defreitas, where he met with the co-conspirators and discussed plans for an attack. In early January 2007, Francis and Defreitas made four trips to JFK airport in Francis' car to survey the fuel tanks and the control tower making a video record. Defreitas and Francis then returned to Guyana, presented the video, discussed further plans for an attack, and later presented the plot to Kadir. Later, Francis purchased the necessary plane

²⁴ Campbell et al., "United States v. Defreitas," 3-4.

²⁵ Wisloski et al., "Close to evil."

²⁶ Faiola and Mufson, "N.Y. Airport Target of Plot."

²⁷ Faiola and Mufson, "N.Y. Airport Target of Plot."

²⁸ "2 JFK Airport Bomb Plot Suspects Convicted," CBS News.

²⁹ Carol Eisenberg, "JFK informant's \$2M cocaine arrest," *Newsday*, June 14, 2007. Available from InVenice.net. The original court document is no longer available at thesmokinggun.com

³⁰ *Ibid.*

³¹ Gruen, "NEFA Report," 11.

³² Gruen, "NEFA Report," 11.

tickets to meet with the leadership of a radical Sunni Muslim group based in Trinidad in May 2007. After accompanying Defreitas and Nur to the meeting, Francis returned to New York with Defreitas.³³

He provided the conspirators with Google Earth images of the fuel tanks and surrounding area. Furthermore, he provided an apartment for Defreitas, paid for by the government. According to a CBS News account, Defreitas was living in Guyana until he was lured back to New York by an offer of a free apartment provided by Francis.³⁴ Extensive conversations between the conspirators taped by the informant formed the majority of the evidence used in the case.

Arguing that the informant led the development and excessively encouraged the plot, Defreitas' lawyer stated, "I think it was clear these guys couldn't act on their own . . . and didn't act on their own."³⁵ Although entrapment is legally difficult to define or prove, there have been other terror related cases where it formed the bulk of the defense's argument. The defense in this case did not seek to have the case dismissed for entrapment, however, because it was felt that the role of the informant was not as substantial as in other cases.

7. Connections

The group sought out the experience and support of a radical Sunni group based in Trinidad, Jamaat al-Muslimeen (JaM). JaM tried to stage a coup there in the 1990s and has been involved in a fair amount of organized crime, but it has never participated in international terrorism activities. Nur purchased an airline ticket with the intention of meeting with JaM leadership in January 2007, but was unable to travel because he lacked proper documentation.³⁶ Although the JaM's leader was on trial at the time, the conspirators (and Francis) decided to fly to Trinidad to meet with the group anyway in May 2007.³⁷ Government documents allege that the four men had successfully gained access to an international terrorist network, relied upon its knowledge, expertise and contacts to form the plot and gather operational support.³⁸ The leader of JaM later stated that the plot was "insane" and that he feared entrapment by the U.S. government.³⁹

For assistance, Defreitas, Kadir, and Francis discussed contacting Adnam Shukrijumah, an al-Qaeda operative and explosives expert who was believed to be hiding out in the Caribbean at the time.⁴⁰ According to the government's legal brief, Ibrahim sought connections with the revolutionary movement in Iran as well as with an associate in the United Kingdom. These sources were to provide

³³ Campbell et al., "United States v. Defreitas," 4-11.

³⁴ "2 JFK Airport Bomb Plot Suspects Convicted," CBS News. This information does not match other accounts. It is unclear how much time Defreitas spent in the United States and Guyana respectively before the informant became heavily involved in 2006.

³⁵ Quoted in "Two convicted in JFK airport bomb plot," BBC News, August 2, 2010.

³⁶ Campbell et al., "United States v. Defreitas," 6.

³⁷ Campbell et al., "United States v. Defreitas," 8-9.

³⁸ Faiola and Mufson, "N.Y. Airport Target of Plot."

³⁹ Gruen, "NEFA Report," 9.

⁴⁰ "2 JFK Airport Bomb Plot Suspects Convicted," CBS News. Shukrijumah is a known terrorist who has since been indicted in connection with the Najibullah Zazi's plot to bomb the New York subway (Case 28), presumably for helping to train Zazi in Pakistan,

money, which was going to be deposited in the mosque's bank account held by Kadir.⁴¹

8. Relation to the Muslim community

Kadir was arrested in route to Iran via Venezuela. A number of his children had been to Iran and studied there. It is somewhat unclear if he had connections of value in Iran.

9. Depiction by the authorities

Reactions of public officials have been viewed in many cases to be alarmist and therefore generated controversy. Bruce Schneier, an expert on terrorism in the United States, wrote a scathing editorial in *Wired* magazine shortly after the arrests characterizing the modern terrorist as an "idiot." Drawing upon the comments from U.S. Attorney Roslynn Mauskopf, who stated at a press conference that the JFK case was "one of the most chilling plots imaginable," Schneier criticizes the tendency of public officials to inflate the threat posed by would be terrorists.⁴² Attorney Mauskopf continued, "The devastation that would be caused had this plot succeeded is just unthinkable."⁴³ Senator Arlen Specter added, "It had the potential to be another 9/11."⁴⁴ The Assistant Attorney General for National Security also sensationalized the plot and stoked fear when he claimed, "The defendants sought to combine an insider's knowledge of JFK airport with the assistance of Islamic radicals in the Caribbean to produce an attack that they boasted would be . . . devastating."⁴⁵

In contrast, New York's Mayor, Michael Bloomberg, downplayed terrorism fears, stating, "You can't sit there and worry about everything. Get a life. . . You have a much greater danger of being hit by lightning than being struck by a terrorist."⁴⁶

10. Coverage by the media

Extensive coverage in the *New York Times* was rather rational and fair given the proximity to the case. Additionally, most major national domestic newspapers carried stories of the case as it developed. A Guyanese newspaper account was markedly aggressive, claiming that intelligence and security related measures should be increased in light of the plot.

The *New York Daily News* was more sensational, running a human interest piece about a waitress who served Defreitas and Francis before the arrests. "I was so close to evil—and it never even hit me," Sharon Fitzmaurice contemplated.⁴⁷ The account describes Defreitas as both the "mastermind" and "the architect of a plot to kill thousands of New Yorkers"—an obvious stretch.⁴⁸

⁴¹ Campbell et al., "United States v. Defreitas," 11.

⁴² Bruce Schneier, "Portrait of the Modern Terrorist as an Idiot," *Wired*, June 14, 2007.

⁴³ These comments also appear in the *Washington Post*. Faiola, "Target."

⁴⁴ Schneier, "Portrait."

⁴⁵ Quoted in Faiola and Mufson, "N.Y. Airport Target of Plot."

⁴⁶ Quoted in Schneier, "Portrait."

⁴⁷ Wisloski et al., "Close to evil."

⁴⁸ *Ibid.*

Immediately after the arrests, the *Washington Post* sounded the alarm: “the charges provided yet more evidence of the threat posed by homegrown terrorists, embittered extremists who hail from the Middle East or, in this case, from the Caribbean and northeastern South America.”⁴⁹ It continued, “the four men tapped into an international terrorist network, utilizing its knowledge, expertise and contacts to devise the plot and to obtain operational support and capability to carry it out.”⁵⁰

Supposed terrorism consultant, Paul Kurtz, stated on CBS News’ Early Show that, “This is a growing trend we need to be worried about it—individuals who are sitting on the fence who are willing to take up arms against us.”⁵¹

11. Policing costs

The informant in the case worked for the FBI for at least three years and was provided resources to gather evidence against the conspirators. Additionally, the government provided housing for Mr. Defreitas. The costs of intelligence gathering, extradition, and the trial must also be considered. The suspected arrested abroad were extradited to the United States in June 2008, and were found guilty in August 2010—over two years later.⁵²

A request for an anonymous jury and additional protective measures for jurors was made by the U.S. government in the case.⁵³ Specifically, the U.S. attorneys argued that the high profile of the trial, the dangerous nature of the defendants, and the nature of the charges warranted this extra security.⁵⁴ Jurors were to be kept together as a group during trial recesses as well as provided lunch and transportation through the trial process.⁵⁵

12. Relevance of the internet

The *Washington Post* reported that officials claimed the case points to the ability of would-be terrorists to utilize the internet to find like-minded individuals and gain assistance.⁵⁶ However, the conspirators actually made little use of the tool—although Google Earth was accessed by the informant, Francis, to collect overhead photographs of the airport.

13. Are we safer?

Because anxiety and fear gripped the nation following the September 11, 2001 attacks, the eventual reaction was to declare America under siege. Led by the government, would-be terrorists seem to be imagined, created, poked and prodded into handy guilty convictions that can be sold to rationalize the public’s continued fear. After the failure to uncover any meaningful presence of al-Qaeda

⁴⁹ Faiola and Mufson, “N.Y. Airport Target of Plot.”

⁵⁰ Ibid.

⁵¹ Paul Kurtz, “Foiled Terror Plot Analysis,” with Julie Chen. The Early Show, CBS News. June 5, 2007.

⁵² Gruen, “NEFA Report,” 14.

⁵³ Campbell et al., “United States v. Defreitas,” 2.

⁵⁴ Ibid. Similar accommodations have been made in other terrorism related trials.

⁵⁵ Ibid.

⁵⁶ Faiola and Mufson, “N.Y. Airport Target of Plot.”

in the United States, they seem to have shifted their focus to a more chilling enemy: the homegrown terrorist. Never mind that the majority of the so-called homegrown terrorists turn out to be idiots, merely angry at some aspect of American culture and foreign policy who would have otherwise no means to attack the United States, let alone in spectacular fashion. The arrest of these men does little to make America safer on the whole; however, the continued insistence by the government and the media that terrorism poses an existential threat to the United States generates unnecessary alarm.

14. Conclusions

Any threat actually presented in this case is largely a fantasy. Specifically, this group of conspirators had no connections to organized groups or practical knowledge about how to carry out the attack they fancied. Although the men may have understood the economic and symbolic value of their ideal scenario, they lacked the common sense to understand that it was impossible.

The defendants were charged with conspiracy to attack a public transportation system, conspiracy to destroy a building with fire and explosives, conspiracy to attack aircraft and aircraft materials, conspiracy to destroy international airport facilities, and conspiracy to attack a mass transportation facility. Additionally, Defreitas and Kadir were charged with conducting surveillance of a mass transportation facility with intent to attack that facility.⁵⁷

Unfortunately, the costs of the case and the consequences for the continued obsession with terrorism were not worth the minimal gain of putting these men behind bars. Until Americans demand a rational assessment of the true terrorist threat, the continued threat inflation will serve government, the security industry, and media interests well.

⁵⁷ Campbell et al., “United States v. Defreitas,” 3.

Case 24: Vinas

John Mueller

June 4, 2011

Its experience with Bryant Neal Vinas suggests al-Qaeda has a big problem with recruitment.

An American and a converted Muslim, Vinas underwent a fairly lengthy process of “radicalization.” Or more accurately it was self-radicalization because the process was not so much one of seduction as one in which he continually sought out progressively more radical groups to join. Increasingly incensed at America’s support for Israel and at what he saw as America’s war on Islam in the Middle East, he made his way to Pakistan and eventually into the ranks of the Taliban in their battle with American forces in Afghanistan.

Al-Qaeda is highly wary about such people. For example, as David Dawson discusses in a footnote, in 2009 five Americans went to Pakistan to sign up for the cause, but were rejected by the terrorist group out of fears they might be informants or liabilities.¹ However, the terrorist group apparently was impressed by Vinas’ palpable and clearly sincere enthusiasm for the cause, by his equally sincere anti-American vitriol, and by the recommendations of the people who had seen him in operation. Consequently, al-Qaeda took him in and gave him training. He must have seemed an asset of considerable potential value to them. For one thing, he had intimate knowledge of Penn Station in New York and might be highly useful for setting off a bomb in that venue, a venture he enthusiastically helped them plan (there are architectural critics who would consider any explosion at Penn Station to be an improvement, but they, of course, are not terrorists and, regardless, were not consulted).

For reasons that, as Dawson reflects, seem oddly foolish, al-Qaeda allowed its prize asset to leave the training camp for Peshawar in Pakistan, where he was arrested by the Pakistanis in October 2008 and then turned over to the United States. (Dawson also notes that Vinas played a supporting role on an al-Qaeda propaganda video made at the time, which also suggests a lack of clear thinking, and certainly of cleverness, on the part of his handlers because it might facilitate his identification by their ever-prying enemies, particularly if he was sent on an operation to the United States.)

With the arrest, Vinas quickly, even instantly, became a hugely cooperative witness, even helping with the disruption of a terrorist plot in Belgium which required him to betray some of the people he had met in the training camp. That is, although he was genuinely sincere about joining and supporting al-Qaeda, as soon as he was arrested he acted like he had been a CIA plant all along. (It appears that in the CIA itself has never actually been able to infiltrate a single genuine plant during the decade and a half that it has presumably been trying to do so.) For a while there, the leaders of al-Qaeda must have been sent to wondering whose side Allah was on, anyway, and the Vinas

¹ Alex Rodriguez and Sebastian Rotella, “Pakistan looks at militant as key to Americans’ journey,” *Los Angeles Times*, December 13, 2009.

fiasco quite possibly played into their decision to turn down the five enthusiastic would-be recruits in the following year.

There is another issue, this one for terrorism analysts. What, exactly, does “radicalization” mean if a genuinely radicalized Islamist, once arrested, can suddenly turn warm and cuddly toward the very people he has spent years radicalizing himself against?

Shortly after Vinas’ arrest, the story took another comic opera twist. As Dawson stresses, there was nothing in Vinas’ fruitful testimony, nor in any other source, to indicate that the plot against Penn Station was anything but a gleam in the eye of a few dreamy conspirators ten thousand miles away. Nonetheless, our guardians sent out warnings that there might just possibly be an attack on the subway system in New York, and they further divined, or fantasized, that it might take place over the Thanksgiving weekend. Extra police patrols were instituted at taxpayers’ expense, and seasoned terrorism provocateurs like Juval Aviv came out of the woodwork to soberly inform television viewers that “we’re at critical times right now...terrorists are gearing up.”²

² “Juval Aviv Interviewed About Possible Thanksgiving Terrorist Attack,” December 8, 2008. <http://youtu.be/lfKMOsL084Y> For more on Aviv, see John Mueller, *Overblown*. New York: Free Press, 2006, 42.

Case 24: Vinas

David Dawson

June 4, 2011

typographical and other minor corrections December 5, 2011

1. Overview

There is a huge debate over the threat that so-called “homegrown terrorism” poses to our national security. Whatever the degree of danger we face from radicalized American immigrants and citizens, it is impossible to deny the threat’s existence. Bryant Neal Vinas was an American citizen of Hispanic descent, born in Long Island, New York, who converted to Islam and became radicalized. He travelled to Pakistan in 2007 and eventually joined an al-Qaeda training camp where he plotted with terrorist leaders to bomb the New York commuter system, providing information about its layout and security. Vinas was a full-fledged member of the terrorist organization, regularly meeting with its leadership and fully acquainted with its training methods. He had a particular aptitude for explosives, the kind he wanted to employ against commuters on the Long Island Rail Road (LIRR) subway system.

He was captured by Pakistani security forces in 2008, and then transferred to American custody, one month before his 25th birthday. After his capture, his testimony provided valuable evidence in European terror cell cases, and gave counter-terrorism officials insight into the unseen world of al-Qaeda training camps in north-west Pakistan. He provided a witness statement in a Belgian terror group’s trial that gave information about their ties to al-Qaeda. His cooperation also helped the U.S. military target al-Qaeda training camps with drones in Pakistan.

Vinas was charged in a Brooklyn federal court with conspiracy to murder U.S. nationals, providing material support to a foreign terrorist organization and receiving military-type training from a foreign terrorist organization. He eventually pled guilty to all three counts.¹ His final sentence is pending on the basis of his continuing cooperation and the usefulness of his information in the continuing war on terror. This may explain his readiness to cooperate after being captured, despite his faith in the jihadist cause. His charges could entail a maximum sentence of life in prison.²

2. Nature of the adversary

Bryant Vinas was born in Queens, New York, and lived in Medford, a suburb on Long Island. His parents immigrated to the United States four years before Vinas was born. His father, Juan, was an engineer from Peru. Maria Louisa, his mother, was from Argentina and worked as a caregiver.³ He also had a

¹ *United States v. John Doe*. Guilty Plea. 08-CR-823. United States Courthouse, Brooklyn, New York. January 28, 2009, 9.

² “New Yorker Pleads Guilty to Providing NYC Transit Information to al-Qaeda,” Anti-Defamation League, May 24, 2010. http://www.adl.org/main_Terrorism/vinas_guilty_plea.htm

³ Presumably Vinas knew Spanish; his parents were Spanish immigrants. He would later listen to Puerto Rican music, and have friends of Hispanic descent.

younger sister named Lisa. He had a typical childhood, liking the same activities of any other normal American boy; at one time he was a Boy Scout.⁴ He played the piano and guitar, and liked anime and video games. He was a Mets fan with a passion for baseball, playing on his high school's Junior Varsity team. He was raised Roman Catholic, at his father's insistence. He was even an altar boy.⁵

Neighbors, teachers and family friends remember him as a sweet child who cared deeply about his family. He was very close to his sister, whom he once saved from drowning and was protective of at school. This faith in his family was shattered at the age of 14, because of his parents' bitter divorce. His father had been unfaithful with another woman. This situation not only angered young Vinas, seeing his family suddenly in tatters at a young age, but also shook his faith in Catholicism. He became an angry teenager, with a quick temper. His mother said he was increasingly rebellious and disrespectful towards her. He eventually become too much for her to handle, and she transferred custody of Vinas to his father whom he moved in with shortly after.

At Longwood High School he let his hair grow out and began listening to violent Puerto Rican rap music. However, he avoided drugs, alcohol, sex, and fighting; some friends characterized him as "straight edge." He never had a problem finishing his homework on time. His mother postulated when interviewed that these restrictions could have been part of a deeper spiritual search. Before he moved out of her house, he would at times ask her to drive him to a nearby church when he became interested in evangelical Christianity.

At school, he was considered a loner, quiet and anonymous among his classmates. One of the few he did befriend was Alex Acevedo. He led Vinas into a close circle of friends, mostly of Puerto Rican descent. These friends described the young Vinas as somewhat gullible, and easily swayed by a group or a strong opinion.

Following the September 11 attacks, Vinas enlisted in the army. He had just graduated from high school. Some friends said he felt proud of his country during that time, while others theorized that he was motivated by the eagerness of his friends, and was not particularly patriotic. He only lasted a month in boot camp, from March 12 to April 11, 2002. The records of his time there, obtained by CNN, do not show the army's reason for his discharge. Acevedo said that although Vinas enjoyed it there, army life was too difficult for him. Vinas also suffers from asthma, which could provide another reason.⁶

Upon his return to Long Island, he began to associate with Acevedo's half-brother, a man named Victor Kuilan. Kuilan converted to Islam as a teenager, and was an amateur boxer. When Vinas showed an interest in his religion, he gave him an English-language copy of the Quran. Acevedo said it took Vinas only two days to read the book in its entirety.

⁴ Claire Suddath, "Bryant Neal Vinas: An American in al-Qaeda," *Time*, July 24, 2009.

⁵ Paul Cruickshank, Nic Robertson, and Ken Shiffman, "The radicalization of an all-American kid," CNN, May 13, 2010. This resource was extremely useful and exhaustive in its analysis of Vinas' life in New York.

⁶ Cruickshank et al., "Radicalization."

Shortly afterwards, Vinas abruptly converted to Islam, reciting the Muslim profession of faith, the Shahada, at the Al Falah mosque in Queens. Early in his conversion, there did not seem to be much change in him. His already strict behavioral choices matched well with the similar tenets of the Muslim faith. The mosque where he converted was run by the evangelical organization Tablighi Jamaat. The movement has a worldwide following and is known for its missionary charity work. Vinas participated in this, knocking on doors throughout his neighborhood. Tablighi Jamaat is known for zealotry in its beliefs but is also thought of in counterterrorism circles as apolitical.⁷

He began attending a different mosque, the Islamic Association of Long Island Masjid in Selden. This mosque was decidedly mainstream, but due to its size there were some radical elements. The Imam there was in regular contact with the F.B.I. and homeland security, and in his own words, he “watched the place like a hawk” for extremist influences. It was the oldest mosque in the area, and was a converted Episcopalian church. Its attendants were primarily of Pakistani descent.⁸ Kulian attended this mosque, as well, and so can provide an eyewitness account of Vinas’ conversion. In this new mosque, with its far larger congregation, Vinas took to his new faith with zeal. He began studying Arabic and the Quran. He also began wearing Islamic robes and a skullcap, and going by the name “Ibrahim” when around other Muslims.⁹ His increasingly fervent views even began to alienate others when he reprimanded them for failing to uphold Muslim tenets, even if they themselves were not Muslim. At this time he also tried to convert his father.¹⁰

His father says that he became a very private person at this time, an observation corroborated by many of his friends at the mosque. Vinas resisted his father’s advice that he attend college, enrolling in technical courses instead, which he failed to complete. He says that Vinas spent most of his time either working or at the mosque. Vinas held various jobs, including one at a car wash and another as a truck driver, but he failed to find consistent employment.¹¹

In 2004, he got a new job as a forklift operator. He also began to become increasingly interested in boxing, something else that Kulian had introduced him to. Vinas found others at his mosque who boxed as well, and they would spar during their free time. This did not quell Vinas’ anxiety, however, at his current living situation. He desperately sought the ability to travel and get out of his neighborhood, where he had lived his entire life. Friends said he saved in order to travel, sometimes eating cereal for every meal. After an accident at his new job, a financial settlement finally gave him enough funds to leave the country.¹²

Instead of just taking a normal vacation and warning very few about his departure, he entered Cuba illegally to try to receive additional boxing training. He ended up spending several months there. By all accounts, he found the

⁷ Cruickshank et al., “Radicalization.”

⁸ Sebastian Rotella and Josh Meyer, “U.S.-born militant who fought for al-Qaeda is in custody,” *Los Angeles Times*, July 23, 2009.

⁹ Ibid.

¹⁰ Cruickshank et al., “Radicalization.”

¹¹ Rotella and Meyer, “Militant in custody.”

¹² Cruickshank, et al., “Radicalization.”

experience vastly rewarding. He did not follow a strict Islamic lifestyle while there, and gained a reputation as a womanizer. On a second trip later that year, he moved in with his boxing instructor's daughter with whom he was having a relationship. Acevedo and others noticed that the trips seemed to have a cathartic appeal to Vinas. He relished the different culture and the challenge that entry posed to him. Vinas may have been more interested in the challenge that getting into Cuba posed than he was in how the trip would improve his boxing career. Unable to return to Cuba a third time, he was forced to end his relationship, and he became extremely depressed.¹³

3. Motivation

It was at this point that Vinas' radicalization really began. While other future terrorist suspects became radicalized after meeting a charismatic person with radical views, Vinas seems to have actively sought these people out. He ended his affiliation and work with Tablighi Jamaat. Their apolitical views no longer had any appeal to him, as he became increasingly conservative in his religious philosophy.

He began to spend nearly all his time on a computer, either studying the Quran or visiting religious websites. Counter-terrorism officials would later speculate that the internet played an important role in Vinas' radicalization. He almost certainly visited websites that talked about jihad, conspiracy theories about the United States and other extremist beliefs. Among these theories that he eventually latched on to was one holding that the government had staged the September 11 terrorist attacks and was planning to put all Muslims living in America into concentration camps. As someone who knew this "truth," he felt that he was particularly in danger, becoming fearful and paranoid. This online exposure no doubt contributed to Vinas' emerging worldview. He became increasingly angry and combative with his friends, arguing with them that the United States was at war with Islam. Acevedo noticed his friend was, "always pissed off, always mad."¹⁴

In 2005, Vinas began to associate with a group called the Islamic Thinkers Society. He had heard of them online, through the story of Joseph Cohen who, though Jewish, had converted to Islam, and now was a major spokesman for the group. Those at the Selden mosque knew Vinas by his Muslim name, Yousef al Khattab.¹⁵ This Society is Jihadist in its outlook and views. Based in New York, the Society is small but active, with thousands of online followers around the world, including many Americans. They are known to organize rallies but these are usually sparsely attended. They are affiliated with a similar British organization called Al-Muajiroun. They regularly use inflammatory rhetoric designed to foment Islamic extremism and violence. Although they support al-Qaeda and other terrorist organizations, they themselves are non-violent. All of their activity falls within the bounds of freedom of speech. However, their support for al-Qaeda worries most officials who are concerned that the Society's rhetoric

¹³ Cruickshank et al., "Radicalization."

¹⁴ Cruickshank et al., "Radicalization."

¹⁵ Cruickshank et al., "Radicalization."

makes violence acceptable and that it provides an outlet for young and impressionable Muslims like Vinas that may inspire them to a level of radicalization that might not have been achieved without such an stimulus. Their calls for violent action, whether they do anything or not, could be dangerous due to the enthusiasm they foster in others.¹⁶

Vinas was a prime target for such a group at this point in his life. His relationship with his friends and family was increasingly being strained by his radical views. Friends said that the Society had a strong affect on Vinas. Their radical views matched up with what Vinas already was learning about on the internet. While his friends and family treated his views with distance and skepticism, the Islamic Thinkers Society embraced and supported them.

The radical friend of Vinas' who led him to this group was an attendant of the Selden mosque named Ahmad Zarinni. Zarinni was of Afghan descent, and though raised and educated in New York, had never assimilated to American society. He had extreme difficulty holding down a job because of his conservative views, such as when he ordered his boss at a cell phone store to stop selling ringtones, because music was *haram*, forbidden. He quit when the owner of the store, a fellow member of the mosque, refused. He also wanted to teach children at the mosque his radical views, but the Imam categorically refused his offer to do so.

Zarinni, according to investigators, was a leader of the Society in New York, and he introduced Vinas to its members. Vinas began to make friends from among Society members including a man named Ahmer Qayyum. Qayyum had come to New York for an education, and attended the William Esper Studio, a prestigious acting school, from 2002 to 2004. However, his career never took off, and Qayyum struggled to find a job. He began to take his faith far more seriously, after rejecting the strict condemnation of his career choice by his father back in Pakistan while he was in school.

Qayyum, like many others, supported the Islamic Thinkers Society because of the wars the U.S. wages in Iraq and Afghanistan and because of its support for Israel. Like Vinas, he felt that the "evil American empire" was waging a war against Islam itself.¹⁷ This is important, because Vinas and his associates seemed to be motivated not by the nature of American culture, condemned as degenerate by many Jihadists, but by foreign policy decisions that the U.S. has made in the Middle East. Vinas, according to his friend Victor Kuilan, was particularly motivated by U.S. support for Israel. These critiques may not be particularly well-informed, but this source of radicalization must still be noted.

Investigators say that Vinas became very close to both Zarrini and Qayyum, attending several meetings with them but not actively participating in the group beyond that. Zarrini also knew the group's spokesperson, Khattab, very

¹⁶ Paul Cruickshank and Tim Lister, "N.J. suspects attended protests organized by radical Islamic group," CNN, June 11, 2010. Paul Cruickshank, "The Growing Danger from Radical Islamist Groups in the United States," *CTC Sentinel*, August 2010, 3(8), 4-9. See this article for further information about the Islamic Thinkers Society and other similar groups in the United States and United Kingdom. This includes a detailed summation of Vinas' involvement with the Society, as well as how other domestic terror suspects relate to them.

¹⁷ Cruickshank, et al. "Radicalization."

well, having met him on several occasions. Back at the Selden mosque, Vinas began to advocate for the Society's extreme views to his continually dwindling group of more moderate friends. They remember him saying on many occasions that Muslims should go to Palestine to fight against Israel. At least three Mosque-goers who knew Vinas told CNN that Vinas had said that he wanted to go overseas in order to fight for jihad.¹⁸ After a particularly bitter verbal confrontation with the mosque's caretaker, one of Vinas' closest friends when he first began going there, Vinas stopped worshipping at the Selden mosque.

Acevedo and Kuilan were still close to him at this point, but were disturbed by his angry tendencies. Acevedo says that Vinas stopped paying U.S. taxes in order to stop funding the American war against Islam, one of Osama bin Laden's orders to American Muslims. By this point, Vinas was obsessed with his anger, regularly venting his frustration verbally to his friends. According to investigators, Vinas was becoming frustrated with the Society. As he began to commit his mind more and more to jihad, he began to think of the Society's leaders as simply talkers, who had no intention of practicing what they preached. "The pattern we see is a lot of these [radicalized] individuals at a certain point realize that these groups are just talkers," said Mitchell Silber, Director of the N.Y.P.D. Intelligence Division. "And those that are serious about the jihad will leave these groups." Not every radical in the Islamic Thinkers Society was a future violent jihadist, but the Director's generalization is an apt one for Vinas.

Kuilan felt more and more uncomfortable around his friend. Vinas began saying that he wanted to go to Pakistan, to kill American soldiers himself. "I didn't take him serious, though," said Acevedo, with Kuilan's agreement. "I didn't think he was going to go kill somebody, you know. I didn't think it could be that simple, that you could be like, 'OK, the [U.S.] military is really aggravating me. Let me go to Pakistan.'"

Yet counter-terrorism officials say that that was exactly what Vinas was planning at this point. They say that he began to search for contacts in the Islamic Thinkers Society who could help him travel to Pakistan. He went to visit Khattab, who had moved with many of his followers to Atlantic City. Counter-terrorism officials say he was fishing for contacts, which they doubt Khattab could have provided. Khattab himself says that Vinas and others were simply there to visit him and hear his story. Officials do say that Vinas got his contacts from Qayyum, who still had family in Pakistan. Qayyum denied this, saying that he and Vinas did have plans to travel to Pakistan in 2008, but only to study Islam and possibly be treated for back pain.

In 2007, Vinas left New York without warning. His family said that he had disappeared, and that few at the mosque could give them any clues as to his whereabouts. He had left for Pakistan with three friends from the Selden mosque who still had family there. He arrived in Lahore, Pakistan on September 12, 2007. One of the friends, presumably Qayyum, arranged for his family to meet Vinas in Lahore, and get him a hotel room. Through the cousin of an Afghan family that another of these friends helped Vinas to meet, he successfully made contact with a Taliban commander. This commander, though unnamed in any of the testimony,

¹⁸ Cruickshank et al., "Radicalization."

is known to have fought U.S., NATO, and Afghan forces on numerous occasions throughout south-eastern Afghanistan. Within three weeks of arriving in Pakistan, Vinas had successfully made contact with, and joined, an organization that would prove to be decidedly more violent than any he had affiliated with in New York.¹⁹

After joining the Taliban commander's battle group, he crossed back into Kunar province in Afghanistan with them. While there, he participated in a rocket attack on a U.S. military base. The attack failed completely, as the attackers decided against firing mortars while American aircraft circled overhead. This attack consisted of twenty or so insurgents. Vinas then returned with the Taliban to the Pakistani Tribal Area of Mohmand. Vinas must have distinguished himself on these attacks, because a Taliban chief recommended him for transfer to a unit that carried out suicide attacks. Vinas accepted almost immediately, heading with other recruits to Peshawar for further training. However, these chiefs decided he needed further religious and spiritual training. He received some training in Peshawar, before traveling to Waziristan to be trained at an al-Qaeda camp. Most of the operatives he was around, he later testified, were from Saudi Arabia and Yemen.²⁰

From al-Qaeda's point of view, the decision to take in Vinas could have been tactical. Vinas is an American citizen, with an American passport, which he had to turn over once he joined the camp. He had no criminal record from New York or anywhere else, and had no previous record of membership in any terrorist organization. He could have gone back to the United States and travelled freely, meeting with contacts, gathering intelligence, planning attacks or any other similar operation that al-Qaeda could have carried out. There was a possibility that he may have been an informant, of course. However, Vinas had an obvious enthusiasm for the cause and he had good recommendations from the system of contacts and tribal relations that al-Qaeda uses in Pakistan. These considerations presumably overrode any concerns they might have had.²¹

Between March and July of 2008, Vinas took courses with other al-Qaeda recruits. In addition to application forms and graduations, they would receive periodic written performance evaluations. Vinas took Arabic with other foreign recruits in classes of ten to twenty students. He would eventually learn to speak Arabic, Urdu and Pashtun extremely well, in addition to knowing English and Spanish. Other classes included a course in small arms, such as the AK-47, explosives theory and the assembly of bombs and suicide vests, as well as a course in rockets and other similar weapons. Vinas showed a particular aptitude

¹⁹ Sebastian Rotella and Josh Meyer, "A young American's journey into al-Qaeda," *Los Angeles Times*, July 24, 2009.

²⁰ Nic Robertson and Paul Cruickshank, "New Yorker says he would have been suicide bomber," CNN, July 24, 2009.

²¹ Alex Rodriguez and Sebastian Rotella, "Pakistan looks at militant as key to Americans' journey," *Los Angeles Times*, December 13, 2009. This details a case where five Americans were recruited through e-mail, but were then rebuffed by al-Qaeda once reaching Pakistan out of fear they might be informants or liabilities. Critical in the case, authorities speculate, was an inability to tap into traditional networks to gain the organization's trust.

for explosives theory. Around this time he also appeared in an al-Qaeda propaganda video, later pointing himself out to authorities.²²

Receiving paramilitary training with Vinas were other foreign recruits from Europe and Turkey. They lived together in a system of safe houses. He befriended several other foreigners who had come to Pakistan to fight jihad, like him. One was a Turk who died in a suicide attack on a U.S. base. Another was a Frenchman from Morocco named Hamza el Alami, who Vinas said had taken a course on international terrorism that specifically talked about how to recruit cells in hostile countries outside of the region and how to carry out attacks. Another was a Belgian who took courses on assassination and kidnapping, and who wanted specifically to attack “easy targets” such as European subways and soccer stadiums.²³ Vinas’ later testimony revealed that al-Qaeda recruited from Europe’s criminal elements: one Belgian he met there had been a bank robber.²⁴ For security purposes, he went by the name Ibrahim, which he took for himself back at the Selden mosque when he had first converted to Islam. Fellow fighters called him by a different nickname, Bashir el-Ameriki, “the American.”²⁵

4. Goals

In September of 2008, Vinas and other al-Qaeda operatives fired rockets from the Pakistani border with Afghanistan onto American bases. One attack failed due to radio targets, and the other failed to do any damage, Vinas later would learn. He then returned to Waziristan and to the al-Qaeda leadership.²⁶ Having proven his worth as a capable and intelligent fighter, he was now a full fledged member of the terrorist organization. Throughout this period, Vinas was living his dream of fighting for al-Qaeda against the United States and its allies.

Having done this, he now shared the aspirations of his fellow jihadis to take the fight back to the infidel’s home front. Vinas was completely wrapped up in jihadist ideology. He does not say that he wants the United States destroyed, but he does want to inflict mass casualties. His language and that of others about the “American Empire” is vitriolic on this point. Through violent terrorist attacks, that are highly publicized, he may have thought that he could have exerted some pressure on the United States to end its war against Islam.

5. Plans for violence

For these reasons, Vinas began to work with al-Qaeda leaders to plan an attack in the place where he had grown up and lived his earlier life and talked to them about the possibility of bombing the commuter train system in New York City. Specifically, they discussed targeting the Penn Station stop of the Long Island Rail Road (L.I.R.R.). Vinas had taken this train nearly every day while working in New York and would have been familiar with its layout and general security.

²² Ibid.

²³ Rotella and Meyer, “A young American’s journey.”

²⁴ Mike Powell, “U.S. recruit reveals how Qaeda trains foreigners,” *New York Times*, July 23, 2009.

²⁵ Rotella and Meyer, “A young American’s journey.”

²⁶ Powell, “U.S. Recruit.”

According to Vinas, this was the extent of the plan. Surely al-Qaeda was interested in the information, but the attack itself never went beyond the planning stage. According to his testimony, they had discussed using suicide bombers, and the attack would most certainly have used explosives. It is unclear whether Vinas would have participated in person, or whether he was merely providing intelligence. Also, it is not clear whether this bombing would have been an isolated one to inspire fear or as part of a coordinated assault on New York's public transportation system.

Vinas himself may not have been privy to the most relevant details of any such plot that al-Qaeda's operational planners may have been putting into place. His intelligence would have most certainly helped any such attack. Vinas' testimony and later corroborating evidence suggest that the attack idea was a serious one, and would have had at least as high a chance of succeeding as anything else al-Qaeda had attempted up to that point. It is difficult to fully gauge the threat presented by their plan. The attack was plausible, but the group had not taken tangible steps to set the plan in motion.²⁷

In October 2008, Vinas left the camp and returned to Peshawar. It is unclear exactly why he left. Vinas claimed that he was returning to Peshawar in order to find a wife.²⁸ Investigators say that he was there to get supplies and contact a cell of terrorists operating in Belgium. One thing to note here is the oddness of al-Qaeda's tactics. Why use the American, who would be a valuable member of any recruiting, intelligence gathering or offensive mission, to do a job that a local may have been far more suited for? Unless they were seriously lacking manpower, using Vinas in this role would seem to be a huge risk. Either al-Qaeda felt confident enough to send him safely, or he may have actually wanted to come to Peshawar to live there of his own accord.

U.S. counter-terrorism investigators had been monitoring the Belgian group's emails, and may have tracked down Vinas by intercepting his communications.²⁹ Officials say that they had been tracking him once he arrived in Pakistan, or possibly even earlier. U.S. and Pakistani forces seem to have been aware of his arrival, and made many attempts to follow the chain of connections he made up until the point he made contact with the Taliban and al-Qaeda. It is even possible that this monitoring began back in New York, even before he began travelling. The officials who provided these assurances spoke to the *Los Angeles Times* in July, 2009, on the condition of anonymity. Much of Vinas' case is still ongoing and classified, as authorities hope to continue to use him as a source of information about al-Qaeda.³⁰

At any rate, he was arrested by Pakistani security forces and transferred to U.S. custody. He proved to be a treasure trove of information regarding al-Qaeda tactics, training methods and operations. Vinas gave a witness statement in the

²⁷ William K. Rashbaum and Souad Mekhennet, "L.I. man helped Qaeda, then informed," *New York Times*, July 22, 2009. Rotella and Meyer, "A young American's Journey."

²⁸ Powell, "U.S. Recruit."

²⁹ Rotella and Meyer, "Militant in Custody."

³⁰ Josh Meyer and Sebastian Rotella, "American forged own path into al-Qaeda," *Los Angeles Times*, July 26, 2009.

trial of members of a Belgian terror cell arrested in Brussels in December 2008. These operatives had received the same training as Vinas and in the same geographical location. In addition, according to his testimony, Vinas met at least once with the leader of the Belgian cell while training with al-Qaeda.³¹

6. Role of informants

Informants did not play any role in this case, including in the capture of Vinas.

7. Connections

The connections between Vinas, the Taliban, and al-Qaeda proved to be close, and have already been discussed.

8. Relation to the Muslim community

Friends at the mosque, as well as its imam, were shocked when they learned about Vinas' capture and where he had been. They stressed that he was nearly always polite to them, and was quiet and personal. Many noted that the Vinas they knew seemed incapable of going so far away from home for such insidious purposes. Many expressed surprise that someone like Vinas had originated out of a mosque that was so moderate and mainstream.³²

There does not appear to be evidence that Vinas' case led to increased monitoring of mosques that he had attended, or in the New York area. By all accounts, mosques continued to be monitored lightly, with cooperation from community leaders. U.S. officials were already monitoring the Islamic Thinkers Society closely, which is how they may have begun to shadow Vinas' movements.

9. Depiction by the authorities

After Vinas' capture and subsequent testimony, the F.B.I. and homeland security thought it prudent to alert the N.Y.P.D. of a possible terrorist attack on the New York metro system over the Thanksgiving holiday in 2008. Vinas' talks with al-Qaeda operational planners about possibly bombing commuter rail lines gave them enough pause to issue the warning. The L.I.R.R. was cited as the most vulnerable target. There was no evidence, in Vinas' testimony or other sources, that al-Qaeda had any plans to attack anything during this time including those targets. Authorities stressed the hypothetical nature of the threat, but also its plausibility. They speculated about many of the details of the threat, and formulated their precautionary measures accordingly. The N.Y.P.D.'s response did not involve any change in the transit schedule, and the nation's threat level remained at its previous level. There was an increased police presence, with behavior detection officers in both uniform and street clothes, canine teams, federal air marshals and security inspectors.³³

³¹ Robertson, et al., "New Yorker says."

³² Cruickshank, et al., "Radicalization."

³³ "FBI warns of Thanksgiving terrorist threat," *The Telegraph*, November 26, 2008.

10. Coverage by the media

The media coverage was somewhat sensationalist. The fear was the possibility of synchronized bomb attacks in a heavily trafficked metropolitan transit system. Many papers and news outlets compared the planned incident to the Madrid attacks in 2004 even speculating that it was inspired by those deadly bombings. Nothing in the F.B.I. warning gave them any indication that this type of attack was planned. Local news speculated that a G20 Summit in Washington, D.C. and the upcoming inauguration of then President-elect Barack Obama would make the attack of a major transportation system at that time attractive.³⁴ Despite this alarmism, the media did stress that al-Qaeda had only discussed attacking, and some thought the government response over-cautious. The holiday passed without notable incident.³⁵

11. Policing Costs

Vinas' unique case represented a singular challenge from a policing perspective. The possible attack on the New York metro garnered a large police presence that was no doubt expensive for New York City. In addition, the inconvenience to holiday travelers has to be measured. Vinas' capture, however, appears to have been within the policing and intelligence structures developed for the global war on terror. It did not require any extraordinary policing beyond what counter-terrorism officials already employed, and his actual capture by Pakistani security forces seems to have been fairly routine. Although specific details of his capture and detainment remain classified, he is currently in an unnamed Federal Prison in New York.

The legal costs could have created issues, as Vinas' had a footprint in the Belgian terror case. The international nature of his case probably meant that the legal fees could have been expensive. Relative to other cases, his trial did not drag on. He pled guilty fairly quickly to all three counts against him, and is awaiting sentencing. As a result, legal fees would be large, but not necessarily uniquely large.

In fact, relative to the amount of intelligence Vinas was able and willing to provide with almost no coercion, his capture should be considered an amazing boon to U.S. security. His loss, not only in the terrorist's potential, but in names of operatives, locations of bases, methods and numerous other details is an unmitigated disaster for al-Qaeda. Bearing in mind these advantages, the policing costs associated with the Vinas case are comparatively small.

12. Relevance of the internet

As stated above, the internet had a major influence on Vinas. Jihadist websites provided Vinas with information and support that initiated his radicalization. His relative gullibility led him to believe the conspiracy theories that he read, which had a decided influence on his later worldview. The internet

³⁴ "Juval Aviv Interviewed About Possible Thanksgiving Terrorist Attack," December 8, 2008. <http://youtube/lfKMOsL084Y>

³⁵ "FBI warns of Thanksgiving." "Feds Warn Of Possible NYC Terror Plot," CBS News, November 26, 2008.

led Vinas to the Islamic Thinkers Society,³⁶ and therefore to the radicals and contacts that would enable him to travel to Pakistan. Without such a large jihadist presence on the internet, Vinas likely would have not been radicalized and not become a threat to American security.

Allegedly, it was al-Qaeda's use of the internet to communicate with European terror cells that led authorities to capture Vinas.

13. Are we safer?

The capture of Bryant Neal Vinas makes America safer if for no other reason than the intelligence that he was able to provide about al-Qaeda and the Taliban. He readily cooperated with officials. His information led to the arrest of senior al-Qaeda operatives, and Predator drone strikes in Pakistan on insurgent bases by the U.S. Military.³⁷ By any measure, this intelligence has enabled a major step forward in the tactical situation in Afghanistan and Pakistan.

There is no worry about any civil liberties issues arising out of this case. There was no entrapment, and Vinas pled guilty to all charges. All evidence indicates that Vinas sought out a way to fight jihad with other terrorists, and would have made further attempts to aid al-Qaeda and kill Americans.

There are other intangibles, as well. Vinas was a combat member of al-Qaeda, and almost certainly would have continued planning, and perhaps executing, terrorist attacks. For reasons described above, Vinas' arrival in Pakistan was a major opportunity for the terrorist group. As an unassuming local, Vinas would have had little trouble moving invisibly through networks in America. There is no guarantee that the counter-terror investigators intermittently tracking him would have continued to have success. For the intelligence he provided and for the denial of al-Qaeda of an incredibly useful tool, Vinas' capture undoubtedly helps keep us safer.

14. Conclusions

The case resonates somewhat with that Najibullah Zazi (Case 28). Though a native of Afghanistan, Zazi hatched a similar plot as Vinas, to blow up the New York subway system. He had spent a few years of his life living in New York City, and so may have travelled in similar circles as Vinas. Vinas had met Zazi in 2008 while training in Pakistan, and the two had discussed their respective plans for attacks.³⁸ Zazi was arrested when he returned to America in September 2009, pleading guilty to the charge that he was planning a suicide attack on the New York subway system. Vinas and Zazi have shown that the threat of "homegrown" radicalization is still a distinct possibility that policy makers and police forces have to take into account. Like Vinas, Zazi, whatever the depth of his radicalization, has cooperated after his arrest. Vinas' self-motivation and gradual radicalization make him a dangerous threat, but also a rare one.

³⁶ The Islamic Thinkers Society website can be accessed in English at www.islamicthinkers.com.

³⁷ Rashbaum and Mekhennet, "L.I. Man."

³⁸ Sebastian Rotella, "U.S. sees homegrown Muslim extremism as rising threat," *Los Angeles Times*, December 7, 2009.

Max Abrahms argues that terrorist groups often offer a social bond to their members, changing their views and activities around this fact, rather than an actual political consideration. They seek a social consistency and solidarity when they coordinate their actions towards violence.³⁹ This analysis could explain some of the story of Bryant Vinas' radicalization. At a young age, what he took for family and faith was taken from him, so he may have lacked real social participation that could have satisfied a need for solidarity and social cohesion with peers. Failing to find stable or suitable alternatives, this could have explained his original conversion to Islam, and later his radicalization. It is difficult to determine the exact extent to which social considerations played a role in how Vinas became a member of al-Qaeda. Once he arrived in Pakistan, the theory certainly helps to explain his continued participation in al-Qaeda's activities.

Until his radicalization, Bryant Vinas' life was extremely normal. He showed no signs of mental issues and had no criminal record. His parents' divorce, though tragic, could have occurred in any similar family. Vinas does not fit any type of normal profile for a radicalized Muslim American. It is therefore difficult to draw general lessons from his experience.

The Vinas case suggests a different perspective on al-Qaeda recruitment than what some views of the organization hold. There is certainly no established and official pipeline where al-Qaeda takes radical youths like Vinas and gets them to Pakistan where they are then trained to be terrorists. However, those who become radicalized on their own, in prison, or on the internet are a realistic threat. These potential radicals, if they are as committed as Vinas was, can exploit an informal network of contacts of Muslim immigrants in America and traditional family and tribal relationships in Afghanistan, Pakistan and other fronts. Though this phenomenon appears to be exceedingly rare, at least in the United States, it can still worry counter-terrorism officials. A vast, informal network hostile to the outside world is a much more difficult thing to monitor. It can also be an additional challenge for the CIA and other intelligence agencies which attempt to infiltrate these groups. Those like Vinas who self-recruit can still find ways to join with insurgents and inflict damage abroad or in the United States.⁴⁰

What is shocking about his case, is the relative ease with which he reached the Taliban once he arrived in Pakistan. Once he was determined to join a terrorist group and fight Americans, he had little trouble seeking them out on his own. This is a problem to the authorities. Someone who can tap into the traditional networks that al-Qaeda operates in could reach the organization covertly, without counter-terrorism officials being aware of it. On the other hand, this is encouraging in that al-Qaeda does not seem to be effectively operating a real recruiting pipeline out of the American Muslim community. Relative to many other parts of the world, Muslims in American tend to be well integrated into society, and are largely self-policing when it comes to extremism. However, someone like Vinas who was radicalized online and sought out jihad himself could nevertheless find ways to join a terrorist organization if sufficiently motivated.

³⁹ Max Abrahms, "What Terrorists Really Want," *International Security*, Spring 2008.

⁴⁰ Meyer, "American forged own path."

Case 25: Bronx Synagogues

John Mueller

June 4, 2011

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

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

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

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

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

Case 25: Bronx Synagogues

David Bernstein

June 4, 2011

typographical and other minor corrections December 6, 2011

1. Overview

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

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

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

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

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

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

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

⁵ Wilson, “Missteps Caught on Tape.”

⁶ Chan, “4 Arrested.”

⁷ Chan, “4 Arrested.”

⁸ Chan and Schweber, “Updates.”

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

2. Nature of the adversary

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

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

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

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

¹¹ Fahim, “4 Convicted.”

¹² Fahim, “4 Convicted.”

¹³ Fahim, “4 Convicted.”

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

¹⁵ Baker, “Suspects.”

¹⁶ Chan and Schweber, “Updates.”

¹⁷ Baker, “Suspects.”

¹⁸ Chan and Schweber, “Updates.”

¹⁹ Baker, “Suspects.”

²⁰ Chan and Schweber, “Updates.”

²¹ Baker, “Suspects.”

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

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

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

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

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

²³ Chan and Schweber, "Updates."

²⁴ Chan and Schweber, "Updates."

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

²⁶ Baker, "Suspects."

²⁷ Chan and Schweber, "Updates."

²⁸ Baker, "Suspects."

²⁹ Baker, "Suspects."

³⁰ Baker, "Suspects."

³¹ Baker, "Suspects."

³² Chan and Schweber, "Updates."

³³ Chan and Schweber, "Updates."

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

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

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

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

³⁵ Baker, “Suspects.”

³⁶ Baker, “Suspects.”

³⁷ Baker, “Suspects.”

³⁸ Baker, “Suspects.”

³⁹ Chan and Schweber, “Updates.”

⁴⁰ Baker, “Suspects.”

⁴¹ Baker, “Suspects.”

⁴² Chan and Schweber, “Updates.”

⁴³ Baker, “Suspects.”

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

⁴⁵ Chan and Schweber, “Updates.”

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

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

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

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

⁴⁶ Baker and Hernandez, "4 Accused."

⁴⁷ Baker, "Suspects."

⁴⁸ Chan and Schweber, "Updates."

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

⁵⁰ Chan and Schweber, "Updates."

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

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

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

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

3. Motivation

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

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

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

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

⁵⁵ Chan, “4 Arrested.”

⁵⁶ Wilson, “Missteps Caught on Tape.”

⁵⁷ Wilson, “Missteps Caught on Tape.”

⁵⁸ Chan, “4 Arrested.”

⁵⁹ Fahim, “Informer says Defendant.”

⁶⁰ Chan, “4 Arrested.”

⁶¹ Fahim, “On Tapes.”

⁶² Fahim, “On Tapes.”

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

4. Goals

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

5. Plans for violence

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

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

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

⁶⁴ Fahim, “In Bronx Bomb Plot.”

⁶⁵ Wilson, “Missteps Caught on Tape.”

⁶⁶ Wilson, “Missteps Caught on Tape.”

⁶⁷ Wilson, “Missteps Caught on Tape.”

⁶⁸ Wilson, “Missteps Caught on Tape.”

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

⁷⁰ Wilson, “Missteps Caught on Tape.”

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

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

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

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

⁷² Fahim, "Suspect Wavering."

⁷³ Fahim, "Suspect Wavering."

⁷⁴ Wilson, "Missteps Caught on Tape."

⁷⁵ Wilson, "Missteps Caught on Tape."

⁷⁶ Baker and Hernandez, "4 Accused."

⁷⁷ Wilson, "Missteps Caught on Tape."

⁷⁸ Wilson, "Missteps Caught on Tape."

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

⁸⁰ Wilson, "Missteps Caught on Tape."

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

⁸² Daly, "Terror suspect."

⁸³ Wilson, "Missteps Caught on Tape."

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

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

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

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

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

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

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

⁸⁵ Baker and Hernandez, “4 Accused.”

⁸⁶ Baker and Hernandez, “4 Accused.”

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

⁸⁸ Baker and Hernandez, “4 Accused.”

⁸⁹ Daly, “Terror suspect.”

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

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

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

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

6. Role of informants

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

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

⁹² Fahim, "In Bronx Bomb Plot."

⁹³ Chan, "4 Arrested."

⁹⁴ Chan, "4 Arrested."

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

⁹⁶ Fahim, "Suspect Wavering."

⁹⁷ Fahim, "Informer."

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

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

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

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

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

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

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

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

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

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

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

¹⁰⁶ Fahim, "Agent."

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

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

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

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

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

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

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

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

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

¹¹² Fahim, “Agent.”

¹¹³ Fahim, “Agent.”

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

¹¹⁵ Sulzberger, “Defense.”

¹¹⁶ Sulzberger, “Defense.”

¹¹⁷ Fahim, “Agent.”

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

¹¹⁹ Fahim, “Suspect Wavering.”

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

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

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

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

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

7. Connections

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

¹²¹ Fahim, “Suspect Wavering.”

¹²² Associated Press, “Judge.”

¹²³ Fahim, “4 Convicted.”

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

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

¹²⁶ Fahim, “4 Convicted.”

¹²⁷ Fahim, “4 Convicted.”

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

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

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

8. Relation to the Muslim community

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

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

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

¹²⁹ Fahim, "Informer says Defendant."

¹³⁰ Baker, "Suspects."

¹³¹ Chan and Schweber, "Updates."

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

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

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

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

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

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

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

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

9. Depiction by the authorities

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

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

¹³⁹ Chan and Schweber, "Updates."

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

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

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

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

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

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

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

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

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

¹⁴⁴ Baker and Hernandez, “4 Accused.”

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

¹⁴⁶ Hernandez and Chan, “Suspects Acted Alone.”

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

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

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

10. Coverage by the media

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

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

11. Policing costs

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

¹⁴⁹ Fahim, “4 Convicted.”

¹⁵⁰ Baker and Hernandez, “4 Accused.”

¹⁵¹ Fitzgerald and Hill, “Bumbling Bomb Plotters.”

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

¹⁵³ Fahim, “Agent.”

¹⁵⁴ Fahim, “Agent.”

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

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

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

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

12. Relevance of the internet

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

13. Are we safer?

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

¹⁵⁵ Baker, “Suspects.”

¹⁵⁶ Wilson, “Missteps Caught on Tape.”

¹⁵⁷ Fahim, “Surveillance.”

¹⁵⁸ Chan, “4 Arrested.”

¹⁵⁹ Chan, “4 Arrested.”

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

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

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

14. Conclusions

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

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

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

¹⁶¹ Fahim, “On Tapes.”

¹⁶² Ain, “Implications.”

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

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

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

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

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

Case 26: Little Rock

John Mueller

June 4, 2011

Abdulhakim Mujahid Muhammad, born Carlos Leon Bledsoe, is an African-American who has been a fairly consistent loner—and loser. After shopping around for religions after almost being sent to jail for various infractions, he settled on Islam. Increasingly radical and outraged at U.S. foreign policy, he came to yearn for martyrdom and ventured to Yemen 2007 to get training. But he was instead incarcerated by authorities there for various infractions and then deported back to the United States.

Questing for targets to attack, he conducted Google map searches related to “Jewish entities,” a Baptist church, Times Square, a child care facility, a US post office, and military recruiting centers in six different cities.¹ In 2009, he decided to kill Rabbis in Little Rock, Arkansas, and in Memphis and Nashville, Tennessee, after which he planned to attack army recruitment centers in several cities (as he put it later, he wanted “to kill as many people in the Army as he could”).² But the effort to kill the Nashville Rabbi with a Molotov cocktail failed miserably: the explosive bounced off the Rabbi’s window and, regardless, failed to explode, and, moreover, was aimed at the wrong house. He then decided to shoot up a military recruitment center in Florence, Kentucky (chosen because “it was near an interstate highway and bordered Ohio”) only to find that the office was closed. Finally, he went home to Little Rock and with no plan at all, shot at a recruiting center three miles from his apartment, killing one soldier who was on a smoke break and wounding another. After making a wrong turn in his getaway car, he was captured by police 12 minutes after the shooting.

Although great efforts have been made to determine which targets are attractive to terrorists, the Little Rock shooter’s procedure suggests that the process effectively comes close to being a random one. Additionally, his history does not fit well with the notion that homegrown terrorists go abroad for training and then return to apply their new skills. He does seem to have tried to do that, but was unsuccessful in the mission.

His choice of weapon was also somewhat random. As Michael Coleman notes, he had originally envisioned using bombs, but when his efforts to get trained in bomb-making failed, he defaulted to drive-by shootings. Given the difficulty terrorists have had with making and detonating bombs, it would seem that this simpler method of mayhem would have recommended itself to more of them.

Except for the El Al and the Fort Hood killings, also accomplished by shootings (Cases 4 and 32), this miserably pathetic, if murderous, venture is just about the only instance in which someone has been killed in the United States by a Muslim extremist since 9/11. Nonetheless, it inspired little public reaction and not much press.

¹ NEFA Foundation, “Target: America: A NEFA report on the Little Rock, Arkansas Recruiting Station Shooting,” nefafoundation.org, June 2009, 3.

² NEFA Foundation, “The Little Rock, Arkansas Recruiting Station Shooting,” 2.

Also of interest: these cases are the only true “lone wolf” attacks in this book—attacks in which the perpetrator or would-be perpetrator was unaided by trainers, by fellow conspirators, or by FBI agents and informants.

Case 26: Little Rock

Michael Coleman

June 4, 2011

typographical and other minor corrections December 6, 2011

1. Overview

On June 1, 2009 around 10:20am,¹ Abdulhakim Mujahid Muhammad, a convert to Islam, fired an SKS semiautomatic assault rifle² at soldiers outside an Army recruitment center in Little Rock, Arkansas, killing Private William Long and wounding Private Quinton Ezeagwula³ in a self-professed jihadist attack. Approximately 12 minutes after the shootings,⁴ Muhammad was arrested by the Little Rock Police Department near a highway intersection.⁵

He has been charged with capital murder, attempted capital murder, aggravated assault, and 16 counts of committing a terrorist act.⁶ Despite his desire to plead guilty, he is unable to do so under Arkansas state law because he faces the death penalty.⁷ Prior to this, Muhammad had planned several jihadist attacks on U.S. military centers as well as on Jewish institutions in multiple American cities.⁸ For a detailed timeline of the events, see the Appendix.

2. Nature of the adversary

Muhammad is an African-American male born Carlos Leon Bledsoe on July 9, 1985 in Memphis, Tennessee to Linda and Melvin Bledsoe.⁹ All things considered, he lived a normal life growing up. A middle-class American citizen, he attended a Baptist church with his family, played youth basketball, and worked at a Chuck E. Cheese's.¹⁰ After his arrest, Muhammad underwent a psychological evaluation at Arkansas State Hospital.¹¹ There, he told the psychiatrist that he began using alcohol around the age of 15 or 16 but only drank a few times per year.¹² He also admitted to smoking a marijuana joint or two every month since he was 14. Since middle school, he had been suspended several times for using guns and knives in school fights and claimed to be a member of a gang.¹³ In 2003,

¹ "One Shot, One Dead Outside LR. Recruiting Office," Wreg.com, June 1, 2009.

² A Soviet semi-automatic carbine. See "SKS," Wikipedia, accessed December 3, 2010.

³ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2009.

⁴ David Goins, "Little Rock Shooter May Have Had Other Targets," FOX16.com, Little Rock, AR, June 3, 2009.

⁵ "One Shot."

⁶ Kristina Goetz, "Muslim Who Shot Soldier in Arkansas Says He Wanted to Cause More Death," Knoxnews.com, November 13, 2010. This source from the *Commercial Appeal* of Memphis is particularly comprehensive. It gives a detailed account of Muhammad's life, psychological state, and motives. Muhammad has written seven letters directly to the *Commercial Appeal* during the course of his incarceration, the details of which are reported verbatim in the article.

⁷ Bob Smietana, "The Iconoclast," *New English Review*, July 29, 2010.

⁸ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 3.

⁹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 1.

¹⁰ Goetz, "Muslim Who Shot Soldier."

¹¹ Goetz, "Muslim Who Shot Soldier."

¹² Goetz, "Muslim Who Shot Soldier."

¹³ Goetz, "Muslim Who Shot Soldier."

just before his 18th birthday, he was involved in a criminal incident. After a woman failed to yield at a stop sign, he jumped out of his car with brass knuckles on his hands and approached the woman's car window and threatened to kill her.¹⁴ The case stayed out of the courts and was instead handled by juvenile authorities.¹⁵ According to the police report, Muhammad was affiliated with the M.O.B. gang.¹⁶

After graduating from Memphis' Craigmont High School in 2003, Muhammad attended Tennessee State University in Nashville to study business administration for three semesters. There, his drinking and drug use increased significantly to several times per week. In February 2004, during his freshman year he was a passenger in the backseat of a car pulled over by the Knoxville police for an equipment violation. The police found an SKS assault rifle and two shotguns in the car and marijuana and a switchblade on him. Although he faced 14 years of imprisonment, he got off on a plea deal that stipulated a one year probation and no criminal activity.¹⁷

After the incident, Muhammad began exploring various religions to turn his life around and he quickly abandoned Christianity, the religion of his childhood, because he could not comprehend the trinity.¹⁸ Although he was attracted to Judaism because of monotheism, he says he was turned away from synagogues because he was black.¹⁹ He found the religion to be full of racial pride and instead moved on to Islam.²⁰ He started attending the Masjid As-Salam mosque²¹ in Memphis in 2004, where he came to accept the religion at the age of 19. Muhammad felt immediately welcomed as a brother and soon thereafter dedicated his life to Allah. He considered himself a mujahid—one who participates in jihad—a term he selected as his middle name in 2006.²²

In a 2010 psychiatric report at the time of his trial, Muhammad said he "loved jihad ever since he became a Muslim." Interestingly, members of the Masjid As-Salam mosque said they did not see him often but knew him as a calm young man. Likewise, his family members—who were supportive of his religious conversion—never heard him talk about extremist behavior. The psychiatric evaluation corroborated his claim to gang membership and concluded he was sane and able to stand trial.²³

He dropped out of college and starting living in cheap apartments in the Memphis area.²⁴ On March 26, 2006, he legally changed his name from Carlos Leon Bledsoe to Abdulhakim Mujahid Muhammad.²⁵ In 2006 and 2007, he made

¹⁴ Goetz, "Muslim Who Shot Soldier."

¹⁵ Goetz, "Muslim Who Shot Soldier."

¹⁶ A Memphis based gang. For further information see Jody Callahan. "Police Shut down New Mexico Branch of 'Memphis M.O.B'," *Commercial Appeal*, April 9, 2009.

¹⁷ Goetz, "Muslim Who Shot Soldier."

¹⁸ Goetz, "Muslim Who Shot Soldier."

¹⁹ Goetz, "Muslim Who Shot Soldier."

²⁰ Goetz, "Muslim Who Shot Soldier."

²¹ Goetz, "Muslim Who Shot Soldier."

²² NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

²³ Goetz, "Muslim Who Shot Soldier."

²⁴ Goetz, "Muslim Who Shot Soldier."

²⁵ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

several trips to Columbus, Ohio and attended the same mosque²⁶ once frequented by convicted terrorists Nuradin Abdi, Iyman Faris, and Christopher Paul (Case 6), although it is uncertain whether he had any ties with them.²⁷

On September 11, 2007, he traveled to Yemen to teach English with the British Council. He also took Arabic classes at the City Institute and studied Islam.²⁸ In Yemen, Muhammad converted to Sunni Islam and married an elementary school teacher to whom he taught English.²⁹ Later, he would regard English as the language of the enemy.³⁰ When his sister found out about his change of faith, she worried that he would become a militant Muslim. Muhammad addressed her concerns by vehemently stating that he was not “one of those Muslims.”³¹

On November 14, 2008, just two months after his marriage, Muhammad was arrested at a roadside checkpoint in Aden for overstaying his visa.³² The police found him in possession of a fake Somali passport, videos about the daily operations of Muslim soldiers, and literature by Anwar al-Awlaki,³³ a radical Islamic cleric who left the United States in 2002 and who spreads internet messages of al-Qaeda and instructions on how to construct explosives. Muhammad was imprisoned in Yemen’s Political Security Organization for two months, during which time he is reported to have started planning his jihadist attacks.³⁴ During his incarceration, the FBI interrogated him on several occasions with concerns that he was being trained by terrorist cells in Somalia.³⁵

He had moved to Yemen to join his Mujahideen brothers and to get training in car bomb making and weapons use. He says he was encouraged there to commit an act of martyrdom. His arrest seemed to have impelled plans that he had long since developed. In other words, his plan of attack was not conceived in spite of his imprisonment; they were merely altered. Muhammad later said that, had he made it to Somalia for training, the drive-by attack he eventually committed in Little Rock would have been a drive-in.³⁶

On January 29, 2009, Muhammad was deported back to the United States. Upon his return, the FBI’s Joint Terrorism Investigation visited him a number of times as part of a preliminary investigation that turned out to be inconclusive.³⁷ As a result, the FBI could not tap his phone or put him under surveillance.

²⁶ Maybe attended the Omar Ibn el-Khattab mosque in Columbus: see "Soldier Killed at Arkansas Army Recruiting Center," adl.com, Anti-Defamation League, June 10, 2009.

²⁷ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

²⁸ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 5.

²⁹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 5.

³⁰ Goetz, "Muslim Who Shot Soldier."

³¹ Goetz, "Muslim Who Shot Soldier."

³² NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 6.

³³ Al-Awlaki is thought to have encouraged Hasan to execute the Ft. Hood shootings (Case 32).

See Goetz, "Muslim Who Shot Soldier."

³⁴ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 6.

³⁵ Goetz, "Muslim Who Shot Soldier."

³⁶ Goetz, "Muslim Who Shot Soldier."

³⁷ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

In April 2009, Muhammad moved to Little Rock to work for his father's tour bus company.³⁸ Days before the shootings, Muhammad was seen driving a Little Rock Hilton Hotel sightseeing van.³⁹

3. Motivation

In examining the many reasons Muhammad gives for his attack, the two primary motivations appear to be revenge for a U.S. foreign policy that results in the death of Muslims and a fantastical desire for martyrdom. Muhammad told the Little Rock Police Department that his goals were "to kill as many people in the Army as he could"⁴⁰ as retribution for "what they had done to Muslims in the past" and he cites American involvement in the Middle East as a harm to Islam, which justifies a jihad.⁴¹ Judging from his testimony, his jihad thus seems highly enveloped in religious and political motivations. His possible plans to attack day-care centers and his regard for English as the language of the enemy⁴² indicate that he may also have detested American culture. That said, his religious and political motivations are expressed much more explicitly.

4. Goals

The goal of his jihad was to help convince the U.S. government to fully remove troops from Iraq and Afghanistan and to stop its support for Israel's massacre of Muslims.⁴³ According to Muhammad, more American bloodshed would ensue if these "goals" were not accomplished.⁴⁴ From his jihadist attacks, then, he sought to send a simple message: leave the Middle East or there will be more American bloodshed.

5. Plans for violence

In April of 2009, After Muhammad moved to a small apartment in Little Rock to work for his father's company, he began stockpiling weapons and even purchased a .22 caliber handgun at a Wal-Mart to see if he was being watched by the FBI.⁴⁵

His plan was to assassinate three Zionist rabbis in Memphis, Little Rock, and Nashville and then target recruitment centers from the South to the nation's capital.⁴⁶ While in Nashville, he lit and threw a Molotov cocktail at what he believed to be the home of an orthodox rabbi. It turns out that he had the wrong house, and at any rate, the Molotov cocktail bounced off the window and failed to

³⁸ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

³⁹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 8; little supporting evidence.

⁴⁰ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2.

⁴¹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2.

⁴² Goetz, "Muslim Who Shot Soldier."

⁴³ James Dao and David Johnston, "Report of Motive in Recruiter Attack," *New York Times*, June 2, 2009.

⁴⁴ Goetz, "Muslim Who Shot Soldier."

⁴⁵ Goetz, "Muslim Who Shot Soldier."

⁴⁶ Goetz, "Muslim Who Shot Soldier."

explode.⁴⁷ After this blunder, he drove to an Army recruiting center in Florence, Kentucky. He had researched recruiting centers using Google Maps⁴⁸ and chose one in Florence because "it was near an interstate and bordered Ohio. Easy to get away."⁴⁹ The office, however, was closed.⁵⁰

Muhammad told the Arkansas state psychiatrist that the Little Rock shooting was actually unplanned.⁵¹ On June 1, 2009, he watched a subversive video, and this sparked him into action.⁵² He used a SKS semiautomatic assault rifle in a drive-by attack to kill a soldier at an army recruitment office while wounding another in the Ashley Square Shopping Center in Little Rock,⁵³ just three miles from his apartment. The soldiers, dressed in fatigues, were on a smoke break outside of the center when Muhammad drove by in his Ford Sport Trac SUV and opened fire.⁵⁴ He made a wrong turn on his get-away path and as a result the Little Rock police were easily able to corner and arrest him near the I-30/I-630 intersection.⁵⁵ He surrendered without a fight. The police found 562 rounds of ammunition, homemade silencers, and military books in his car.⁵⁶ He had intended to kill more soldiers in the Little Rock shooting and in future attacks against military recruiting offices, Jewish organizations, and daycare centers in New York, Atlanta, Philadelphia, and Louisville.⁵⁷

After his arrest in Little Rock, Muhammad wrote seven letters to the *Commercial Appeal* in Memphis stating his plans to kill further, and confirming FBI suspicions of his false Somali passport: he had planned to travel to Somali to join his Mujahideen brothers in weapons training and car bomb making. His original ideas was to attack his targets with bombs, but after his initial plans were foiled by his arrest in Aden that kept him from going to Somalia for training, he mostly defaulted to drive-by shooting.⁵⁸

In prison he has twice been charged with aggravated assault: for trying to stab a guard and, in another incident, another inmate with makeshift weapons.

6. Role of informants

There were no informants on this case.

7. Connections

Muhammad moved to Yemen where he studied Arabic and taught English to make money.⁵⁹ As noted, he had planned to travel to Somali to receive

⁴⁷ Goetz, "Muslim Who Shot Soldier."

⁴⁸ Pierre Thomas et al., "Recruiter Shooting Suspect Had Ties to Extremist Locations," ABC News/Politics, ABC News, June 3, 2009.

⁴⁹ Goetz, "Muslim Who Shot Soldier."

⁵⁰ Goetz, "Muslim Who Shot Soldier."

⁵¹ Goetz, "Muslim Who Shot Soldier."

⁵² Thomas et al., "Recruiter Shooting."

⁵³ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 1.

⁵⁴ Goetz, "Muslim Who Shot Soldier."

⁵⁵ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 1.

⁵⁶ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2.

⁵⁷ Thomas et al., "Recruiter Shooting."

⁵⁸ Goetz, "Muslim Who Shot Soldier."

⁵⁹ Goetz, "Muslim Who Shot Soldier."

weapons training from his Mujahideen brothers, but failed to make it due to his arrest in Aden. After the Little Rock shooting, the police found literature in his car by Anwar al-Awlaki, the radical Islamist cleric linked to the Ft. Hood attack. However, there is no indication that Muhammad had any line of communication with al-Awlaki.

After his arrest in Little Rock, Muhammad said he acted alone. During the trial process, however, he has switched his plea from not guilty to guilty, now claiming that he was sent by al-Qaeda based in the Arabian Peninsula (AQAP) and that he devised the plan with the help of that organization.⁶⁰ The Fall 2010 issue of *Inspire*, an English language magazine published by AQAP, contains an article that urges jihadists to follow Muhammad's type of attack.⁶¹ However, the publication does not indicate that AQAP had sent him to commit the Little Rock shooting. Overall, it is unlikely that the Little Rock shooting was coordinated by a terrorist network. Muhammad was certainly inspired by radical clerics and the AQAP, but more likely than not he planned the entire attack on his own. He also told police that the impetus for the attack came after he watched a video with "subversive activities."⁶²

8. Relation to the Muslim community

He had a direct tie to the Muslim community, both in the United States and abroad in Yemen and possibly Somalia. After converting to Islam in 2004, Muhammad started attending the Masjid As-Salam Mosque in Memphis and frequented a mosque in Columbus, Ohio in 2006 and 2007.⁶³ It is important to note that his jihadist actions were not supported by the mosque he attended in Memphis. One imam clarified that Islam means "peace" and that violent acts, such as those committed by Muhammad, are not supported by the Muslim community.⁶⁴ His time in Yemen further and more narrowly links him to the Muslim community, and his possession of a fake Somali passport and the Anwar al-Awlaki literature found in his car suggest extremist behavior.

9. Depiction by the authorities

The authorities were competent and responsible in their handling of the Little Rock shooting. Even initial reports were highly factual, including information about Muhammad's travels to Yemen and possession of a fraudulent Somali passport. Authorities also reported that he dropped out of Tennessee State University, changed his name, and converted to Islam in 2004. They were also surprisingly accurate when describing his background and motives. Little Rock Police Chief Stuart Thomas told the Associated Press it was unlikely that Muhammad had any connection to terrorist organizations in the Middle East or that he was part of a larger group; rather, he was thought to have acted alone.⁶⁵

⁶⁰ "Soldier Killed at Arkansas Army Recruiting Center."

⁶¹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

⁶² Thomas et al., "Recruiter Shooting."

⁶³ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

⁶⁴ Goetz, "Muslim Who Shot Soldier."

⁶⁵ Thomas et al., "Recruiter Shooting."

Authorities also knew that his attack was a form of retribution against the U.S. military for its killing of Muslims in the Middle East.⁶⁶ Later reports, particularly by the *Commercial Appeal* of Memphis and by the NEFA Foundation, add dates and comprehensive background information on Muhammad not included in the earliest reports, but the central facts of the case remain the same.

The authorities' surprisingly accurate depiction of the event is perhaps better explained by the substantial amount of knowledge federal agencies had of Muhammad prior to the shootings. The Department of Homeland Security released a report on the evening following the shooting stating that Mohammad used Google Maps to research other Army recruitment offices, Jewish organizations, and even daycares centers.⁶⁷ Additionally, the FBI's Joint Terrorist Task Force had interrogated Muhammad while he was imprisoned in Yemen and on several occasions after he had been deported back to the United States in January 2009.⁶⁸ Federal authorities already knew of Muhammad and suspected him of extremist ties but never had enough evidence to issue wiretaps or put surveillance on him.⁶⁹ While authorities had no warning of the Little Rock shooting, they did already have a profile on Muhammad and because of this, even local authorities were accurate in their analysis of what otherwise would have appeared to be a random act of violence.

10. Coverage by the media

The press coverage was relatively impartial and accurate, considering the apparent randomness of the shootings. The *New York Times* and ABC News commented on Muhammad's suspected ties to extremist locations⁷⁰ and their suspicions were corroborated by later evidence. Due to federal authorities' prior knowledge of Muhammad, the media had a fair amount of information to work from when reporting the shooting. Although several sources comment on his link to extremist groups, none jump to call him a terrorist or assume that his attack was an act of jihad. Like the authorities, the media were competent and responsible.

Muhammad's lawyer, James Hensley,⁷¹ had a strong predilection for the press and proved rather raucous early on in the case, asserting that his client was brainwashed while imprisoned in Yemen.⁷² Hensley was so keen on making wild public statements that the Pulaski County judge issued a gag order on the case just one week after the shootings, finding his commentary to be harmful to his client.⁷³ In this regard, the case became somewhat sensationalized, but much more on account of the lawyer's histrionics than the media's coverage.

11. Policing costs

⁶⁶ Dao and Johnston, "Report of Motive."

⁶⁷ Thomas et al., "Recruiter Shooting."

⁶⁸ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

⁶⁹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

⁷⁰ Thomas et al., "Recruiter Shooting."

⁷¹ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 8.

⁷² "Lawyer: Arkansas Shooting Suspect 'brainwashed'," CNN.com., June 5, 2009.

⁷³ NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 8.

The FBI interrogated Muhammad on two separate occasions when he was arrested in Yemen while possessing a false Somali passport. Although they had suspicions that he had extremist ties, the results of their investigation proved inconclusive and they were unable to wiretap him or put him under surveillance. When he was deported back to the United States in January 2009, the FBI's Joint Terrorist Task Force visited him on a number of occasions but as was the case in Yemen, they had nothing to pin him to. Policing costs are thus relatively low. Court costs, on the other hand, are likely very high: the case has been ongoing since June 2009 and the next trial date is set for February 2011.⁷⁴

12. Relevance of the internet

Muhammad used Google Maps to research the locations of military recruitment offices, Jewish organizations, and daycare centers in New York, Philadelphia, Atlanta, Louisville, and Memphis.⁷⁵

13. Are we safer?

Certainly, it is best that Muhammad is locked away. He had a stockpile of firearms and ammunition, and he could have done, and was planning to do, more harm. From his use of Google Maps, stockpile of ammunition, and purchase of a rifle at a Wal-Mart to "test" the FBI's surveillance on him, Muhammad was ostensibly well organized. His living stint in Yemen and his possession of a fraudulent Somali passport rendered him suspect and tied him to Islamic extremist groups. He had a detailed plan to target military centers in different geographical locations, which follows a pattern similar to al-Qaeda, and he stockpiled ammunition that would have sustained multiple attacks of the Little Rock nature.

Looking at the case as a whole, though, it is a stretch to say that we are really safer. Muhammad proved clumsy and amateurish on more than one occasion. He could not even throw a Molotov cocktail through a house window—and he had the wrong house anyway. Then he planned his first drive-by attack in Florence, Kentucky, for a day the recruitment office was closed. His basic research skills and common sense are thus drawn into question. Moreover, upon fleeing the Little Rock recruitment center after the shooting, Muhammad made a wrong turn and the police were easily able to corner him.

How much are we to feel endangered by a man who cannot navigate a basic route, look up business hours, or properly use a simple-to-construct explosive device? Based on his plan, only a very small percentage of military officers working at recruitment centers and Zionist rabbis had anything to fear.

Although he researched day-care centers in New York, no evidence is available to suggest that he would have actually carried out an attack on children. In his letters to the *Commercial Appeal*, Muhammad justified his attack as an eye-for-an-eye retribution against the U.S. military for its murdering of Muslims in the Middle East. He also commented on American soldiers raping Muslim women and was deeply troubled by children injured and killed as a result of the conflict.⁷⁶

⁷⁴ Goetz, "Muslim Who Shot Soldier."

⁷⁵ Thomas et al., "Recruiter Shooting."

⁷⁶ Goetz, "Muslim Who Shot Soldier."

Perhaps he sought retribution on American children for the death of Muslim children? Such a conclusion is highly speculative. At best, though, the potential attack on day-care centers underscores Muhammad's lack of a central motive. As a result, his planning seems haphazard, which only decreases the societal threat he posed and the likelihood that he could have pulled off more attacks. He was obviously violently-disposed, so we are safer with him in jail, but the amount of damage he was likely to do is limited.

14. Conclusions

The Little Rock case serves to underscore the changing dynamic of terrorist activity—commonly referred to as homegrown terrorism—in the United States. Jihadist attacks of this category involve lone wolf belligerents carrying out unexpected, small scale attacks on military organizations, religious institutions, and public facilities. The danger this type of terrorist poses to the general public, however, is not yet validated.

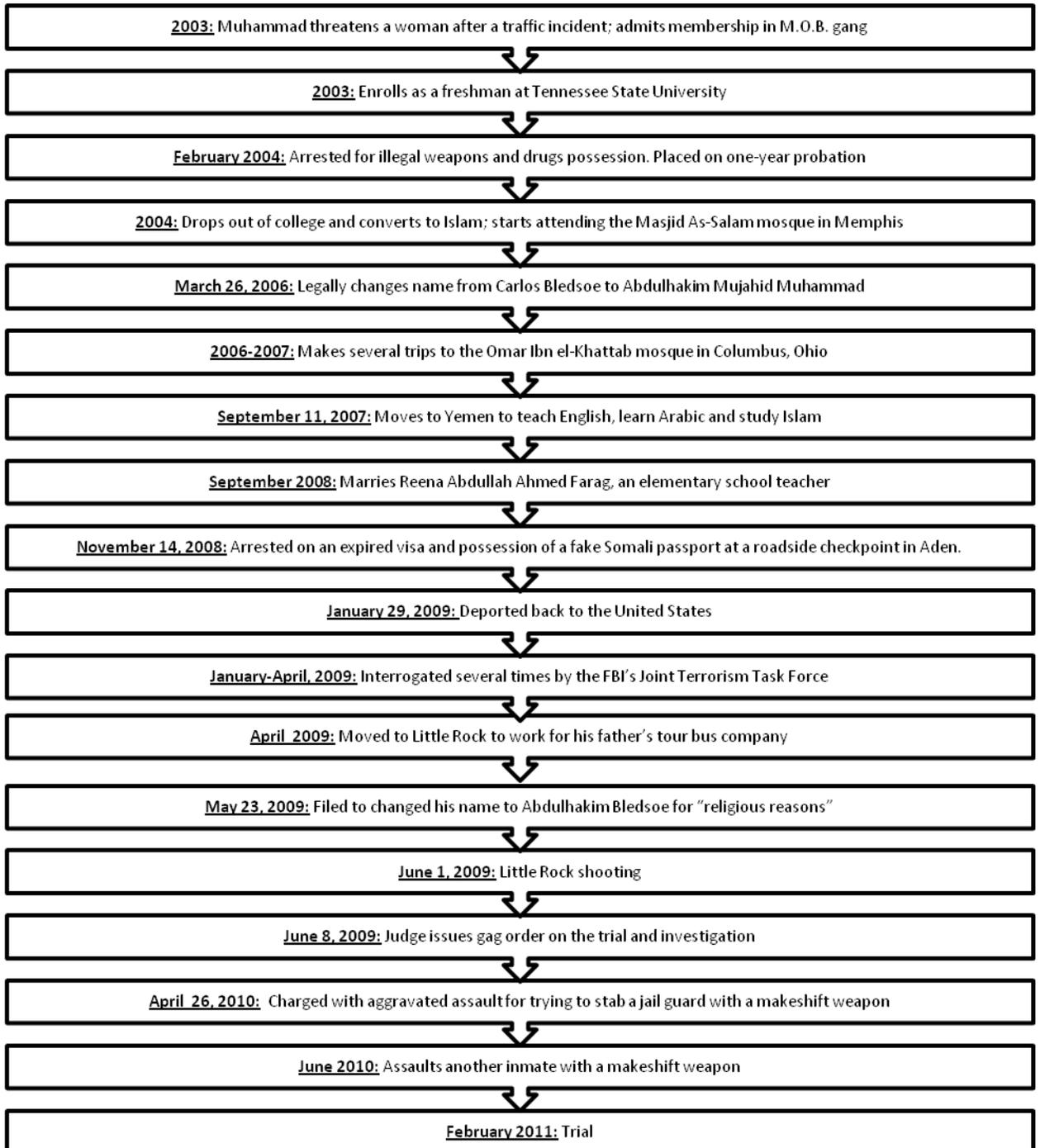
Muhammad started engaging in criminal activity at a very early age (middle school) and continued that behavior even into his current incarceration. Taking his lengthy criminal history into full account, it is likely that Muhammad would have been prone to violence no matter what religion or ideology he joined.⁷⁷ We must therefore consider the possibility that jihad and other forms of radical Islamic activity have become fads—convenient ways for angry, confused, lost, and/or belligerent individuals to express themselves. This assertion is substantiated by numerous Islamic scholars who note how radicalized Muslims grossly misinterpret the meaning of jihad⁷⁸ and the central tenements of Islam, for that matter.

Muhammad's overt and rather pathetic desire to practice jihad is also worth discussing. He changed his middle name to Mujahid—meaning one who practices jihad—and departed for Yemen on the sixth anniversary of the 9/11 attacks. He read literature by a radical Islamic cleric of celebrity status and researched plot locations using Google Maps. His actions, when looked at in aggregate, come off as if obtained from a how-to-become-a-terrorist 101 manual. After all of his strategic planning, a botched Molotov cocktail plot, and a failed first shooting attempt at a closed military recruitment center, Muhammad was finally able to carry out an attack. The irony, though, is that his first and only successful attack was unplanned: he decided, almost on whim, to do a drive-by shooting on the Little Rock military recruitment center after watching a video depicting “subversive activities.”

⁷⁷ Goetz, “Muslim Who Shot Soldier.”

⁷⁸ Goetz, “Muslim Who Shot Soldier.”

Appendix: Timeline of events



Case 27: Boyd and Quantico

John Mueller

June 4, 2011

Information on this case is thus far confused and confusing, and more will presumably emerge in due course.

Alleged ringleader and Muslim convert Daniel Patrick Boyd has said, or is said to have said, that he fought against the Soviets in Afghanistan after 1992, but the Soviets left Afghanistan in 1989, and the Soviet Union ceased to exist in 1991.

And, as Kelly Stritzinger points out, key early accusations are that Boyd trained abroad to bring the fight to the United States (something that was said to be a new “trend”), and, most arrestingly, that he was plotting to attack the Marine base in Quantico, Virginia. However, after his plea bargain in 2011, he is accused of planning to commit mayhem overseas, not in the United States, and Quantico isn’t mentioned.

There may also be something to the comment of one watcher of the case that Boyd had a reputation for exaggerating his exploits abroad and "that may have played a large part in the trouble he has gotten himself into."¹

¹ Reuters, “North Carolina man guilty in terrorism case,” February 10, 2011.

Case 27: Boyd and Quantico

Kelly Stritzinger

June 4, 2011

typographical and other minor corrections December 6, 2011

1. Overview

On July 22, 2009, Daniel Patrick Boyd, his two sons Zakariya and Dylan, as well as five other men were indicted by the court for the Eastern District of North Carolina, Western Division.¹ Boyd, 39, a US citizen and North Carolina resident is considered the ringleader.²

The indictment states that between the years of 1989 and 1992, Daniel Boyd visited Pakistan and Afghanistan and participated in military training for the purpose of “engaging in violent jihad.” Boyd is later said to have fought in Afghanistan against the Soviet Union. All of the men were charged with conspiracy to provide material support to terrorists and to murder persons abroad.

On September 24, 2009 a superseding indictment charged Boyd and one of the men, Hysen Sherifi, with conspiring to murder US military personnel at the Marine Corps Base in Quantico, Virginia. Boyd, Sherifi, and one of Boyd’s sons were further charged with possessing weapons in furtherance of a violent crime. Lastly, Boyd was charged with providing a Ruger mini 14 rifle and ammunition to a convicted felon.

Seven of the men (the eighth is thought to be in Pakistan) were arrested on July 27, 2009, an effort that involved more than 100 law enforcement officers, four SWAT teams from several states, and an FBI Hostage Rescue Team. All the arrested were held without bond while awaiting a trial. Later, after testimony began, US Magistrate William Webb deemed them a potential flight risk and a danger to the community if released.³

A trial for this case was set to take place in September 2010, but the defense attorneys were bogged down with thousands of pages of documents as well as video and audio recordings, and on November 16, 2010 they asked for an extension.⁴ On February 9, 2011, Boyd pleaded guilty to two counts: conspiracy to provide material support to terrorists and conspiracy to commit murder, maiming and kidnapping overseas. The second count potentially carries a life sentence. In exchange for his plea and for his cooperation against the remaining defendants, the government dismissed nine counts against him.⁵

2. Nature of the adversary

Daniel Boyd’s background and appearance altogether do not fit what most Americans think of when they imagine a terrorist. A white man with light-colored

¹ U.S. v. Boyd. (E.D.N.C.), No. 5:09-CR-216-1-FL, Indictment, Filed July 22, 2009. dig.abclocal.go.com/wtvd/Boyd%20Indictment.pdf

² NEFA Foundation, “The North Carolina Jihad Cell and the Quantico Marine Base Plot,” November 2009.

³ Kelcey Carlson and Stacy Davis, “Terrorism suspects held without bond, moved to Virginia,” WRAL, August 2009.

⁴ NBC 17, “Attorneys Ask For Extension In Triangle Terror Suspects Case,” November 2010.

⁵ Wikipedia. Reuters, “North Carolina man guilty in terrorism case,” February 10, 2011.

hair, Boyd was born in the US and raised an Episcopalian by his parents Thornton and Patricia Boyd. His father was a US Marine Corps captain, and the family moved around very frequently. His parents separated in 1974 and were later divorced, and Daniel began living under much more difficult conditions with his single mother. At one point, Patricia and her children were struggling so much to scrape together food that they were “reduced to gathering leaves to make into soup in the living room fireplace because the electricity had been shut off.”⁶

Daniel’s mother later married William Saddler, a lawyer from Washington, DC, who was an American Muslim. This was Daniel Boyd’s first notable interaction with anyone in the Muslim community, and perhaps new ideas and values that he acquired through this relationship were the primary reason for his later conversion to Islam upon graduation from T.C. Williams High School in Alexandria, Virginia. Boyd married his high-school sweetheart, Sabrina, who converted to Islam just before their marriage ceremony at a mosque at the Massachusetts Institute of Technology.⁷

An FBI agent later testified that Boyd had admitted attending training camps in Connecticut during the late 1980s before leaving in October of 1989 for Peshawar, Pakistan, with his brother Charles. He was initially assisting Afghan refugees by working as a mechanic, but he also received military training in terrorist camps, intending to use these skills to engage in violent jihad. Boyd also insists he fought alongside others in Afghanistan.⁸

Boyd’s first run-in with the law happened while he was overseas. He and his brother were accused of robbing the United Bank in Hayatabad in June 1991. The Manager of the bank reported that one man with “a golden beard” and another with “a beak-like nose,” robbed his establishment of \$3,200 (80,000 rupees) and that he had fired at both men with a pistol when they fled. When the Boyd brothers were arrested, they were allegedly carrying cards implying their membership in Hezb-e-Islami, an Afghan militant group. However, Boyd felt that the entire incident was a set up orchestrated by a bank employee who had tried to make advances toward his wife. The case relied strongly on witness accounts and a disputed confession from Boyd; therefore it is possible that Boyd’s version of the story may have been true to some degree.⁹ The brothers were sentenced in September 1991 to have their right hands and left feet cut off. However, the CIA quickly became involved and convinced the Pakistani Supreme Court to overturn the convictions.¹⁰ The officials who interacted with Boyd and his brother during this incident all noted that they were very well-behaved and even issued apologies for having done anything wrong when their appeal was granted.

When he and his brother were freed, Boyd left Pakistan for America and moved to Massachusetts with his family. Dylan Boyd, Daniel’s son, later stated during an FBI interview that “after a period of...not following through on the

⁶ “The Nicest Terrorist I Ever Met,” CBS News, July 30, 2009.

⁷ M.J. Stephey, “Daniel Boyd: A Homegrown Terrorist?” *Time*, July 30, 2009.

⁸ NEFA Foundation, “The North Carolina Jihad Cell and the Quantico Marine Base Plot, Training.”

⁹ “The Nicest Terrorist I Ever Met.”

¹⁰ Stephey, “Daniel Boyd: A Homegrown Terrorist?”

Muslim practices, the family attempted to return to practicing Muslim.”¹¹ In light of his behavior upon return to the US, Daniel Boyd’s time spent in custody in Pakistan might be seen as a period where he may have become more radicalized.

When he returned to the U.S., Boyd filed for bankruptcy while he had a job in Raleigh working as a metal framer. He soon began working with his sons and started a new business, Saxum Walls & Ceilings, which was incorporated in 2004. Soon afterwards, a home was purchased under Sabrina Boyd’s name in Willow Spring, NC. The first FBI investigations of Boyd took place in 2005.¹²

Another turning point in Boyd’s life may have occurred when tragedy struck only two years later. His son Luqman, who was only 16 at the time, died as the result of a car accident in which he was apparently going 75mph in a 55mph zone. This unexpected death seems a very likely cause for Boyd to begin thinking differently about his own faith and his role in life as a Muslim. It is reasonable to expect that such an event would create more turmoil in Boyd’s life, which may very logically lead to more unpredictable patterns of behavior. Later in 2007, Boyd opened his Blackstone Market with a business partner named Abdenasser Zouhri who had previously been impressed by Boyd’s strong expression of a devotion to Islam.¹³

Shortly after opening this market, officials note a worrisome shift in Boyd’s practice of Islam. Boyd stopped attending the local mosques in his area because of “ideological differences,” and also started to host Friday prayer services at his home. In 2006 and 2007 Boyd also demonstrated a new direction in his faith because he began to make more active efforts to expose his own sons to Islam, as well as providing weapons training to Muslim men within the US. Trips to Israel with one of his sons during those years may possibly have been attempts to engage in violent jihad overseas, or to expose his son to ideas which would make him more inclined to participate in jihad at home. There is also a possibility that Boyd may have simply wanted an opportunity to bond with his sons, especially in light of the recent loss of Luqman. During the 2007 trip to Israel, Boyd and his son were denied entry and held for two days. Regardless of the true purpose of the trips, Sabrina Boyd insisted that the second trip was in fact a “holy pilgrimage.”¹⁴ Sabrina also said the trips were to serve as an exposure for her sons to Arabic culture.

The Department of Justice later alleged that Boyd intended to radicalize others in order that they may take seriously the idea that jihad was “a personal obligation on the part of every good Muslim.”¹⁵ Recordings suggest Boyd made statements to members of his own family that furnish evidence that he was becoming more radicalized. On June 26, 2009, he addressed his wife and two sons, “Allah knows, I love jihad...rejoice at the opportunity to punish the Kuffar.

¹¹ NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Background.”

¹² NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Background.”

¹³ “The Nicest Terrorist I Ever Met.”

¹⁴ Stephey, “Daniel Boyd: A Homegrown Terrorist?”

¹⁵ U.S. v. Boyd (E.D.N.C), No. 5:09-CR-216-1-FL, Superseding Indictment, Filed September 24, 2009.

Achieve a high station of honor, Allah has placed on the Mujahid.” He also stated, “when you leave jihad, you leave Islam. What is wrong with you that you don’t fight for the cause of Allah.”¹⁶ These statements both indicate pretty clearly that Boyd had begun to see jihad as a necessary condition of being a Muslim, and he also seems increasingly frustrated when implying that other Muslims in his community may not take jihad seriously.

Books and documents seized from Boyd’s home after his arrest in July 2009 seem to further legitimize the idea that he was becoming increasingly radicalized, more particularly, to the extent where he developed desires to engage in violent acts of jihad. Items seized from Boyd’s home by authorities include: “The Palestinian Holocaust,” “In the Shade of the Qu’ran,” “Jihad in Islam,” and Osama bin Laden’s 1998 “Fatwah Urging Jihad Against Americans.”¹⁷ All of these titles seem to imply that Boyd had been studying and becoming increasingly influenced by literature which highlighted the importance of violent action as a part of being a good Muslim. The 1998 Fatwah implies a glorification of the act of killing Americans, and it would not be surprising if reading this type of material helped to solidify Boyd’s plans to engage in violent jihad within the United States, as he was later charged with plots at the US Marine Base in Quantico, Virginia.

Dylan Boyd, like his father, does not fit what some may describe as a traditional terrorist profile. He was involved in the band during high school and continued on to study psychology for two years at North Carolina State University, possibly hoping to become a doctor.¹⁸ He says he had “complete trust and confidence in his father about everything and anything.”¹⁹ Through FBI interviews, he demonstrates the belief that “The American army now overseas are raping and killing ‘their’ sisters. Jihad is right to protect your Muslim sisters.”²⁰ Further, “September 11 was a[n] inside job that was set up to alter the markets.” Dylan appears to have had a very high level of trust with his father, and it would therefore make sense that many or even all of his ideas about Islam may just have resulted from his acceptance of everything his father told him about the religion.

Dylan’s critical view of the American army and his apparent belief that the September 11 attacks were a setup reveals that Daniel Boyd himself probably expressed such opinions. The authority figure of a parent is extremely difficult for many to challenge, so the fact that Dylan seems to follow in his father’s footsteps in embracing jihad is not very surprising.

Dylan’s brother Zakariya also does not fit what anyone might imagine a typical terrorist profile to be. He was an Eagle Scout and member of the National

¹⁶ NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Radicalization of Others.”

¹⁷ NEFA Foundation, “Daniel Patrick Boyd: Radicalization of Others.”

¹⁸ NEFA Foundation. “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Dylan Boyd.”

¹⁹ U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

²⁰ U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd.

Honor Society at West Johnson High School.²¹ Dylan described his brother as having gone through a phase where he drank alcohol and dated girls while straying from the Muslim practices. However, Zak apparently became frightened by “The Fire Man,” or the idea of hell, and dropped out of UNC-Pembroke because of the amount of partying.²²

Hysen Sherifi, 24, is a Kosovo native and US legal permanent resident residing in North Carolina. His first contact with Boyd was through an April 28, 2008 e-mail Boyd sent that had attached “literature extolling the virtues of dying *shahid*.” In June of that year, Sherifi contributed \$500 to Boyd for the cause of jihad and visited Boyd’s house in July where he learned how to use an AK-47.²³

Ziyad Yaghi, 21, a US citizen and North Carolina resident, had travelled to Jordan to engage in violent jihad in October of 2006. He met Dylan Boyd through an acquaintance Mohammed Omar Aly Hassan, 22, a US citizen and NC resident, who was then a student at North Carolina State. Both Yaghi and Hassan both came to Daniel Boyd’s house frequently and hung out “to learn more about the ‘deen’ or the ‘faith’.”²⁴ It should be noted that after Yaghi came back from an attempted trip to Tel Aviv, Israel, he cut off contact with Daniel Boyd at about the same time that rumors were spread among the Muslim community that he was interested in jihad.²⁵ Yaghi’s background reveals previous crimes. For instance, he pleaded guilty to felonious restraint charges for his involvement in a 2008 gunpoint robbery of an acquaintance and was wanted for theft of copper pipe in Texas.²⁶ Hassan, who had also tried to travel to Tel Aviv in 2007, would hang out with Yaghi at Boyd’s house. He had attended NC State with Dylan Boyd and, like Yaghi, cut off his ties to Daniel Boyd when he returned to the US. Aside from his guilty plea to misdemeanor charges for indirect involvement in the 2008, he was also convicted for marijuana possession and for assaulting his girlfriend.²⁷

Anes Subasic, 33, a naturalized U.S. citizen and NC resident, attended a training seminar in Las Vegas where he learned about performing executions and escape culture. He had a form of “coded” conversation with Daniel Boyd in April 2008 where “they discussed preparing to send two individuals overseas to engage in violent jihad,” while also talking about what it meant to be a good Muslim.²⁸ When Subasic’s home was searched in 2009, ammunition, knives, a rifle scope box, counterterrorism literature and CDs labeled “September 11, 2001” were

²¹ NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Zakariya Boyd.”

²² U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

²³ NEFA Foundation. “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Hysen Sherifi.”

²⁴ U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

²⁵ Sarah Ovaska and Mandy Locke, “FBI Agent: Boyd Spoke of ‘Jihad Right Here,” *News & Observer*, August 5, 2009.

²⁶ “Boyd’s Co-Defendants’ Histories Come to Light,” *News & Observer*, August 5, 2009.

²⁷ Sarah Ovaska, “Terror Arrests Weren’t First Brush With Law,” *News & Observer*, July 29, 2009.

²⁸ U.S. v. Boyd (E.D.N.C), No. 5:09-CR-216-1-FL, Superseding Indictment, Filed September 24, 2009, and U.S. v. Boyd (E.D.N.C), No. 5:09-CR-216-1-FL, Government Exhibit 30.

found along with a handgun permit.²⁹ In addition, Subasic's background is quite unnerving since he was apparently charged with attempted murder, extortion and robbery in Bosnia. In the FBI interviews with Dylan Boyd, Subasic was portrayed as being "very regimented about the basics of Islam and they have to be a certain way," to the extent that the Boyd family no longer wanted him to be around their house in case he might become "another witness."³⁰

Jude Kenan Mohammad, 21, who reportedly first met Dylan Boyd in 2007, moved from Pakistan to the U.S. with his mother. On October 7, 2008 he left the US to visit Pakistan "in order to engage in violent jihad." However, he was arrested near Peshawar because an officer thought he "looked like a Taliban spy." Mohammad had a laptop and a hidden knife when he was arrested.³¹ His location is not currently known, but he is believed to be in Pakistan.³²

3. Motivation

Daniel Boyd and his sons seem to have been caught in a spiral of Islamic radicalization that may have been triggered by personal events in the lives of all three, but particularly by events that affected Daniel personally. Growing up at times in poverty, it is conceivable that Boyd might have had bitter feelings toward his biological father, and perhaps the fact that his father was a Marine was fuel for his critical view of members of the U.S. military. The death of Luqman Boyd occurred right around the time Boyd began taking his sons overseas in attempts to visit Israel. Further disillusionment with his local mosque might have pushed Boyd to the limit and caused him to feel an urgent need to actively engage in jihad by plotting an attack on the Quantico Marine Base in Virginia. While these traumatic events might be convincing as evidence towards why Boyd wanted to engage in violent behavior, there are certainly aspects of Boyd's social life that would lead one to believe he'd have a tendency to be more moderate than radical in his faith.

4. Goals

Audio recordings reveal Boyd's discussions of the importance of carrying out jihad as a Muslim duty. While many who knew Boyd insisted he was a kind man who they thought would be very unlikely to engage in terrorism, the U.S. government may be right to take a more cautious approach to cases like these. Soon after Boyd and others were arrested, the FBI and Department of Homeland Security sent a bulletin to law enforcement officials saying that the indictment was the sign of "a trend of would-be terrorists who go overseas for training...come back to the United States, and may spend years quietly waiting to put their skills to use."³³ This bulletin seems to evoke an exaggeratedly large

²⁹ U.S. v. Boyd (E.D.N.C.), No. 5:09-CR-216-1-FL, In the Matter of the Search of 248 Adefield Lane, Holly Springs, North Carolina.

³⁰ U.S. v. Boyd (E.D.N.C.), No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

³¹ Declan Walsh and Daniel Nasaw, "American Jihad or FBI Blunder? The Riddle of the "North Carolina Taliban," *The Guardian*, September 3, 2009.

³² "Delay Sought In Terror Case," *Cary News*, November 24, 2010.

³³ "The Nicest Terrorist I Ever Met," CBS News, July 30, 2009.

number of terrorists, all of whom might follow relatively similar paths towards radicalism. Instead, the diverse backgrounds of the men indicted with Boyd are sufficient evidence that profiling potential terrorists would be very difficult if not impossible. Boyd's sons were positively involved in their high schools as members of clubs or musical groups, while Yaghi and Hassan on the other hand both had previous criminal histories.

5. Plans for violence

It appears that Boyd, his sons, and the other men were hoping to engage in violent jihad in Israel and elsewhere overseas. After they failed to do so, they returned to the US, and there is evidence that they continued to collect weapons and conduct military training, "In Boyd's truck and at his home in Willow Spring, agents found gas masks, 26 guns and 27,000 rounds of ammunition."³⁴ In addition, audio recordings were obtained that reveal Boyd repeatedly emphasizing the fact that one must engage in jihad in order to be a good Muslim. An FBI agent quoted Daniel Boyd saying "I'm going to make jihad right here in America," if he did not leave America soon.³⁵

After travelling to Kosovo in 2008, Sherifi returned to the US and "practiced military tactics and the use of weapons on private property in Caswell County, North Carolina." In June and July of that year, Boyd, Sherifi, and Boyd's son Zak, "practiced military tactics and the use of weapons on private property in Caswell County, North Carolina."³⁶

While there were several men indicted, Boyd was the ringleader and possibly the only individual who would have taken the steps to complete a terrorist attack in the United States if he had not been influenced by or able to influence any of the other men. In defense of his client, Omar Hassan, attorney Dan Boyce said that "there is a single...incident of my client firing a gun, and there's nothing to suggest it was illegal." After a two-day hearing, prosecutors said they had "a pile of evidence against the supposed ringleader, Daniel Boyd," but only "vague connections and travel plans that the defense attorneys say they can easily explain away."³⁷ It is hard to believe that Boyd's sons Zak and Dylan should share as much responsibility, seeing that they are both only a few years out of high school and grew up with a father who instilled increasingly radicalized Islamic views in their minds before they were likely old enough to develop their own world views. When considering all of these points, it is clear that the evidence used to charge at least some of the men may not be very strong.

The superseding indictment filed against Daniel Boyd and Hysen Sherifi notes activity occurring between June 12, 2009 and July 7, 2009 showing that the two were intending to carry out an attack on the U.S. Marine Base in Quantico. On June 12, Boyd "conducted reconnaissance at the base," and ten days later was

³⁴ Mandy Locke, Josh Shaffer, Sarah Ovaska, and Yonat Shimron, "Bulk of Terror Evidence Concerns Boyd," *News & Observer*, August 6, 2009.

³⁵ Declan Walsh and Daniel Nasaw, "Background: 'North Carolina Taliban'," *Guardian*, September 3, 2009.

³⁶ NEFA Foundation, "The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Training."

³⁷ Locke et al., "Bulk of Terror Evidence."

reviewing maps of the base, “to be used by members of the conspiracy to plan and coordinate an attack on Quantico.” On July 7, 2009 Boyd possessed a weapon with the intent to use it “for the base,” or the Marine Corps Base, Quantico. On that same day he also possessed ammunition, stating it was to be used, “to attack the Americans.”³⁸

6. Role of informants

An unnamed informant befriended Boyd and began “feigning enthusiasm for violent jihad.” He recorded many hours of conversations over the course of several years with devices on his body. Included is Boyd “talking about committing attacks both here and abroad,” according to prosecutors.³⁹ U.S. Magistrate Judge William Webb felt that the informant may not be credible after an FBI agent said “the word ‘beach’ was code for ‘violent jihad’ in conversations between the suspects.”

It is not clear that any entrapment ever took place unless the mysterious informant was able to fake such a high amount of enthusiasm for violent jihad that even Boyd began increasing his own enthusiasm in response.⁴⁰

7. Connections

When Boyd and his brother Charles were arrested in Pakistan for allegedly robbing a bank, they were thought to be carrying identification cards implying their membership in Hezb-e-Islami, an Afghan militant group.⁴¹ Also, Boyd claims he had participated in military training in some terrorist camps when he was in Pakistan. There is no specific mention of a connection with al-Qaeda. It seems that all of the members of Boyd’s group were largely self-motivated and simply became more motivated through their interaction. The term “terrorist network” is most applicable to the combined efforts of Boyd and Sherifi in the Marine Base plot, however the other men who were previously indicted are related more loosely and two of them broke ties with Boyd upon returning from attempts at overseas jihad.

8. Relation to the Muslim community

Many members of their community were shocked when Daniel Boyd, Hysen Sherifi, and the others were indicted with charges of conspiring to commit terrorist acts. On October 24, 2009, law enforcement officials attended a “town hall” meeting where they interacted with members of the Muslim community in

³⁸ U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, Superseding indictment, Filed September 24, 2009.

³⁹ Locke et al., “Bulk of Terror Evidence.”

⁴⁰ CAIR, the Council on American-Islamic Relations, became involved in the investigation with regard to the informant. In July 2009, it “blasted law enforcement agencies for allegedly engaging in deception to gain entry into the North Carolina home of Muslim convert Daniel P. Boyd, who is fighting charges of supporting terrorism overseas and unlawfully selling firearms.” Carrie Johnson and Robin Shulman. “Probes Test Trust That Authorities Strove to Win From U.S. Muslims,” *Why Muhammad*, October 13, 2009.

⁴¹ “The Nicest Terrorist I Ever Met.”

an exercise “aimed at restoring trust between the two communities.”⁴² Daniel’s wife, Sabrina, and more than 100 other Muslims attended the event sponsored by the Muslim American Society. The guest speaker at this event encouraged Muslims to “engage the democratic system,” instead of living in fear due to being unfairly targeted and subjected to profiling because of their religion.

Daniel Boyd also maintained a relationship with the Muslim community through his Blackstone Market, which had its own designated worship area, and was a meeting area for young members of the community. Boyd’s decision to discontinue worship at a local mosque was seen by some as the point where his ideas began to radicalize noticeably.

The Boyds seem to have led relatively rich social lives as respected members of the Muslim community in North Carolina, and according to one student, Daniel “would always ask people, his friends, if he can do a service for you,”...“whether that be advice, whether you’re struggling with money...he was always very helpful.”⁴³

9. Depiction by the authorities

Soon after Boyd and others were arrested, the FBI and Department of Homeland Security sent a bulletin to law enforcement officials saying that the indictment was the sign of “a trend of would-be terrorists who go overseas for training...come back to the United States, and may spend years quietly waiting to put their skills to use.”⁴⁴ This statement reflects a fear that Boyd’s activities might be something occurring throughout America in difficult to detect locations. While it might seem slightly alarmist, authorities were able to prevent Boyd and Sherifi from attacking the Marine Base in Quantico, so it was most likely worthwhile to encourage extra caution.

Authorities also made attempts to engage with the Muslim community in a positive way as the hearings for Boyd and others proceed very slowly, effectively keeping families separated and causing some to feel that the Muslim community has been unfairly targeted. The “town hall” event in 2009 allowed time for speakers who represented authorities as well as the Muslim community, resulting in an opening of dialogue between the two groups.

10. Coverage by the media

Initially the media focused heavily on the shock endured by much of Boyd’s surrounding community when they found out about the charges. Boyd was seen by most ordinary people as a kind, hard-working, and very faithful member of the Muslim community. This portrayal of the plot was beneficial because it forced many people to realize that radical Islamic terrorists will not always fit a particular profile. Nevertheless, one local resident stated he worshiped with the suspects and was “not surprised they were arrested.”⁴⁵

⁴² “Muslims, Law Officials Meet in Apex,” *News & Observer*, November 4, 2009.

⁴³ “The Nicest Terrorist I Ever Met.”

⁴⁴ “The Nicest Terrorist I Ever Met.”

⁴⁵ Sheyenne Rodriguez, “Leaders Speak Out About Terror Arrests,” ABC Local News, August 2, 2009.

11. Policing costs

During raids and arrests on July 27, 2009, more than 100 law enforcement officers, four SWAT teams and an FBI Hostage Rescue Team were present. The informant has not been named and will remain anonymous, and there was no information on whether or how much the informant might have been paid by the FBI.

In the summer of 2010, a federal judge agreed to delay the trial until September 2011, giving lawyers more time to go over evidence including more than 750 hours of recordings and 30,000 pages of documents associated with the case. The indicted men are still in jail, and if convicted on all his charges, Boyd faces a lifetime in prison.⁴⁶

12. Relevance of the internet

The internet was only directly relevant to the connection between Boyd and Hysen Sherifi, whom Boyd contacted for the first time via an April 2008 e-mail.⁴⁷ However, since Sherifi was plotting along with Boyd to attack the Quantico Marine Base, this e-mail truly was significant because it brought the two men together.

13. Are we safer?

The general public is in fact safer as a result of the arrests. If Daniel Boyd and Hysen Sherifi had not been arrested, there is a good chance they might have successfully carried out an attack on the US Marine Corps Base in Virginia. While the other indicted men might not seem to pose as great a threat as Boyd and Sherifi, it is important to note that they were easily influenced by members of their communities and may very likely have been able to successfully engage in acts of domestic or overseas violent jihad.

14. Conclusions

This case demonstrates that citizens returning to the U.S. from overseas may have gained experience and military training that would make them dangerous and radicalizing influences on the communities into which they return.⁴⁸ Also, Daniel Boyd's sons represent an instance where sons adopt their father's jihadist belief systems quite easily. Finally, the case may suggest that homegrown terrorism is continuing to grow domestically and may occur in mountains or in rural areas.

⁴⁶ Declan Walsh and Daniel Nasaw, "Background: 'North Carolina Taliban'," *Guardian*, September 3, 2009.

⁴⁷ NEFA Foundation, "The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Hysen Sherifi."

⁴⁸ Carrie Johnson and Spencer S. Hsu, "From Suburban D.C. Childhood to Indictment on Terror Charges," *Washington Post*, July 29, 2009.

Case 28: Zazi

John Mueller

June 4, 2011

When Najibullah Zazi's plot to explode bombs on the New York subway was disrupted with his arrest on September 19, 2009, terrorism analysts and officials called it the "most serious" terrorism plot uncovered in the United States since 2001 and one that elevates the domestic terrorism threat to a "new magnitude."¹ Bruce Riedel, an Obama administration terrorism adviser, proclaimed that the plot was evidence that "al-Qaeda was trying to carry out another mass-casualty attack in the United States" like 9/11 and that the group continues to pose a threat to the country that is "existential."²

However, information about the Zazi plot suggests the existence of the United States is unlikely to be expunged anytime soon.

Recalls his step-uncle affectionately, Zazi is "a dumb kid, believe me." A high school dropout, Zazi mostly worked as a doughnut peddler in Lower Manhattan, barely making a living.³ Somewhere along the line, he foolishly decided to abandon his day job and ventured to Pakistan with two friends intending to help in the Taliban's fight against American forces there. The men were recruited by al-Qaeda, and they agreed to return to carry out a "martyrdom operation" in the United States—the only one in the country since 9/11 except for those originating in Europe (Cases 1, 20, and 33 and possibly 9). In preparation, Zazi received explosives training and emailed nine pages of bombmaking instructions to himself.

FBI Director Robert Mueller asserted in testimony on September 30, 2009 that this training gave Zazi the "capability" to set off a bomb.⁴ That, however, seems to be a substantial overstatement because, upon returning to the United States, Zazi spent the better part of a year trying to concoct the bomb he had supposedly learned how to make. In the process, he, or some confederates, purchased bomb materials using stolen credit cards.⁵ This bone-headed maneuver all but guaranteed that red flags would go up about the sale and that surveillance videos in the stores would be maintained rather than routinely erased. Moreover, even with the material at hand, Zazi *still* apparently couldn't figure it out, and he frantically contacted an unidentified person for help several times. Each of these

¹ David Johnston and Scott Shane, "Terror Case Is Called One of the Most Serious in Years," *New York Times*, September 25, 2009. Kevin Johnson, "Weakened al-Qaeda is Still a Threat," *USA Today*, September 8, 2009. Talk of the Nation, NPR, September 28, 2009.

² Lehrer NewsHour, PBS, 16 October 2009.

³ Michael Wilson, "From Smiling Coffee Vendor to Terror Suspect," *New York Times*, September 26, 2009.

⁴ Terry Frieden, "Top U.S. security officials share Afghan-Pakistan border concerns," *cnn.com*, September 30, 2009.

⁵ Ivan Moreno and P. Solomon Banda, "Prosecutor: Terror Plot Focus was 9/11 Anniversary," *Associated Press*, September 26, 2009.

communications was "more urgent in tone than the last," according to court documents.⁶

Moreover, and quite crucially, as Justin Hellmann documents, there was really no danger at any time because communications between Zazi and al-Qaeda leaders was being monitored even before he began to try to construct his bombs. Apparently neither Zazi nor the crafty people running al-Qaeda have learned that there are people trying to spy on them. The plot, in other words, could be closed down at any time and certainly before any bombs went off—assuming Zazi could ever have successfully fabricated them. There are those who think he could, but as Heilmann notes, Zazi was able to destroy all their makings before he was arrested, so we may never know.

Clearly, if Zazi was able eventually to bring his aspirations to fruition and if he was undisrupted by the police, he could have done some damage, though, given his capacities, the person most in existential danger was likely the lapsed doughnut peddler himself. Heilmann notes that he was trying to build the same kind of bombs used on the London transportation system by suicide terrorists on July 7, 2005. Those four explosions killed 52—a tragedy, but hardly the 9/11 replication suggested by Riedel or the prospective 200-500 fatalities of the “expert” estimates quoted by Heilmann. The bombings on trains in Madrid in 2004 did kill nearly 200, but that was accomplished with 10 bombs, not the four the Zazi group was planning. It might be added that four additional bombs were planted on the London underground on July 21, 2005, and all proved to be duds. Moreover, the Manchester plot that, as Heilmann notes, has been connected to the same authors as Zazi’s, failed as completely as his did.

Heilmann makes a strong argument for the kind of information sharing among policing and intelligence agencies that led to the surveillance of Zazi. However, he also notes that when the FBI shared information with the New York Police Department, the NYPD blunderingly took measures that allowed Zazi to know he was being tailed, and this, in turn, led him to destroy the evidence.

Interestingly, Zazi, like Bryant Neal Vinas (Case 24), is apparently “cooperating” in custody, abruptly abandoning his formerly suicidal commitment to the cause and thus, from al-Qaeda’s perspective, effectively acting as a CIA mole. Although “martyrdom” operations have the distinct disadvantage from the perspective of the perpetrators that their human asset—in this case a rare and special American one—is lost in the explosion. However, the Zazi venture turned out even worse for them: instead of dying, he becomes a traitor to the cause.

And there is an additional wrinkle in this case which may give the al-Qaeda leaders even less enthusiasm for recruiting Americans: the authorities are in position get the captured American operative to talk not only by putting pressure on him, but on his family.

⁶ Johnson, “Weakened.” Dina Temple-Raston, “Terrorism Case Shows Range Of Investigators’ Tools,” NPR, October 3, 2009.

Case 28: Zazi

Justin Heilmann

June 4, 2011

typographical and other minor corrections December 14, 2011

1. Overview

Najibullah Zazi, a legal resident of the United States, was born in, and remains a citizen of, Afghanistan. On August 28, 2008, he and two of his friends, Adis Medunjanin and Zarein Ahmedzay, traveled from New York to Pakistan intending to join the Taliban in their fight against the United States military.¹ In Pakistan, however, they were recruited by al-Qaeda and received training on many different weapons systems. While in the training camps, al-Qaeda leaders approached Zazi and his friends about returning to America to carry out a “martyrdom attack” against the United States.³ When Zazi agreed, he was moved to a different camp, where he received training on building explosives. His training there was very brief, and focused on the construction of a triacetone triperoxide (TATP) explosive as used by the shoe bomber (Case 1) and in the London subway bombings of 2005.⁴ Zazi e-mailed himself nine pages of handwritten notes containing directions on the construction of the explosive. He and the al-Qaeda leaders discussed potential targets, and they decided to target the New York City subway system.²

Zazi returned to the United States in January 2009 and moved to a suburb of Denver, Colorado, with his aunt and uncle. In June of 2009 he accessed his notes on constructing explosives for the first time and began researching where he could purchase the chemicals necessary.² In the meantime, British intelligence intercepted e-mails between Zazi and an al-Qaeda leader discussing the construction of the explosives.³ It alerted authorities in the United States of the threat, and the FBI was monitoring Zazi's e-mail and phone lines even before he began to construct the bombs. Accordingly, the authorities were in a position to close down the plot at any time.

After purchasing large amounts of hydrogen peroxide, Zazi checked into a motel on August 28 and soon began experimenting with the chemicals. His plan was to construct the same chemical explosive that had been used in the 2005 London subway bombings and by the shoe bomber (Case 1).⁴ However, he was having considerable difficulties. On September 9, 2009, Zazi drove from Denver to New York City where he planned to finish the construction of the explosives and carry out the attack, most likely on September 14, 2009. When he first got to New York he was pulled over for a “random drug search” before authorities allowed him to go on. Later, his car was towed and his laptop, containing his notes on how to construct the explosives, was found by the police. Zazi was also notified by a local imam (through his father) that police had been asking questions

¹ “Zazi Pleads Guilty to Charges,” Press Release, U.S. Department of Justice, February 22, 2010.

² “Zazi reveals chilling details on al-Qaeda training and plot to blow up subways,” *New York Daily News*, February 23, 2010.

³ “British Spies help prevent attack,” *Telegraph*, November 9, 2009.

⁴ Bobby Ghosh, “An Enemy Within: The Making of Najibullah Zazi,” *Time*, February 23, 2010.

about him. Now aware that authorities knew of his plan, he aborted the mission, got rid of the detonators and explosives, and flew back to Denver on September 12, 2009.⁵

In Denver, Zazi agreed to voluntarily meet the FBI to be interviewed as a person of interest. During the first interview Zazi denied all involvement, but later admitted to constructing explosives and receiving training in Pakistan. Sources say the admission came about when he was threatened with the possibility that his parents might face conspiracy charges.⁶ On September 19, 2009, Zazi was arrested and charged with “making false statements in a matter involving international or domestic terrorism.” On September 23, the charges were dropped and he was indicted on a charge of “conspiracy to use weapons of mass destruction.”

On February 22, 2010, Zazi pled guilty to this charge as well as to additional charges of conspiracy to commit murder and providing material aid to a terrorist organization.⁷ He faces possible life sentences for the two conspiracy charges, and up to an additional 15 years for providing aid, computers, and money to al-Qaeda. Since agreeing to plead guilty, Zazi has been cooperating with authorities.⁸

2. Nature of the adversary

Najibullah Zazi was born in Afghanistan and moved to Pakistan with his family in 1992. At age 14, his family of six moved to New York City and became legal residents of the United States. Economically, Zazi and his family grew up poor. His family lived in a small apartment in Queens, and his dad worked as a cab driver. Zazi struggled as a student at Flushing High School in Queens, later dropping out.⁹ He then operated a vending cart, selling coffee and pastries. Zazi was never in jail, and there is no evidence to suggest drug use at any time. Zazi and his family attended a mosque that was “pro-global-jihad.” He was very religious and enjoyed listening to an Indian Muslim televangelist who is an expert in comparative religion and theology.¹⁰

In 2006, he married a woman in Afghanistan in an arranged marriage, and had two children. Zazi worked to raise money, sending it to his wife and children in Afghanistan. He hoped to bring them to the United States in the future.¹¹ He opened many different credit card accounts, built up a debt of over fifty thousand dollars, and eventually declared bankruptcy.¹²

⁵ John Marzuli, “Zazi, al-Qaeda pals planned rush-hour attack on Grand Central, Times Square subway stations,” *New York Daily News*, April 11, 2010.

⁶ Catherine Tsai, “Timeline of events in NYC terror probe,” Associated Press, September 21, 2009.

⁷ Benton Campbell, “United States of America v. Najibullah Zazi: Conspiracy to use weapons of Mass Destruction,” United States Department of Justice, September 24, 2009.

⁸ “Zazi reveals chilling details,” *New York Daily News*, February 23, 2010.

⁹ Michael Wilson, “From Smiling Coffee Vendor to Terror Suspect,” *New York Times*, September 25, 2009.

¹⁰ Samantha Gross, David Caruso, Michael Rubinkam, “Radical Influences all around NYC terror suspect,” *Omaha World-Herald*, September 25, 2009.

¹¹ Ghosh, “An Enemy Within,” *Time*, February 23, 2010.

¹² Tsai, “Timeline.”

3. Motivation

In 2008, Zazi and two friends flew to Pakistan with the intent of joining the Taliban in their fight against the United States. They were motivated by their unhappiness with United States military actions in Afghanistan. At the time, the United States was expanding the war there and sending in additional troops. At this point, it was not Zazi's goal to carry out a terrorist attack in America or harm civilians.¹³ The three men were not actively recruited; they were self motivated to seek out the Taliban and to offer their assistance.¹⁴

4. Goals

Although Zazi's goal was to join the Taliban and fight against the American forces, while in Pakistan he was recruited by al-Qaeda and offered the opportunity of attending their camps to get training on many different weapons systems before joining the fight against the American troops. His time with al-Qaeda changed his goals. When presented with the opportunity, Zazi agreed to the al-Qaeda request to return to America and carry out a suicide terrorist attack.¹⁵ He claims that the American media had forgotten about the war in Afghanistan and continued to ignore it even as it was expanding.¹⁶ His goal for this terrorist attack was not for revenge or out of anger, he says, but to “bring attention to the actions of the United States military in Afghanistan.”¹⁷

It seems unlikely that he would have gone to this extreme if it had not been for his recruitment by al-Qaeda. Zazi had respect for the leaders, and his sense of belonging to the group as well as not wanting to let them down may have made a contribution to his motivation. He was also required, obviously, to abandon his goal of bringing his family to America.

5. Plans for violence

Zazi and his two friends planned to construct backpack bombs very similar to those used in the suicide attack against the London subway system. They would then be carried onto New York subway lines during rush hour and detonated as part of a “martyrdom attack.” The New York subway was chosen for them by the al-Qaeda leaders, and Zazi was responsible for picking the sites and times that would cause their attack to have the biggest effect.

Zazi experimented with the construction of the explosives in a motel room in Colorado, before driving to New York City where he planned to finish constructing the explosives and scout the subway areas for the most effective times and places to carry out the attack. Tipped off by British intelligence which had intercepted e-mails between Zazi and an al-Qaeda leader discussing the construction of the explosives,¹⁸ the FBI was monitoring Zazi's e-mail and phone

¹³ Adam Goldman, “NYC subway bomb plotter’s cooperation could lead to expansion of case, charges against others,” *New York Daily News*, February 24, 2010.

¹⁴ “Criminal Complaint; US v. Zazi,” September 19, 2009.

¹⁵ “Zazi Pleads Guilty,” Press Release, Department of Justice, February 22, 2010.

¹⁶ “Queens Imam Involved in Terror Plot Appears in Court,” *NY1 News*, March 4, 2010.

¹⁷ “Zazi reveals chilling details,” *New York Daily News*, February 23, 2010.

¹⁸ “British Spies help prevent attack,” *Telegraph*, November 9, 2009.

lines even before he began to construct the bombs. As it happened, Zazi had trouble. In the days leading up to the planned day of the attack, September 14, 2009, he made many phone calls to an al-Qaeda leader in Pakistan, seeking assistance in order to construct the explosives, with “each communication more urgent than the last.”¹⁹

It is unknown if Zazi was ever successful at building explosives powerful enough to carry out their attack. Zazi claims that they were successfully built, however they were dismantled and the evidence destroyed by Zazi and his friends when they realized that the authorities were on to them. Since the explosives were never recovered, it cannot be known for certain whether or not they would have been effective. Zazi was the only one of the three who was trained on the construction of explosives, and his training was brief. All he had on hand were the nine pages of handwritten notes he had e-mailed to himself from the training camp.²⁰

Because authorities knew of the planned attack and because of the constant surveillance of Zazi and his friends, it is very unlikely that they would have been allowed the opportunity to carry out the attack even if the explosives had been constructed to perfection. The subway lines may be vulnerable, but complications with the explosives and the FBI's knowledge of the attack prevented the conspiracy from ever being a truly dangerous threat.

Zazi and his friends were certainly committed to their cause and ready to carry out the attack, but it is not clear they had the ability to construct an effective explosive. In addition, of course, they blew their cover by constantly communicating with al-Qaeda members in Pakistan. And then, when Zazi's car was towed, the laptop recovered inside contained the plans for the bomb.

6. Role of informants

Insofar as informants were used in the case, they essentially aided Zazi.

When the FBI knew that Zazi had begun traveling to New York City to carry out his attack against the subway system, they alerted the New York City Police Department, ordering (or requesting) them to be on the lookout for Zazi and his friends, but not to confront him or use any informants to gain information.²¹ The FBI wanted the NYPD to have warning of the attack, but they didn't want Zazi to know that the authorities had been monitoring him and that they knew of his planned attack.

However, the NYPD ignored the request, and two New York City detectives in the intelligence division asked Imam Ahmad Wais Afzali to identify and provide information about four men.²² The police department had used Afzali as an informant before and considered him a reliable source. Afzali provided the identification for three of the men, including Zazi, and told police that he had not

¹⁹ Philip Mudd, “Evaluating the Al-Qa`ida Threat to the U.S. Homeland,” *CTC Sentinel*, August 2010.

²⁰ “Zazi Pleads Guilty,” Press Release, Department of Justice, February 22, 2010.

²¹ Brian Ross, “FBI Arrests Three Men in Terror Plot that Target New York; Documents Allege NYPD Informant Went Bad, Tipped Off Subjects to Surveillance,” ABC News, September 22, 2009.

²² Ghosh, “An Enemy Within,” *Time*, February 23, 2010.

seen or heard from them in many years.²³ After the police left, Afzali called Zazi's father and told him that "they" had shown up and asked questions about Zazi.²⁴ Zazi's father informed his son about this and told him to talk to Afzali and to get a lawyer if necessary. Before Zazi went to talk to Afzali, his car was towed. When he told Afzali about this, Afzali asked him if there was "any evidence in the car?" Zazi said no, even though his laptop, containing the bomb plans, was in the car.²⁵ With the information from Afzali, Zazi destroyed the evidence and fled back to Denver.

Afzali was later arrested for lying to federal agents in a matter of terrorism on two separate occasions when he denied tipping off Zazi to their investigation.²⁶ He initially pled not guilty, but later reached a plea agreement and apologized for his actions. Under the conditions of his plea, Afzali will voluntarily leave the country within 90 days of being released from any prison sentence imposed by the judge. Prosecutors agreed to request no jail time for Afzali as an arrangement of his plea deal.²⁷ As a felon Afzali will not be allowed back into the United States. Zazi's father, uncle, and friends were also indicted on conspiracy charges.²⁸

7. Connections

Zazi and his friends made the decision to join the Taliban in their fight against the United States military on their own accord; they were not recruited by that organization. However, they were instead recruited by al-Qaeda, and their plans were changed. Zazi and his friends accepted a terrorist mission against the United States and received training to carry it out. Zazi spent six months with al-Qaeda, and before leaving he supplied al-Qaeda with computers and money.²⁹ Without al-Qaeda's recruiting and training, they probably would not have returned the United States or carried out a terrorist attack. Instead they likely would have carried out their initial goals of joining the Taliban and fighting against the United States military in Afghanistan.

Recently, it has been revealed that Zazi's plot to conduct a suicide attack on the New York subway system is believed closely related to a similar plot to conduct a suicide attack in Manchester in the United Kingdom.³⁰ United States authorities allege that the same senior al-Qaeda leaders that are responsible for the recruiting of Zazi are also responsible for the attempted attack in Manchester. Neither attack was successful, largely because communications between the

²³ "Letter from Ronald Kuby to Hon. Frederic Block re US v Afzali," December 11, 2009.

²⁴ "Filed under Seal; Complaint & Affidavit in Support of Arrest Warrant; US v Afzali," September 29, 2009.

²⁵ Steven Paulson, "FBI: Notes on the bomb-making in Zazi's handwriting," Yahoo News, September 20, 2009.

²⁶ "NYC Terror Suspect Held Without Bail in Connection to Alleged Transit Bomb Plot," Fox News, September 21, 2009.

²⁷ Amir Efrati, "Imam Pleads Guilty in new York Terror Case," *Wall Street Journal*, March 4, 2010.

²⁸ "Two charged with Terror Violations in Connection with New York Subway Plot," *Euro Weekly*, March 1, 2010.

²⁹ "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

³⁰ Mudd, "Evaluating the Al-Qa`ida Threat."

would-be terrorists and the al-Qaeda leaders were intercepted, providing authorities with intelligence.

This experience shows that the core leaders of al-Qaeda are still functioning, even with the increase in troops in Afghanistan and with the increase of drone attacks, and that they are still recruiting, training, and planning attacks against the United States and around the world. While the attacks are not nearly as complex or ambitious as the attacks on 9/11, these planned attacks prove that al-Qaeda's core is still a threat to the United States.

8. Relation to the Muslim community

While living in New York City, Najibullah Zazi and his family had strong ties to the Muslim community. They lived in a neighborhood that was predominantly Muslim, and Zazi attended high school with many teenagers in situations similar to his.³¹ Many of the other students in his class had relocated to the United States from Middle Eastern countries. It is clear that Zazi developed at least some close friendships within the Muslim community because two of his high school friends traveled with him to Pakistan in order to join the Taliban.

Zazi also had close ties to Saifur Halimi, a pro-global jihadist imam at the mosque that Zazi and his family attended. The Zazi family lived in the same apartment building as Halimi and developed a close relationship with him.³² Halimi and the Zazi family were among a small group in the Muslim community that left their mosque because the imam spoke out against the Taliban.³³ Halimi's pro-global-jihad stance and close ties with the Zazi family are very likely strong contributing factors to the decision Zazi made to travel to Pakistan and join the Taliban. Halimi also had connections to Zazi's two friends who accompanied him to Pakistan.³⁴

Thus the sense of community and the influences that were presented to him as a teenager directly influenced Zazi's decision to join the Taliban and fight against the United States, starting the chain of actions that ended in his plotting a terrorist attack against the United States.

Zazi's ties with the Muslim community are also responsible for allowing him to learn that the authorities were monitoring him in the days leading up to the planned date of his attack against the subway system.

9. Depiction by the authorities

The authorities in this case seemed to have a very reasonable, realist approach to what the plot truly was. The authorities did a good job portraying this attempted attack because they knew from the beginning what they were handling and were never given anything to be surprised about. They knew that Zazi was planning on constructing explosives, they knew the target was in New York City, and they knew the relative time frame during which the attack was scheduled to take place. The extensive intelligence gathered in this case allowed the authorities

³¹ Wilson, "From Vendor to Terror Suspect," *New York Times*, September 25, 2009.

³² Gross et al., "Radical Influences all around NYC Terror Suspect."

³³ Ghosh, "An Enemy Within," *Time*, February 23, 2010.

³⁴ Gross et al., "Radical Influences all around NYC Terror Suspect."

to do their jobs, and quietly and uneventfully arrest Zazi after he surrendered himself for interview with the FBI in Denver.

In interviews and press conferences after the attack, authorities may have exaggerated the true level of threat that we faced. Several authorities called Zazi's plan for violence the "largest terrorist threat" since 9/11, and the attorney general of the United States stated that this attack had the potential to be "even larger" than the Madrid subway bombings in 2004 that killed nearly 200 people.³⁵ Experts also estimate that this attack could have killed anywhere between 200-500 people if Zazi and his friends had been successful with all four explosives.³⁶

These claims are possibly exaggerated because of the level of security and intelligence gathered about Zazi and his friends and because of the fact that Zazi was apparently never able to build the explosives necessary to carry out this large scale attack.

Since we now know that it is unlikely that Zazi was able to construct the bombs, it appears that the threat against our nation was not as significant as it originally appeared to be.³⁷ However, with more skill or training, an attack of this nature could have been pulled off. We cannot always rely on terrorists to be unskilled and untrained. In that sense, the threat that we faced as a nation was very real, and the response by the authorities was appropriate.

10. Coverage by the media

When the story of Najibullah Zazi's arrest initially broke, the news reporting was alarmist and irresponsible. The media made it look like New York City faced an imminent terrorist threat and that we were lucky to avoid such an attack. They failed to report that all along authorities knew of the plan and had surveillance on the suspects. Even with perfect explosive devices, Zazi would not have been able to successfully attack the New York subway system because of the intelligence gathered on him by the FBI over the course of the investigation. The threat was minimal because the FBI knew almost exactly what Zazi was planning to do. The initial media response was an overreaction, but much of what was reported was corrected in later reports once the authorities began giving out the facts of the case.

As time went on, the level of panic in the media quickly dropped as it became apparent that the authorities had the situation under control. Many of the media's stories praised the actions of the authorities in this case, restoring confidence in the authorities' ability to keep the public safe.

11. Policing costs

The policing costs of this case appear to be higher than average. The FBI spent months listening in on all of Zazi's phone calls and gathering intelligence. The NYPD was also involved in the investigation once Zazi made his move to New York City. Two detectives in the NYPD's intelligence division spent weeks gathering intelligence, talking to informants, and investigating after Zazi fled New

³⁵ "Justice Department Oversight – Part 1 – Newsflash," Associated Press, April 14, 2010.

³⁶ Tom Hays, "Feds: Terror suspects' mingling fed NYC threat," KIDK.com, September 26, 2009.

³⁷ Mudd, "Evaluating the Al-Qa`ida Threat."

York.³⁸ Investigators were required to collect evidence from many different locations: Zazi's Denver home, the Denver motel where Zazi experimented with explosives, the house where Zazi stayed in New York, and the rental car Zazi drove from Denver to New York.³⁹

The court costs from this case appear to be very large as well. Zazi, his two accomplices, his father, uncle, and the imam Afzali were all arrested and faced charges in this case. An unidentified man connected to this case has been arrested in Pakistan and is still waiting to be extradited to the United States, where he will be charged. While most of those arrested have pled guilty to charges and made plea arrangements, one of Zazi's accomplices continues to plead not guilty, and Zazi's sentencing is not scheduled to take place until June 2011.⁴⁰

12. Relevance of the internet

While the internet was not used for recruiting in this case, Zazi did (unwisely) use e-mail to communicate directly with al-Qaeda leaders, and he e-mailed himself the notes he took in al-Qaeda's training camp on explosives.⁴¹ Zazi also used the internet to do research on constructing the explosive and on the use of hydrochloric acid, and to scout locations to buy products containing the chemicals necessary for the explosives.⁴² He also used the internet to plan the most effective time and place for the attack to occur.

The authorities used the internet to gather intelligence to prevent this attack from taking place, to intercept the e-mails between Zazi and an al-Qaeda leader discussing the construction of the bombs, and to monitor Zazi's e-mail and phone lines in order to collect intelligence, leading to the downfall of the plot.

13. Are we safer?

After the arrests and the guilty pleas from almost everyone in this case, I do not feel that we as a nation are any safer because of the outcome. Najibullah Zazi was a threat to the United States and justice is being served with his guilty plea, however there will always be another like him willing to conduct terrorist attacks against the United States. Our security measures have not been increased due to this case, and the only possible way we can consider ourselves safer now is if authorities use this case as an example and learn from the tactics that were successful.

While Zazi was the lead man in this attack, to al-Qaeda he was nothing more than a pawn that they used to carry out one of their attacks. Central al-Qaeda leadership is truly responsible for planning this attack; Zazi just accepted the mission and sought to carry out the work.⁴³ As long as there are people like Zazi willing to carry out missions that al-Qaeda leaders innovate we will not be any safer. This case proves that central al-Qaeda leadership is still a viable threat to

³⁸ Ghosh, "An Enemy Within," *Time*, February 23, 2010.

³⁹ Harvey Morris, "Afghan admits NY subway bomb plot," *Financial Times*, February 23, 2010.

⁴⁰ "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

⁴¹ "Zazi Reveals Chilling Details," *New York Daily News*, February 24, 2010.

⁴² "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

⁴³ Adam Goldman, "NYC Bomb Plotter Plea Deal," ABC News, February 24, 2010.

this nation and cannot be ignored. One of the lessons learned through this case should be that we need to take the fight to the al-Qaeda leaders. Al-Qaeda leaders clearly still have enough structure to train terrorists and motivate them to conduct terrorist attacks against the United States.⁴⁴

Another important lesson that can be learned that would make the public safer is in information sharing. The original tip for the threat came from the international sharing of intelligence.⁴⁵ Intelligence sharing is something that we have a problem with between agencies in this country, and it is clear that it is an important factor in stopping terrorist attacks. If we continue to share intelligence with other nations and among our own agencies, the public will be safer from the threat of a terrorist attack.

Arresting Zazi does not alone make us any safer as a nation. To al-Qaeda, Zazi was a disposable asset, and the fact that his terrorist attack failed cost them very little. Al-Qaeda will have very little trouble in finding more people just like Zazi that are more than willing to conduct suicide missions against United States. We will not be free of al-Qaeda as a threat until their core leadership has been completely dismantled, and even then their message of advocating terrorism will always pose a threat from any individual who hears it and chooses to act on their own.

14. Conclusions

Terrorists are clearly learning and adapting to what needs to be done to conduct a successful attack. After 9/11, security measures have been heightened so it is much more difficult for terrorists to enter the country. Therefore it makes sense for terrorists to make use of people who are legal residents of the United States as they did with Zazi . Terrorist networks like al-Qaeda are able to learn from, and adapt to, security measures that are put in place to stop them. Our most effective strategy to deter them should rely on intelligence gathering because we cannot possibly afford to provide adequate security at every possible target.

Najibullah Zazi's terrorist plot against the New York subway system provides us with an example of the nature of the terrorist attacks that threaten our nation from al-Qaeda. Zazi was self-motivated to join the Taliban in response to the actions of the U.S. military in Afghanistan; however it took al-Qaeda's training and ideas to motivate him to return the United States to conduct a terrorist attack. Although our efforts in Afghanistan have done a lot of damage to al-Qaeda's core leadership, the group is still able to recruit and train terrorists. Therefore they still present a viable threat to the security of the United States. The plots won't be as extravagant as 9/11, but a simple plot, like a subway bombing, can prove to be effective if properly carried out, even though Zazi was unsuccessful due to a lack of proper training and to the communications intercepts.

⁴⁴ Mudd, "Evaluating the Al-Qa`ida Threat."

⁴⁵ "British Spies help prevent attack," *Telegraph*, November 9, 2009.

Case 29: Springfield

John Mueller

June 4, 2011

Michael Finton, a part-time fry cook in Decatur, Illinois, had converted to Islam in prison when serving a sentence for aggravated robbery. Largely self-motivated and self-taught, he became increasingly upset what he saw as the American wars against his adopted religion in Iraq and Afghanistan. Placed on a watch list by the FBI for possession of radical literature, for strident public spoutings that mostly alienated fellow Muslims, and for a somewhat mysterious trip to Saudi Arabia, Finton began to be tagged with a couple of FBI informants beginning in 2007. In the ensuing months the group concocted a scheme to set off a truck bomb outside a federal courthouse in nearby Springfield. Finton took the lead in the planning and the FBI in supplying the supposed bomb. To help insulate the investigation from charges of entrapment, the informants often told Finton he was free to back out at any time, an approach also applied in later cases as well as in the Dallas skyscraper case that was going on at the same time (Case 30).

Finton subscribed to a vague and entirely unexamined notion that his explosion would somehow be the “first domino,” encouraging other Muslims to join the battle. However, the experience cannot have been terribly inspiring because the bomb was inert and Finton was arrested when he tried to detonate it from a distance with a cell phone in September 2009, only one day before the same process was played out with the Dallas aspirant.

Ronald Lieberman sees the gullible red-haired Finton, who talked a lot, but had no skills, training, money, or weapons, as something of a “born loser,” and who, without the enablers supplied and paid for by the FBI, might never have managed to get around to attacking America.

Case 29: Springfield

Ronald Lieberman

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typographical and other minor corrections December 14, 2011

1. Overview

On September 23, 2009 in Springfield, Illinois, Michael Finton was arrested and charged with attempted murder of a federal officer and attempted use a weapon of mass destruction. Finton is accused of attempting to destroy the Paul Findley Federal Building and Courthouse with a truck bomb. However, the “truck bomb” was supplied by an undercover FBI agent and was full of inactive materials, not explosives as Finton had been led to believe. He was taken into custody immediately after he attempted to explode the bomb with a cellular phone. The arrest occurred after months of work by the FBI through an undercover agent; they believed him to be a terrorist threat and wanted to see that threat manifest itself in a situation they could control. On October 7, 2009 Finton was indicted in the Central District Court of Illinois, with his trial slated to begin in March 2011.

Finton does not appear to have been entrapped, but it seems he would not have done much of anything without the FBI’s involvement: he was not tricked into doing anything, but he might well have never done anything on his own either.

2. Nature of the adversary

Finton is a red-headed Caucasian-American citizen born in 1980 who lived in Decatur, Illinois, at the time of his arrest. His hometown is Visalia, California, according to his MySpace page and he attended high school in Warren, Michigan, but was expelled for fighting a teacher.¹ No evidence exists that Finton ever finished high school or received his GED. On February 3, 1999, according to the court record, he held up a convenience store in Olney, Illinois, in the process threatening the female clerk with a “dangerous weapon or firearm” and causing her “serious bodily harm,” ultimately taking \$323 in cash and eight cartons of cigarettes.² He was convicted of aggravated assault and aggravated robbery and received a sentence of ten years. Sometime between 1999 and 2005, while serving time in prison for his conviction, Finton converted to Islam. He moved to Decatur after his release to attend the local mosque, but this led to his arrest on August 15, 2007, because he had failed to report his move to his parole officer in a timely manner.^{3,4}

On his MySpace page in January 2007, Finton presents a very negative self-image: “Everybody liked me, yet I hated myself. People thought I was smart,

¹ “Michael Finton,” *Wikipedia*. Accessed November 30, 2010.

² “Finton,” *Wikipedia*.

³ Dirk Johnson, “Suspect in Illinois Bomb Plot ‘Didn’t Like America Very Much,’” *New York Times*, September 27, 2007.

⁴ Bruce Rushton, “Man Accused in Bombing Plot Known for Strong Stance on Islam,” *Pjstar.com*. September 24, 2007.

and reasonably good-looking, but to me, I was a moron, and a freak.”⁵ He goes on to say that he studied numerous religions including “Buddhism, Hinduism, Judaism, Moorish Science Temple (a religion founded in America about a century ago), House of Yaweh (a religion based in Texas), even Aztec philosophy,” until he finally found solace in Islam while in prison.⁶ These comments allow a glimpse into Finton’s psyche. He never had much success in life, in his career, with women, with anything, but here was something he could finally be successful in and get behind: radical Islam. Finton was vulnerable to being drawn into the terrorist cause. It seems he finally wanted to become important, to be known, and committing a terrorist act or somehow supporting the radical Muslim cause gave him an opportunity to do so.

During his August 2007 arrest, law enforcement discovered numerous letters and notebooks containing radical Muslim thoughts, including correspondence with John Walker Lindh, the “American Taliban.” When Finton returned to the police station to collect his belongings, the police interviewed him (Finton cooperated voluntarily), and learned more of his radical Islamic beliefs including that he idolized Lindh. With this in mind, the FBI placed him on the terrorist watch list.⁷

After that string of events, Finton continued to live in Decatur and work part-time as a fry cook for the local Seals Fish & Chicken. The job supported only a meager existence and, due to his criminal record and lack of education, there was little chance he could attain a better job.

Finton’s neighbors commented on how he acted during the time he spent in Decatur. A younger neighbor, Brandon Jackson (aged 19), noted that Finton looked out for him and often invited him over for pizza and to watch soccer. He very much acted like a mentor towards Jackson, especially went it came to religion, teaching him some of the tenets of Islam in an attempt to “keep him on the right track.” Another neighbor, Vivian Laster, felt similarly, saying that she could never see Finton committing such an act.⁸

However, Finton’s fellow workers noted that he “didn’t like America very much” and believed that America was “at war with Islam.”⁹ He did not hate Americans, but was frustrated with what the government had turned them into. His enemy was not the average American, but the government and those who worked for it were an entirely different story: any means necessary could be used to take it down. One could say that Finton was fairly ideological, in the sense that the government could simply be blamed for everything. In reality, although the government may be part of the so-called “war with Islam,” it is unlikely it is alone to blame. Finton’s failure to realize this gives a glimpse into his ideological thinking. Since Finton did blame the government for the “war with Islam,” he became politically tuned-in, often commenting on recent events in American

⁵ Rushton, “Man Accused.”

⁶ Rushton, “Man Accused.”

⁷ United States of America v. Michael C. Finton (a/k/a “Talib Islam”). 2. Central District Court of Illinois, September 24, 2009, Nefafoundation.org.

⁸ Johnson, “Suspect in Illinois Bomb Plot.”

⁹ Johnson, “Suspect in Illinois Bomb Plot.”

foreign policy and terrorist attacks. He kept up with current events, and did not simply live in his own radical bubble.¹⁰

A fellow member of the Muslim community spoke of how excited Finton was about his new faith, but how it was more of an annoyance than anything.¹¹ Furthermore, Finton practiced a fairly militant form of Islam, common among prison converts; he even mentioned to the confidential informant that the local Muslims were much more relaxed than the Muslims he had known in prison,¹² suggesting that Finton was religiously fanatical and somewhat socially marginalized by the one group he wanted to be part of the most. Finton recognized his social isolation in Decatur: he comments in an interview with radio host Greg Bishop that “I’m not from here in Southern Illinois. People are different, that’s not anything bad, they’re just different. When I went to Saudi Arabia I fit in.”¹³

The visit to Saudi Arabia occurred in March 2008 when he received \$1375 from a man known only as “Asala Hussain Abiba” in Saudi Arabia, and he then used these funds to purchase a month-long trip there from a local travel agency.¹⁴ Finton told the confidential informant that “Abiba” was a Shaykh in Saudi Arabia who wanted him to marry his daughter.¹⁵ However, whether or not any further investigation of this claim by the government occurred is unknown. Although Finton did in fact travel to Saudi Arabia and claimed in an e-mail to U.S. Representative Phil Hare he was, “making a pilgrimage to Mecca,” not much is known. Jordanian officials were warned by the FBI of Finton’s watch list status, and they then searched his bags while he was traveling from Jeddah, Saudi Arabia.¹⁶ The FBI assumed that this trip was a stepping-stone to Finton finally acting out his beliefs, and it kept an even closer eye on him when he returned to the U.S. The possibility that a true Saudi Arabian Shaykh would want his daughter to marry a red-headed American jailbird Muslim-convert seems highly unlikely, meaning Finton may have lied about his trip to cover up its true purpose. Finton steadfastly claims in an interview with radio host Greg Bishop that he made contact with the Shaykh through a Muslim matrimonial website and the entire trip was innocent, but this has not been confirmed.¹⁷

Much of Finton’s inspiration, motivation, and influence was centered on his faith. Finton himself told the authorities after his 2007 parole-violation arrest that John Walker Lindh, the “American Taliban,” and Anwar Al-Awlaki, radical American-born imam considered to be a senior level recruiter for al-Qaeda, were large influences on his thinking. He sought to emulate Lindh, even going as far to say he idolized him.¹⁸

¹⁰ United States v. Finton, 6.

¹¹ Johnson, “Suspect in Illinois Bomb Plot.”

¹² United States v. Finton, 5.

¹³ Greg Bishop, “A Suspected Terrorist Speaks,” Theintelhub.com, September 25, 2010.

¹⁴ United States v. Finton, 4.

¹⁵ Rushton, “Man Accused.”

¹⁶ Rushton, “Man Accused.”

¹⁷ Bishop, “A Suspected Terrorist.”

¹⁸ United States v. Finton, 2.

Linda Boles, a journalism professor Finton worked with when he submitted articles to the *Communicatur*, a student newspaper at Richland Community College in Decatur, said that Finton, like many people freshly converted to Islam, was on the radical side.¹⁹ But most, over time, move back to the center and fit in with the general Muslim population. Finton, however, did not follow this model and continued to radicalize, inspired by the actions and writings of Lindh, Al-Awlaki, and other terrorists across the world.

The “attacks” by America on Islam frustrated and angered him. The frustration stemmed from what he saw as the way Americans followed what the politicians said in a sheep-like fashion and did not speak out. It came as well from his own inability to act out in a way he felt was relevant enough to show his strong dedication.²⁰ The anger originated from Finton believing that America was “at war with Islam,” his own religion and perhaps the thing he cherished most. In his mind, America was attacking his very way of life.

Finton was not recruited to terrorism by anyone. The undercover agents facilitated the process, but Finton’s decision to become a terrorist was made entirely on his own. On his MySpace page, Finton’s created his own nickname, “Talib Islam,” Arabic for “student of Islam,” a name by which he would become infamous.²¹ He decided to join the terrorist movement because of his desire to stand up for his religion, because of an apparent desire for personal glory, and because of a desire to serve justice. It is unlikely he did it in hopes of gaining friendship. He did refer to other terrorists as “brothers” and the undercover agent as “the brother,” but this is less friendship than it is being a part of something bigger than him.²²

It is important to note that Finton was mentally stable while making all these decisions. He himself told Bishop in their interview, “I’m not crazy. I’m not going to play crazy,” in reference to the psychological evaluation he will undergo as part of his trial.

To be blunt, Michael Finton was a radical Muslim, but also a born loser. He had no skills whatsoever, not even a high school education. Granted he was a prolific reader of radical Islamic material and followed the news, but at the end of the day he lived by himself in a simple apartment and worked as a fry-cook. He spent much of his time on the computer spouting off his ideas, trying to make himself seem important, when in fact he was just another insignificant member of the world.

3. Motivation

Finton was motivated by the idea that something must be done to stop America’s war on Islam that was occurring overseas. This simple principle, at least in his mind, motivated all he wanted to do; something must be done. When this idea is broken down, however, one sees that the principle is only the exterior

¹⁹ Rushton, “Man Accused.”

²⁰ United States v. Finton, 7.

²¹ “IL Federal Building Targeted by Muslim Convert,” Homelandsecurityus.com, Northeast Intelligence Network, Sept 24, 2009. Web.

²² United States v. Finton, 6.

fruition of his motivation made up of more components, justice, glory and religion.

Finton views America's wars in Iraq and Afghanistan as unjust. He is motivated by the idea that justice must be brought upon America for the wrongs it has committed in its attempt to "fight" Islam. Islam saved Finton from himself. Therefore, the one thing that Finton held most dear, his new religion, was in his mind under attack by the American government. Taken out of context, one could even consider such motivation noble, the desire to simply protect what one cares about most.

Religion itself played a role in Finton's motivation. Like many Muslim terrorists, he believed the path of the jihadist warrior, the terrorist, is the path to heaven. If he fought Islam's fight he would be granted a berth in heaven, despite any of his previous sins before he found the faith. Finton was therefore on the radical side of Islam, but this could be seen as a way to assuage his own hesitation with killing. He definitely wanted to protect his religion, but was unsure whether killing people would be acceptable; adopting this radical doctrine allowed him eliminate this from his thoughts.²³

4. Goals

The ultimate goal of Michael Finton's terrorism was to cause a string of attacks that would force the government to withdraw troops from the Middle East in order to maintain peace. Finton often conflated this goal with the idea that America was at war with Islam in the Middle East and therefore needed to be taken down altogether, although he felt that bringing troops home would create a more martial law situation that would strengthen the government's hold, not weaken it.²⁴ But, Finton also argues that a great string of attacks would awaken the public conscience to the injustice done by their government. Like most terrorists, Finton did not have a grand scheme or definitive goals. Any goals he did have were rather fluid and not well thought out or backed by facts.

He often spoke of, and hoped to be, the "first domino" with his attack.²⁵ The attack in Springfield would hopefully be followed by further attacks from Muslims that would ultimately lead to the fall of the government.

5. Plans for violence

Finton's original plan for violence was to fly to the Middle East and fight on the side of the terrorists/insurgents. However, he had no training whatsoever in warfare and was not in the best physical shape either. He slowly realized these facts and came to the conclusion that if he wanted to get involved in the fight, it would have to be here in America, not over there.

All the information known on Finton's case comes from the criminal complaint filed in the U.S. District Court.²⁶ The plan for violence Michael Finton had (at least the one he was arrested for) was to blow up the Paul Findley Federal

²³ United States v. Finton, 12.

²⁴ United States v. Finton, 16.

²⁵ United States v. Finton, 21.

²⁶ United States v. Finton, 1.

Building and Courthouse in Springfield, Illinois, causing physical damage and killing federal employees.

The general plan was to park a truck loaded with explosives in front of the building and detonate it from a remote location.²⁷ The explosion would cause damage to the Findley Building and, he hoped, to the office of Representative Aaron Schock as well. This plan was put into motion. However Finton did not realize this plan was crucially facilitated by an FBI undercover agent who he believed to be an al-Qaeda agent.²⁸

6. Role of informants

For most of his life Finton did not seem very determined to make a difference, at least not until he made contact with the undercover agent. This fact may be further developed by the observation that Finton preferred to not be a suicide bomber, which might be taken to show a lack of determination to make a difference.²⁹

At any rate, there were two informants in this case: a confidential civilian informant and an undercover FBI agent. Both were critical.

The informant is identified in the criminal complaint filed in the U.S. District Court, and this is the only source of information on him. He is a fellow Muslim who was instructed by FBI agents to make casual acquaintance with Finton and report back to them. The FBI initiated this undertaking after it began to believe Finton was a terrorist threat, especially in the context of his trip to Saudi Arabia and after the further discovery of radical Islamist documents in his possession. The informant, like Finton, converted to Islam while in prison and agreed to work with the FBI in hopes of receiving monetary compensation (such compensation is his only known motivation). There is unconfirmed information that the informant was involved in illegal drug distribution during the investigation, which would suspend any monetary payments. Except for the first few conversations between him and Finton, all meetings were covertly recorded.³⁰

At the start, the informant simply approached Finton as a like-minded individual when it came to Islam and America's attacks against it. He was "taking the temperature" of Finton's attitude towards America and allowing the FBI to get a glimpse into what he was capable of and what he was considering doing. Since the first conversations between him and Finton were not recorded, the informant's word has to be taken that he was not entrapping Finton at the start.³¹ The informant was seeking monetary compensation, giving him strong motivation to attempt to entrap Finton.

At any rate, for over a year Finton expressed (or vented) his beliefs to the informant about Islam and terrorist activities and most importantly how he wanted to become involved. The informant noted that Finton strongly desired to acquire military training, especially the kind seen in the attacks on Mumbai, India, in late

²⁷ United States v. Finton, 1.

²⁸ United States v. Finton, 9.

²⁹ United States v. Finton, 10.

³⁰ United States v. Finton, 4.

³¹ United States v. Finton, 6.

2008. By early January 2009, Finton's language had changed from simple idealism and talking to being on the verge of taking action. He told the informant that he wanted to travel to Israel and fight for the Palestinians and secure his place in Jannah (Paradise) by becoming a mujahidin (jihadist fighter).³²

When the informant asked Finton if he wanted to take his beliefs to the next level, Finton replied in the affirmative, and was put in contact with an undercover FBI agent posing as a low-ranking al-Qaeda member.³³ Due to the secrecy of undercover work, little is known about the agent, not even the agent's sex or ethnicity. All the conversations and contacts the agent had with Finton were recorded.

The new agent met with Finton multiple times. The first few visits were to determine Finton's intentions and to test his dedication to the cause. He had Finton receive mail "from the Middle East" and forward it to an al-Qaeda contact in the U.S. so that it would not look like the contact received the mail from the Middle East. Finton quickly completed the task. Next, the agent had Finton purchase different electronic components to be forwarded to others involved in terrorism. Again, Finton completed the task, often seeming excited by the success he had and how many components he was able to acquire.³⁴ At this point the agent told Finton he had proven himself, but he could still back out if he wanted to; nothing would be held against him. However, Finton was adamant he was dedicated and wanted to continue working with al-Qaeda.

Throughout, Finton and the agent discussed what his eventual real attack would be. Finton made it clear he was very apprehensive when it came to attacking civilians, but if the target was military or political he was "100% in."³⁵ Targets such as government buildings, banks, and police stations were all acceptable to Finton. When asked about possibly walking into a building and planting a backpack full of explosives, Finton showed no hesitation and even had recommendations for different places to put it where it wouldn't be seen. This idea suited him, as he preferred not to be a suicide bomber, but if that were what it took for him to support the cause and gain entrance to heaven, he would do it. Finton wanted his attack to seriously hurt the government and to wake it up to the wrongs of its "war against Islam." It would realize the error of its ways or would be destroyed: either result was satisfactory. Hence, targets would be chosen in a manner that would bring about these results.

On July 29, 2009 Finton and the agent met in a hotel in Springfield. The agent asked about attacking a police station, but Finton suggested an easier alternative target: the Paul Findley Courthouse in Springfield. He further suggested that they use a truck bomb parked in front for a more effective attack, not just a small backpack bomb. The two walked down to the Courthouse the same day to take a look at the building and further discuss tactics.³⁶ Finton walked into the building alone to get an even better look, but was told by the

³² United States v. Finton, 7.

³³ United States v. Finton, 9.

³⁴ United States v. Finton, 13, 18.

³⁵ United States v. Finton, 12.

³⁶ United States v. Finton, 18.

guard on duty the building was not open to the general public. The ideal plan, Finton decided, was to park a truck bomb in front of the building, detonate it, and then use a second bomb to harm responders to the first explosion. Finton told the contact, under his own volition, that the plan was entirely his idea.

After further meetings with the agent, the plan was finalized, with much of the input coming from Finton himself, not the agent. On September 23, 2009, the agent dropped Finton off at the truck, which was supposedly loaded with a ton of explosives. Finton then drove it to the federal building, parked it in front, got into the car of the agent (with the agent driving), and the two drove away. After two blocks Finton used his cell phone to “detonate” the bomb. The truck, of course, was full of inactive materials, and at this point, the FBI Joint Terrorism Task Force (JTTF) and local law enforcement took Finton into custody.³⁷

The entire plan and all the resources that went into it was made possible by the FBI, and Finton was completely fooled. Finton had no practical training in explosives, military exercises, or firearms, and there is no evidence he even owned a gun. With such a serious lack of experience, it is unlikely Finton would have ever been successful without knowledgeable help from someone else.

The agent’s specific role within the case was to further assess Finton’s intention and assist in creating a situation that Finton could carry out his “attack” in a way the FBI could control.³⁸ He obviously played a critical role in the case: without him, there would have never been any attack, at least in the form that was seen. It is entirely possible that Finton never would have attacked anything at all, had it not been for the agent’s involvement.

Most of the recorded conversations have Finton leading the discussion while the agent only comments on what Finton has already said. When it came to choosing an actual target, it was Finton who suggested the courthouse, not the agent, and it was Finton who suggested using a truck bomb, not the agent. In essence, the entire plan was Finton’s idea, something he even tells the confidential informant.³⁹ The agent (and the confidential informant) asked Finton on numerous occasions if he is positive this is what he wants to do, and the agent reminds Finton just as often that he can back out at any time and still be considered a “brother of the cause.”⁴⁰

All of this information comes from the criminal complaint filed by the U.S. But in an interview in 2010 with radio host Greg Bishop, Finton tells a very different story. Finton claims to have known the operation was a set-up from the very beginning, that he was only doing what he was told, that none of it was his idea, that the FBI was entirely responsible, and that he is legally innocent. Furthermore, after Finton was arrested in 2007 with radical Islamist materials and following his interview with the police, Finton claims to have been approached by the authorities to report on the activities of the Decatur mosque. He refused and he claims that the FBI was specifically targeting him because of this.⁴¹

³⁷ United States v. Finton, 26.

³⁸ United States v. Finton, 7.

³⁹ United States v. Finton, 23.

⁴⁰ United States v. Finton, 17.

⁴¹ “IL Federal Building,” Northeast Intelligence Network.

But the evidence, including the recorded conversations, suggests otherwise. However, even if, as Finton claims, he was “told” to do the things he did, he was not forced to do them. The FBI may have given Finton the gun, but they did not make him pull the trigger. The informant neither supported nor opposed Finton, but simply allowed Finton to vent while supplying him with seemingly viable options for taking his beliefs to the next level.

7. Connections

Michael Finton was not operating within a “terrorist network” and did not have any real connections with other terrorist groups. Finton believed he was working with al-Qaeda, but this was all part of the FBI’s sting operation; no real al-Qaeda agents were ever involved.

One more indirect connection to the general terrorist movement came in the form of his admiration of Anwar Al-Awlaki, “a Muslim lecturer, spiritual leader, and former imam who has been accused of being a senior Al-Qaeda recruiter and motivator linked to various terrorists (including three of the 9/11 hijackers).”⁴² It is from his teachings and writing that Finton gained some of his radicalization, but it would be an exaggeration to claim Awlaki was solely responsible. Another connection may have also been established and in what is perhaps the most curious aspect of Finton’s case: the 2008 visit to Saudi Arabia.

Overall, it seems safe to conclude that Finton was self-motivated. His desire to attack America and to take its “war against Islam” to American soil came from his own thinking, not the teachings of some organization or person.

8. Relation to the Muslim community

Finton converted to Islam while in prison. In his eyes, it helped him find meaning in his life and stopped him from continuing on the path he had been headed down since childhood. After serving 6½ years of a ten-year sentence, he was granted parole and began sporadically attending the only mosque in Decatur, Masjid Wali Hasan Islamic Center.⁴³

The mosque was Finton’s main source of face-to-face contact with other Muslims. Due to his weak attendance and to the rather “militant prison Islam” Finton believed in, he never gained much of a connection to his local Muslim community. Most people who knew him, Muslim or not, commented that all he ever wanted to talk about was Islam and how Muslims were misunderstood.⁴⁴ For those reasons, many within the community avoided him and did not care for him too much. Alex Iraq, a Muslim immigrant who owns a liquor store in Decatur, noted that Finton would approach people he believed were Muslim and make extensive efforts to form a bond and to talk about religion. “He was very excited to be a Muslim,” said Iraq, but the general attitude towards him was, so what?⁴⁵

Part of the reason Finton may have continued down his radical path was because he was unable to make a connection with the more centrist general

⁴² “Finton,” *Wikipedia*.

⁴³ “Finton,” *Wikipedia*.

⁴⁴ Rushton, “Man Accused.”

⁴⁵ Johnson, “Suspect in Illinois Bomb Plot.”

Muslim community. He never abandoned the more radical form he converted to in prison; he did the opposite, further radicalizing. One can speculate, had Finton made a connection with someone in the Muslim community, he would have never become a terrorist.

9. Depiction by the authorities

The authorities portrayed their arrest of Michael Finton as a classic case of excellent investigation and communication, a textbook operation in which ultimately the suspected terrorist was captured before he could cause any harm. Although the authorities were successful in “stopping” the attack, they were rather alarmist with the entire operation.

The investigation of Finton was part of a larger FBI operation called Operation Tripwire, begun in 2003 to apprehend sleeper terrorist cells before they could act. Some suspicious activities, such as buying certain products (i.e. large quantities of hydrogen peroxide), renting airplanes, trigger alerts to be investigated further.⁴⁶ However, the operation has, so far, only stopped attacks that were far from completion and stings often play out too perfectly: undercover agents are typically directly involved, the suspected terrorist is completely fooled, etc.

With this in mind, it seems Finton’s case occurred because the FBI wanted it to. They were the ones who gave him the “bomb” and put him in contact with “al-Qaeda.” They had valid concerns that, if they did not put Finton in a situation they could control, he would go off and act on his own (likely in the Middle East, out of their jurisdiction). Yet he had a serious lack of resources and skills. Therefore, their depiction of the events as the FBI again “saving the day” and making a great arrest is alarmist and irresponsible. They made Finton appear to be a much bigger threat than he was. Representative Aaron Schock, Finton’s “secondary target, said he was “grateful to the FBI for their fine work in preventing this terrorist attack,” even though he was never in any actual danger.⁴⁷

10. Coverage by the media

The media was fairly responsible and competent in covering the plot/episode of Michael Finton. Since the investigation of Finton was an undercover operation, the media had no information to report prior to his arrest. Once Finton attempted to attack the courthouse and was arrested, media coverage exploded for a few days, relaying the facts of the arrest and attack, Finton’s background, and the steps the government had taken to make the sting possible.⁴⁸ As more information was released, the media reported it, but his case eventually faded into obscurity after his indictment, with only news sources in the local Illinois area covering developments.

The general depiction of the events by the media, besides reporting the facts, was both almost comical and slightly alarmist. Comical because Finton

⁴⁶ Jamie Holguin, “Fighting Terrorism With Trip Wires,” CBS News, October 29, 2003.

⁴⁷ Mike Robinson, “Man Charged with Plot to Bomb Federal Courthouse Building in Illinois,” TheGazette.com, September 24, 2009.

⁴⁸ Johnson, “Suspect in Illinois Bomb Plot.”

thought he was going to blow up the building with a truck loaded with a ton of explosives but was completely fooled. On the other hand, some of the coverage was alarmist: the thought that a white, redheaded American citizen could attempt terrorism against his own country can be frightening.⁴⁹

Some of the more independent and left-wing news sources claim that Finton was entrapped in the FBI's "Operation Tripwire." Thus, one left-wing radio host, Greg Bishop, notes that all cases connected to this operation follow a suspicious pattern:

The story usually reads, "The Joint Terrorism Task Force disrupted a sleeper cell today and arrested one (sometimes it's three or four) person(s)." Basically, the FBI sets up sting operations for individuals or groups only to take them down with plenty of frightened, yet relieved citizens thanking the Feds. These acts are also met with plenty of editorials bolstering more funding for the Feds.⁵⁰

Finton's case fits Bishop's model fairly well. Critiques like this, however, are in the significant minority and have not garnered much attention. Regardless, it is important to note such coverage.

11. Policing costs

The authorities conducted an intense 18-month investigation on Michael Finton, starting with his parole violation in August 2007 and continuing until his arrest in September 2009. The Joint Terrorism Task Force in Illinois (about 20 agents), as well as an unknown number of the local Decatur and Springfield police forces, played a major role in the investigation.⁵¹ They recorded his conversations with the informant and the agent, tracked his movements, tapped his phone (neither confirmed nor denied by the FBI), and monitored his internet activity.⁵²

Considering the length of the investigation and the man-hours required, having to pay the FBI personnel and local law enforcement involved, paying the confidential informant, organizing the arresting sting, and all the technology involved, saying the government spent millions of dollars on the case may be reasonable. However, there is suspicion the confidential informant conducted illegal activities at the same time, which would cause him to lose any monetary compensation (the total amount has not been made public).

Finton was indicted on October 7, 2009 by a grand jury of Illinois Central District Court. On November 23, U.S. District Judge David Herndon granted the defense's motion to move the trial to a different location; it was originally to occur in the very building Finton had attempted to bomb.⁵³ Herndon set a trial date for March 14, 2011, as Finton had just changed counsel and it would take a fair amount of time for the new counsel to come up to speed on the details of the

⁴⁹ Rushton, "Man Accused."

⁵⁰ Bishop, "A Suspected Terrorist."

⁵¹ "Joint Terrorism Task Force," *Wikipedia*. Web. Accessed November 30, 2010.

⁵² Rushton, "Man Accused."

⁵³ Kurt Erickson, "Courthouse Bomber Trial Moved," *Qctimes.com* (Quad-City Times), November 23, 2010.

case.⁵⁴ Finton was arrested in September of 2009 and his trial won't even truly begin until March 2011. The trial could be long and expensive.

12. Relevance of the internet

Finton was a regular user of the internet, especially in the form of his MySpace page and posts on Muslim forums.⁵⁵ Using the internet, Finton broadcast his feelings on the government and Islam, although often in a much more subdued form than he truly felt: he was smart enough to realize proclaiming he wanted to kill American soldiers or the like was not a good idea. Most often he kept his comments to his opinions concerning America's war against Islam, often in the context of Israel and Afghanistan.⁵⁶ Finton's MySpace page shows how dedicated he is to faith. Although the original page has been taken down (by whom or why is not known), screenshots show a background of a mosque with Arabic writing on it; he was not afraid to let the world know how he felt.⁵⁷ He also utilized muxlim.com, a website devoted to Islamic issues, where it is likely he came into contact with "Asala Hussain Abiba," the man who paid for his trip to Saudi Arabia and who's daughter Finton claimed to be engaged to.⁵⁸

For the most part, however, the internet was not the most relevant part of Finton's case. It did allow for law enforcement to get a glimpse into Finton's mind, but did not offer much else. If the internet was in fact the way Finton came into contact with Abiba, that would raise its relevance, but that is mere speculation. Furthermore, there is no evidence anything Finton did in Saudi Arabia radicalized him further or gave him any terrorist training.

13. Are we safer?

I think not. Michael Finton was never much of a real threat. He had no training whatsoever and was mostly caught up in his desire for fame and the novelty of being a terrorist. He talked almost constantly about his beliefs and became more and more radical as time passed, but that's all he did: talk.⁵⁹ Any ability to act on his beliefs only arose when the FBI became interested in his case. Had the FBI operation not been conducted, Finton would probably have continued living his life without ever attacking America. If he did anything, it may have been traveling to the Middle East to fight as he suggested he might do numerous times. However, due to his lack of training and the scarcity of camps and monetary support, this is not a likely outcome.

Finton was a part-time fry cook at a restaurant and a convicted felon. He had little education (either academic or military), no family, was not in shape. He did have semi-coherent ideas about what was needed to save Islam, but he does not really seem to have the makings of an effective terrorist. He might have gotten

⁵⁴ Erickson, "Courthouse."

⁵⁵ "Man Charged in Ill. Courthouse Bomb Plot." Cbsnews.com, September 24, 2009. Web.

⁵⁶ "IL Federal Building," Northeast Intelligence Network.

⁵⁷ "IL Federal Building," Northeast Intelligence Network.

⁵⁸ "IL Federal Building," Northeast Intelligence Network. *United States v. Finton*, 5.

⁵⁹ *United States v. Finton*, 9.

lucky in some sense, but he was nowhere near the stage where luck would even be a factor.

If Finton was not a serious threat in the first place, public safety has not been improved with his arrest: we are just as safe now as we were before. In this case, it seems that the FBI created the “danger,” not the terrorists.

14. Conclusions

The case of Michael Finton has some strong similarities to the case of another American-born terrorist: Timothy McVeigh. Besides the fact both attacks were carried out using the same method, detonating a truck bomb in front of a federal building, Finton and McVeigh also share similar motivations.⁶⁰ McVeigh was outraged at the American government for what he believed were attempts to restrict the rights of American citizens, in particular gun rights.⁶¹ Furthermore, he viewed America as a “big bully,” committing acts of severe war in order to scare enemies into submission, as seen in the 1991 Gulf War, a war he fought in.⁶² With his attack, McVeigh hoped to awaken the American public to the injustices of the government as well as force the government to reconsider both its domestic and foreign policies, that it could not continue down such a path unchecked by the common man.⁶³ Finton was also angry with the government for restricting/attacking his way of life, i.e. Islam.⁶⁴

Thus, McVeigh and Finton had a lot in common when it came to their motivation for terrorism. The key difference between the two, however, is that McVeigh successfully build a bomb and then detonated it, while Finton didn’t have a clue.

Finton had relatively firm political preferences that motivated him: America’s foreign policy of fighting a war against Islam is unacceptable. At no point does Finton show any wavering from this belief. When it came to choosing how to retaliate against America, Finton considered his options and a variety of targets; he felt the best way to support the cause was a direct attack and an attack on a federal building would best get the government’s attention.⁶⁵

Finton is a textbook example of a rather unintelligent individual latching on to a radical idea in an attempt to make himself important. More noble motivations were involved as well, but in general Finton was another bumbling idiot who believed it would be “cool” to become a terrorist and to act out how he felt about the government and demonstrate his dedication to his religion. As far as terrorism goes, Michael Finton, as in daily life, was nothing special.

⁶⁰ Lou Michel and Dan Herbeck, *American Terrorist: Timothy McVeigh & the Oklahoma City Bombing*, New York: HarperCollins, 2001, 1.

⁶¹ Michel, *American Terrorist*, 160.

⁶² Michel, *American Terrorist*, 166.

⁶³ Michel, *American Terrorist*, 167.

⁶⁴ Johnson, “Suspect.”

⁶⁵ United States v. Finton, 21.

Case 30: Dallas Skyscraper

John Mueller

June 4, 2011

Still a teenager when arrested in 2009, Hosam Maher Husein Smadi, a Jordanian in Dallas on a student visa who suffered from depression and schizophrenia, sought to “reach out,” as they say, on the internet to find people like him who were violently opposed toward American foreign policy in the Middle East and particularly toward Israel’s policy toward Gaza, which in 2006 included a military incursion that had resulted in the deaths of hundreds of Palestinians. His messages suggested a “vehement intention to actually conduct terror attacks in the United States” according to the arrest warrant. This, none too surprisingly, attracted the attention of the FBI.

In March 2009 an Arab-speaking agent, posing as a senior member of an al-Qaeda sleeper cell and probably quite a bit older than Smadi, responded. Within a few months, they, together with two other agents, had hatched a plot to bring down (“God willing”) a 60 story skyscraper containing several financial institutions by exploding a car bomb in its underground garage. Smadi drove a Ford Explorer with a fake bomb into the garage, and then attempted to detonate it with a cell phone at a distance safe from the proposed blast but not from the FBI agent sitting next to him.

Throughout, Smadi remained blissfully innocent of any training or experience with explosives, of any awareness that a car bomb in a parking garage is scarcely likely to topple a tall building (as was demonstrated in 1993 with the first attempt, with a much bigger bomb, on New York’s World Trade Center), of any concept of how financial institutions are quite able to survive the destruction of their physical offices (as was demonstrated in 2001 with the successful attempt on New York’s World Trade Center), and, it appears, of any suspicion that people one picks up on internet chats might just possibly be duplicitous.

As with the Bronx synagogues case (Case 25), the FBI pursued the venture to the point of having their man actually push the button. As Lauren Brady stresses, however, in this case the FBI agents appear in addition repeatedly to have given Smadi an opportunity to abandon the project and to adopt non-violent means to express himself. This approach, as she further notes, helps considerably to undercut the entrapment defense, and it was applied in the Oregon case a year later (Case 38).

Obviously, Smadi would never have been able to carry out an attack remotely like this without a very great deal of help from his seemingly friendly accomplices. Brady points out, however, that he seems to have been determined to do something, somehow, somewhere; and perhaps in time he could have uncovered a truer kind of friend, one with real mayhem in mind. But, given Smadi’s limited capacities, his mental instability, and his absurdly reckless tendency toward self-exposure, anyone contemplating conspiratorial terrorism would be well advised, as a practical matter, to avoid his complicity and comradeship.

He is scheduled to be released from prison, and then sent back to Jordan, when he is 44.

Case 23: Dallas Skyscraper

Lauren Brady

June 4, 2011

typographical and other minor corrections December 17, 2011

1. Overview

On September 24, 2009, Hosam Maher Husein Smadi, a 19 year-old Jordanian, attempted to detonate a car bomb in the underground parking garage of Fountain Place, a 60-story financial center located in downtown Dallas, Texas.¹ The bomb was inert and was provided by the FBI, which had undertaken an undercover operation on Smadi after discovering his violent remarks on an Islamist extremist website.² Undercover agents, posing as members of al-Qaeda, repeatedly met with Smadi, recording conversations in which he professed his allegiance to Osama bin Laden and his desire to commit violent jihad against America and those that stood against Islam.³ The agents also traveled with Smadi on reconnaissance missions to possible attack targets around Dallas.⁴ They offered him many chances to change his mind and back out on the plan, reminding him that there are many other acceptable, non-violent alternatives for Muslims to fulfill their jihad duties, but Smadi continuously rebuffed these offers, insisting he was committed to violent jihad.⁵ On the day of the intended attack, Smadi drove an SUV with the fake bomb to Fountain Place, left the building on foot, and was picked up by an undercover agent and given a cell phone that he believed to be able to detonate the bomb.⁶ As soon as he dialed the detonation number, he was arrested by the FBI.

Smadi was charged in a federal criminal court with one count of attempting to use a weapon of mass destruction and one count of bombing a public place.⁷ The latter count was dropped in a plea bargain in which Smadi agreed to plead guilty to attempting to use a weapon a mass destruction in exchange for a reduced sentence.⁸ Attempting to use a weapon of mass destruction normally held a maximum sentence of life in prison, but under Smadi's plea agreement the maximum sentence under consideration would be capped at 30 years.⁹ The sentencing hearing focused on Smadi's mental state, and

¹ United States Attorney's Office, Northern District of Texas, "Federal Bureau of Investigation - The Dallas Division: Department of Justice Press Release." *Federal Bureau of Investigation—Dallas—Homepage*, September 24, 2009.

² United States District Court, Northern District of Texas, *United States of America v. Hosam Maher Husein Smadi—Warrant for Arrest*, September 24, 2009, 3.

³ United States District Court, *U.S. v. Smadi*, 4-5.

⁴ United States District Court, *U.S. v. Smadi*, 7.

⁵ United States District Court, *U.S. v. Smadi*, 6.

⁶ United States District Court, *U.S. v. Smadi*, 11.

⁷ Associated Press, "National Briefing | Southwest; Texas: Not-Guilty Plea In Bombing Case," *New York Times*, October 27, 2009.

⁸ Jason Trahan, "Dallas Bombing Plotter Hosam Smadi Sentenced to 24 Years in Prison," *Dallas Morning News*, October 20, 2010.

⁹ *Ibid.*

the defense argued that he suffered from depression and schizophrenia.¹⁰ On October 19, 2010, Federal District Court Judge Barbara M.G. Lynn sentenced Smadi to 24 years in prison and deportation upon release.¹¹

2. Nature of the adversary

Hosam Smadi was born June 5, 1990 in Ajloun, Jordan.¹² Smadi's defense team stated that he grew up a Muslim but was in a religiously tolerant environment, went to Christian schools, and was taught that God loves all people regardless of their religions.¹³ The defense also states that Smadi had a relatively difficult childhood. During the sentencing hearing, Smadi's father detailed the domestic abuse that occurred in the home, claiming that he was physically abusive to both his wife and children.¹⁴ According to defense documents, Smadi began to experience signs of depression and mental illness when his parents separated, and "completely fell apart" when his mother died of brain cancer in 2006.¹⁵ Smadi came to the United States with a student visa in March 2007 to have a change of environment.¹⁶

When Smadi first arrived in the U.S., he stayed in San Jose, California with the family of a retired Jordanian businessman who knew his family.¹⁷ He stayed there for only three weeks, and then moved to a room above a restaurant where he had gotten a job.¹⁸ While in California, Samdi was visited by his father, who noted significant changes in his son. His father said that he was shocked to find Smadi wearing earrings, smoking, and drinking alcohol.¹⁹ Friends of Smadi in Texas claimed that he said he moved to Texas in April 2008 when he was offered a cashier job by a Syrian-born man named Tamer Kadah, who managed the Texas Best Smokehouse in Italy, Texas.²⁰ Friends in Texas also stated that Smadi said that he had been staying with his younger brother in California, and had been attending school but dropped out. He claimed that there had been a fire at his brother's apartment and he had to move out.²¹

Friends of Smadi's in the tiny town of Italy, Texas claimed that he was an outgoing young man who drank and smoked marijuana with people he met at his living complex. They said he did "endless favors for his friends, held barbecues, and baby-sat for neighbor's children." He often wore flashy black clothes, earrings, and a fancy belt buckle. He enjoyed American action movies and he

¹⁰ James C. McKinley, "Texas: Jordanian Sentenced in Bomb Plot," *New York Times*, October 19, 2010.

¹¹ *Ibid.*

¹² United States District Court, *U.S. v. Smadi*, 3.

¹³ Melody McDonald, "Defense in Dallas Terror Plot to Depose Jordanians in Amman," *Dallas Morning News*, March 10, 2010.

¹⁴ Scott Gordon, "Smadi Sentencing Highlights Mental Illness, Domestic Abuse," *NBC Dallas-Fort Worth*, October 21, 2010.

¹⁵ McDonald, "Defense."

¹⁶ Gordon, "Smadi."

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Gordon, "Smadi."

²⁰ McKinley, "Friends."

²¹ *Ibid.*

frequently went to dance clubs in Dallas that played techno Arab music and was said to play the music and dance wildly around his own home. Friends claimed he enjoyed the freedom and being away from the strict social norms of Jordan. He never showed any observable hatred towards Americans. Though his father claimed he was never very interested in his Muslim faith, friends in Texas described him as an observant Muslim. There is no mosque near Italy, Texas, but he had a prayer rug and prayed five times a day in his apartment and fasted once a month and during Ramadan.²²

In June 2008, Smadi married a local girl named Rosalinda Duron, who worked with him at Texas Best Smokehouse.²³ He told none of his friends about the marriage, and the couple separated after three months; they are not divorced and remained friends.²⁴ Smadi's father claimed that Smadi told him that it was a sham marriage to get a green card, and that he did not live with his wife and that she had a boyfriend.²⁵ His wife claimed that Smadi was always on his laptop and on Arabic chat lines; he claimed it was how he spoke to his family.²⁶ He attracted the attention of the FBI in January 2009 for his posts on an online extremist forum.²⁷

Smadi did have a minor criminal past, being jailed briefly in Jordan in 2004 for begging and for theft.²⁸ He was not affiliated with any Islamists or anti-American hate groups, but his father expressed concern over an increasing devotion to Islam he developed while in the United States. According to his father, Smadi previously had no interest in Islam or the Israeli-Palestinian conflict, but later became obsessed with both.²⁹ He would pray a lot, read the Quran, and talk about how Israel destroyed Gaza.³⁰

It does not appear that Smadi was ever officially diagnosed with any psychological problems before his arrest. During his testimony at the sentencing hearing, his father admitted that he never sought professional help for his son due to the stigma attached to seeing a mental health specialist in Jordan. Smadi's defense team claimed that he suffers from schizophrenia. Dr. Xavier Amador testified that Smadi was a schizophrenic who had out of body experiences, visions of "jinns," or Arab spirits, and amnesia made worse by his near constant drug use while in Texas. However, the government's expert, Dr. Raymond Patterson, testified that Smadi was not schizophrenic and that the supposed hallucinations were meant to trick officials into believing that he is mentally ill.³¹

Overall, Smadi appears to fit both the government's portrayal of a violent Islamic extremist and his defense team's portrayal of a mentally troubled youth. His psychological and social problems seem to have begun in Jordan and were

²² McKinley, "Friends."

²³ Ibid.

²⁴ Ibid.

²⁵ Gordon, "Smadi."

²⁶ McKinley, "Texas."

²⁷ Trahan, "Dallas."

²⁸ McKinley, "Friends."

²⁹ Trahan, "Sentence."

³⁰ Gordon, "Smadi."

³¹ Trahan, "Sentence."

exacerbated by his move to the U.S. It is very possible that despite his outward acceptance of U.S. dress and behavior, he struggled with his traditional Muslim faith in his new environment, and turned to Islamic extremism in his frustration.

3. Motivation

According to the recorded evidence taken by the undercover agents of the FBI, Smadi was motivated by a devotion to Islam and Osama bin Laden. During his conversations with the undercover agents, he “made clear his intention to serve as a soldier for Usama Bin Laden and al-Qaeda, and to conduct violent jihad” within the United States. His motivation stems from a general defense of Islam against the Christians and Jews, whom he holds responsible for the deaths of his Muslim brothers. He seems particularly angered by the Israeli-Palestinian conflict, and is recorded as stating, “the point is that thousands of Muslims have been killed in Gaza at the hand of Jews-the-dogs and the silent disloyal backsliders. Those are the Arab kings and, God willing, their end will be the hanging rope and hell.” He is also motivated by revenge for U.S. and Western foreign policy in the Middle East, stating that he “will never forget Iraq, Palestine, Afghanistan or any Muslim land where tyrants have taken over.”³² To Smadi, the United States is an enemy of Islam, and the best type of jihad is violence against the enemy of Islam.

According to his defense team, Smadi was a troubled youth suffering from depression and schizophrenia, and he was motivated by the encouragement he received from the undercover agents who became his closest companions. His defense attorney argued that Smadi’s mental issues and troubled family life made him particularly eager for the praise and encouragement provided by the undercover agents, and that he began to think of one of the undercover agents as his brother. Smadi bonded with the agents, and when they told him that his mother was pleased with what he was doing and that they “insisted” that he choose a bomb target, he went along with the plan. He may have truly believed what he was doing was right, but the defense argues that his motivations were to achieve the acceptance of the undercover agents rather than a true desire to harm others.³³

4. Goals

According to statements recorded by the undercover FBI agents, Smadi’s goal was to wage violent jihad against the United States in order to harm an enemy of Islam and advance Muslims’ position in the foreign conflicts of Palestine and Iraq. On a practical level, he wanted to attack American targets that he believed were specifically aiding the United States in its actions in the Middle East, saying that “everything that helps America on its war on Arabs will be targeted.” By striking a financial center, he hoped to devastate the U.S. economy that funded its wars.³⁴

³² United States District Court, *U.S. v. Smadi*, 4-5.

³³ Trahan, “Dallas.”

³⁴ United States District Court, *U.S. v. Smadi*, 3-7.

On a broader level, Smadi was recorded as saying that his was going to “expel the Jews from the land of holy Jerusalem, land of the two tributaries, and Iraq.” He wanted to “destroy all Romans [Christians] and all the religion’s enemies”, and “kill and behead the backslider operatives in the Levant and land of Muslims.” When asked by the undercover agents what he would have done had he never met the al-Qaeda “sleeper” cell fabricated by the FBI, Smadi replied that he would have kept searching for such a group to be a part of, because he felt that Bin Laden’s group and those like them are truly the righteous.³⁵ His goal was to commit violent jihad by attacking America in order to harm a perceived enemy of Islam and to expel all non-Muslims from the Middle East.

5. Plans for Violence

While others on the website openly endorsed violence, Smadi stood out “based on his vehement intention to actually conduct terror attacks in the United States.”³⁶ However, at this point in the investigation he did not appear to have any concrete or established plans for violence. In March 2009, an FBI undercover agent introduced himself to Smadi as a senior member of an al-Qaeda sleeper cell and began recording Smadi’s intention to commit a terrorist act in the U.S. Smadi declared that he wanted to destroy targets that specifically aided the U.S in its wars in the Middle East.³⁷ The government claims that it was Smadi who came up with attack plans on his own, while the defense argues that Smadi was pressured into developing specific plans by the undercover agents.³⁸ In June 2009, Smadi told the agents that he wanted to target buildings belonging to the largest credit card companies in America in order to strike at the U.S. economy.³⁹ Even without a chosen target, he determined that a car bomb with remote detonation would be the most secure mode of attack, calling such a plan “a very fast operation, smart, and decisive.”⁴⁰

Smadi considered additional targets along with the major financial centers. Inspired by the Little Rock, Arkansas attack (Case 26), he considered the National Guard Armory in Dallas, but after surveillance determined that it was an unacceptable target. He also considered planting a bomb in a restroom at Dallas Fort Worth International Airport. He wanted to plant one bomb at the airport and one at a bank branch and then detonate them within 15 minutes of each other. But after surveying the airport, he determined that security there was too strong and the operation would be too risky. He then decided that instead of attacking the small bank branch he had identified, he wanted to go for “the big fish” and attack the Wells Fargo bank inside Fountain Place, a Dallas skyscraper that housed several financial institutions and has a memorable glass exterior. He was particularly interested in the possible economic turmoil that could result from the destruction of a financial center, stating that “the losses will be excessive in credit

³⁵ United States District Court, *U.S. v. Smadi*, 6-7.

³⁶ United States District Court, *U.S. v. Smadi*, 3.

³⁷ United States District Court, *U.S. v. Smadi*, 7.

³⁸ Trahan, “Dallas.”

³⁹ United States District Court, *U.S. v. Smadi*, 9.

⁴⁰ United States District Court, *U.S. v. Smadi*, 7.

card information. Millions of people would incur losses: unemployment, poverty, hunger, and a strike to the head of the government.” He was very excited that Fountain Place was a trade building, just like the World Trade Center.⁴¹

In July 2009, one of the undercover FBI agents dropped Smadi off at Fountain Place and he conducted his own reconnaissance of the building. He found a bathroom in the basement that was suitable for planting a bomb, but in August 2009 he determined that using a car bomb planted in the underground garage would be easier and more effective. Smadi is recorded as stating, “I want to bring down the building, God willing.”⁴² He received no training from the FBI and does not appear to have been trained by any other source. He performed his own amateur surveillance and reconnaissance, but relied on the FBI to provide the vehicle-borne improvised explosive device (VBIED).

Smadi originally wanted to execute his plan on September 11, 2009, but decided to wait until after Ramadan ended on September 20. He was told that the VBIED would go off when the timer was turned on and then remotely detonated from a cell phone. The “sleeper cell” would provide the VBIED, but Smadi was to carry out the attack. The FBI rigged a 2001 Ford Explorer with an inert explosive device, and on September 24, 2009 Smadi drove to Dallas from Italy, Texas, and met up with one of the undercover agents. They then drove to pick up the VBIED. Smadi inspected it and conducted additional surveillance of the target location. He then drove the VBIED alone to Fountain Place, entered the parking garage directly beneath the building, set the device’s timer and flipped the power switch that he believed would enable the device to explode. He then exited and locked the vehicle, and left the garage on foot. An undercover agent picked him up in a vehicle and they drove several blocks away to detonate the bomb via cell phone. Smadi dialed the number that he believed would detonate the VBIED he had just placed underneath a downtown financial center crowded with people.⁴³ The phone number connected to a phone in the possession of law enforcement. Smadi was then placed under arrest by the FBI.

Smadi was recorded saying that “to sacrifice in person is the best type of jihad,”⁴⁴ but it seems that he never truly considered a suicide attack. Even his earliest plans mentioned remote detonation or planting a timed bomb. The undercover agent who was with him when he dialed the cell phone to set off the bomb said that he refused ear plugs so he could relish in the blast, and even took the time to put on a cowboy hat in the car.⁴⁵ He wanted to be present and bask in the glory of his success.

6. Role of informants

This case did not involve informants, but it did heavily rely on undercover agents of the FBI. Three undercover agents had direct contact with Smadi; all

⁴¹ United States District Court, *U.S. v. Smadi*, 7-9.

⁴² United States District Court, *U.S. v. Smadi*, 9-10.

⁴³ United States District Court, *U.S. v. Smadi*, 10-11.

⁴⁴ United States District Court, *U.S. v. Smadi*, 5.

⁴⁵ Jason Trahan, “Would-be Dallas Bomber Hosam Smadi Appears Enthusiastic in Video Made for Bin Laden,” *Dallas Morning News*, October 21, 2010.

three were native Arabic speakers and were previously employed by the FBI prior to this case.⁴⁶ An FBI undercover employee was part of an online group of extremists when he discovered Smadi posting violent jihadist remarks online. Smadi was singled out due to his intention to actually carry out terrorist attacks in the U.S. and the operative had over 10 online communications with him over a two month period beginning in January 2009. Once the operative assessed Smadi as a legitimate threat, he introduced Smadi to a second undercover employee as a senior member of an al-Qaeda “sleeper” cell in March 2009, and the second operative communicated with Smadi over 40 times. To further support the undercover operation, a third FBI undercover employee was introduced to Smadi as a lower level operational soldier in the “sleeper” cell and communicated with him over 15 times.⁴⁷ It was he who dropped off and picked up Smadi on the day of the attempted attack.

The FBI undercover employees recorded and translated their conversations with Smadi, many of which include expressed devotion to Osama bin Laden and violent jihad against the United States. Both the second and the third operative repeatedly encouraged Smadi to reevaluate his interpretation of jihad, urging him that jihad can be satisfied in many non-violent ways. They always stated that if he changed his mind, they could part ways and still be friends and brothers in Islam, and that he would suffer absolutely no repercussions. Each time, Smadi responded that he was dedicated to violent jihad and self sacrifice. When they asked him what he would have done had he not been contacted by the “sleeper” cell, he said that he would have kept looking for a likeminded group to be a part of, even if he had to leave the U.S. and join Hamas or the Taliban.⁴⁸

According to the government, the undercover employees did not encourage Smadi or develop the attack plans themselves.⁴⁹ They provided the VBIED and transportation that Smadi would have unlikely obtained on his own, but the targets and attack plans were entirely his. The FBI heavily emphasizes the undercover employees’ repeated offers to Smadi to abandon the project and fulfill jihad in other ways. According to the government, there is little case for entrapment other than the fact that they provided the “bomb.” The intent to kill, it seems, was entirely Smadi’s.

However, Smadi’s defense team claimed that this was definitely a case of entrapment, pointing to several instances where the FBI appeared to prompt a reluctant Smadi to commit the attack. They argued that the instruction and “aggressive encouragement” of the federal agents combined with his difficult past caused him to evolve into something that he would not have become without FBI involvement. Defense attorneys criticized the agents for praising Smadi anytime he mentioned violent jihad and for developing a familial bond with him that made him especially willing to please them. They said that the agents would tell Smadi that his mother was proud of him for what he was doing, and when he didn’t have a concrete plan in place, they would tell him that the clock was ticking. Yet, while

⁴⁶ United States District Court, *U.S. v. Smadi*, 4.

⁴⁷ United States District Court, *U.S. v. Smadi*, 3-4.

⁴⁸ United States District Court, *U.S. v. Smadi*, 5-7.

⁴⁹ United States Attorney’s Office, “Press Release.”

Judge Lynn noted that Smadi “got some encouragement along the way,” in the end she sided with the government and ruled that his actions were his own.⁵⁰

If there were no undercover agents involved in this case, it is extremely unlikely that Smadi would have attempted this particular attack and possible that he would have never become a terrorist at all. The Dallas attack required a VBIED, something that Smadi did not know how to obtain, build, or use on his own. He was a 19 year-old kid with no training in explosives, weaponry, or covert activities of any kind. Bringing down a skyscraper is not something he could have accomplished without a lot help. However, he espoused violent jihadist beliefs before any involvement by the FBI, and if he were to ever become part of an actual terrorist group or develop a strong bond with a group of like-minded youths, it is possible that he could have committed a terrorist act even without the assistance of the FBI.

7. Connections

According to the FBI investigation, Smadi never had any actual connections to al-Qaeda or any other terrorist network.⁵¹ He believed that the undercover agents he was meeting with were members of an al-Qaeda sleeper cell in the U.S., but he never met or spoke with any actual terrorists. He did profess a devotion to Osama bin Laden, whom he believed he was working for. Smadi recorded a video to bin Laden, in which he says that he hopes bin Laden will receive the greatest joy from his planned attack, and that there will soon be another date to celebrate along with September 11.⁵²

Smadi’s original interest in violent jihad is unknown. His father claimed that he grew up with little interest in Islam and Middle Eastern conflicts, but became a devoted Muslim obsessed with Israel-Palestine and other conflicts in the region.⁵³ This change seems to have occurred after he entered the U.S. and may have been self-motivated or caused by the culture change or online influences. It does not appear that he was directly influenced by any of his connections in his native Jordan.

8. Relation to the Muslim community

Smadi was raised a Muslim and is a citizen of Jordan.⁵⁴ His family observed Islamic traditions but, according to his father, Smadi did not have an extremely religious upbringing and never showed a strong devotion to Islam or interest in religious conflicts of the Middle East.⁵⁵ He attended a Baptist school in Jordan with a student body split evenly between Christians and Muslims.⁵⁶ His father stated that Smadi developed an interest in Christianity while in California, and considered converting before turning back to Islam when he moved to

⁵⁰ Trahan, “Dallas.”

⁵¹ United States Attorney's Office, “Press Release.”

⁵² Trahan, “Would-be.”

⁵³ Gordon, “Smadi.”

⁵⁴ Dave Tarrant, “Dallas Plot Suspect's Family Says He Was Troubled, Not a Terrorist,” *Ammon NEWS / Front Page*, October 4, 2010.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

Dallas.⁵⁷ Smadi's father said that he was shocked when he visited his son and saw that he had a prayer rug and was passionate about the plight of the Palestinians: Smadi had never shown a major interest in Islam or politics.⁵⁸ Smadi became a devout Muslim who read the Quran, prayed five times a day, and became increasingly concerned with conflicts in the Middle East.⁵⁹

While his devotion to Islam appears to have motivated his attempted attack in Dallas, he never belonged to a mosque in the United States and he received no assistance or support from the Muslim community, either in the U.S. or in Jordan.⁶⁰ There wasn't a mosque within reasonable traveling distance of Italy, the small roadside town in Texas where Smadi lived. The Muslim community does not appear to have supported him in any way.

9. Depiction by the authorities

The first mention of Smadi came in the Department of Justice press release in which he is accurately described as having a commitment to "significant conspicuous acts of violence under his banner of 'self jihad'." The government did not sensationalize Smadi and his attempted attack. They particularly mentioned that while Smadi showed devotion to violent jihad and Osama bin Laden, he was never actually associated with a terrorist organization. They also emphasized that because he was under FBI surveillance, the public was never actually in danger of an attack by Smadi. To combat accusations of entrapment, the FBI and the Department of Justice continued to highlight the fact that they repeatedly offered Smadi chances to leave the operation and perform his jihad in other acceptable ways and each time he vehemently refused.⁶¹

While the government's version of events seems accurate, it is not comprehensive in that it fails to mention Smadi's questionable mental health and the possibility of coercion on the part of the undercover agents. Overall, their depiction was as factual and accurate as can be expected from a body that is to both report the facts and ensure that their case results in successful prosecution.

10. Coverage by the media

Media coverage of the case was generally accurate, responsible, and non-alarmist. There was a bit more sensationalism in the Dallas media market than in the national news,⁶² but generally the lack of actual danger from Smadi's Dallas attack was emphasized. Early news coverage tended to just relay the facts of the case, and later articles emphasized the more interesting and complex facets that they government left unsaid. Much news coverage focused on Smadi's mental state and the role of depression and other mental illnesses in motivating his actions, with headlines such as "Smadi Sentencing Highlights Mental Illness, Domestic Abuse" and "Dallas Plot Suspect's Family Says he was Troubled, not a

⁵⁷ Gordon, "Smadi."

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ McKinley, "Friends."

⁶¹ United States Attorney's Office, "Press Release."

⁶² Jacquielynn Floyd, "What's Chilling about Dallas Bomb Plotter Hosam 'Sam' Smadi Is His Ordinarity," *Dallas Morning News*, October 22, 2010.

Terrorist.”⁶³ Others focused on the issue of entrapment and the evolution of the FBI’s methods in combating homegrown terrorism with sting operations, with headlines such as “In Terrorism Stings, Questions of Entrapment.”⁶⁴ Smadi’s situation also alerted the media to the lack of reliable system for tracking foreign visitors on expired visas, with headlines such as “U.S. Can’t Trace Foreign Visitors on Expired Visas.”⁶⁵ Overall, the media provided extensive and accurate reporting and responsibly delved into the possibilities of entrapment and mental illness, which were denied by official reports and statements from the government.

11. Policing costs

The FBI and the North Texas Joint Terrorism Task Force led an investigation on Smadi in 2009 from January through September, approximately nine months.⁶⁶ Costs of the investigation have not been made public, but according to the FBI, several agents, detectives, analysts, and prosecutors dedicated significant time and effort to bring about the arrest of Smadi.⁶⁷ The FBI did provide Smadi with minor expenses, like travel for his reconnaissance missions.⁶⁸ The FBI also provided him with the fake VBIED that he attempted to detonate in downtown Dallas. It does not appear that the government provided Smadi with housing or other significant financial support.

Smadi reached a plea agreement with the prosecution in which he pled guilty to the charge of attempting to use a weapon of mass destruction in return for a 30 year cap on the sentence that would normally hold a maximum of life in prison.⁶⁹ Because of the plea agreement, there was no actual trial or lengthy appeals process. There was, however, an extensive sentencing hearing that focused on Smadi’s mental state and troubled youth. Several expert witnesses testified for both the prosecution and the defense, and Smadi’s defense team traveled to Jordan to depose witnesses who could speak of Smadi’s past.⁷⁰ A sentence of 24 years in prison was handed down on October 19, 2010, nearly 13 months after Smadi attempted to bomb the Fountain Place. But while all court proceedings are expensive and lengthy, the plea bargain made Smadi’s process through the court system relatively short and likely less expensive than a full trial with appeals.

12. Relevance of the internet

The internet played a crucial role in this case, as the FBI first discovered Smadi online. An FBI undercover employee was a member of an online extremist

⁶³ Gordon, “Smadi.” Tarrant, “Dallas Plot.”

⁶⁴ Eric Schmitt and Charlie Savage, “In Terrorism Stings, Questions of Entrapment,” *New York Times*, November 29, 2010.

⁶⁵ James McKinley and Julia Preston, “U.S. Can’t Trace Foreign Visitors on Expired Visas—NYTimes.com,” *New York Times*, October 11, 2009.

⁶⁶ United States District Court, *U.S. v. Smadi*, 3, 11.

⁶⁷ United States Attorney’s Office, “Press Release.”

⁶⁸ United States District Court, *U.S. v. Smadi*, 7-8.

⁶⁹ Trahan, “Sentence.”

⁷⁰ McDonald, “Defense.”

group that Smadi frequented. According to the FBI, Smadi “stood out based on his vehement intention to actually conduct terror attacks in the United States.” After Smadi repeated his violent comments, the FBI undercover agent made contact with him online and had more than 10 communications with him over a period of two months. Once the FBI determined that Smadi was a legitimate threat, the online undercover agent introduced him to a second undercover agent posing as a senior member of an Al-Qaeda sleeper cell.⁷¹ The internet set in motion the entire undercover operation that would lead to Smadi’s attempted bombing and subsequent arrest.

13. Are we safer?

Yes. While Smadi’s only terrorist activities were acted out under the watchful eye of the FBI and he posed no actual imminent threat to US citizens, he displayed an earnest desire to attack the U.S. and could have been very dangerous had he found an actual terrorist network. The FBI singled out Smadi online because of his aspiration to move beyond rhetoric and into violence, and when given the opportunity he proved more than willing to carry out attacks that would surely kill many Americans. He clearly did not have the knowledge or resources to enact the Dallas bombing plan on his own, but when provided the resources he demonstrated himself to be significantly dangerous.

Perhaps the FBI could have monitored Smadi for a longer period of time before making contact with him, giving him time to mature and possibly grow out of his extremist views. But whether they simply monitored him or, as they chose to, took direct action, we are safer with him under the watch of the FBI.

14. Conclusions

The Dallas case is similar to many terror plots in the U.S., especially those occurring in the latter half of the decade since 9/11. It seems that there has been a pattern that consists of the FBI finding young, socially alienated Muslim men venting their frustrations by espousing violence, then swooping in under the guise of a terrorist “sleeper cell” and providing the knowhow and resources for these young men to actually enact their plans of grandeur. Early claims of entrapment have led the FBI to perfect their investigations by continuously having the young men clarify their intentions, giving the young men the option to change their minds, and having them actually detonate a fake bomb.⁷² The Dallas case precisely fits this pattern.

While Smadi was not actually part of a terrorist group, he believed himself to be, and his social needs may have contributed significantly to his motivation. The undercover FBI agents fulfilled an important leadership role in his life, and he respected them and began to view them as his brothers. Considering his difficult past, Smadi was ripe for guidance and connected easily with the undercover agents. Max Abrahms and Marc Sageman argue that it is the social

⁷¹ United States District Court, *U.S. v. Smadi*, 3-4.

⁷² “FBI Terror Stings: Entrapment or Prevention?” CBS News, November 30, 2010.

solidarity rather than the political return that motivates terrorists.⁷³ However, while Smadi's social needs may have made him more susceptible to influence by a terrorist group, his original underlying motivation seemed to be to wage jihad for Islam and retaliate against U.S. foreign policy in the Middle East. His overt political motivations run counter to the literature suggesting that people often become terrorists for non-political reasons.

The Department of Homeland Security issued a report in 2009 that suggested that most terrorist threats in the post-9/11 era are likely to be smaller and focused on low-security targets.⁷⁴ According to expert Brian Jenkins, the threat America is most likely to face today are "tiny conspiracies, lone gunmen, one-off attacks rather than sustained terror campaigns."⁷⁵ But this supposed trend away from large-scale plots, like the bombing of skyscrapers, obviously does not fit the Dallas case. Smadi was excited at the prospect of having a large target similar to those on 9/11, but as with many other terror plots since 9/11, the larger the target the smaller the actual threat.

However, Smadi did show an understanding of the potential drastic political consequences of an attack on economic, financial, and symbolic targets. Fountain Place is a major financial center in downtown Dallas, and its destruction would cause both mass casualties and economic troubles. But the large-scale nature of the plot and the fact that he could never have carried it out without the assistance of the FBI separates it from other recent plots that are smaller, more realistic, and therefore more threatening.

The sequence of events in the Dallas case is one that the FBI has seen before and one that they will certainly encounter again: they discover a young man espousing violent intentions either on the internet or through an informant, they send in undercover agents posing as members of a terrorist network, they provide the knowledge and resources that allow the young man to become an actual terrorist threat, and then they arrest him. But this case clearly demonstrates that the FBI has learned from past mistakes that have led to claims of entrapment. In the Dallas case, as well as subsequent similar cases, the FBI has actively encouraged the subject of their investigation to reconsider his plans for violence and achieve jihad in other ways. When the young men persist with their violent intentions, the FBI provides them with a fake bomb and enacts an elaborate plan in which the young man actually detonates a bomb that he believes will cause death and destruction. Entrapment is difficult to argue if the subject has been encouraged not to commit violence and then sets off a bomb he believes to be real. The extent to which the FBI is now willing to take a case prevents mistrials, acquittals, and legitimate entrapment defenses, and it returns to the government's war on terror some of the legitimacy it has lost.

⁷³ Max Abrahms, "What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy." *International Security*, Spring 2008. Marc Sageman, *Understanding Terror Networks*. Philadelphia: University of Pennsylvania, 2004.

⁷⁴ Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

⁷⁵ Brian Michael Jenkins, *Would-be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 13.

While many will still argue that young men such as Smadi would be perfectly harmless if not for the intervention of the FBI, the fact remains that they prove themselves to be a willing participant in terrorist activities. If an actual terrorist network had recruited Smadi and provided the appropriate resources, the outcome most certainly would be an actual attempted attack on the U.S. Men like Smadi are young, confused, and easily influenced, and these characteristics that make them willing to carry out an attack with the FBI also make them willing to carry out an attack with actual terrorists.

Case 31: Mehanna

John Mueller

June 4, 2011

If Tarek Mehanna is a terrorist, he is, as Mal Mrozek points out, a failed, frustrated, and incompetent one—even, in his own words, a cowardly one—at least as far as actually committing violence is concerned.

He seems to have been part of an embryonic plot in 2003 to shoot up a shopping mall and perhaps to assassinate two politicians. However, he and his fellow conspirators abandoned the scheme very quickly. He also seems to have been interested in waging violent jihad abroad, but couldn't find any organization over there willing to take him on.

His arrest in 2009 does not concern the mall or assassination plots, but is for writing some poems and translating a document that might conceivably be inspiring to aspiring terrorists and for desiring to fight abroad. Much of the hype around the case, however, whether from officials or from the media, stresses the attention-attracting, if abruptly aborted, mall plot.

A well-educated American citizen, Mehanna is just about unique among the “adversaries” considered in this book for hating America not only for what it does, but also for what it is. Although deeply opposed to the American wars in Afghanistan and Iraq, Mehanna also appears to dislike living among so many non-believers and has contemplated moving to, or exiling himself to, an Islamic country. He has been in solitary confinement since his arrest which may solve part of his problem, but not in the way he envisioned.

Case 31: Mehanna

Mal Mrozek

June 4, 2011

typographical and other minor corrections December 17, 2011

1. Overview

On October 21, 2009 Tarek Mehanna was arrested in Sudbury, Massachusetts, by the FBI on charges of providing material support to terrorists and conspiracy to kill in a foreign country.¹

The material support charge was based on recovered computer data from Mehanna's personal computer, including his instant messenger conversations on the internet and photos and videos from his hard drive, as well as interviews with witnesses. He is said to have translated "39 Ways to Serve and Participate in Jihad" into English, starting sometime in 2005 and finishing in April 2006.² This document is 65 pages long and includes numerous quotes from the Koran and other religious writings, as well as explanations and advice on how to prepare oneself for, and support, jihad. In connection to this translation, Mehanna also wrote a poem called "Make Martyrdom what you Seek" to be published after Step 2, "Truthfully Ask Allah for Martyrdom."³

The charge about conspiracy to kill in a foreign country is based on his previous travels to Yemen and about his possible future plans to travel to Somalia.

Mehanna had previously been arrested on November 8, 2008 for providing the FBI with false information regarding the whereabouts of Daniel J. Maldonado, who was suspected of training at an al-Qaeda terrorist camp and plotting to overthrow the Somali government.⁴

Mehanna told the FBI that he did not know of Maldonado's whereabouts after Maldonado fled the country when in reality the two men were in telephone and e-mail contact and Mehanna knew Maldonado was in Somalia.

There is another allegation in this case concerning earlier efforts by Mehanna to join an overseas terrorist training camp and to commit violence within the United States. A co-conspirator of Mehanna, Ahmad Abousamra, traveled to Pakistan in 2002 hoping to join a terrorist training camp and make contacts that he, Mehanna, and another man could use in order to commit attacks in the U.S.⁵ When Abousamra failed to join a camp in Pakistan, he returned to the U.S. and, in early 2003 the group instead made its own plans for a shooting in a local mall as well as for the assassination of two politicians. They tried to buy automatic rifles for the purpose from Maldonado, but he was not able to get the weapons they needed and so the plan was abandoned. These issues, however, are not what Mehanna was arrested for in 2009. After this setback, the FBI claims

¹ United States District Court, District of Massachusetts, Government's Proffer and Memorandum in Support of Detention, by Michael Loucks and Jeffrey Auerhahn, November 5, 2009.

² Ibid, 10.

³ Ibid, 65.

⁴ Claire Suddath, "Two-Minute Bio: Alleged U.S. Terrorist Tarek Mehanna," *Time*, October 22, 2009.

⁵ Mark Clayton, "How FBI traced Tarek Mehanna in his quest to become a jihadi," *Christian Science Monitor*, October 22, 2009.

that Mehanna and Abousamra traveled to Yemen to join a training camp there, and that Abousamra additionally traveled to Iraq and Syria for the same purpose and that they were rejected.⁶ (Abousamra has since fled and is currently living in Syria.) These allegations *are* part of the current charges.

Mehanna's family is adamant that he is innocent. His brother, Tamer, has a website, which has received thousands of visits, dedicated to freeing Tarek, that posts his brother's writings, poems, interviews and drawings. The brother also asks for donations. There is information about Mehanna, his trial, and the actions of his supporters on the website. There is also a Free Tarek Mehanna Facebook page that has over 4000 supporters.

Mehanna's trial was meant to start in October 2010, but so far there is no evidence that the trial has begun. He is currently being held in solitary confinement in the Plymouth Correctional Facility in Massachusetts.

2. Nature of the adversary

Tarek Mehanna is a 27-year-old, natural born citizen of the United States. His family is of Egyptian descent and they currently reside in Sudbury, Massachusetts. He has a Ph.D. from the Massachusetts College of Pharmacy, where his father is a professor of medicinal chemistry. According to friends and family, Tarek was a warm, kind, and giving young man. He was very involved in tutoring children in math and religion at his local mosque, as well as translating Islamic teachings into English for those Muslims who do not know Arabic.⁷

Mehanna became radicalized before 9/11.⁸ The genesis of his radicalization is unclear. He appears to be mentally stable. He comes from a well-off family, attended university, and thus is not socially marginalized or economically destitute. Though he does not say he feels that he is personally politically downtrodden, he does express sentiments that Muslims in America and across the globe are persecuted. He also expresses an admiration for Osama bin Laden, calling him "my real father."⁹ Acting on his own, Mehanna translated "39 Ways to Serve and Participate in Jihad" and wrote "Make Martyrdom what you Seek." These were published on the same website on which he also published other writings about the Koran and Islamic theology.

Prior to his arrest in 2008 for lying to the FBI about the whereabouts of Maldonado, Mehanna had no criminal record. He was free on bail on that charge when he was arrested in October 2009 on the terrorism charges.

3. Motivation

Mehanna was devoutly religious and did not approve of the treatment of Muslims by Americans around the world. He greatly resented America's actions in Iraq and Afghanistan; he enjoyed watching videos of American soldiers being

⁶ Abby Goodnough and Liz Robbins, "Mass. Man Arrested in Terrorism Case," *New York Times*, October 21, 2009.

⁷ Tamer Mehanna, "Who is Tarek Mehanna?" FreeTarek.com, December 3, 2010.

⁸ United States District Court, District of Massachusetts, Criminal Complaint, by Heidi L. Williams, October 21, 2009, 13.

⁹ U.S. District Court, Proffer, 62.

killed in the Middle East. He said he hated living in the United States, being surrounded by kuffirs, or non-believers. He was planning on moving to Saudi Arabia, to live in a purely Islamic society.¹⁰

He was inspired by the writings of jihadist scholars and by the actions of jihadists in Afghanistan and Iraq. In internet conversations with other extremists he would say that he felt like a coward for not laying his life on the line for Islam, as others did. However, he did hope that his translations would inspire others to join jihad.¹¹

Mehanna is clearly motivated by a hatred both of who we are and what we do. He hates America fighting wars in the Middle East and killing Muslims. But he also hates living in the U.S. being surrounded by those who do not follow Islam. He constantly refers to Americans as kuffirs in internet conversations.¹²

4. Goals

In translating a jihadist document and in his poem, Mehanna's goal was to inspire young Muslim men in America to fight and kill Americans abroad, and presumably, also in the United States. The goals of the mall attack and assassinations are unclear, especially since the conspirators never followed through. It seems they just wanted to emulate other jihadists around the world.

5. Plans for violence

Mehanna did at one point have a plan for violence, although he is not being charged with this. In 2002, Mehanna, Abousamra, and an unnamed man who later, in 2006, became an FBI informant, would meet to discuss Islam, and these meetings would sometimes venture into a discussion of jihad and possible attacks.¹³ Abousamra seems to have been the leader of this tiny group. They planned on traveling to Pakistan to a join terrorist training camp. Abousamra did make the trip later in the year, but failed in his mission.¹⁴ He was rejected by the Taliban for being too inexperienced, and by Lashkar e Tayyiba because he is not Pakistani.¹⁵

After giving up that plan, the three men began to think about shooting up a mall and assassinating two U.S. government officials.¹⁶ They were inspired by the success of the D.C. snipers in 2002 and modeled their plan after those attacks.¹⁷ The mall plan involved having Mehanna shoot people at random while the other two guarded entrances and prevented emergency workers from entering.¹⁸ They attempted to buy automatic weapons for the purpose from Maldonado. However, Maldonado could only get them handguns, not automatic weapons. The group thought handguns were not enough to carry out their plot, and it was abandoned in

¹⁰ U.S. District Court, Complaint.

¹¹ U.S. District Court, Complaint.

¹² U.S. District Court, Complaint.

¹³ Ibid.

¹⁴ Ibid, 14.

¹⁵ Clayton, "How FBI."

¹⁶ Ibid, 16-17.

¹⁷ Ibid, 15.

¹⁸ U.S. District Court, Complaint, 17.

late 2003. They did not make any other efforts to obtain weapons. That is, they gave up fairly quickly after the one man they asked said he could not get them automatic weapons. One would think that handguns would still inflict much pain and suffering, but the co-conspirators did not want them. This calls into question the seriousness of the threat. There is no evidence that any of the men had any weapons training and would know how to use such weapons.

Despite the fact that this attack would involve many police officers and other law enforcement agents with firearms, and thus would likely lead to the death of the plotters, Mehanna and Abousamra clearly did not want this to be a suicide attack. They believed that if they perpetrated this attack they would be able to escape.¹⁹

In 2006 the three men traveled to the Middle East, hoping to join terrorist organizations. On an online jihadist discussion board Abousamra had met a man, a convert to Islam, who claimed he had trained in terrorist training camps in Yemen. Abousamra flew to California to meet this man and was supplied with the names of people to contact in Yemen. The informant then paid for all three men to travel to Yemen, but he backed out upon arriving in the UAE, and only Abousamra and Mehanna went all the way to Yemen. However, they were unsuccessful in their venture. They traveled around for about two weeks trying to meet the terrorists other connections had told them about, but the pair claimed that everyone they tried to meet was either on the hajj or in jail.²⁰ After that failure, Abousamra went on to Syria and Iraq with the same result. In 2006, he fled to Syria, and after this the group effectively fell apart, with Mehanna and the informant meeting only occasionally.

Through the years, Mehanna had numerous internet conversations with other pro-jihadists online in which they would trade jihadist videos and discuss jihadist scholars. Mehanna mentions in these conversations his admiration for jihadists who die fighting America and his love of Osama bin Laden, and he derides himself for being a coward for not fighting like other jihadists.²¹ However, despite his admiration for those who die for the cause, he expressed that he did not want to be a martyr.²²

Although Mehanna did speak out against the United States in internet conversations, and although he did allegedly plan an attack in the United States on a mall and on two politicians, and although he did go to Yemen in the hopes of joining a terrorist organization, in all of these ventures he never came close to actually hurting anyone. The internet transcripts read very much like ones between average teenagers. He gave up on his plan to attack the mall very quickly. And after Yemen he did not try very hard to go to other countries when he failed to make contact. Though he does hate the U.S. and has proclaimed jihad, he does not seem to me to be extremely motivated to actually kill anyone himself.

6. Role of informants

¹⁹ Clayton, "How FBI."

²⁰ U.S. District Court, Complaint, 18.

²¹ U.S. District Court, Proffer, 55

²² Clayton, "How FBI."

The third member of the group became an FBI informant in 2006, though he had been involved with his co-conspirators for many years previous. He then began recording telephone conversations and saving electronic correspondence, and all are crucial to Mehanna's arrest and the charges brought against him. Since he is cooperating with the authorities, the informant's name has not been released. He has been a friend with Mehanna for about 15 to 20 years, meaning they were childhood friends.²³ He would often meet to discuss Islam and later, between 2000 and 2008, to discuss jihad.

He was the group member who traveled to meet with Maldonado to discuss purchasing the automatic weapons.²⁴ He also intended to travel with the other two to Yemen in 2006, and flew with them to the UAE. However, once in Dubai, he decided to return home after receiving an e-mail from his family begging for his return.²⁵

It is unclear what motivated him to become an informant. The Complaint and the Proffer do not offer any clues. He became an informant after his return from the UEA so it is possible his family convinced him to cooperate with the authorities. It is also possible that he became an informant after interviews with the FBI in late 2006 in exchange for lesser punishment for his involvement in the plots. His true motivations, like his name, are presently unknown, however.

This case has an interesting twist on the role of informants. Mehanna's family and friends continue to claim that Mehanna is innocent and that the charges against him have been completely fabricated. They claim that the reason Mehanna is in prison, and has been targeted by the FBI, is that he refused to become an informant for the authorities. Mehanna's supporters believe his punishment for this refusal is his imprisonment.

7. Connections

Abousamra, Mehanna and the informant attempted, and failed, to link with overseas terrorist organizations on two occasions. Abousamra also met the Californian to obtain contacts in Yemen.

Additionally, Mehanna translated "39 Ways to Serve and Participate in Jihad" on his own prerogative and with the support of some fundamentalist friends online, who do not appear to be linked to al-Qaeda or other such entities.

There is no organized terrorist network operating in the case, but it is clear that there is a community online that discusses and supports jihad. There are several documented conversations between Mehanna and unidentified extremist men. Yet these are only conversations, and no actions are ever planned and it does not even appear they ever met in person.²⁶

8. Relation to the Muslim community

²³ Ibid., 13.

²⁴ Clayton, "How FBI."

²⁵ U.S. District Court, Complaint, 20

²⁶ U.S. District Court, Proffer.

Mehanna's family claims that he was an upstanding member of the Sudbury Muslim community. He tutored students at the local Muslim community center in math and religion; he also translated religious documents from Arabic to English to make them more accessible to non-Arab speakers.²⁷ His family also claims he was an upstanding Muslim and community member. During his sentencing hearing around 200 people came to the courthouse to support him with posters and "Free Tarek" T-shirts.²⁸

Tarek Mehanna's brother, Tamer, has created a website called FreeTarek.com. It has a running clock denoting how long it has been since Tarek's arrest. There is also information about Tarek, newspaper articles written about him, as well as interviews with him, his poem, his drawings, and his writings about Islam and about his experiences in prison. Tamer gives information about rallies and dinners in support of Tarek. He also provides templates for supporting letters to be sent to the Massachusetts Attorney General. There are also videos that mention Tarek's trial. The most visited articles on the website have over 4000 views. The most recent update on the website is from December 3, 2010, a poem by Tarek entitled, "A DRONE OVER THE SKIES OF MADINAH: The Final Crusade."

Though there seems to be some support for Mehanna in the Muslim community, Tamer also criticizes the Muslim American Society for not helping him, distancing themselves, and abandoning a Muslim brother in need. The Muslim American League in response has said it has organized community forums to raise awareness about the case and has met with Mehanna's lawyer to ensure he gets due process.²⁹

9. Depiction by the authorities

The authorities have not released much information about Tarek Mehanna outside of the Complaint and the Proffer. The Proffer emphasizes Mehanna's activities on the internet, and claims that he should not be released on bail because he is likely to flee the country. The Complaint clearly states that Mehanna is arrested and charged based on his translation of "39 Ways to Serve and Participate in Jihad" into English, as well his poem "Make Martyrdom what you Seek." However, most of the text of the Complaint details Mehanna's past plots, travels and actions.

In newspaper articles, Michael Loucks, the acting U.S. attorney in the case, is always quoted discussing Mehanna's mall-plot, assassination plots, or attempts to join terrorist groups in Yemen, instead of the translation and the poem.³⁰ This makes it appear that the government is trying to sensationalize Mehanna's arrest, and make it seem that he was arrested for reasons other than the translation and the poem. This seems alarmist, and quite deceptive. Mehanna's

²⁷ Mehanna, "Who is Tarek Mehanna?"

²⁸ Shelly Murphy, "Taking refuge where his woes began," *Boston Globe*, February 1, 2010.

²⁹ Dan McDonald, "Terror suspect Tarek Mehanna writes about jail life," *MetroWest Daily News*, February 2, 2010.

³⁰ Denise Lavoie, "Boston Terror Arrest: Tarek Mehanna Arrested For Planning Attacks On Shopping Malls," *HuffingtonPost.com*, October 21, 2009. Goodnough, "Mass. Man Arrested." Murphy, "Taking refuge." Suddath, "Two-Minute Bio."

family has openly spoken out about the characterization of the charges against Mehanna.³¹

10. Coverage by the media

Though the charges against Mehanna are conspiracy to provide material support to terrorists and conspiracy to kill in a foreign country, they are based on the translation and his poem. In contrast, articles in the *New York Times*,³² *Time Magazine*,³³ and the *Huffington Post*³⁴ all emphasize the mall plot and assassinations, while underplaying or ignoring the actual foundation for Mehanna's arrest. A few news articles, such as ones in the *Boston Globe*, do mention that the charges are based upon Mehanna's writing, and the *MetroWest Daily News* also mentions the translation and poems, although this paper has a much smaller circulation than the *New York Times*.

Many of the articles do a poor job of distinguishing the roles of Abousamra, Mehanna, and the informant in the plots. They also make it sound as though Mehanna also traveled to Pakistan, Iraq, Syria and Yemen, when, in reality, he only traveled to Yemen.

Additionally the articles about Mehanna's arrest are all quite short, and they do not appear to have been front-page news. Beyond the brevity of new articles on Mehanna, there is also a dearth of them. Some major newspapers, like the *Washington Post*, do not even mention his arrest. It should be noted that the *Boston Globe* distinguishes itself from other newspapers in the depth and breadth of its articles about Mehanna, his arrest, and the charges against him.

11. Policing costs

There was at least one special agent assigned to the case, Heidi L. Williams. There were other agents with involvement in the investigation, but it is unclear how many.³⁵ The information about Tarek Mehanna was gathered through the use of informants and cooperating witnesses, such as Maldonado who is now in custody after having been captured by Kenyan authorities in 2007 and extradited to the Southern District of Texas. After his arrest he spoke about his experiences with Mehanna to the FBI. Additionally, Mehanna's computer was deciphered once it was taken, which means there must have been technicians working to get internet conversations from the hard drive. The salaries of FBI agents and technicians would need to be paid in the course of this investigation.

The informant recorded conversations between himself and Mehanna, but is it unclear how he did this, and what technology he used, and thus the cost is difficult to determine. It is also unknown if the informant has been paid, or if he is cooperating to avoid harsh sentencing, since he was involved in the mall and assassination plots.

³¹ Mehanna, "Who is Tarek Mehanna?"

³² Goodnough, "Mass. Man Arrested."

³³ Suddath, "Two-Minute Bio."

³⁴ Lavoie, "Boston Terror Arrest."

³⁵ U.S. District Court, Complaint, 1.

There are at least two U.S. attorneys building a case against Mehanna and they have to be paid.³⁶ Also he has been held in solitary confinement since his arrest on October 21, 2009.

12. Relevance of the internet

The internet was crucial to this case. Tarek Mehanna has in fact been arrested because of his publications there. Mehanna received the document he was meant to translate online, and posted his poem online, hoping to inspire other jihadists. He also communicated with other jihadist sympathizers via chat rooms and instant messaging. They would send one another videos of American troops being killed.³⁷

The internet was not important in the embryonic plots to shoot up a mall and assassinate politicians since those actions were planned between the three conspirators in person.

The internet has also played a major role with the website freetarek.com, run by his brother Tamer.

13. Are we safer?

No. Though Mehanna's plans for the mall shooting and politician assassinations were terrible, he abandoned them fairly quickly and easily, over seven years ago. His attempts to join terrorist organizations were also unsuccessful. He appears to be an incompetent terrorist, since he failed to get very far with any attack or even manage to join a terrorist organization.

The material aid Mehanna is accused of providing to terrorists is his translation of a text called "39 Ways to Serve and Participate in Jihad," a list with explanations on how to serve jihad.³⁸ It contains fairly obvious things that one would assume someone who wants to participate in jihad would already know or be doing such as "Speak Out for Mujahedeen and Defend them." Other "Ways" resemble Boy Scout training: "Learn First Aid," "Be Physically Fit," "Learn to Swim and Ride Horses." The document is inflammatory because it attempts to convince people to join jihad, but it did not appear to be revelatory. Thus, it is difficult to see how the translation of this document makes Americans any less safe than before. Moreover, there is a translation on line now, published by the publisher Mehanna meant to use, though it does not give Mehanna's name as the translator—though Mehanna always meant that to be the case.³⁹ Additionally, his poems on his brother's website do not seem to be the sort likely to inspire one to sacrifice one's life. Many of them sound like the result of a eighth grade homework assignment.

It is in fact possible that we are less safe with Mehanna in prison. Based on the writings he publishes on his brother's website, he seems to have become more radicalized in the past year. If he is released he may try with more vigor, and success, to join a terrorist organization. Additionally, his brother's website has

³⁶ www.justice.gov/oarm/arm/hp/hpsalary.htm

³⁷ U.S. District Court, Proffer, 38-43.

³⁸ "39 Ways to Serve and Participate in Jihad," trans. At-Tibyan Publications.

³⁹ U.S. District Court, Proffer, 12.

received thousands of visits, so Mehanna's imprisonment maybe used as proof, to some, of the tyranny of the United States.

14. Conclusions

Mehanna was a well-educated, well-off young man in Massachusetts. If he was the man his family claims him to be, he was also involved in the local community and admired for his service. His writings do show a deep devotion to Islam, though not as intense as a person might expect from a jihadist.

He and his co-conspirators were unable to join terrorist groups abroad, which seems strange considering their American citizenship. What is more baffling is why an organization would not want to use someone with a Ph.D. in pharmacy, someone who clearly knows how to use chemicals, to create bombs or other explosive devices.

Mehanna also quickly gave up on his violent plots after the one person he asked could not provide with the exact weapons he wanted, and this suggests that the plan may not have been very serious.

The translation and poem written by Mehanna were so non-specific that it is difficult to say what actions they could facilitate. They might inspire someone to join jihad, but not to commit a specific attack. It is possible that someone would read these two texts, be inspired, and come up with a new attack, but a causal relationship would be difficult to prove. A translation of "39 Ways to Serve and Participate in Jihad" has been available for quite some time now online, and a quick Google search will bring it up. No new terrorist attack has been inspired by it.

Passport records do show that Mehanna did travel to Yemen, but he was unable to make any connections. There is no doubt that Mehanna is an extremist. In instant messenger conversations he is clearly pleased when he sees American troops being killed in jihadist videos. His poems show that he has a deep devotion to Islam, that he despises American foreign policy in the Middle East, and that he dislikes American culture. Yet it is also clear that he is a product of this culture. In his instant messenger conversations it is comical how many emoticons and how much internet slang he uses. The conversations almost look like ones between teenage girls, except the topic being discussed is jihad, not cute boys. For example, this exchange between Mehanna and a fellow jihadist while discussing the film "United 93," about the plane that went down in Pennsylvania on September 11, 2001:

'AAB: it was soo unbelievable man ... it was so funny how clueless the americans were

MEHANNA: One question: ... how did it end?

hahhhahahahahahahaahaahaaha

'AAB: lol

MEHANNA::-d ... :-D:-D:-D:-D:-D:-D:-D:-D [big smile]

Also he uses Malcolm X and Howard Zinn to show how people are oppressed in the U.S. and how to fight this oppression.

Mehanna clearly hates America, is devoutly religious, admired Osama bin Laden, and liked watching jihadist videos. He also apparently translated a list, along with explanations, on how to wage jihad. The list, though inflammatory, does not have any great breakthrough information or suggestions for jihadists. It is difficult to say if this should be “material aid to terrorists,” especially because other translations already exist, like the ones I was able to find. I doubt the poem he is accused of writing was inspirational.

I am not convinced that he is a great threat to our national security, however morally repugnant his views may be to anyone who supports America. Nor should he be in solitary confinement while in prison. If anything his treatment since his arrest is most likely to radicalize him and others.

Case 32: Killings at Fort Hood

John Mueller

June 4, 2011

The shooting rampage at Fort Hood, Texas, in 2009 by Major Nidal Hasan, an Army psychiatrist, killed 13 and wounded 30 more. It is, if accepted as an act of Muslim extremist terrorism, by far the worst to have taken place in the United States since 9/11. In fact, except for the shooting of one person in Little Rock (Case 26) and of two in the questionable case of the El Al rampage at Los Angeles airport (Case 4), it is the only instance in which Muslim terrorists have killed anyone in the country at all over the decade.

It is possible to see the shootings as the act of a deranged man—along the lines of the Virginia Tech student who went berserk in 2007 and killed 32 with two pistols before committing suicide. However, there is a chain of information about this case that seems to justify its inclusion in the terrorism category. For years, Hasan, a devout Muslim, had been troubled by the notion that Muslims in the army might be put in the position of killing other Muslims. As he pointed out in a briefing in 2007, the Koran specifically says that hell is the punishment for the intentional killing of a believer, and he proposed that Muslims in the military be permitted to evoke a form of conscientious objection under those conditions.

When his concerns failed to alter policy, he tried without success to get out of the service, offering to pay back the money the military had put up for his education. Then, in 2009 he learned he would soon be deployed to Afghanistan to become a direct part of what he clearly saw as a Muslim-killing machine, and he was deployed to Fort Hood in Texas to await transfer. While there, he bought a pistol, the first gun he ever owned, and, presumably realizing he had no appropriate training, engaged in target practice with the weapon. He also became increasingly incoherent. Three weeks before he was scheduled to be sent overseas, he went, presumably by plan, to the place on the base where soldiers are processed to go to Afghanistan and opened fire while shouting “Allahu Akbar” (God is Great). He was apparently somewhat selective in his targeting, and only one of his killing victims was a civilian. Hasan was shot by guards, and remains paralyzed from the waist down. He has remained silent.

The reaction to this attack is somewhat surprising. Since 9/11, Americans have been waiting for the other shoe to fall, and there have been many ominous claims that the “next attack” would evoke a cataclysm of self-destructive fury on the part of the public. But nothing like that happened after Hasan’s rampage even though it has generally been taken to be a case of Islamic terrorism. Although obviously far less costly than the terrorist event of 2001, it failed to generate much outrage or demand for an outsized response. Indeed, a year later it was scarcely remembered, as when the prominent journalist, James Fallows, mused about raising “the *certainty* that some day another terrorist attack will succeed” without noting that one had already taken place.¹

¹ James Fallows, “The Evolution of the TSA,” www.theatlantic.com, December 8, 2010, emphasis in the original.

Case 32: Killings at Fort Hood

Taylor Schmaltz

June 4, 2011

typographical and other minor corrections December 26, 2011

1. Overview

On November 5, 2009, Major Nidal Malik Hasan, aged 39, an army psychiatrist and a devout Muslim stationed at Fort Hood in Texas, opened fire with a pistol within the Soldiers Readiness Processing Center where soldiers were being processed for deployment to the war in Afghanistan. The rampage killed 12 military personnel and one civilian and wounded more than 30 more. It ended after Hasan was disabled by police.¹ Hasan himself was scheduled to be deployed to Afghanistan, where he would be part of a force that was fighting and killing Muslims, three weeks later on November 28.

However clear Hasan's guilt may appear, the motivations and causal forces behind his rampage are still under great debate. If this is accepted as a case of Muslim extremist terrorism, it is only one of two that have inflicted any casualties in the United States since 9/11, and the only one to have resulted in the deaths of more than one person.

Hasan, now paralyzed from the waist down, awaits trial. He has refused to speak about the attack.

2. Nature of the adversary

Hasan was born on September 8, 1970 in Arlington, Virginia, to Jordanian parents of Palestinian descent. His father, Malik Awadallah Hasan immigrated to Virginia in 1962 at the age of 16. Hasan's mother, Hanan Ismail "Nora" Hasan also immigrated around the same time. The Hasans owned Capitol Restaurant, a dive with a bad reputation and many destitute regulars, at the Roanoke City Market from 1987 to 1995. After closing Capitol, the Hasans briefly operated a Mediterranean-themed restaurant, Mount Olive. The family also owned the Community Grocery Store in Roanoke. Hasan's father died in 1998 of heart disease and his mother in 2001 of kidney disease.²

Even though Hasan did not seem to have trouble integrating as a first generation American, his social skills were still lacking. While his brother Eyad or "Eddie" would socialize with others in the neighborhood, Hasan was described as a "studious" boy who was primarily concerned with school work and often received good grades.³ After skipping around from school to school, he graduated from William Fleming High School in 1988. He then attended Barstow Community College in California and followed by attending Virginia Western Community College, graduating in 1992 with an associate's degree. Hasan then enrolled at Virginia Tech, graduating with a Bachelor of Science degree in

¹ Madeleine Gruen, "The Massacre at Fort Hood: Report 24 in the 'Target' America Series," NEFA Foundation, February 2010, 2-3.

² Matt Chittum and Jorge Valencia, "Suspected Fort Hood Shooter Maj. Nidal Malik Hasan: Social Awkwardness Kept with Him into Adulthood," *Roanoke Times*, November 6, 2009.

³ Chittum and Valencia, "Suspected Fort Hood Shooter."

biochemistry in 1997, while being an active member of the ROTC.⁴ Many of Hasan's family members claimed his parents did not want him to go into the military but Hasan did so anyway, claiming it was his duty to his country and that the military was his life.⁵

In 2001, Hasan was admitted to the Uniformed Services University of Health Services in Bethesda, Maryland. In exchange for a seven-year commitment to military service after graduation, Hasan received the full salary and benefits of an officer. He completed his residency at the Walter Reed Army Medical Center with his superiors often commenting on his absenteeism and his poor relationship with patients. One superior even remarked that Hasan might be at risk for developing psychosis, while another supervisor cited him in 2007 for unprofessional behavior. This behavior included the inappropriate discussion of religion, underperformance, and being overweight. In the same year, Hasan gave a lecture entitled "The Koranic World View as it Relates to Muslims in the U.S. military" to his colleagues.⁶ The lecture expressed his belief that Muslims should not have to serve in the military if they are being exposed to hurting other Muslims, citing several examples of recent defections as reason why.

In spite of his poor overall performance, Hasan continued to be promoted within the military; earning the rank of Captain in 2003 and Major in 2009. However, as reported by Hasan's family, he actually attempted to get out of the army by obtaining a lawyer and offering to repay the cost of his education.⁷

Throughout his military education and career, it appears Hasan became more in touch with his Muslim faith. Hasan attended the Muslim Community Center while in Silver Springs, Maryland. Although MCC may not be recognized as a radicalizing center, a representative from "Muslims for a Safe America" spoke there in January of 2010 on whether Muslims should be loyal to America. The lecture gave six arguments for and six arguments against, allowing room for radicalization. While at the Maryland mosque, he actively looked for a wife with equal devotion to his faith through matrimonial services; however, he remained single.

Hasan also attended the Dar-al Hijrah mosque in Falls Church, Virginia during the same time that the radical imam, Anwar al-Awlaki, was there.⁸

Clearly, Hasan was a man who tried to use his faith to make up for his lack of social relationships. It was Hasan who reached out to both local mosques and Muslim leaders abroad for guidance and friendship. However, he seemed to remain isolated even in the Muslim community.

He was deployed in July 2009 to Fort Hood in Texas. There he attended the Islamic Community of Greater Killeen and formed a friendship with an 18-year old convert, Duane Reasoner—one of the few friendships he ever formed. He took Reasoner out to dinner several times to discuss religion and seemed to see himself as a mentor to the convert, who would later condone Hasan's attack.⁹

⁴ Gruen, "Massacre at Fort Hood," 6.

⁵ Chittum and Valencia. "Suspected Fort Hood Shooter."

⁶ Gruen, "Massacre at Fort Hood," 7.

⁷ Gruen, "Massacre at Fort Hood," 7.

⁸ Gruen, "Massacre at Fort Hood," 12-13.

⁹ Gruen, "Massacre at Fort Hood," 14.

While Hasan had no criminal record and was deemed at least mentally stable enough to attend military schools, it appears his self-recruited radicalism may be the triggering factor in the attack.

The imam at the mosque in Texas claimed Hasan was almost incoherent in conversations in the months prior to the attack.

3. Motivation

There are several arguments for what motivated Hasan's rampage. All are rooted in Hasan's objection to the current involvement of the United States military in overseas conflict.

Hasan did not hate Americans for who they are (morals and values), but for what they do (foreign policy). In one argument about his motivations, it is suggested that Hasan was motivated by extremist Islamist views and his religious objection to the wars in the Middle East. Islamist fundamentalist groups point to specific verses in the Koran that advocate for the very actions Hasan carried out. First, "Wala' wa Bara," meaning loyalty and enmity, obliges Muslims to maintain absolute loyalty to Islam, while renouncing all things non-Islamic. Second, "Taqiyya," meaning deception of the enemy, justifies deception as fundamental to loyalty. Lastly, "Da'wa" disallows Muslims from residing within enemy organizations unless they have an alternative plan. Thus, Hasan validated his engagement with the enemy by becoming a soldier of Allah.¹⁰ If Hasan indeed became radicalized over the years, it would be hard to accept these specific verses literally while maintaining loyalty to the United States military.

According to this argument, it does appear that Hasan followed a rather generic path in his radicalization process. He started with his search for fulfillment through spiritual guidance and then became engaged with jihadist ideology through the internet. This newly adopted ideology of the West and Islam being completely incompatible would have worked to expand his grievances from the abstract world-view to personal objections. His communication with an online enabler, Anwar al-Awlaki, may have reinforced Hasan's hostility and finally led to his decision to kill.¹¹ Although his radicalization process is easily traced here, it may have been harder to identify earlier due to its almost entirely internal path.

Another argument notes that, while Hasan may have been acting alone, his attack followed a known tactic of terrorist organizations. Al-Qaeda encourages its members to infiltrate enemy armies.¹² Hasan's communication with Anwar al-Awlaki seems to indicate his sympathy for al-Qaeda. Upon realizing that another attack on the scale of the September 11 attack is not probable, al-Qaeda and other terrorist organizations have adopted smaller-scale plans as more cost effective and more effective overall. If less capital and training are necessary for an attack, then intervention by counter-terrorism agencies is less likely. Groups such as al-Qaeda also seem to realize the importance of media coverage even in failed attacks.

¹⁰ Raymond Ibrahim, "Nidal Hasan and Fort Hood: A Study in Muslim Doctrine," November 18, 2009.

¹¹ Brian M. Jenkins, "Going Jihad: The Fort Hood Slayings and Homegrown Terrorism," RAND Corporation, November 2009.

¹² Gruen, "Massacre at Fort Hood," 22.

Thus, al-Qaeda is recruiting homegrown terrorists, as media coverage of these incidents is even higher.¹³ So, although Hasan may not have been directly motivated by involvement in a terrorist group, his attack certainly provides a replicable model for more would-be terrorists, and he is now claimed by al-Qaeda as one of their own. The question remains, however, whether he realized his actions were consistent with al-Qaeda or if he hoped to help the group or had no intention either way.

Many in the Muslim community and those concerned about civil rights caution against blaming the incident on fundamental Islamic beliefs and argue for other possible motivations. Hasan worked on the issue of combat stress in the Center for Study of Traumatic Stress, which assessed the behavioral risks of traumatic events such as combat and terrorism. Post-traumatic stress disorder (PTSD) is the most common disorder linked to combat stress and develops after traumatic events threaten to or cause great physical harm. Although Hasan had never been in combat, he may have been suffering from the same combat stress returning soldiers experience due to his frequent exposure to their stories.¹⁴ His impending deployment to a combat zone may have been the final trigger.

So, Hasan may have been suffering from Vicarious Transmission or compassion fatigue. Treating soldiers traumatized by war is, in itself, risky behavior. Psychologists must listen to detailed descriptions of horrifying events and witness the psychological and physical effects of this violence. When psychologists empathetically engage with their patients, they may experience the same physical, emotional, and cognitive symptoms as their patients.¹⁵ Ironically, veterans' rights groups had warned the military about the possibility of such incidents. They suggest that in order to reverse the current trend, the military needs to increase the number of mental health care providers, such as those filling Hasan's position. Also, the military must stop lowering recruiting standards and increase medical exams for soldiers returning from combat.¹⁶

However, this may just be one more indicator of how overstretched the United States military is. The military simply cannot afford to further restrict recruiting standards or hire more mental health professionals when they are already so strained in several different conflicts overseas. The rising level of combat stress leading to a rising number of stress-related homicides and suicides among the military may be due to the fact that many troops are in their third and fourth tour of combat. The rate of army suicides was confirmed at 20.2 per 100,000 in 2008. Studies suggest that as many as one-third of returning soldiers suffer from emotional problems.¹⁷ However overstretched the army may seem, there continue to be more troops deployed overseas, which may result in more attacks like Hasan's.

¹³ Peter Bergen and Bruce Hoffman, "Assessing the Terrorist Threat," The Bipartisan Policy Center: The National Security Preparedness Group, September 10, 2010, 17-18.

¹⁴ "A Link to PTSD?" *Star Tribune*. November 5, 2009.

¹⁵ Todd Essig, "Vicarious Traumatization: PTSD Is Contagious and Deadly," *True/Slant*, November 5, 2009.

¹⁶ Ewen MacAskill, "Major Nidal Malik Hasan: Soldiers' Psychiatrist Who Listened to Stories from Frontline," *Guardian*, November 6, 2009.

¹⁷ MacAskill, "Major Nidal Malik Hasan."

Another argument for Hasan's motivations claims that he seemed to be socially marginalized by fellow officers. According to colleagues, he had been mocked by fellow soldiers for his Middle Eastern background and his Muslim faith. Colonel Terry Lee, who had worked with Hasan in Texas, claimed he had witnessed altercations between Hasan and other officers over his Muslim views. Noel Hasan, his aunt, claimed that one of the major factors in Hasan's request to be discharged was the constant name-calling and harassment he had suffered since the September 11 attacks.¹⁸ Thus, Hasan's rampage may have been motivated solely by social and psychological issues and failures of the United States military, rather than an extremist faith.

4. Goals

Major Hasan may have had two major, but not exclusive, goals in mind when he opened fire at Fort Hood. One goal, in relation to the first argument for his motivations noted above, is to help the greater Muslim community. Hasan openly disagreed with deploying Muslim soldiers to combat areas where they would be exposed to harming or killing other Muslims. This is exemplified by the presentation he gave in 2007 in which he aimed to describe what the Koran instills in Muslim minds and the implications this has for the military, the religious conflicts that Muslims may be having with the current wars in Afghanistan and Iraq, and possible examples of the results of this conflict.

In the slides, Hasan cites verses from the Koran that forbid killing other Muslims and foster complete submission to God, Allah. He then gives several examples of soldiers whom he believes could not reconcile their faith with their duty to their country and who therefore defected. This includes Hasan Akbar, Army Captain James Yee, Marine Corporal Waseef Ali Hassoun, and Army Sergeant Abdullah William Webster. Hasan also quotes verses inciting fear of God and referencing the rewards and punishments of God. He concludes with several broad statements that fit into the ideology of many terrorist organizations: God expects full loyalty and cannot be seen as moderate, and fighting to create an Islamic state to please God is warranted under Islam. Thus, he recommends that the Department of Defense allow Muslim soldiers the option to be released as "conscientious objectors." He claims this would increase troop morale and decrease unfavorable incidents.¹⁹ Thus, Hasan may have believed that his actions would show the importance of allowing Muslims to opt out of military service. He may have been trying to make a larger point about the wars in the Middle East and the Muslim view of the wars as wars against Islam. This goal would be in line with the goals of larger terrorist networks.

However, some may suggest that Hasan had an alternative but similar goal. He may have simply been concerned only with his own coming deployment, as he was still serving the mandatory seven years for his military education. Hasan was never described as a violent man; according to those close to him, he even had a distaste for violence.²⁰ The shooting occurred just weeks before Hasan

¹⁸ Anne Davies, "Why Doctor Snapped," *The Age*, November 7, 2009.

¹⁹ The slides can be seen at www.nefafoundation.org/miscellaneous/Hasan2.pdf.

²⁰ MacAskill. "Major Nidal Malik Hasan."

was scheduled to be deployed to Afghanistan (November 28, 2009). His family and colleagues commented on his deep concerns about being sent to Iraq or Afghanistan. Having treated many returning soldiers suffering from stress disorders, Hasan already knew the daily horrors occurring in the combat zone. Hasan described feeling trapped and even became desperate enough to try to buy his way out. He hired a lawyer to inquire into leaving the military service honorably, promising to repay the cost of his education.²¹

Thus, the rampage may have been the act of one desperate man who knew all too well the dreadfulness of combat without ever engaging himself. Hasan may have seen the shooting as his only way out. This would raise questions about his mental state and about whether his actions should be considered terrorism. Although never described as mentally ill, as noted earlier, one supervisor did comment on his risk for developing psychosis.

5. Plans for violence

It is unclear when exactly Hasan planned the attack and decided to actually follow through on it. He had acquired a concealed weapon permit years earlier in 1996, long before becoming disgruntled with the army.²² He was deployed to Fort Hood in July 2009, and on August 1 he bought a FN 5.7 Herstal tactical pistol, with some reports claiming he also purchased a laser sight, from Guns Galore in Killeen. This is the pistol also known as the “cop killer” due to the availability of ammunition to authorized personnel that can pierce bullet-proof vests, and it can be used with a clip extension holding up to 31 rounds. An FBI background check was completed at the time of purchase, but this information was never shared with the Joint Terrorism Task Force in Washington that had inquired earlier into Hasan’s earlier activities and into his communications with Anwar al-Awlaki. There was thus a lack of cooperation between government agencies.

Guns Galore employee Fredrick Brannon claimed Hasan made an odd request for the “most high-tech pistol available.” However, he seemed to have little knowledge of guns, as evidenced by video footage on Hasan’s cellular phone of the gun store manager demonstrating how to use the gun. To gain training, he took classes at Stan’s Outdoor Shooting Range, beginning with one on concealed handguns on October 10, 2009, a month before the shootings. John Choats, part-owner, claims Hasan bought a membership and would return once or twice a week to practice long-range shooting with the pistol on the rifle range. Choats recalls that he would engage in unusual behavior such as aiming for the head and chest on silhouette targets from quite a distance rather than the usual bull’s-eye targets.²³ This seems to be in direct conflict with Hasan’s family’s claims about Hasan’s non-violent nature—or else it suggests an abrupt and substantial change from it. In addition to the pistol, Hasan also had a .357 S&W Magnum revolver

²¹ James Dao, “Fort Hood Suspect Was ‘Mortified’ About Deployment,” *New York Times*, November 5, 2009.

²² Gruen, “Massacre at Fort Hood,” 6.

²³ Angela K. Brown and Michael Graczyk, “Witnesses in Fort Hood Case Tell of Hasan’s Gun Purchase, Training,” *Star-Telegram*, October 22, 2010.

on his person during the attack; however, whether or not he used it has yet to be officially stated.²⁴

Prior to the attack, Hasan gave away possessions including furniture, food, and clothing, though he had little of these considering the simple and isolated life he led.²⁵ He even gave one of his neighbors, who is not a Muslim, a copy of the Koran,²⁶ and this act may support the argument that Hasan was religiously motivated.

At approximately 1:30pm on November 5, 2009, Hasan began his shooting rampage with the tactical pistol in the Soldier Readiness Center where soldiers are processed for deployment overseas. Dressed in uniform, he shouted “Allahu Akbar” (God is Great), a battle cry to some, prior to the 10 minute shooting, which killed 12 soldiers and one civilian, while injuring more than 30 others. There were 400 people at the Center at the time and about 600 more at the nearby Howze Theater attending a graduation ceremony. Quick-thinking soldiers closed off the theater and some began to treat their injured comrades by using their own clothing as bandages.²⁷

Throughout the shooting, military police and civilian officers began to exchange fire with Hasan. Sergeant Mark Todd and Sergeant Kimberly Munley responded to the 911 call and found Hasan’s position after bystanders pointed it out to them. After giving commands to Hasan to stop and drop his weapon, the officers decided the use of their firearms was necessary. Munley was shot three times in the attempt, and it was Todd whose shots disabled Hasan as he tried to reload his gun. Once Hasan’s gun had been secured, officers immediately began life-saving measures. Hasan remained in a coma for a period of time, but is now conscious and is paralyzed below the waist.²⁸

Clearly, Hasan had prepared himself for the fact that in all likelihood this was a suicide mission; he only survived by chance and by quick life-saving measures.

Following his deadly rampage, he was detained and is now involved in a long legal process. He has refused to speak with investigators and he has now been charged with 13 counts of premeditated murder and 32 counts of attempted premeditated murder. These crimes were committed under the Uniform Code of Military Justice, so he is eligible for the death penalty if convicted on the charges. Hasan is represented by Colonel John P. Galligan, while the Army’s lead prosecutor is Colonel Michael Mulligan. On November 21, 2009, a military magistrate ruled that there was probable cause that Hasan committed the crimes and he is, therefore, ordered to pre-trial confinement. Shortly after, Galligan announced that Hasan would likely plead not guilty to all charges and use an insanity defense plea. The exam to determine his mental state at the time of the

²⁴ Matthew Cole, Pierre Thomas, Jason Ryan, and Richard Esposito, “‘Cop Killer’ Gun Thought To Be Used In Ft. Hood Shooting,” ABC News, November 6, 2009.

²⁵ Gruen, “Massacre at Fort Hood,” 18.

²⁶ Maria Newman and Michael Brick, “Neighbor Says Hasan Gave Belongings Away Before Attack,” *New York Times*, November 6, 2009.

²⁷ “Timeline: Fort Hood Shootings,” BBC News, November 12, 2009.

²⁸ Chris Cuomo, “FBI Investigates Maj. Hasan Gun Purchase; Hero Cop Talks About Shooting,” ABC News, November 12, 2009.

shooting as well as his current mental state concerning his competency to stand trial was delayed until after the Article 32 hearing. Hasan was moved out of the Brooke Army Medical Center and into the Bell County Jail in April of 2010.²⁹ The Article 32 proceedings began in mid-October and ended, without the defense presenting any evidence and with the military judge recommending a trial with a possible death sentence. This recommendation is still awaiting the results of a military sanity board's evaluation.³⁰

6. Role of informants

There were no informants in this case.

7. Connections

Important in this case are the connections between Hasan and the radical imam, Anwar al-Awlaki.

Although al-Awlaki is a dual citizen of both the United States and Yemen and lived in the United States for over 20 years, he is now considered one of America's most wanted terrorists. He was the spiritual advisor to the 9/11 hijackers Nawaf al-Hazmi and Khalid al-Midhar and has been linked to the underwear bomber, Umar Abdulmutallab, who attempted to blow up a Detroit-bound airplane on Christmas Day 2009 (Case 33).³¹ He has also been associated with al-Qaeda in the Arabian Peninsula (AQAP) where he now resides.

The most worrisome tactic al-Awlaki has taken is his use of the internet to radicalize young Muslims, including Americans and many English speaking people. He uses pamphlets, audio recordings, and videos to teach these young Muslims about jihad and the establishment of Sharia law. He also takes radicalization from the inspirational process to the operational one. Al-Awlaki's appeal to the youth is related not only to the easily understood content but also to his distribution using the internet via Facebook, YouTube, and other social media sites.³² Clearly, al-Awlaki is a dangerous man with the ability to manipulate Muslims into becoming violent extremists.

As noted earlier, Major Hasan attended the same mosque as Anwar al-Awlaki in Virginia, and it is quite possible that his lectures had at least some influence on Hasan. However, their connection is much deeper than that. Hasan must have been familiar with al-Awlaki's work to have contacted him by e-mail and thus knew much of what al-Awlaki was preaching to his young audiences.

The FBI had been tracking al-Awlaki, and Hasan's e-mail exchanges with him were investigated prior to the shooting in Fort Hood. According to al-Awlaki, Hasan initiated e-mail contact on December 17, 2008 and they exchanged approximately 20 messages. Hasan had inquired whether a Muslim soldier killing his fellow American soldiers is a religiously condoned act or not. He also gave his opinion on targeting the Jews in Israel, using religious validation of using missiles

²⁹ "Nidal Malik Hasan," Wikipedia, accessed November 29, 2010.

³⁰ Jeremy Schwartz, "Army Judge Recommends Hasan Trial with Possible Death Sentence," Statesman.com, November 17, 2010.

³¹ Christopher Heffelfinger, "Anwar Al-'Awlaqi: Profile of a Jihadi Radicalizer," *CTC Sentinel*, March 2010, 1-4.

³² Heffelfinger, "Anwar Al-'Awlaqi."

to target civilians. Al-Awlaki claims Hasan also inquired into ways in which he could transfer funds and participate in charitable movements.³³

In February of 2009, several months before the shootings, the San Diego FBI field office sent a file containing Hasan's personal records and two of the 20 e-mails to the FBI's Washington field office. The Washington field office concluded that the content of the e-mails was consistent with the research that Hasan was doing at the Walter Reed Army Medical center at the time. Some files are reported to have contained information that Hasan wanted to prosecute some of his military patients for war crimes in Iraq and Afghanistan they had confessed to when they returned. After this first transfer of information, the San Diego office did not forward any additional information, and the FBI stopped investigating Hasan.³⁴

Not only was there a failure in communication between FBI offices but there may have also been a failure in communication between the FBI and Walter Reed Medical Hospital. Instead of obtaining the training file, it is likely that Hasan's personnel file was examined. The training file contained poor reviews and warning memos about Hasan's performance and his improper religious discussions. On the other hand, the personnel file contains basic information such as rank, awards, and military history.³⁵ Had the FBI examined the training file, they may have made the connections between Hasan's tendency toward religious fundamentalism and his questionable state of mind.

Although it has been determined by all investigating parties that Hasan worked alone and therefore was a "lone wolf" in his shooting rampage, he still had several weak connections to terrorists before and after the attack. Taking into account all known evidence, Hasan was self-motivated in his radicalization and other than his limited connections, there was no larger terrorist networks actually operating to facilitate the attack. The exact content of most of the e-mails has not been released and it is unclear just how influential al-Awlaki was in motivating Hasan.

Although al-Qaeda has instructed its members to penetrate enemy armies and to occupy powerful positions as Hasan did, there is no indication that Hasan had any connection to the terrorist group or any other group. It appears through Hasan's communication with al-Awlaki, that he had sympathy for al-Qaeda but no further ties to the organization.

However, after the attack, Hasan's actions were glorified and cited as a recommended example by the terrorist group. Shortly after the attack, a militant website featured a 25-minute video of al-Qaeda's American spokesperson, Adam Gardahn also known as Azzam al-Amriki, commending Hasan as a pioneer and role model. He cites military bases as high-value targets and suggests the possibility of attacking other such targets with some imagination and

³³ "On Al-Jazeera.net - First Interview with U.S.-Born Yemen-Based Imam Anwar Al-'Awlaki on Major Hasan and the Fort Hood Shooting," The Middle East Media Research Institute, December 23, 2009.

³⁴ Gruen, "Massacre at Fort Hood," 17.

³⁵ Daniel Zwerdling, "Did A File Error Stall FBI Inquiry Into Hasan?" National Public Radio, November 25, 2009.

preparation.³⁶ Other Islamist movements have also portrayed Hasan as a hero worth emulating. Although this may seem worrisome for those concerned by the potential for a rise in homegrown terrorism, it actually suggests that the organizations may be weakening. By claiming Hasan as one of their own, the terrorist organizations may be showing that they no longer have the resources to carry out large scale attacks and must rely on smaller, less destructive lone-wolf style attacks.³⁷

8. Relation to the Muslim community

Throughout his later life, it appears Hasan had become more connected with his Muslim faith and perhaps more radicalized in the process. However he remained isolated even in the Muslim community. One of the few friendships Hasan formed was with the 18-year old convert, Duane Reasoner, who would later condone Hasan's attack and has reportedly posted jihadist sentiments online. Reasoner was also somewhat of a loner.³⁸

So, although Hasan was a regular at the mosques he attended, rarely missing a prayer or service, he was still not really well connected to the Muslim community prior to his attacks, and he was certainly not embraced by the majority after the incident. The active Muslim community in Killeen, Texas expressed their outrage shortly after the shooting. Most expressed anger with Hasan as an individual and hoped others would not blame the religion. Some, although accepting Hasan's responsibility, suggest that maybe it is time for the military to reevaluate their policies on Muslims in the military. This is not to say they are condoning his actions, only pointing to a possible larger issue. The Muslim families in Killeen have lived peacefully with their mostly Christian neighbors for years even in the wake of September 11, and they were shocked by the attack by an educated, successful man. There was some fear of retaliation after the attack but no incidents have been reported.³⁹

In addition to the immediate Muslim community, the national Muslim community and its organizations strongly condemned the act. A news conference was held shortly after the shooting by officials from the Islamic Society of North America, the American Muslim Armed Forces and Veterans Affairs Council, and imam Mohamed Magid of the large mosque ADAMS (All Dulles Area Muslim Society) in Virginia. Claiming that some Muslim organizations had already received threatening e-mails, the officials urged people to view Hasan as a lone criminal, rather than as a representative of the Muslim faith. Magid also cited instances of individuals of all faiths refusing to be deployed as further evidence of a lack of religious motivation in the shooting. The conference ended by announcing a donation collection from Muslim Americans that would benefit victims of the shootings. In addition to this press conference, the Council on American-Islamic Relations (CAIR) issued its own statements condemning the

³⁶ "Al-Qaeda on Alleged Fort Hood Killer: 'Ideal Role Model,'" *USA Today*, March 7, 2010.

³⁷ Patrick Johnson, "Fort Hood Shooting: Al Qaeda Now Portrays Nidal Hasan as Terrorism Star," *Christian Science Monitor*, October 19, 2010.

³⁸ Gruen, "Massacre at Fort Hood," 12-14.

³⁹ Michael Moss, "Muslims at Fort Voice Outrage and Ask Questions," *New York Times*, November 6, 2009.

attack as cowardly insisting that Americans stay focused on responding to and recovering from the rampage.⁴⁰

9. Depiction by the authorities

Within hours of Hasan's deadly shooting rampage, the previous FBI investigation of Hasan was revealed. This led the government agencies involved to begin passing the blame to one another for letting a man with real intent to do harm slip through scrutiny.

Thus, the FBI and the Department of Defense claimed that it was the military and specifically Walter Reed Army Medical Center that was at fault for Hasan slipping through the ranks. In December of 2004, Hasan's superiors recommended him a qualified asset for any post; however, within a week, a committee was assembled that discussed serious concerns about Hasan's behavior and judgment. It is unclear why the military would continue to promote Hasan with his troubling record. Some investigators claim that the promotions were based on an incomplete personnel file that did not contain Hasan's troubling supervisor notes.

Not only was there a failure to share information between departments within the military, the FBI also failed to share its information with the Department of Defense. When Hasan was investigated by a Joint Terrorism Task Force run by the FBI, the Pentagon and Department of Defense were never notified. Many argue that such notice should have occurred considering Hasan's position in the military, and changes to the policy concerning notification of various government agencies are now being considered.⁴¹

In addition to passing the blame, the authorities began a thorough investigation of the attack. Shortly after Hasan's shooting spree, several government agencies released reports that many felt were lacking in some aspects. For example, an 86-page report released by the United States military and the Pentagon about two months after the shooting neglected to contain the suspect's name or his faith and whether this may have been a possible motivation. A member of the 9/11 commission, John Lehman, was not surprised by this and claims that the omission is just one more example of a problem that has been growing worse for years: the almost complete silence on Islamic extremism on the part of the Pentagon. Some claim that government agencies have become so concerned with political correctness that they may be failing to warn Americans of their true enemies. Leaders of the Pentagon review have defended the report citing that the intention of the report is to depict actions and effects and not motivations and goals. They also cited the ongoing criminal investigation as reason why they could not go into further detail or speculation. However, some lawmakers still want explanations, claiming that there would have been no attack without motivation.⁴²

⁴⁰ Michelle Boorstein, "Prominent Muslim Organizations Condemn Fort Hood Shootings," *Washington Post*, November 6, 2009.

⁴¹ Richard Lardner, "DoD Review: Hasan Superiors Ignored Concerns," *Army News*, January 12, 2010.

⁴² Richard Thompson, "Fort Hood Report: No Mention of Islam, Hasan Not Named," *Time*, January 20, 2010.

Another report, the Department of Defense Independent Review Related to Fort Hood, which had been ordered by Defense Secretary Robert Gates, also had the same shortcomings. Despite claiming to contain lessons learned from the incident to protect other bases, the report contains only a single page dedicated to defining who the actual suspect was. Much more space was given to emergency response and force protection, perhaps showing a reactive rather than proactive policy. The report also does not outright name Islamist fundamentalist beliefs; rather, they are combined with all religious fundamentalism beliefs. In addition to refusing to name Islamist extremism directly, the report also claims that not all religious-based violence is perpetrated by fundamentalist groups. In the pursuit of political correctness, the Department of Defense seems to be ignoring important lessons learned from the rise in Islamist extremist activity since 9/11 and its involvement in the wars in Iraq and Afghanistan. Lawmakers such as Senator Joseph Lieberman and Representative John Carter have criticized the report, claiming it does not sufficiently acknowledge the threat of Islamist extremism to the United States military. Authority depiction remained relatively consistent throughout the coverage, then. The authorities remain almost silent on Hasan's motivation and have not released any exact report on how Hasan was able to evade further investigation.⁴³

10. Coverage by the media

The shootings at Fort Hood quickly become one of the most important and widely covered issues on the media's agenda. In the days following the shooting, it was the most covered news story in the United States, accounting for more than one-third of all stories. Taking into consideration the disarray and violence of the shootings and given that they occurred on a military base, most of the early coverage was concerning the sequence of events and the number and condition of victims. The basic elements of journalism: who, what, when, and where were covered. However, almost immediately after discerning the concrete facts, another major issue began to materialize: the question of why. Although there were no definitive explanations just yet, a great deal of speculation from all news sources commenced. The "why" aspect became complicated and controversial as the suspect's religion became a central topic. Hasan's religion and its possible implications in the shooting became even more prominent in the media following the report that Hasan had shouted "Allahu Akbar" ("God is Great") just prior to the shooting. The intensity of the focus on religion increased once more when the *New York Times* released a report claiming the Hasan had become disillusioned with the military recently and announcing the FBI investigation into a man calling himself "Nidal Hasan" on the internet speaking positively of suicide bombing. It was noted, however, that it was not clear whether the writer was the shooter or not. Media sources made a serious attempt at remaining competent and responsible and sought to resist sensationalizing the story.⁴⁴

⁴³ Thompson, "Fort Hood Report."

⁴⁴ Mark Jurkowitz, "Shooting Shakes Up Media Stories," Pew Research Center, November 10, 2009.

In the few days following the attack, a sensational debate began concerning Hasan's motives and whether both the media and authorities were playing down his Islamic faith. The traditionally conservative Fox News and the Bill O'Reilly program accused the media of being too concerned with being politically correct by focusing more on the possibility that Hasan was suffering from combat stress than on his religion. In contrast, liberal television host Rachel Maddow interviewed Suhail Khan, a fellow for Christian-Muslim Understanding at the Institute for Global Engagement, on MSNBC and warned against exploiting the tragedy. Liberal media, in general, argued that the loyalty of other Muslims in the military should not be questioned due to their faith. By the end of the week and in the weeks following, the exact motive for the attack remained unresolved and the more conservative media perspective on religion's involvement began to fade. Upon advice from several political and government leaders, such as President Obama and FBI Director Robert S. Mueller, the media began to advise the public against rushing to judgment in the case. Thus, coverage in the weeks and months following the shooting neglects to focus too much on Hasan's religion as a definite motivation, only mentioning it as a possible contributing factor if it is mentioned at all. Although political correctness seems to be the primary focus of the media, the interest in Hasan's religion peaks again with each new detail in the case.⁴⁵

In addition to being extensively covered by the domestic media, international media also covered the shooting comprehensively. Media coverage from most Western countries and Israel, a close ally of the West, issued condolences and warnings for the United States. *The Guardian* in the United Kingdom advised Americans to avoid letting the attack become an excuse for persecution of Muslims within American borders. *The Globe and Mail* in Canada gave a balanced perspective, advising Americans to acknowledge the issue of religion but not to fixate on it. Israel's *Jerusalem Post* recognized America's problem of maintaining an open society, while preventing more attacks of this nature. Media in Southeast Asia, such as China and Hong Kong, used the event as an illustration of war's destructive tendency and the trouble that the United States has created for itself. Meanwhile, newspapers in places closer to the wars in the Middle East, such as Dubai, viewed the event as evidence of the need to end the cycle of violence on a larger scale but also empathized with the victims. The biggest portion of media coverage was dedicated to whether or not religion played an important role in the attack, not only the fact that the shooter was a Muslim. This tendency towards political correctness and maintaining an open society is visible in both domestic and foreign media.⁴⁶

11. Policing cost

The FBI investigation prior to the attack was rather short and not as extensive as many other terrorism cases; thus, it would have carried a low cost. Due to Hasan's suspicious e-mail exchanges with al-Awlaki, Hasan was investigated by the FBI. The FBI had been tracking al-Awlaki and electronic

⁴⁵ Jurkowitz, "Shooting Shakes Up Media Stories."

⁴⁶ "Fort Hood: What the World Is Saying," *The Week Magazine*, November 10, 2009.

intercepts revealed the communication between the two. So, the FBI did not spend any extra money in tapping into Hasan's communication as he was caught while they were investigating another suspected terrorist. In February of 2009, the San Diego FBI field office sent a file containing Hasan's personal records and two of the 20 al-Awlaki e-mails to the FBI's Washington field office. As noted, the Washington field office concluded that the time that the e-mails were sent and the content of the e-mails were consistent with the research that Hasan was doing at the time. After this first transfer of information, the San Diego office did not forward any additional information. Thus, the FBI stopped investigating Hasan.⁴⁷ The likely reason that Hasan was able to slip through this process is the small number of investigators the FBI has in relation to the number of terrorist leads they receive each day. The investigation into Hasan would have only lasted a few days at most, so the cost is close to negligible.

The trial is ongoing, so it is impossible to predict how much it will cost, depending on the duration and the appeals process. An initial hearing had been held in military court under Colonel James Pohl, who made an initial recommendation the Hasan be court-martialed on 13 counts of premeditated murder and 32 counts of attempted premeditated murder. Pohl claims "probable cause" existed from the hearing to support a capital murder case; this could end with Hasan receiving the death penalty. Hasan's lead defense attorney has already made clear that he plans to file objections to this recommendation, extending the trial process.⁴⁸ If the case goes to a capital murder trial and Hasan is found guilty, there will likely be an appeals process, necessitating more time and money. Although the trial has just finished the hearing stages, it appears that, in all likelihood, it will be a quite long and extensive process.

So, although there are no available numbers for policing cost, this case may be relatively cheaper than other terrorism cases. There was no extensive investigation, as compared to other terrorist investigation that cost the government much of taxpayer's money. Also, an overwhelming majority of terrorism cases are complicated and require a long trial process, so the cost of trial is not outlandish.

12. Relevance of the internet

The internet played an important role in the prior and subsequent investigation of Major Hasan's deadly rampage in Fort Hood. Hasan was reaching out to at least one known Islamist extremist, perhaps in his own process of radicalization. It was due to his suspicious e-mail exchanges with al-Awlaki that Hasan was investigated by the FBI.⁴⁹

Al-Awlaki's connection to the internet is also much deeper and important to understand, since he uses it to radicalize young Muslims through pamphlets, audio recordings, and videos. He is unique in his ability to take radicalization from the inspirational process to the operational process. Al-Awlaki's appeal to

⁴⁷ Gruen. "The Massacre at Fort Hood." 17.

⁴⁸ Angela K. Brown, "Army Colonel Recommends Trial in Fort Hood Rampage," *Yahoo! News*, November 17, 2010.

⁴⁹ "On Al-Jazeera.net - First Interview," *The Middle East Media Research Institute*.

the youth is related to not only the easily understood content but also to his distribution using the internet via Facebook, YouTube, and other social sites.⁵⁰ Clearly, al-Awlaki is a dangerous man with the ability to manipulate Muslims into jihadists and it is quite possible that his online lectures had at least some influence on Hasan.

Hasan had also been investigated by law enforcement officials because of internet postings by a man who called himself “Nidal Hasan” on Scribd.com. One of these posts is still on the website and says,

“There was a grenade thrown amongst a group of American soldiers. One of the soldiers, feeling that it was too late for everyone to flee jumped on the grenade with the intention of saving his comrades. Indeed he saved them. He intentionally took his life (suicide) for a noble cause i.e. saving the lives of his soldier. To say that this soldier committed suicide is inappropriate. Its more appropriate to say he is a brave hero that sacrificed his life for a more noble cause. Scholars have paralled this to suicide bombers whose intention, by sacrificing their lives, is to help save Muslims by killing enemy soldiers. If one suicide bomber can kill 100 enemy soldiers because they were caught off guard that would be considered a strategic victory. Their intention is not to die because of some despair. The same can be said for the Kamikazees in Japan. They died (via crashing their planes into ships) to kill the enemies for the homeland. You can call them crazy if you want but their act was not one of suicide that is despised by Islam. So the scholars main point is that ‘IT SEEMS AS THOUGH YOUR INTENTION IS THE MAIN ISSUE’ and Allah (SWT) knows best.”⁵¹

Although suicide in support of their Muslim faith is defended in this post, it has not really been a main focus in the case. This is because law enforcement officials have not determined whether or not Hasan was actually the author of the post. Although federal agents utilized search warrants to seize Hasan’s home computer, they never found any definitive evidence that Hasan was in fact the author. However, if Hasan was the author, this would not be an uncommon activity for a recent convert to fundamentalism.

13. Are we safer?

We are definitely safer now that Major Hasan is imprisoned. Clearly, Hasan was a man with little regard for human life and he is obviously capable of killing many people. According to reports, he was shooting at random and attempting to fire at anyone and anything that moved.⁵² Thus, not only did he show a lack of regard for human life but he also showed that his intention was to inflict the most damage possible in a short amount of time.

This case is a rarity in terrorism cases due to the failure of the FBI investigation to catch a man who had real intention of causing harm. However,

⁵⁰ Heffelfinger, “Anwar Al-`Awlaqi.”

⁵¹ “NidalHasan on Scribd,” Scribd, July 18, 2007, www.scribd.com/NidalHasan.

⁵² Angela K. Brown and Michael Graczyk, “Soldier: Fort Hood Gunman Was Firing at Random,” *Washington Times*, October 18, 2010.

many say the authorities strike too quickly; thus, they are trying to find the right balance between finding real threats and creating entrapment situations. So, the most important thing for law enforcement to decipher when investigating terrorist suspects is their intent. Juries convict terrorists based on their intent, not solely their abilities or ideals.⁵³ These cases, however, are never clear-cut as intentions do not have a completely objective definition. So, in contrast to the many cases with possible entrapment that have and are still going through the trial process, the Hasan case is a stark example of when the FBI may not have done enough to stop a suspected extremist.

14. Conclusions

Although Hasan's case is generally different from most of the other cases of terrorism in the United States since September 11, it can be easily related to the case of Abdulhakim Mujahid Muhammad (Case 26). Muhammad used a semiautomatic assault rifle to kill an army recruiter and wound another outside an Army recruiting center in Little Rock, Arkansas, on June 1, 2009. Like Hasan, Muhammad was born in America and was raised as an average citizen and he had been investigated by the FBI prior to the incident. Muhammad was also a loner both in life and in his attack of the army recruiters. Also, his intended targets were those involved directly in the military as he was disgruntled with the military's involvement in the Middle East, as has been suggested about Hasan. Both men were also isolated even within the Muslim community and neither have clear and distinct ties to a specific terrorist organization.⁵⁴ Other than the Muhammad case, Hasan's case is very different from other cases in that he was successful, in that he carried out the attack completely alone, and in that he was able to avoid FBI detection by having minimal connections to larger terrorist networks.

There are many lessons that can be learned from the Fort Hood shooting. First, it is important for the FBI to find the right balance between avoiding cases of entrapment and failing to catch terrorists with the actual intent to cause harm. Second, the United States may want to consider its foreign involvement and policy as reasons why terrorist attacks continue to occur, instead of assuming terrorists hate Americans as people. And third, Hasan provides an excellent example of a seemingly successful man who may contradict popular notions of terrorists and this must be taken into consideration when looking for other potential terrorists. Overall, Major Hasan provides an excellent case study for government officials to examine and scrutinize to prevent further devastating attacks in the future.

⁵³ Brian M. Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010.

⁵⁴ "2009 Little Rock Recruiting Office Shooting," Wikipedia, accessed December 3, 2010.

Case 33: The Underwear Bomber

John Mueller

July 12, 2011

Umar Farouk Abdulmutallab's effort to blow up a US-bound airliner in 2009 failed for the same central reason that Richard Reid's shoe-bomb effort in 2001 (Case 1) failed: the chosen explosive, PETN, is fairly stable and difficult to detonate, particularly because the most reliable detonators, like blasting caps, are metallic and cannot be used because they are likely to be picked up even by screening methods in place before 9/11.¹ Consequently, more complicated methods of detonation need to be employed, and these are likely to strain the capacities of an amateur bomber especially when he is surrounded by people who are likely to notice strange behavior and who have an overwhelmingly strong incentive in the post-9/11, or post-shoe bomb, era to do something about it.

Moreover, a successful explosion might well have failed to down the airliner. There were only 80 grams of PETN in Abdulmutallab's underwear (Reid had 50 grams in his shoe), and, as noted in the discussion of Case 1, a successful 100 gram PETN explosion earlier by a terrorist in Saudi Arabia in 2009 killed the bearer of the bomb, but failed even to injure the bomber's intended victim who was standing nearby. And, as Matthew Spade notes, a test by the BBC of this same explosion on a decommissioned airplane of the same type suggests the plane would have been able to land safely even if the bomb had gone off.

It is generally assumed that the bomb was designed by someone in Yemen who is continually called a "master bomb maker." A true master, one might think, would be one whose product not only works when it is supposed to, but accomplishes and is capable of accomplishing its destructive goal. Neither condition, it seems likely, held in this case. Abdulmutallab claims that many other bombers are being groomed in Yemen to attack aircraft bound for the United States.² None have yet shown up, but if the claim is correct, it would seem the vaunted "master bomb maker" has his work cut out for him.

Although there was no explosion on the airplane, there were three rather odd casualties of the underwear episode. Janet Napolitano, who had become Director of Homeland Security earlier in the year, committed one of those gaffs determined to be such not by rationality, but by political emotion. Early on, she maintained that "once the incident occurred, the system worked," a reasonably unexceptionable observation except that people averse to qualifiers managed to remember only the last three words and argued that the system had failed because it failed to keep the failed bomber from boarding the plane in the first place. By contrast, risk analyst Bruce Schneier argues that, in fact, the system *did* work because it forced the bomber to use an unreliable method for detonation and because of passenger alertness and resistance—a very important safety barrier,

¹ Bryan Walsh, "Why It's Not Easy to Detonate a Bomb on Board," *Time*, December 28, 2009.

² Anna Schechter and Brian Ross, "Obama Orders Air Marshal Surge by Feb. 1: 'Race Against Time,'" *abcnews.com*, January 6, 2010.

incidentally, that costs nothing at all.³ Napolitano's critics were joined by the American-born Yemeni cleric and terrorist philosopher, Anwar al-Awlaki, when he proclaimed, "Our brother Umar Farouk has succeeded in breaking through the security systems that have cost the U.S. government alone over forty billion dollars since 9/11."⁴ Al-Awlaki actually underestimates the costs of airline security.⁵ However, following Schneier's observations, the key issue is not that the terrorist got through some of the security barriers, but that the effort failed miserably because of them. Moreover, the fact that "our brother Umar Farouk" is now talking freely and fully in captivity, turning traitor to his cause, rather suggests that the whole enterprise was, from the perpetrators' perspective, an utter fiasco.

Although Napolitano retained her job despite her supposed gaff, another victim of the terrorism episode didn't. Dennis Blair's tenure as Director of National Intelligence included not only this attempt, but the equally unsuccessful Times Square terrorist effort of May 2010 (Case 27) as well as the shooting rampage at Fort Hood by a deranged psychiatrist (Case 25). That was too much for President Barack Obama, and Blair was fired on May 20, 2010.

The final victim was the American taxpayer who endured a triple blow. First, Blair's experience is likely to further guarantee that any successor, in an understandable desire to protect an important part of his or her anatomy, will be strongly inclined to expend any sum of taxpayer funds, no matter how ill-advised, if there is any chance at all the expenditure will prevent the spender from suffering Blair's fate. Second, Obama ordered an urgent (and therefore expensive) increase—a "surge" and a "race against time" they called it—in the air marshal program.⁶ This, even though it was the passengers who successfully handled the underwear threat and even though any air marshals on board would be of no value whatever because they would be seated far away in first class to keep a wary eye on the cockpit door under the almost never-examined assumption that, despite the lessons of the fourth plane on 9/11, a direct replication of that tragedy is remotely possible. And third, the Transportation Security Administration rushed ahead with the deployment of full-body scanners in American airports (however, not initially at least in foreign ones like the one Abdulmutallab used to board his plane) without, it appears, bothering to comply with a Government Accountability Office demand that their cost-effectiveness be evaluated first. Taxpayers are advised that both the scanners and the air marshal program (both of which cost around \$1 billion per year) are likely to fail a cost-benefit analysis.⁷

³ Bruce Schneier, Post-Underwear-Bomber Airport Security, schneier.com, January 7, 2010. Schneier usefully concludes: "If we refuse to be terrorized, if we refuse to implement security theater and remember that we can never completely eliminate the risk of terrorism, then the terrorists fail even if their attacks succeed."

⁴ Garrett M. Graff, *The Threat Matrix: The FBI at War in the Age of Global Terror* (New York: Little, Brown, 2011), 586.

⁵ John Mueller and Mark G. Stewart, *Terror, Security, and Money: Balancing the Risks, Costs, and Benefits of Homeland Security* (New York: Oxford University Press, 2011).

⁶ Schechter and Ross, "Obama Orders Air Marshal Surge."

⁷ Mueller and Stewart, *Terror, Security, and Money*, ch. 7. Mark G. Stewart and John Mueller, "Risk and Cost-Benefit Analysis of Advanced Imaging Technology Full Body Scanners for Airline

Abdulmutallab's case is another that calls into question exactly what it is that "radicalization" means. As Spade stresses, he was obviously dedicated to the cause and willing to die for it, and he dutifully recorded a "martyrdom video." However, once captured, the terrorist was, as noted, soon spilling all sorts of helpful information to his captors. In this, he was partly yielding to the importunings of a couple of family members from whom he was previously presumably rebelling—it was his concerned father, after all, who alerted authorities to his son's association with extremists. Thus, not only has international terrorism lost a dedicated asset, but the one it had deployed has been effectively converted after the fact into a spy for its enemies—something that also happened with Bryant Neal Vinas (Case 17) and Najibullah Zazi (Case 21).

The case has inspired yet more calls for intelligence agencies to share and coordinate information. Abdulmutallab was on some watch and tip lists, but these bits of information weren't put together, in part because, as Spade notes (and Schneier as well), there already is a considerable amount of "information overload." The calls are likely not only to increase this problem but also its already-massive attendant expense—an issue that calls out for systematic evaluation. And it should be noted that, if one does manage to connect the dots, one often comes up with a shape that looks like an amoeba.

February 19, 2016: This case and, in particular, its impact on the Obama administration is discussed at length in Charlie Savage, *Power Wars: Inside Obama's Post-9/11 Presidency* (New York, Little, Brown, 2015).

An hour-long documentary on BBC Two, "How Safe Are Our Skies -- Detroit Flight 253" (Executive Producer Alison Turner), was shown in March 2010. It concludes that the amount of explosive in the bomb was only "a fraction of what it would have taken to bring the plane down" (51:30) and that the planned triggering process "is difficult to achieve even in a laboratory" (36:30).

As of February 24, 2017, the documentary was available on youtube: <https://www.youtube.com/watch?v=VBYYmI4Dtn0>

Case 33: The Underwear Bomber

Matthew Spade

July 12, 2011

typographical and other minor corrections December 27, 2011

1. Overview

Umar Farouk Abdulmutallab purchased his ticket in cash on December 16, 2009, in the capital of Ghana. It is common to buy plane tickets with cash in Africa; therefore, Abdulmutallab was able to proceed without raising any red flags. On December 25, he boarded Northwest Airlines Flight 253 en route from Amsterdam, Netherlands, to Detroit, Michigan.

As the flight approached Detroit, Abdulmutallab visited the restroom, where he remained for approximately 20 minutes. Upon returning to his seat Abdulmutallab attempted to ignite 80 grams of pentaerythritol tetranitrate (PETN) that had been sewn into his underwear. Apparently the substance failed to fully ignite. Nearby passengers noticed that both Abdulmutallab's pants and the wall of the aircraft had caught fire. He was tackled by Dutch filmmaker Jasper Schuringa, and one of the flight crew doused the flames with a fire extinguisher. The plane landed safely and Abdulmutallab was taken into custody.

He was initially charged on December 26 with two criminal counts and additional charges were added at a grand jury indictment on January 6, 2010. The most serious counts are attempted use of a weapon of mass destruction and the attempted murder of nearly 300 people.

Abdulmutallab at first refused to cooperate with the authorities, but the U.S. government enlisted the aid of two unidentified family members. He has since divulged information that "has led to actionable intelligence that could help prevent terror attempts on U.S. soil," according to senior government officials.¹ He was charged on December 26, 2009, with two criminal counts and was additionally charged in a grand jury indictment on January 26, 2010. He faces life in prison plus a 90-year term if he is convicted on all charges. He was given a court-appointed attorney, but asked on September 13, 2010, to defend himself.² Incarcerated at the Federal Corrections Institution in Milan, Michigan, he awaits further legal proceedings.³

2. Nature of the adversary

Abdulmutallab was born on December 22, 1986, the 16th son of a wealthy Nigerian banker. He attended the best schools as a child and spent his high school years at the British International School in Lomé, Togo. Abdulmutallab's teachers described him as an ideal student, though his interactions with fellow students seemed odd. He was given the appellation "Alfa," which is a local term referring

¹ Ed Henry, "White House reveals secret cooperation with Abdulmutallab family," CNN, February 3, 2010.

² Associated Press, "Man accused in bomb plot is allowed to be his own lawyer," *New York Times*, September 13, 2010.

³ "Umar Farouk Abdulmutallab," Wikipedia.org, accessed November 20, 2010.

to Islamic clerics, because of his habit of preaching Islam to his classmates. He was also called “Pope” by some students.⁴

By 2005 posts began appearing on Facebook and the Islamic forum Gawaher.com under the name of Farouk1986. The biographical data listed by the poster and that of Abdulmutallab are a match. The posts of Farouk1986 give us a fair insight as to the inner workings of Abdulmutallab’s mind and perhaps to one of the vehicles of his radicalization.

Many of Farouk1986’s posts depict a lonely, sexually frustrated youth with dreams of jihad. Farouk1986 spoke of his years at school in Togo, where he despaired of not having any true Muslim friends. He repeatedly identified his own sexual misconduct, among other things that of failing to lower his gaze in the presence of unveiled women. He often wrote about marriage, how he longed for it but was still too young. He worried that some of his fantasies were “a bit worldly rather than concentrating in the hereafter.”⁵

While not explicit in his posts, it is entirely possible that Farouk1986 began associating his sexual desires with dreams of jihad. A post on January 28, 2005, explained how “the hair of a woman can easily arouse a man,” and he fretted that it was necessary for him to fantasize about “Islamic stuff.” Less than one month later he detailed a fantasy about how “the great jihad will take place, how the muslims will win insha Allah and rule the whole world, and establish the greatest empire once again!!!”⁶ Shortly after this post, Farouk1986 wrote about Abdullah el-Faisal, a radical Muslim cleric imprisoned in the UK for urging his followers to murder Jews, Hindus, and Americans. This is the first clear link between Farouk1986 and radical Islam.

Abdulmutallab in the same year began attending the University College of London, where he pursued a degree in Mechanical Engineering and Business Finance. He was the head of the university’s Islamic Society. In January 2007 he hosted a “War on Terror Week” which featured former Guantanamo Bay detainees, human rights activists, and discussion on jihad in Islam.

Abdulmutallab reportedly came to the attention of MI5 at this time for his communications with Islamic extremists, but whether from lack of evidence or from Abdulmutallab’s departure from the university, it appears that there was no further investigation by British intelligence services.

One such Islamist extremist was the American-born Anwar al-Awlaki, a radical imam who is currently thought to be based in Yemen. He is also accused of being one of al-Qaeda’s top recruiters. Al-Awlaki has ties to several of the September 11 hijackers, the 2005 London subway plot, a 2006 Toronto terrorist cell, the 2007 Fort Dix plot, and the 2009 Fort Hood shooter.⁷ It appears that al-Awlaki recruited Abdulmutallab to jihad. During a visit to Yemen in 2009, ostensibly to study Arabic, Abdulmutallab overstayed his student visa and dropped out of contact with his parents. He told them that they should never

⁴ Mark Hosenball, “The radicalization of Umar Farouk Abdulmutallab,” *Newsweek*, January 2, 2010.

⁵ Leonard Greene, “Sex torment drove him nuts,” *New York Post*, December 31, 2009.

⁶ Guy Chazan, “Web offers more clues on suspect,” *Wall Street Journal*, December 30, 2009.

⁷ “Umar Farouk Abdulmutallab,” Wikipedia.org.

expect to see him again. According to Yemeni authorities, he quit attending the language school in Sana'a and reportedly traveled to a house owned and operated by al-Awlaki in the Shabwah Mountains.⁸ It was here that he received training and equipment that would be used in his Christmas Day attempt. ABC World News in April 2010 aired a video produced by Al-Qaeda in Yemen depicting Abdulmutallab and others firing weapons at Western and Jewish symbols. The broadcast also included a martyrdom statement “justifying his actions against ‘the Jews and Christians and their agents.’” It is unknown when these videos were first recorded.⁹

While it is most likely that Abdulmutallab harbored the seeds of Islamist extremism before his contact with al-Awlaki, there has been no evidence to indicate that he planned on carrying out any kind of action based on those seeds. It is not until Abdulmutallab's reported contact with al-Awlaki during his initial visit to Yemen in 2005 that his frustrations and fantasies found their outlet and resolved for violence.

Al-Qaeda in the Arabian Peninsula (AQAP), the umbrella organization directing al-Qaeda in Yemen, is an extension of Osama bin-Laden's larger al-Qaeda group. It was founded in 2009 by one of bin Laden's personal secretaries and is a combination of al-Qaeda's Saudi and Yemeni efforts. Anwar al-Awlaki is thought to be one of the senior commanders of AQAP.¹⁰ Abdulmutallab's case is a sterling example of the group's ability and willingness to exploit the feelings of loneliness and frustration in an otherwise nonviolent young man.

3. Motivation

AQAP released a video claiming responsibility for the Christmas Day plot shortly after Abdulmutallab was apprehended. The alleged reason was in response to U.S. and Yemeni efforts against AQAP in Yemen. It is also apparent that Abdulmutallab was a critic, to say the least, of U.S. and Western foreign policy. This is evidenced by the “War on Terror Week” that he organized at the University College of London, during which the speakers discussed the U.S.'s treatment of inmates at the Guantanamo Bay detention facility.

Judging from the Farouk1986 posts, Abdulmutallab long felt isolated and lonely. He despaired at having no Muslim friends. Abdulmutallab lashed out at his father's banking profession, calling it un-Islamic. He defended the Taliban in classroom discussions. While online he discussed his sexual frustrations in close proximity to fantasies about jihad. He wrote about at least one radical cleric in his web posts, and may have met with another on a paintball trip with the university Islamic society.

All of these events seem to be steps on a ladder to radicalization. Despite what may appear to be such a clear road map, it is difficult to ascertain when exactly Abdulmutallab crossed the threshold from extremist rhetoric to actual

⁸ Adam Nossiter, “Lonely trek to radicalism for terror suspect,” *New York Times*, January 16, 2010.

⁹ Matthew Cole et al., “Underwear Bomber: New video of training, martyrdom statements,” ABC News, April 26, 2010.

¹⁰ “Al-Qaeda in the Arabian Peninsula,” Wikipedia.org.

violence. Anwar al-Awlaki seems to have taken a particularly vulnerable youth and channeled his energies toward violence. Despite AQAP's claim of responsibility, the group simply took advantage of what was already there, namely Abdulmutallab's search for a pressure release. This is to say that while the stated motivation of the Christmas Day plot was to respond to U.S. and Yemeni campaigns against AQAP, it is possible that Abdulmutallab wanted to strike something, anything, and AQAP gave him the best opportunity and concrete reasons to do so.

4. Goals

Abdulmutallab's immediate goal was the destruction of Flight 253 via the explosive compound hidden in his underwear. This display was apparently meant to further al-Qaeda's anti-Western and anti-Israel jihad. The immediate stated goal was to stop the joint U.S.-Yemeni campaign against AQAP in Yemen. It is difficult to see, however, how the destruction of a single U.S. jetliner was to bring about such change. AQAP presumably intended to widen its campaign against America, and some of this can be gleaned from interviews of Abdulmutallab while in custody, "where he told them [U.S. agents] that he was one of many bombers being groomed by the Yemeni al-Qaeda affiliate to attack American-bound aircraft."¹¹ The strategy seems aimed at forcing the U.S. to effect some massive change in the face of a tide of terrorism. The feasibility of such a strategy can be questioned and may even prove counterproductive.

5. Plans for violence

Abdulmutallab boarded Flight 253 with 80 grams of PETN sewn into his underwear. The explosives were hidden near his groin and thus escaped detection. He attempted to ignite the explosive material with a syringe of liquid acid as the plane descended into the Detroit Metropolitan Wayne County Airport; however, the acid failed to make proper contact with the PETN and instead set Abdulmutallab's leg as well as the plane's interior wall on fire.

The plan was simple. The explosive was not. According to a CNN report, PETN is a powerful explosive in the same family as nitroglycerine. It is a fine white powder that is actually very stable until ignited. Because of its composition, PETN is very transportable and easily concealed. He was also traveling with a syringe filled with what is believed to have been liquid acid to be used as the igniter. Experts believe that the acid was meant to cause a chemical reaction that would ignite the otherwise inactive PETN. The design of such an ignition mechanism would have taken some expertise.¹²

The identity of the actual bombmaker is unknown, but it is unlikely to have been Abdulmutallab himself. It is believed that he received the materials for his attack during his time at Anwar al-Awlaki's compound in the Shabwah Mountains in Yemen.

¹¹ Giles Whittell and Adam Fresco, "I'm the first of many, warns airline 'bomber' Umar Farouk Abdulmutallab," *The Times*, December 29, 2009.

¹² "PETN: The powder at the center of airline terror alert," CNN.com, December 29, 2009.

Similar syringes were found with what appear to have been bombs in packages addressed to Chicago synagogues. The packages were being transported by plane and were intercepted by authorities in October 2010. U.S. officials reported that the packages bore the hallmark of AQAP and cited that “AQAP has shown a strong interest, and regrettably skill, in dealing with PETN.” One official was further quoted as saying that the Christmas Day bombmaker and that of the October plot was likely the same.¹³

There are differing reports on whether or not the explosive charge from 80 grams of PETN would have been sufficient to pierce the aircraft’s fuselage. According to the *Washington Post*, federal sources say that the explosives could have “blown a hole in the side” of the “aircraft if it had been detonated.”¹⁴ UK explosives expert Sidney Alford agrees, though the size of any theoretical hole has not been determined.¹⁵

On the other hand, a test conducted by the BBC resulted only in window damage. It is possible that this damage would have depressurized the hull of the aircraft, but it is difficult to know for sure as the test was conducted at ground level.¹⁶ The area in which both reports agree is that the bomb itself was not powerful enough to destroy the aircraft. It may have blown a hole in the craft’s side and depressurized the cabin, but the explosive itself would not have consumed the entire aircraft.

One thing is certain: Abdulmutallab was willing to die to accomplish his mission. All indications are that he had planned to die for some time. His martyrdom video had been recorded and was subsequently released by AQAP. Beyond a second video of training with small arms weapons, we do not know who trained him and to what extent he was trained. It is unlikely that he would have been able to carry out his bombing attempt without assistance from AQAP.

Why Flight 253 was chosen as Abdulmutallab’s target is still unknown.

6. Role of informants

Informants did not factor into the case against Abdulmutallab, primarily because there was no case until after he attempted to destroy Flight 253. His father did approach officials at the U.S. Embassy in Lagos, Nigeria, on November 19, 2009. He voiced his concern that his son might possibly be associating with extremists. He had no knowledge of any terror plots, however. Abdulmutallab’s name was duly entered into the National Counterterrorism Center’s (NCTC) Terrorist Identities Datamart Environment database. Unfortunately this database did not communicate with the FBI’s Terrorist Screening Database, and thus the name was not placed on the No Fly List.

7. Connections

¹³ From “Explosives” section, CNN.com, November 4, 2010. “‘Murderous’ PETN links terror plots,” CNN.

¹⁴ Carrie Johnson, “Explosives in Detroit terror case could have blown hole in airplane, sources say,” *Washington Post*, December 29, 2009.

¹⁵ “PETN: The powder at the center of airline terror alert,” CNN.

¹⁶ “Boeing 747 survives simulation bomb blast,” BBC, March 4, 2010.

It is unlikely that Umar Farouk Abdulmutallab would have been able to carry out his plot without the aid of al-Qaeda in the Arabian Peninsula. More specifically, American-born radical imam Anwar al-Awlaki played a critical role in recruiting and equipping him.

Al-Awlaki has been given the moniker “the bin Laden of the internet,” according to Al Arabiyah Television.¹⁷ Born in 1971 in Las Cruces, New Mexico, al-Awlaki’s sermons have been attended by a “who’s who” of terrorist personalities. At least two of the 9/11 hijackers met with him privately. U.S. intelligence intercepted electronic communications between him and the Fort Hood shooter, Nidal Malik Hasan. His exploits have been significant enough for President Obama to order the targeted killing of al-Awlaki, the first U.S. citizen to be placed on this list.¹⁸

Abdulmutallab allegedly first met with al-Awlaki in 2005 while Abdulmutallab was in Yemen to study Arabic. At that time al-Awlaki was delivering lectures in Sana’a. It is unclear whether the two met privately in 2005, but the Washington Post indicates that the two exchanged a large number of communications during the year prior to Abdulmutallab’s attempted attack.¹⁹ In October 2009 Abdulmutallab traveled to a house owned and operated by al-Awlaki in the Shabwah Mountains of Yemen. There he received equipment and training in the use of explosives. He confessed to authorities that al-Awlaki had given him religious guidance and had aided him in planning his attack. Some sources claiming to have spoken with al-Awlaki report that the cleric approved of Abdulmutallab’s actions but did not have a hand in planning them or encouraging Abdulmutallab.²⁰

It is unlikely that Abdulmutallab would have been able to procure PETN, the highly explosive substance used in his attempted attack, without the assistance of an organized terrorist group. Such help came from AQAP, with al-Awlaki at its head. It is furthermore unclear if Abdulmutallab would have resorted to violence at all without al-Awlaki’s alleged encouragement. He may have merely remained a frustrated college student fantasizing about jihad, but never acting on his impulses. We will never know.

8. Relation to the Muslim community

The Muslim community had little impact of Abdulmutallab’s progression toward violence. While it is true that he attended somewhat extreme sermons at various mosques, he studied Arabic at a language institute in Sana’a, and he hosted certain radicals while president of the University College of London’s Islamic Society, he often despaired on the internet that he had no Muslim friends. He felt isolated and alone, which made him a more appealing target for

¹⁷ Aamer Madhani, “Cleric al-Awlaki dubbed ‘bin Laden of the internet,’” *U.S.A Today*, August 24, 2010.

¹⁸ “Anwar al-Awlaki,” Wikipedia.org, accessed November 20, 2010.

¹⁹ Dan MacDougall et al., “Umar Farouk Abdulmutallab: one boy’s journey to jihad,” *Sunday Times*, January 3, 2010. Carrie Johnson et al., “Obama vows to repair intelligence gaps behind Detroit airplane incident,” *Washington Post*, December 30, 2009.

²⁰ “Umar Farouk Abdulmutallab,” Wikipedia.org.

recruitment by certain extremists, but the Muslim community writ large seemed unaware of his intentions.

Some passenger accounts do place a second man with Abdulmutallab at the airport in Amsterdam on the day of his attempt. Two eyewitness accounts describe a well-dressed man, possibly of Indian descent, who helped Abdulmutallab board Flight 253 without a passport, telling the gate official that Abdulmutallab was a Sudanese refugee and that the airline often allowed Sudanese refugees to fly without passports.²¹ The Dutch counterterrorism agency reported that Abdulmutallab presented a valid Nigerian passport and was thus allowed to board the plane. Authorities examined hours of security footage and found no evidence of the supposed accomplice. After initially discounting the passenger accounts, authorities have reportedly begun searching for a man who may have helped Abdulmutallab change planes after landing in Amsterdam from Lagos. The man may have been present to ensure that Abdulmutallab did not get cold feet, according to ABC News.²² As of this writing there have been no further developments regarding the supposed accomplice.

The extent of the involvement of the Muslim community seems to be that of Anwar al-Awlaki, a radical imam and recruiter for al-Qaeda.

9. Depiction by authorities

The Christmas Day attempt was understandably taken very seriously by authorities. A man carrying an explosive device was able to pass through security scanners and board a U.S.-bound plane. He was nearly able to ignite his explosives and perhaps bring down the aircraft. He was apprehended by a neighboring passenger and by the flight crew. Following the plane's landing, each passenger was thoroughly screened and questioned by law enforcement.²³ New measures have been adopted at some airports to involve full body scans of prospective passengers.

Homeland Security Secretary Janet Napolitano initially praised the transportation security system for its effectiveness, though Abdulmutallab was able to pass through screening with his device in his underwear. She quickly retracted her statement after significant public backlash.²⁴ President Obama held several news conferences discussing the case and numerous congressional hearings have been conducted. All in all, Abdulmutallab's attempted bombing was taken very seriously by authorities, who recognized how closely they had come to disaster.²⁵

²¹ Paul Egan, "Atty. says he saw man try to help Nigerian onto flight without a passport," *Detroit News*, December 29, 2009.

²² Richard Esposito et al., "Female suicide bombers may be heading here from Yemen," *ABC News*, January 22, 2010.

²³ Roey Rosenblith, "Over Detroit skies," *Huffington Post*, December 27, 2009.

²⁴ Peter Baker and Scott Shane, "Obama seeks to reassure U.S. after bombing attempt," *New York Times*, December 28, 2009.

²⁵ A second Nigerian man was apparently being watched by authorities on December 25, 2009. Emmanuel Chukwu, a 41-year old engineer, shared Abdulmutallab's flight itinerary. He was subjected to six hours of additional screening after Flight 253 landed in Detroit. His name reportedly was found in TECS, a large database that enables customs and border enforcement to

10. Coverage by the media

Domestic press was outraged that Abdulmutallab was even allowed near a U.S.-bound airplane. The media repeatedly accused the U.S. Intelligence Community of a failure to connect the dots. Homeland Security Secretary Janet Napolitano was criticized for her comments regarding the effectiveness of airport security, even though Abdulmutallab was able to board Northwest Flight 253 undetected. She later retracted her statements, but significant damage was done.

Following Abdulmutallab's father's visit to Lagos on November 19, 2009, in which he worried that his son was in Yemen and associating with radicals, Abdulmutallab's name was put into a database maintained by the NCTC. This database, however, did not communicate with a database operated by the FBI which controls the U.S.'s No Fly List. In congressional testimony, Patrick Kennedy, an undersecretary for management at the State Department, reported that State wished to revoke Abdulmutallab's visa but was told to desist by other U.S. intelligence agencies. The stated reason was that Abdulmutallab was part of a larger investigation of terrorist organizations. The revocation of his visa would have the potential to disrupt the investigation.²⁶ There has been no further information regarding this communication between State and other U.S. intelligence agencies.

11. Policing costs

The only costs associated to the policing of the Christmas Day plot are those of court and incarceration costs. The press has not reported on any earlier investigation that would explain Patrick Kennedy's congressional testimony, and so a judgment about its costs cannot be made. There have almost certainly been investigations into AQAP writ large, but none specifically associated with Abdulmutallab.

As to the court and incarceration costs, Abdulmutallab is currently housed at the Federal Correction Institute in Milan, Michigan, where he is awaiting further legal proceedings.

Some indirect costs can be applied to the Christmas Day plot. Since Abdulmutallab's failed attack there have been numerous congressional inquiries into the alleged intelligence failure, political capital has been spent as politicians and administration officials wrestled with blame, and President Obama in April 2010 authorized the targeted killing of Abdulmutallab's facilitator, Anwar al-Awlaki.²⁷ All of these operations and costs can be attributed to Abdulmutallab's attempted attack.

monitor suspicious passengers for red flags that may necessitate further investigation. He was in no way involved with Abdulmutallab or the Christmas Day bombing attempt. This as well as further information on Emmanuel Chukwu can be found in Abbie Boudreau, et al., "Authorities were watching different Nigerian on Christmas Day flight," CNN, January 22, 2010.

²⁶ "Umar Farouk Abdulmutallab," Wikipedia.org. "Flight 253 Patrick F. Kennedy Testimony," Youtube.com, accessed November 20, 2010.

²⁷ Scott Shane, "U.S. approves targeted killing of American cleric," *New York Times*, April 6, 2010.

12. Relevance of the internet

The internet certainly aided Abdulmutallab in his contact with Anwar al-Awlaki. It is unclear whether or not this is the first forum in which he encountered the radical imam. Fox News reported that documents found in his flat in London revealed an interest in al-Awlaki's blog and internet pages, but did not demonstrate that the two had spoken one-on-one.²⁸ Once initial contact with al-Awlaki was made, most of Abdulmutallab's interactions with him were made via means other than the internet. Abdulmutallab traveled to Yemen for training and equipping by al-Awlaki.

The internet's best use in this case is in that of assessing Abdulmutallab's mental state. If internet posts made by Farouk1986 beginning in 2005 are indeed those of Abdulmutallab, we can piece together a rough image of the young man who would become a terrorist.

13. Are we safer?

It is clear that public safety has directly improved since the apprehension of Umar Farouk Abdulmutallab. Shortcomings may remain and should constantly be reassessed for the implementation of better safety and communication measures. Full-body scanners have been installed in some airports, but many remain without.

Media and public reaction has been strong enough in this case to have evoked some changes from the U.S. administration. Several months after the Christmas Day plot, President Obama accepted the resignation of Admiral Dennis Blair (ret.), the Director of National Intelligence. While Admiral Blair was obviously not directly responsible for the intelligence failures leading up to the attempted attack, several other plots had been nearly or actually carried out under his tenure. These include the 2010 Times Square bombing attempt and the 2009 Fort Hood shootings.²⁹

Al-Qaeda in the Arabian Peninsula remains a threat, however. The Christmas Day plot has demonstrated to the world that AQAP has the capacity for international attacks. A renewed effort to decapitate the group and apprehend its members will need to be made to ensure long term public safety.

14. Conclusions

If successful, Umar Farouk Abdulmutallab's attack might have slightly damaged the airline industry in the short term, but it is unlikely that it would have had any lasting impact. The U.S. economy, and U.S. citizens themselves, have proven to be remarkably resilient to terrorism. Because of the sheer size of the economy and the constant barrage of violent news reported to the American people by the 24 hour news cycle, an attack would need to be of an extreme magnitude to achieve any significant impact. This is not to say that such an attack is impossible, however, large-scale attacks tend to be more complex, with more opportunities for thwarting by authorities.

²⁸ Catharine Herridge, "Investigators recover SIM cards during searches of homes tied to Abdulmutallab," Fox News, December 28, 2009.

²⁹ Mark Mazzetti, "Facing a rift, U.S. spy chief to step down," *New York Times*, May 20, 2010.

Abdulmutallab traveled down the road to terrorism as a result of misplaced frustrations and opposition to what he perceived as Western policy regarding Islam. It was not difficult for Anwar al-Awlaki to hijack Abdulmutallab's frustrations and target them against the United States. All that was required was training, equipping, and planning. The Christmas Day attempt was a near miss, a clear sign that law enforcement and intelligence agencies must remain vigilant and work with their international partners to fight extremism wherever it lives. Any countermeasure that is adopted has the potential to be circumvented. Security personnel should employ creativity in their approach to combating terrorist tactics in order to break the reactionary cycle of security improvement post facto.

The underwear bomber's attempt may have been averted had the UK and the U.S. coordinated more closely on visa issues. Perhaps closer cooperation is needed to more thoroughly review all visa applications, or at least the suspicious ones, that are filed in both countries.

There are few ways that a government can combat the frustrations of youth, especially one as tightly wound as Abdulmutallab and his apparent online personality, Farouk1986. It is the point at which those frustrations evolve into extremism that authorities are more capable. Radical clerics and imams can be monitored without insulting moderate voices. If ties between Abdulmutallab and al-Awlaki were suspected before Christmas Day 2009, they should have been investigated. Anyone tied to a known radical like al-Awlaki should get at least a cursory examination.

One of the most significant lessons to be drawn from this case is the information overload of our intelligence and law enforcement agencies. Mountains of tips and walk-ins, like Abdulmutallab's father, are sifted through daily, most of which turn out to be inaccurate or incorrect. A way needs to be found to ease the burden on our protectors so that repeat performances of the Christmas Day attempt do not come so close to fruition.

Case 34: Times Square

John Mueller

June 5, 2011
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The failed attempt by Faisal Shahzad to set off a car bomb in Times Square in May 2010 is particularly notable in that it was a self-motivated, “lone wolf” operation, entirely planned and put together by one man. Partly in result, his preparations were not picked up by police. But it hardly mattered in the end.

The perpetrator, a native of Pakistan with a privileged upbringing, had lived in the United States for several years and had received citizenship in 2009. A couple of months after doing so, motivated by hostility toward America’s wars in the Middle East and by the plight of the Palestinians, he abandoned his American-born wife and children in the United States to travel to Pakistan. His anger was escalated by an American drone strike on the border area between Pakistan and Afghanistan in October, and he walked out on his parents who disapproved of his perspective and took off for a terrorist camp run by the Pakistan Taliban where he underwent 40 days of training between December 1, 2009, and January 25, 2010.

Shahzad’s training camp experience does not seem to have served him well. The bomb on which he threw away his freedom was reported from the start to be “really amateurish,” with some analysts charitably speculating when it was first examined that it might be “some sort of test run” created by “someone who’s learning how to make a bomb and will learn from what went wrong with this.”¹ Apparently because it is difficult to buy explosive fertilizer, Shahzad purchased the non-exploding kind instead.² It is not clear why he didn’t use dirt or dried figs for his explosive material since these are cheaper, easier to find, and will fail to explode with same alacrity as non-explosive fertilizer. He also threw in some gasoline—which doesn’t explode either, though it does burn—as well as some propane that will only explode when mixed precisely with the right amount of air, a bomb-design nicety Shahzad apparently never learned in his weeks of training. The crudely-wired contraption was to be triggered by a cheap-looking alarm clock laced to a can of fireworks which did sputter and smoke for a while, attracting the attention of people nearby who then alerted the police.³

The authorities quickly traced the vehicle mostly—perhaps entirely—by applying standard police work, taking advantage of Shahzad’s many blunders of planning and execution (they didn’t even have to rely on the many security cameras that cover the very public target area he chose). In result, as David Tan documents, the culprit was apprehended within two days and will now spend the rest of his life dealing with his rage in a jail cell.

¹ “Car Bomb In Times Square Fails to Explode,” Weekend Edition, NPR, May 2, 2010.

² Anahad O’Connor, “Weak Times Sq. Car Bomb Is Called Intentional,” *New York Times*, July 21, 2010. Peter Grier, “Why the Times Square bomb failed spectacularly,” *csmonitor.com*, May 3, 2010.

³ Grier, “Why the Times Square bomb failed spectacularly.”

Hype-meisters were not caught unprepared. As Tan reports, the chief of staff of the White House's National Security Council insisted that Shahzad was trying "to kill thousands of Americans," a casualty rate wildly higher than any ever achieved by any car bomb, and, in fact, far higher than has been caused by any terrorist action in history outside of 9/11. (Shahzad has said he was actually trying to kill 40, as Tan notes.) Similarly numerically-challenged, Obama adviser Bruce Riedel declared that "we almost had" in the Times Square effort "a 9/11-type mass casualty attack."⁴ Shadad's effort was sometimes compared to Timothy McVeigh's Oklahoma truck bombing of 1995 that killed 165. It is useful to note, however, that McVeigh's bomb contained 4,000 pounds of the right kind of fertilizer while Shadad had only 200-250 pounds (of the wrong kind) in his.⁵

The American authorities were fully matched by the Pakistan Taliban which was delighted to take full responsibility for the abject failure. As they say, any publicity is good publicity—particularly when the people they want to intimidate help the effort by characterizing fiascos as near-9/11s. The process is one in which, as Bart Kosko puts it, the "government plays safe by overestimating the terrorist threat, while the terrorists oblige by overestimating their power."⁶

⁴ Bruce Riedel, speaking on his book, *Deadly Embrace*, on February 22, 2011 as telecast by C-SPAN2 on March 12, 2011.

⁵ Grier, "Why the Times Square bomb failed spectacularly."

⁶ Bart Kosko, "Terror Threat May Be Mostly a Big Bluff," *Los Angeles Times*, September 13, 2004.

Case 34: Times Square

David Tan

June 5, 2011

typographical and other minor corrections December 27, 2011

1. Overview

On May 1, 2010 at 6:38 pm, Faisal Shahzad parked a Nissan Pathfinder at 1 Astor Plaza, 1515 Broadway, at Times Square in New York City with the intent of setting off a bomb to inflict civilian casualties. He then deserted the scene leaving the engine running with hazard lights flashing.¹ A mounted New York City police officer was alerted by a T-shirt vendor on the sidewalk who saw smoke coming out of the back of the SUV. The officer then called for backup and moved the crowds away for safety.² The bomb failed to explode, though it was reported to be smoking and emitting popping sounds. A robot drone was used to open the doors. The SUV contained “three canisters of propane like those used for barbecue grills, two five-gallon cans of gasoline, consumer-grade fireworks, and two clocks with batteries.”³

At 7 pm, Shahzad called his landlord to let him in because, he said, he had lost his keys. In reality, he had left the keys hanging from the ignition in the locked Nissan Pathfinder. These were analyzed and traced back to him.⁴ Two days later, he was arrested at John F. Kennedy International Airport in New York, aboard a plane that was about to take off for the Middle East.⁵

Every vehicle has a Vehicle Identification Number (VIN) and in this case, the VIN provided the linchpin for the investigation. The SUV’s most obvious VIN was found to be almost unidentifiable due to filing, and the vehicle’s license plates had been changed.⁶ However, the police eventually retrieved the VIN from the bottom of its engine block, and this led investigators to the registered owner of the vehicle and then to Shahzad who had purchased it on April 24 for \$1,300 through Craigslist.⁷ Investigators uncovered Shahzad’s name from a telephone number he submitted while returning to the United States from Pakistan. The number had been entered into a “Customs and Border Protection agency database” as a call “made to or from the prepaid cellular phone” and was

¹ Nick Allen and Gorden Rayner, “Times Square Car Bomb: Police Investigate South Park Link,” *The Telegraph*, May 2, 2010.

² Alison Gendar, Rocco Parascandola, Kevin Deutsch, and Samuel Goldsmith, “Time Square Car Bomb: Cops Evacuate Heart of NYC after ‘potential Terrorist Attack’,” *New York Daily News*, May 1, 2010.

³ Al Baker and William K. Rashbaum, “Police Find Car Bomb in Times Square,” *New York Times*, May 1, 2010.

⁴ James Barron and Michael S. Schmidt, “From Suburban Father to a Terrorism Suspect,” *New York Times*, May 4, 2010.

⁵ Geraldine Baum, “Failed Times Square Bomber Faisal Shahzad Gets Life in Prison,” *Los Angeles Times*, October 5, 2010.

⁶ Tom Hays and Deepti Hajela, “Times Square Bomb Investigation [UPDATE: ‘It Appears To Be A Car Bomb,’ Police Say],” *Huffington Post*, May 2, 2010.

⁷ CNN Wire Staff, “Times Square Suspect Had Explosives Training, Documents Say,” CNN, May 5, 2010.

discovered on May 3.⁸ Consequently, he was placed on a federal no-fly list and the restriction helped Customs and Border Protection agents detain him before his Emirates Flight took off for Dubai which he presumably planned to use as a gateway to disappear.⁹

On May 4 Shahzad was charged by the federal government in the U.S. District Court for “attempting to use a weapon of mass destruction, acts of terrorism transcending national boundaries, use of a destructive device in connection with criminal violence, transporting and receiving explosives, and damaging and destroying property by means of fire.”¹⁰ He pled guilty on ten counts and was unrepentant during his court appearance. He was not offered a plea deal and received the maximum sentence, life in prison.¹¹

2. Nature of the adversary

Faisal Shahzad was not economically destitute, on drugs, nor did he have criminal record. He was self-recruited, religiously fanatical, unhappy, humiliated, ideological, frustrated by America’s foreign policy, suicidal, and determined.

He was born in Pakistan. His father was a senior military officer, and he lived in privilege, tended to by chauffeurs, servants, and armed guards, leading the *New York Times* to describe him as having led a sheltered existence. The beginnings of his anti-American sentiment occurred after the Pakistan economy stalled under hefty sanctions from the United States on Pakistan due to the nuclear program of military dictator General Mohammad Zia. Shahzad’s school had an anti-Western slant and a strict form of Islamic studies which were imposed nationally by General Zia. He later enrolled in Greenwich University, a business school in Karachi but did not excel in his studies. Taking advantage of a partnership between his college and the University of Bridgeport in Connecticut, he transferred there on January 16, 1999.¹²

Shahzad was described as a confident young man who showed off his gym-honed muscles in tight T-shirts, and was gregarious, popular, and known to be a playboy.¹³ His Certificate of Eligibility for Non-immigrant Student Status showed that he was awarded grant money to attend the school beginning in January 1999.¹⁴ He graduated in 2001 with a bachelor’s degree in computer applications and information systems. Working first as a clerk for Elizabeth Arden in Stamford and obtaining an H1B visa for three years, he went on to take a job as a junior financial analyst at Affinion Group in Norwalk.¹⁵ Thus, Shahzad enjoyed the financial promise of the United States and was given scholarships and grants to succeed.

⁸ Masuike Hiroko, “Times Square Bomb Attempt (May 1, 2010),” *nytimes.com*, May 24, 2010.

⁹ CNN, “Times”.

¹⁰ CNN, “Times.”

¹¹ Baum, “Failed Times Square Bomber.”

¹² Andrea Elliott, Sabrina Tavernise, and Anne Barnard, “For Times Sq. Suspect, Long Roots of Discontent,” *New York Times*, May 15, 2010.

¹³ Elliott et al., “For Times Sq. Suspect.”

¹⁴ Kate Ramunni, “Exclusive: Documents Found near Bomb Suspect’s Former Shelton Home - Connecticut Post,” *CTPost.com - Connecticut Post*, May 4, 2010.

¹⁵ Barron and Schmidt, “From.”

In 2006, his new religiosity grew, as did his discontent. He no longer drank and was praying five times a day. On a visit to Pakistan in 2008, he asked his parents for permission to fight in Afghanistan, but his father denied his request.¹⁶

The following year, 2009, Shahzad was ready to leave the United States as he was tired of the commute and keeping up payments for his mortgage. He resolved to become an American citizen to help him find lucrative work with an American company in the Middle East with fellow Muslims.¹⁷ He got his citizenship on April 17, 2009.

He had in the meantime married and his American-born wife increasingly bore the brunt of his increased radicalism, forced now to wear a hijab and to follow the more conservative ideals of Islam. Having been born in America, she was not used to the new nature of the household. Despite being seen as “dot[ing] on his children and serving them,” he left his wife and children on June 2, 2009, to stay with his parents in Peshawar, Pakistan, while the bank foreclosed on his Connecticut home. In one phone call from the airport he gave his wife an ultimatum to move the family with him to Pakistan. She turned him down.¹⁸

He bluffed his parents about any terrorist plans. They did not want him to be a part of the terrorist networks. Soon he left to train at a terrorist camp in the volatile Waziristan region where he learned—or at least studied—how to make bombs.

3. Motivation

Shahzad’s motivations for the attempted bombing were a combination of United States foreign policy, grievances, justice, revenge, and rage. This is illustrated in his email, sent at midnight on February 25, 2006 to a group of friends, stating that “the trials of his fellow Muslims weighed on him—the wars in Iraq and Afghanistan, the plight of Palestinians, the publication in Denmark of cartoons lampooning the prophet Muhammad.”¹⁹ Thus, the anger did not just stem from American actions in the Middle East, but also from the actions of the western world and Israel.

He also stated that “everyone knows how the Muslim country bows down to pressure from west [and] everyone knows the kind of humiliation we are faced with around the globe.” He was humiliated, grieved, and wanted revenge. His friends and colleagues noted that he was always “very upset about the fabrication of Weapons of Mass Destruction to attack Iraq and killing noncombatants.” He felt American Muslims were treated differently after 9/11. After the 9/11 attacks he would angrily say, “They had it coming.”²⁰

He declared himself a “holy warrior” (mujahid) and a Muslim soldier called to wage war in the United States as “part of the answer to the U.S. terrorizing Muslims nations and the Muslim people” at the U.S. District Court in

¹⁶ Elliott et al., “For Times Sq. Suspect.”

¹⁷ Elliott et al., “For Times Sq. Suspect.”

¹⁸ Elliott et al., “For Times Sq. Suspect.”

¹⁹ Elliott et al., “For Times Sq. Suspect.”

²⁰ Elliott et al., “For Times Sq. Suspect.”

New York in June 2010.²¹ Shahzad explains that, because Americans do not see drones killing the children in Afghanistan and do not care or advocate for those that are not Americans elsewhere, further attacks on children and innocents are justified.²²

Under all the anger of the United States' foreign policy is also a religious motivation for the attack: "if I am given 1,000 lives, I will sacrifice them all for the sake of Allah fighting this cause, defending our lands, making the world of Allah supreme over any religion or system."²³ This motivation covers the defense of the Islamic world, and also covers the seemingly never ending endeavor to spread Islam to the rest of the world.

The one specific event that sparked his anger even further occurred in October of 2009 when he was "angered by the America-led drone strikes along the border between Pakistan and Afghanistan." This led to his bluffing of his parents and leaving home for the training camps in December.²⁴

Although it is unrealistic to determine all the motivations that came into play in terms of this terrorist act, the fact is that these motivations overshadowed his love for his wife, his children, and his career. However, his motivation was more about the United States' actions than about the existence of the United States itself.

4. Goals

The case of the Times Square car bomber illustrates the current state of terrorism in the United States. Although the would-be terrorists are ill-equipped and ill-trained for the most part, al-Qaeda and its allies have adopted a strategy by which they endeavor to overwhelm and distract their adversaries to the point of exhaustion. Tehrik-i-Taliban Pakistan (TTP), also known as Pakistan Taliban, claimed responsibility for the attack. Shahzad declared himself a holy warrior, or mujahid, who had been deployed by Tehrik-i-Taliban Pakistan to wage war on the United States and described himself as "part of the answer to the U.S. terrorizing Muslim nations and the Muslim people."²⁵

TTP's long-term goal was essentially to create terror at low cost for the purposes of damaging public opinion of the United States' political leadership in terms of their stance on the Middle East.²⁶ This is seen in Shahzad's statement that "Muslims would never accept Western forces in their countries fighting on a 'pretext for your democracy and freedom'" and that the last nine years of war have "achieved nothing except to awaken Muslims to defend their 'religion, people, honor and land'."²⁷ He wants to create a disillusionment of the United States through terror and fear, leading Americans to lobby to change their country's foreign policy.

²¹ Peter Bergen and Bruce Hoffman, "Report on Assessing Threat of Radicalization and Domestic Terrorism," Washington, DC: Bipartisan Policy Center, September 10, 2010, 25.

²² Ibid.

²³ Baum, "Failed Times Square Bomber."

²⁴ Elliott et al., "For Times Sq. Suspect."

²⁵ Bergen and Hoffman, "Report," 24.

²⁶ Bergen and Hoffman, "Report," 25.

²⁷ Baum, "Failed Times Square Bomber."

5. Plans for violence

Faisal Shahzad had concrete plans for violence. He bought a Nissan Pathfinder SUV online and acquired all the raw materials for the bomb. His plan was to drive into Times Square, park his car, set the clock timer, and walk away to see the explosion.

The fact that it was a failure suggests that he did not necessarily know what he was doing. As noted, Shahzad told the judge at his trial that he underwent “bomb-making training during a 40-day stay with Tehrik-i-Taliban Pakistan in Pakistan between December 9, 2009 and January 25, 2010.”²⁸ Forty days of training seem quite intensive if it was for the purposes of building bombs. Although the bomb did not go off in Times Square, there were pops heard from the firecrackers, and smoke was observed from the gunpowder.

The SUV contained “three canisters of propane like those used for barbecue grills, two five gallon cans of gasoline, consumer-grade fireworks—the source of the pops—and two clocks with batteries.”²⁹ The M-88 fireworks used in the attempted car bombing were bought at a Phantom Fireworks store in Matamoras, Pennsylvania, and the shopkeeper speculated that Shahzad had intended for the fireworks to chain detonate, yet they did not do so.³⁰ There is no confirmed report that the bomb was very close to success, but the pops and smoke from the gunpowder suggest that something was going on.

There are similarities between the New York bomb and the two car bombs planted outside the Tiger nightclub in London in 2007. In both cases, the bombs contained cylinders of propane gas and cans full of petrol to be ignited by electronic detonators.³¹ In both cases, the plan was to leave a vehicle parked at a location with the intention for it to explode. In neither case did the bombs actually go off, and in both cases, authorities found the bomb by noticing smoke coming from the vehicle.³² Yet, the London bomb needed to be de-fused, whereas the bomb made by Shahzad was a dud, and was not going to explode.

Shahzad informed law enforcement officials that “he had hoped to kill at least 40 people on the first try, and that if he had not been caught he would have kept trying to set off explosives in crowded areas in New York City until he was arrested or killed.”³³ There was, then, a definite prospect, effectively, of suicide.

6. Role of informants

There were no informants for the Times Square car bombing case.

7. Connections

Shahzad acted alone when he planned and executed the attack. To a very large extent he was self-motivated. He chose to join the terrorist camp out of his

²⁸ “Pakistan Acknowledges Faisal Shahzad Met Taliban Chief,” dawn.com, July 26, 2010.

²⁹ Baker and Rashbaum, “Police.”

³⁰ CNN Wire Staff, “Times.”

³¹ Allen and Rayner, “Times.”

³² Gardham Duncan and Sally Peck. “Second Car Bomb Found in London’s West End,” *Telegraph*, June 29, 2007.

³³ Baum, “Failed Times Square Bomber.”

own volition, and was angry of his own accord. He found Tehrik-i-Taliban Pakistan, and they sponsored his plan. They met at a time when they both could benefit from each other, and TTP provided the training while Shahzad provided himself to accomplish the task. In this sense, it was a terrorist network operating at a low cost to fund, train, and equip. When he left Pakistan in late January, he acted in a lone-wolf capacity, yet it was for the purposes of fulfilling the duty that TTP had sent him to do, and thus it can be said that there was a terrorist network operating. The group is based in Pakistan's tribal areas near the Afghan border and is known for a few of the deadliest suicide attacks in the country. And, as noted, they claimed responsibility for the May 1 Times Square car bomb plot.³⁴

Shahzad also had family links in Pakistan, where he grew up, of course, and he identified proudly with his Pashtun heritage.³⁵ Sky News broadcast a video showing "Shahzad and Hakimullah Mehsud, commander of Pakistan's umbrella Taliban faction, shaking hands, smiling and hugging sometime before the failed May 1 attack" cementing any public perception of his associations.³⁶ Pakistani Interior minister Rehman Malik told reporters that Shahzad "visited Pakistan seven times and he met Hakimullah Mehsud and also met other people, those so-called leaders of the Taliban."³⁷

8. Relation to the Muslim community

This case does not relate to the Muslim community as a whole. He was found to have connections with Muslim cleric Anwar al-Awlaki who is the central figure in many recent domestic terror attempts, as well as with Emir Beitullah Mehsud, who was a casualty of the drone missile strike in 2009.³⁸ He was childhood friends with one of the "alleged masterminds of the Mumbai massacre of 2008" in which over 170 people were killed.³⁹

9. Depiction by the authorities

The depiction of the story by the authorities when it first came out was competent. The depiction is conservative in the sense that Homeland Security Secretary Janet Napolitano immediately stated that the government views it as a "potential terrorist attack," and these sentiments were echoed by Governor Paterson of New York as well.⁴⁰

In terms of covering the bomb itself, New York law enforcement officials went from calm to extremely alarmist. The first night, Kevin B. Barry, a former supervisor in the New York Police Department bomb squad, stated that, had the device worked, "it would be more of an incendiary event than an explosion."⁴¹ However, the next day Commissioner Ray Kelly said that "the bomb looks like it

³⁴ "Pakistan Acknowledges Faisal Shahzad Met Taliban Chief," dawn.com, 26 July 2010.

³⁵ Barron and Schmidt, "From."

³⁶ "Pakistan Acknowledges Faisal Shahzad Met Taliban Chief," dawn.com, 26 July 2010.

³⁷ "Pakistan Acknowledges Faisal Shahzad Met Taliban Chief," dawn.com, 26 July 2010.

³⁸ Richard Esposito, Chris Vlasto, and Chris Cuomo, "Sources: Shahzad Had Contact With Awlaki, Taliban Chief and Mumbai Massacre Mastermind," ABC News, May 6, 2010.

³⁹ Esposito et al, "Sources."

⁴⁰ Gendar et al, "Times."

⁴¹ Gendar et al, "Times."

would have caused a significant fireball [had it fully detonated]” and that it was able to “spray shrapnel and metal parts with enough force to kill pedestrians and knock out windows,” a statement that reinforced the fear that was gripping New York at the time.⁴² There was a fear that fertilizer found in the SUV could have made the explosion even more destructive. Later, police spokesman Paul Brownie stated that New York Police Department’s bomb experts believe the fertilizer “was not a type volatile enough to explode like the ammonium nitrate grade fertilizer used in previous terror attacks.”⁴³

To further illustrate just how alarmist the authorities were, the chief of staff of the White House National Security Council in an interview with PBS was quoted stating that the suspect in the Times Square bombing had tried to kill thousands of Americans.⁴⁴ This statistic is highly unlikely for the reasons mentioned above.

10. Coverage by the media

The media coverage is similar in some ways to the depiction of the Times Square car bombing by the authorities. It began with articles flooding the internet on May 1, 2010 which only released statements from authorities and a small description of what happened. There was no mention of Shahzad at the beginning, nor was there a pre-drawn conclusion that it was related to Muslim extremists. Yet, it was alarmist in their depiction of the bomb and the damage it could have caused as mentioned.

The *New York Times* immediately pooled information about Shahzad after it was found that he was the perpetrator and published a few articles with his life and background. The purpose of these articles seemed to be more to attempt for an unbiased analysis of why Shahzad would attempt a bombing, and what led to his fanaticism. Their conclusion was that it did not make sense, particularly focusing on the fact that he took advantage of the economic freedom as well as the freedom of opportunity in Connecticut, working in firms and providing for his family. Yet he left this for the purposes of retribution against the United States. As further information came to light, the *New York Times* was quick to acknowledge the accuracy of the new information.

Canadian columnist Dan Gardner criticizes talk shows, as well as CBC radio, for incorrectly informing their audiences of the nature of the bomb. He argues that the explosion of the media after any event related to terrorism is extremely dangerous as it plays into the hands of the terrorists. He quotes a talk radio host informing his audience that the bomb “could have killed hundreds of people, maybe thousands,” which Gardner explains, is impossible as the deadliest attack in history was a 12,000 pound truck bomb that killed 241 United States Marines in 1983. Furthermore, he discusses CBC’s radio afternoon drive show in which the host asked if “the fears of terrorism are a little overblown” to a security expert who insisted that fears were not overblown, and offered misleading statistics which inflated the threat of terrorism. Gardner mentions the “terrorism

⁴² Ibid.

⁴³ Hays and Hajela, “Times.”

⁴⁴ Dan Gardner, “Dangerous Media Explosion,” *Ottawa Citizen*, May 7, 2010.

industry” whom he argues are benefiting terrorists by reacting so strongly to everything. “Fear,” he argues, “is what terrorists want,” and he goes on to point out the irony that this bomb did not even detonate and yet still generated massive waves of fear, which is not helped by a hysterical response by authorities and journalists. He ends by quoting the chief of staff of the White House’s National Security Council in an interview with PBS stating that “the suspect in the Times Square bombing had tried to kill thousands of Americans.” Thus he argues that the media overall when compared to what was later learned about the Times Square car bombing, was much too alarmist.⁴⁵

11. Policing costs

There were roughly no policing costs other than standard detective police work after the bomb was discovered. The investigation took three days before Shahzad was caught. There was no investigation prior to the attack. He was traced from the two keys he left in hanging in the ignition, his house keys, as well as the keys to the Nissan Pathfinder and was identified in a photo lineup by the seller of the vehicle which led to his arrest.⁴⁶ It took a combination of the police, firemen, and Customs and Border Protection agents to catch him. A federal complaint was filed against Shahzad on May 4, and he waived his right to a speedy trial and was sentenced to life in prison on October 5, 2010.⁴⁷

It is important to note that there were no informants in this case, and law enforcement did not use any new technology to solve this case. They do not seem to have used anything that was not in place before the September 11 terrorist attack.

12. Relevance of the internet

The internet was crucial for Shahzad’s entrance into the domain of religious fanatical terrorism. He initiated contact with Tehrik-i-Taliban Pakistan over the internet. Through the initial connection, he was in communication with many jihadist contacts including Muslim cleric Anwar al-Awlaki, “a central figure in many recent domestic terror attempts.”⁴⁸

Shahzad utilized the internet for information purposes after he returned to America after his bomb training in Pakistan. He monitored the Times Square corner on the internet.⁴⁹

13. Are we safer?

Public safety has been improved in the sense that Shahzad is in jail. He indicated that he would have kept trying to blast through crowded areas until he was caught or killed. That he is now off the streets means that the potential for more death directly caused by him is gone.

⁴⁵ Gardner, “Dangerous Media Explosion.”

⁴⁶ CNN Wire Staff, “Times.”

⁴⁷ Baum, “Failed Times Square Bomber.”

⁴⁸ Esposito et al, “Sources.”

⁴⁹ Baum, “Failed Times Square Bomber.”

Shahzad's attack may have been a failure, but the potential for damage was substantial. Terrorists, in gambling terms, play the odds in the sense that they will employ little effort and low cost ways to train new terrorists like Shahzad, and send them in large numbers, and the odds are that there will be one success in the bunch.⁵⁰ Some argue that this should not be seen as a "one-off" event but rather as a part of an emerging pattern of terrorism.⁵¹

Although the attack was a failure, the potential for damage was substantial. An attack like this is obviously in no way too expensive for terrorists to emulate in the future given the ease of funding and training and ready access to public space. "Two payments totaling approximately \$12,000 were effortlessly transferred from overseas bank accounts to Shahzad via locations in Massachusetts and New York State."⁵² Organizations like Tehrik-i-Taliban Pakistan will have spent little energy and effort training these operatives. Given the extremely low cost of these operations, terrorist groups will continue to view U.S. homeland operations such as this one as feasible.⁵³ The terrorists understand that the failed plots also have huge payoffs in terms of publicity and attention in the media. So in the long-term sense, we are not that much safer because these attacks may well keep coming.

14. Conclusions

As Faisal Shahzad grew increasingly religious, he reached out and made contact with Tehrik-i-Taliban Pakistan, and had he not been able to establish contact, he would never have had the training nor been given the support to attempt such an attack. However, that he acted as a lone wolf for the attack itself is, in its way, a unique and impressive feat.

The Times Square car bombing required substantial planning and training, and for the most part it was not picked up by any intelligence. It was solved not by any elaborate schemes involving informants, but rather by bystanders who noticed the smoking and popping and by detective work by law enforcement officials. Standard police vigilance and public alertness definitely play a role, but it seems that the most effective way to minimize the damage of potential terrorists is to keep them from making connections with other terrorist networks or organizations.⁵⁴

Terrorist groups may be beginning to realize the potential for low cost and energy efficient schemes that yield a high payoff. The high payoffs are constant publicity no matter the outcome, as well as the possibility of success, which generates more fear, and furthers the terrorists' goals of creating public unrest and advocating for change in government. Whether these payoffs come in the form of deaths or in the form of massive amounts of publicity, the terrorists are moved forward in their agenda. The publicity is not to be taken lightly as attention and fame create more legitimacy for the terrorist organization which will likely draw

⁵⁰ Bergen and Hoffman, "Report," 26.

⁵¹ Bergen and Hoffman, "Report," 26.

⁵² Bergen and Hoffman, "Report," 26.

⁵³ Bergen and Hoffman, "Report," 25.

⁵⁴ Michael A. Sheehan, "The Terrorist Next Door," *New York Times*, May 4, 2010.

more willing recruits for their endeavors. All the terrorists need to do is to succeed a few times on civilian targets, and each time they do succeed public morale, confidence, and even the economy are affected to a great extent. The case of Major Hasan, an Army psychiatrist who shot and killed 13 people while wounding 31 at Fort Hood, Texas, (Case 32) was less effective in terms of damaging public moral, confidence, and economy because the attack only included military targets.

The strength of Al-Qaeda and other terrorist groups in provoking massive amounts of media coverage must be countered by oversight in terms of overreaction in the American press. It is also necessary to have a balanced comparative approach when it comes to countermeasures, and for citizens and law enforcement to continue to be vigilant and alert concerning terrorism.

Case 35: Alaska

John Mueller

April 11, 2012

Paul Rockwood is an American citizen and a military veteran who converted to Islam shortly after 9/11 when he was in his late 20s. He attended a radical mosque in Falls Church, Virginia, and became increasingly outraged at war crimes committed by American troops in Iraq and by a conviction that the war there was being fought simply to preserve oil supplies.¹ As some point, he began to research explosive components, triggering devices, and bomb construction.

In 2006, he took a job as a meteorological technician with the National Weather Service and moved with his British-born wife, also a convert to Islam, and their small son to King Salmon, Alaska, a town with a population of 442 that is accessible only by plane or small boat.² While there, according to federal authorities, he continued his research on explosives and began to put together a list of assassination targets that eventually included seven members of the military, a publishing company executive, a media personality, two religious organizations, two publishing companies, and seven other individuals.³

According to the FBI, the agency received a tip from outside Alaska, and then, working with an Anchorage mosque leader, hooked Rockwood up with an informant who was a state trooper. The pair, says Rockwood, soon became fast friends. They had many conversations, especially during Rockwood's visits to Anchorage where the informant sometimes put him up in an expensive hotel. In some of these discussions, they shared their outrage about American atrocities in the Iraq War. Rockwood had collected "news articles with the names of people that were involved in the atrocities and stuff," and together, he says, they worked up the assassination list. According to Rockwood, the informant also purchased cell phones and other devices to serve as triggers for the bombs and promised him \$8000 to get started on the plan. At one point, the informant asked for a full set of names and addresses for those to be targeted, and Rockwood drew up a detailed list for him. Rockwood's wife, knowing what the list contained, then delivered it to the informant on a trip to Anchorage.⁴

Rockwood had long suffered from anxiety and from Meniere's syndrome, a disease of the inner ear that causes vertigo, nausea, and hearing loss, and, according to his defense attorney, he had become addicted to opiate painkillers.⁵ Troubled as well by the mosquitos and biting flies that inflict the town each summer and by the fact that he and his wife were the only Muslims in the town, Rockwood decided to take his family to England to live near his wife's mother where he could get free, and better, medical treatment for his affliction. All their

¹ Kim Murphy, "In Alaska, becoming the militants next door," *Los Angeles Times*, December 22, 2011.

² Murphy, "In Alaska, becoming the militants next door."

³ Mark Thiesson, "Feds: Alaska couple had 20 names on hit list." Sentencing Memorandum, United States District Court For the District of Alaska, No. 3:10-cr-00061-RRB, August 16, 2010.

⁴ Murphy, "In Alaska, becoming the militants next door."

⁵ Thiessen, "Feds: Alaska couple had 20 names on hit list."

King Salmon friends gathered to bid them farewell in May 2010 when they began an airplane trip that was to take them to Anchorage, then to Boston (to visit family for a while), then to England.⁶

They were detained by the FBI in Anchorage, however. While not under arrest, they were not allowed to leave the city, were constantly followed, and were required to pay for their own living arrangements which, as their funds dwindled, included a homeless shelter. Both lied to the authorities about the list, and on July 10, 2010, they were arrested.⁷ In a plea bargain arrangement, Rockwood was sentenced to eight years in prison, the maximum allowable for the charge of giving false statements to a Federal agent in a matter involving domestic terrorism. His wife, then five months pregnant, was given five years probation and was allowed to serve the sentence in England.⁸

With one exception, the names on Rockwood's hit list have not been made public, although it has been reported that none of them are in Alaska.⁹ The exception is Tom Bolinder, vice president of the Military Combat Defense Fund, a non-profit organization that believes that "our fighting men and woman deserve nothing less than our undying gratitude and unwavering support" and who, "if the need arises," also "deserve the best legal counsel available." The organization is accordingly devoted to "raising funds to assist in the defense of U.S. Military Personnel, regardless of branch of service, charged with alleged crimes of violence arising from a combat situation while serving in Iraq or Afghanistan" except for "crimes against fellow Americans or coalition forces."¹⁰

Bolinder's Fund is based in another small town, one with only 10 times the population of tiny King Salmon: Avon, Massachusetts. It is fairly near Boston, the city the Rockwoods were planning to visit on their way to the United Kingdom. Bolinder had been told by the FBI in April 2010 to be wary of suspicious packages in the mail, and that "there was also a possibility that the person(s) might make a trip east."¹¹ This "possibility" may have triggered the Rockwoods' interdiction and arrest in Anchorage. The authorities had apparently become convinced that "the further Paul Rockwood got away from King Salmon, Alaska, the more operational he was to become."¹² That key proposition seems, at a minimum, to be debatable.

Diverting time from a fishing trip to Alaska that, he says, had been previously planned, Bolinder made an appearance at the Rockwoods' sentencing on August 22, 2010, to provide a victim impact statement.¹³ Choked with emotion, he said that he had stayed up many nights in the dark waiting for Rockwood to show up. Although he had vowed after his experience in the Vietnam War never to take another life, he predicted that an encounter, given his

⁶ Kim Murphy, "Terrorism case baffles remote Alaska town," *Los Angeles Times*, July 23, 2010.

⁷ Murphy, "In Alaska, becoming the militants next door."

⁸ Mary Pemberton, "Alaska pair pleads guilty to lying about hit list," AP, July 22, 2010.

Sentencing Memorandum.

⁹ Murphy, "In Alaska becoming the militants next door."

¹⁰ www.militarycombatdefensefund.com

¹¹ www.militarycombatdefensefund.com Pemberton, "Alaska man gets 8 years."

¹² Sentencing Memorandum.

¹³ www.militarycombatdefensefund.com

military experience and his 34 years as a police officer, would not have turned out well for Rockwood—and then added that, actually, it might not have turned out well for either of them. “I have forgiven you,” he concluded, “My prayer is that someday we will live in peace.”¹⁴

How peaceful Rockwood is in the cell he now occupies in a New Jersey federal prison has not been disclosed. When interviewed there he said, “it was all talk” and “pure fantasy,” insisting “I knew I was never going to do anything. I knew I was going to go to England and not come back.”¹⁵ The investigators had a different take: “This was not a case of ‘if’, but a case of ‘when’ with the ‘when’ becoming more likely with Rockwood’s departure from King Salmon.”¹⁶

A year and a half after the arrests, Rockwood’s wife sought permission to return to the United States to visit him at his prison so that he could meet his new daughter. The request was denied.¹⁷

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

¹⁴ Mary Pemberton, “Alaska man gets 8 years,” AP, August 23, 2010.

¹⁵ Murphy, “In Alaska, becoming the militants next door.”

¹⁶ Sentencing Memorandum.

¹⁷ Murphy, “In Alaska, becoming the militants next door.”

Case 36: Parcel Bombs on Cargo Planes

John Mueller

March 16, 2014

In October 2010, the al-Qaeda affiliate in Yemen sent two packages by air from Yemen to Chicago containing bombs placed within printer cartridges—making them difficult to detect but also difficult to detonate. Also included was a copy of Charles Dickens’ novel, *Great Expectations*, apparently put there as a talisman of great things to come.¹ So far, not so good. The plot was disrupted by detailed information supplied by a member of the group who was either an informant for Saudi intelligence or had what Ruxton McClure calls “a crisis of confidence” and defected to the Saudi side.

Putting the best face on the failure, the group later gloated that the caper cost them only \$4200 while causing airline security costs for their enemy to escalate by billions.² They also promised to “continue to strike blows against American interests and the interest of America’s allies.”³ They did try again in 2012 but, as McClure notes, that effort also failed due to the work of a Saudi agent on the inside.

At the center of all this, are the efforts of Hassan al-Asiri, the group’s supposed master bombmaker, an “evil genius” according to House Homeland Security Committee chairman Peter King. Thus far, his record is pretty miserable. He was apparently responsible for these two attempts as well as that of the failed underwear bomber (Case 33). The only one of his bombs to actually explode was placed on the body (probably in the rectum) of his brother who was standing next to his target, a Saudi prince, at the time. The brother was killed; the prince escaped with only minor wounds.⁴ The attempts may be getting more creative, but, notes McClure, with “none managing to succeed.”

¹ “Al-Qaida Magazine Details Parcel Bomb Attempt,” NPR, November 22, 2010.

² “Al-Qaida Magazine Details Parcel Bomb Attempt.”

³ “Yemen-based al Qaeda group claims responsibility for parcel bomb plot,” CNN News, November 6, 2010.

⁴ Benjamin H. Friedman, “Washington Post Defines Worst Fears Down,” nationalinterest.org, May 10, 2012.

Case 36: Parcel Bombs on Cargo Planes

Ruxton McClure

March 16, 2014

1. Overview

On October 29, 2010, two planes flew out of Sanaa, the capital of Yemen, carrying large quantities of plastic explosive concealed within two Hewlett-Packard printers, addressed as parcels for delivery to Jewish organizations in Chicago, United States of America. One of these printers was intercepted at East Midlands Airport, United Kingdom, the other in Dubai, United Arab Emirates. The bombers used the air freight companies UPS and FedEx to send the parcels. Qatar Airways confirmed the interception of one device that had flown from Sanaa to Doha, Qatar, before being delivered to Dubai, where it was intercepted. The other device passed through Cologne in Germany, before being intercepted at East Midlands Airport. Both devices were expected to explode in mid-air, somewhere over the eastern seaboard of the United States.¹

Prince Muhammed bin Nayef, chief of Saudi intelligence and a member of the Saudi royal family, notified John O. Brennan, a senior White House official and former CIA station chief in Riyadh, the capital of Saudi Arabia, of the threat, and informed CIA agents in Saudi Arabia. Bin Nayef himself was informed of the plot by a former Guantanamo Bay detainee, Jabr al-Faifi, who upon release from Guantanamo had rejoined al-Qaeda in Yemen. Al-Faifi notified Saudi intelligence operatives of the plot before turning himself in.²

Using the tracking number provided by al-Faifi, the package at East Midlands airport was discovered in the early hours of the morning of Friday, October 29, 2010, aboard a UPS Boeing 747 cargo plane, although authorities did not locate the explosive device until sometime later. Authorities also created a security cordon at the airport, although they later lifted it. At around 9am the second package was found in Dubai aboard a FedEx plane.³ At 1pm a security cordon was again put in place at East Midlands airport, after a second suspected package was found.

Later that afternoon the FBI announced that the two packages were addressed to religious buildings in Chicago, and at 6:35pm in the evening an Emirates airlines passenger flight from Yemen landed at John F. Kennedy escorted by US air force jets. The plane, Flight 201, was carrying a parcel sent from Yemen, and flew via Dubai.⁴ FedEx also confiscated another package sent from Yemen, and suspended all shipments from Dubai. FedEx flights that landed at Newark and Philadelphia were also investigated and found clean, and a British Airways flight from London to New York was “met by US officials as a ‘precautionary measure.’”⁵

¹ “Q&A: Air Freight Bomb Plot,” BBC News, November 2, 2010.

² Mark Mazzetti and Robert F. Worth, “U.S. Sees Complexity of Bombs as Link to Al Qaeda,” *New York Times*, October 30, 2010.

³ Mazzetti and Worth, “U.S. Sees Complexity of Bombs as Link to Al Qaeda.”

⁴ Gordon Corera, “Bomb plot shows growing creativeness and ambition,” BBC News, October 30, 2010.

⁵ Corera, “Bomb plot shows growing creativeness and ambition.”

Authorities and media outlets speculated that the bombers probably ran a “dry-run” in September 2010, when a parcel carrying an assortment of menial paraphernalia⁶ was sent via express delivery from Yemen to the United States. The likelihood is that the perpetrators tracked the location of their parcels via the internet, and garnered approximate times of arrival in the continental United States in order to gauge what time they needed to set on the bomb alarms.⁷ These dry-run parcels were tracked and picked up by US intelligence officials, who “suspected the ‘dry run’ packages had been sent by al-Qaeda’s Yemeni branch.”⁸

The bomb-designer would appear to be Ibrahim Hasan al-Asiri, a figure who has emerged as the leading bomb-designer of an al-Qaeda affiliate named al-Qaeda in the Arab Peninsula (AQAP).⁹ He was responsible for the failed Christmas Day bombing of 2009 (Case 33) as well as an attempted suicide bombing aimed at Prince Muhammed bin Nayef, the Saudi security chief.¹⁰

2. Nature of the adversary

AQAP claimed responsibility for the attempted bombing a week after news of the plot broke in international media. No other terrorist groups claimed responsibility, and prior to their “admission of guilt,” intelligence experts around the world had already suggested that the most likely perpetrators were AQAP operatives.

AQAP has been called the “‘most active operational franchise’ of al-Qaeda beyond Pakistan and Afghanistan.”¹¹ The organization’s roots lie in the very origins of al-Qaeda itself. Osama bin Laden’s father was born in Yemen, and bin Laden is said to consider the village of al-Rubat in southern Yemen to be his “ancestral home.”¹² Indeed, bin Laden “has employed Yemeni jihadists in a variety of positions of special trust including his personal bodyguards, drivers, and other aides.”¹³ During the 1980s bin Laden successfully recruited a large number of young Yemenis to fight in Afghanistan against the Soviets, with the support of the Yemeni government at that time.¹⁴ His success may have been due to his “skillful effort to reach out to youths from former landowning families who had fled from the Marxist [People’s Democratic Republic of Yemen—i.e. the country of South Yemen] . . . were receptive to recruitment by any Islamist organization opposed to secularism and communism.”¹⁵ In South Yemen, the PDRY adopted an extremely oppressive stance towards Islam and of course the

⁶ Such paraphernalia included “books, religious literature and a computer disk.” “Parcel bomb plotters ‘used dry run’, say US officials,” BBC News, November 2, 2010.

⁷ “Parcel bomb plotters ‘used dry run’, say US officials,” BBC News.

⁸ “Parcel bomb plotters ‘used dry run’, say US officials,” BBC News.

⁹ “Saudi man ‘key suspect’ in jet bomb plot, says US,” BBC News, November 1, 2010.

¹⁰ Abdullah al-Shihri, “Prince Mohammed bin Nayef, Saudi Prince Injured In Suicide Attack, Vows To Continue Fight Against Terrorism,” Huffington Post, August 28, 2009.

¹¹ “Profile: Al-Qaeda in the Arabian Peninsula,” BBC News, September 11, 2012.

¹² W. Andrew Terrill, *The Conflicts in Yemen and U.S. National Security*, Strategic Studies Institute, U.S. Army War College, January 2011, 43.

¹³ Terrill, *The Conflicts in Yemen and U.S. National Security*, 43.

¹⁴ Terrill, *The Conflicts in Yemen and U.S. National Security*, 45 (“Yemeni fighters participating in the conflict may have numbered in the tens of thousands.”).

¹⁵ Terrill, *The Conflicts in Yemen and U.S. National Security*, 46.

wealthy, resulting on both counts in a large number of conservative young men who fled South Yemen, to serve later in al-Qaeda [and who] directed their fierce anti-communism and religious devotion to serve bin Laden's objectives."¹⁶ Promising his Yemeni recruits that following Afghanistan they would take the holy war to Yemen, bin Laden founded al-Qaeda in 1988, but in the absence of backing from Saudi Arabia his plans came to naught.¹⁷

Regardless, returning from Afghanistan, a large number of al-Qaeda sympathizers and operatives were welcomed into Yemen as heroes, and three brigades of these "Yemeni jihadists" contributed to the victory of the north in the civil war of 1994. These Yemeni jihadists "were to become the seeds of serious problems later on." The first al-Qaeda terrorist attack in Yemen occurred in 1992, and al-Qaeda operatives contributed to the logistics of the 1998 US embassy bombings in Kenya and Tanzania. The USS Cole bombing was in fact performed by Yemeni al-Qaeda operatives, working under bin Laden's direct instructions.¹⁸

After 9/11, the Yemeni government's policy on al-Qaeda altered dramatically.¹⁹ President Saleh aligned himself with the United States, and with US support attempted to crush al-Qaeda in Yemen. In 2004 the government killed the head of al-Qaeda in Yemen, and subsequently ambushed and killed his replacement.²⁰ Both the US and Yemen considered the problem contained. Yemeni and US efforts to control al-Qaeda shifted elsewhere. This was a mistake.

Since then al-Qaeda has not only reorganized itself in Yemen, but the country has become a primary recruiting ground, a hot-bed of al-Qaeda activity. For about two years the organization went quiet in Yemen, until 2006 when 23 "experienced and resourceful terrorists escaped *en mass* from a Yemeni Political Security Organization (PSO) prison."²¹ The escape group included Jamal al-Badawi, the "alleged mastermind of the USS Cole bombing," as well as Nasser Abdul Karim al-Wuhayshi (a "former personal assistant to bin Laden in Afghanistan") and Qasim al-Raymi.²²

Al-Wuhayshi and al-Raymi led the reorganization of al-Qaeda in Yemen, and vastly expanded its recruitment.²³ Other factors leading to the group's reemergence included the number of Saudi terrorists moving into Yemen throughout the late 2000s, as well as the ultimate "merger of the Saudi and Yemeni branches of al-Qaeda in January 2009."²⁴ This merger resulted in the rebranding of the organization as "al-Qaeda in the Arabian Peninsula" (AQAP). Two of the senior figures present in the al-Qaeda video announcing the merger

¹⁶ Terrill, *The Conflicts in Yemen and U.S. National Security*, 46.

¹⁷ Terrill, *The Conflicts in Yemen and U.S. National Security*, 46-48.

¹⁸ Terrill, *The Conflicts in Yemen and U.S. National Security*, 49-51

¹⁹ Terrill, *The Conflicts in Yemen and U.S. National Security*, 51.

²⁰ "Profile: Al-Qaeda in the Arabian Peninsula," BBC News.

²¹ Terrill, *The Conflicts in Yemen and U.S. National Security*, 54.

²² "Profile: Al-Qaeda in the Arabian Peninsula," BBC News.

²³ "Profile: Al-Qaeda in the Arabian Peninsula," BBC News.

²⁴ Terrill, *The Conflicts in Yemen and U.S. National Security*, 54. See also "Profile: Al-Qaeda in the Arabian Peninsula," BBC News ("Umar Farouk Abdulmutallab . . . allegedly told investigators that AQAP operatives trained him in Yemen, equipped him with a powerful explosive device and told him what to do.").

were in fact former Guantanamo Bay detainees who had been “released from Guantanamo into the custody of the Saudi government’s ‘deradicalisation programme for militants’ [and] ... both left the facility within weeks.”²⁵

Additionally, and perhaps critically, “al-Qaeda forces in Yemen do not have a history of striking at civilians within their own society, so long as those civilians are outside of the government...al-Qaeda operations in Yemen are aimed at the security forces and at foreign targets such as the US embassy.”²⁶ At least that was the status quo until September 2008.

Following a September 2008 attack on the US embassy in Yemen, it was suggested that the skills required for that attack were most likely learned in Iraq or Somalia, and that fighters returning from Iraq gave al-Qaeda’s Yemeni branch a number of younger, hardened radicals who were “infuriated by the invasion of Iraq to a degree that did not occur with most older leaders.”²⁷ Al-Qaeda propaganda suggested that Americans were committing atrocities against Iraqi civilians, a notion many young Yemenis bought into, leading to further recruitment.

Since the merger, AQAP has grown more and more sophisticated and audacious. The 2009 failed Christmas Day bombing was attempted by a terrorist trained in Yemen, and in particular AQAP has stepped up its campaign against the Yemeni government. In 2010, fighters attacked an intelligence and security headquarters, killing and injuring a number of policemen, just one amongst many other “high profile attacks against important government targets in southern Yemen.”²⁸ Since then, AQAP has continued growing in sophistication, skills, support, and numbers, to the point where in August and September, 2010, AQAP felt confident enough to engage Yemeni forces in conventional battle, fighting in the towns of Lawder and Hawta (towns with populations of 80,000 and 20,000 respectively) for several days before retreating. The combat required the use of Yemeni tanks and armored vehicles to dislodge AQAP.

In February 2010, Qasim al-Raymi announced that in the wake of the increased US presence in Yemen (which included advisors, intelligence gathering resources, unmanned drones and the launching of cruise missiles) the US would now be a target for AQAP.²⁹ This was followed several months later by the attempted parcel bombing.

At present, AQAP’s active fighters are most likely around 200 to 300, although some analyses (including that of the US State Department) put their roster as high as 1000.³⁰ In 2012 Said al-Shihri, the reputed second-in-command

²⁵ “Profile: Al-Qaeda in the Arabian Peninsula,” BBC News.

²⁶ Terrill, *The Conflicts in Yemen and U.S. National Security*, 55.

²⁷ Terrill, *The Conflicts in Yemen and U.S. National Security*, 57.

²⁸ Terrill, *The Conflicts in Yemen and U.S. National Security*, 59-60.

²⁹ Raissa Kasolowsky, “Top Yemen al Qaeda leader threatens U.S. attacks,” Reuters, February 23, 2010.

³⁰ “Profile: Al-Qaeda in the Arabian Peninsula,” BBC News; Country Reports on Terrorism 2012, Chapter 6: Foreign Terrorist Organizations, *U.S. Department of State*, May 30, 2013, available at <http://www.state.gov/j/ct/rls/crt/2012/209989.htm>.

of AQAP was killed in a government operation.³¹ Al-Shirhri was another Guantanamo Bay detainee that was released from detention in 2007.³²

Ibrahim Hasan al-Asiri was the bomb-maker responsible for both the failed Christmas Day bombing on board a plane bound for Detroit in 2009, as well as for the cargo bomb plot. Al-Asiri was also responsible for surgically planting a bomb inside his own brother, who then unsuccessfully attempted to assassinate Saudi security chief Prince Mohammed bin Nayef in 2009 in a suicide-bombing. All of these plots have been claimed by AQAP.

Ibrahim al-Asiri was born into the middle class of “comfortable Riyadh neighborhood” in Saudi Arabia.³³ His family maintains that he (and his younger brother who attempted the suicide bombing) had no deep feelings about religion or jihad “until the death of a brother in a car accident in 2000.”³⁴ According to a sister, “It was after that they started swapping video tapes and cassettes on the Mujahideen in Chechnya and Afghanistan, and they became at times distant. Abdullah [the younger brother] started to go out a lot with new friends to camps known as ‘preaching camps.’”³⁵ In the meantime, al-Asiri was accepted to King Saud University where he studied chemistry, eventually quitting school after the US invasion of Iraq in 2003.³⁶ On his way to join an anti-American militia group in Iraq, he was arrested by the Saudi government. After serving nine months in prison, time which “only further served to radicalize him.... al-Asiri tried to start his own jihadist cell to overthrow the Saud royal family.”³⁷ A raid by police in 2006 killed six members of his cell, leading him to flee with his brother to Yemen, where he met AQAP’s deputy leader of the time, Saeed al-Shihri as well as the informant-to-be, Jabir al-Faifi. At that time, AQAP was in its formative stages, but by the time the various radical groups with vendettas against both Saudi Arabia and Yemen had merged into AQAP, plans were already afoot.

Prince Muhammed bin Nayef was al-Asiri’s first major target. Al-Asiri’s younger brother, Abdullah, “arranged to meet face to face with Prince Mohammed on the pretense that the younger al-Asiri wanted to defect.”³⁸ Al-Asiri either surgically planted a bomb within his own brother, or sewed the bomb into the lining of his brother’s underwear (details remain unclear). The bomb killed his brother when detonated, and “lightly wounded” bin Nayef. Since then, al-Asiri has been responsible for several other attempted bombings, each attempt getting more creative and yet none managing to succeed. As fast as he conjures up new, innovative ways to conceal explosives, the authorities have found ways to stop him and prevent such attempts in the future. At present, the bombmaker is

³¹ “Yemen says key al-Qaeda chief Said al-Shihri killed,” BBC News, September 10, 2012.

³² “Yemen says key al-Qaeda chief Said al-Shihri killed,” BBC News.

³³ Massimo Calabresi, “Profile of Al Qaeda’s Top Bombmaker Ibrahim al-Asiri,” *Time*, August 5, 2013.

³⁴ David Williams, “Al Qaeda supergrass foiled cargo jet 'printer bombs' with eight times amount of explosive needed to down plane,” *Daily Mail*, November 10, 2010.

³⁵ Williams, “Al Qaeda supergrass foiled cargo jet.”

³⁶ Calabresi, “Profile of Al Qaeda’s Top Bombmaker Ibrahim al-Asiri.”

³⁷ Calabresi, “Profile of Al Qaeda’s Top Bombmaker Ibrahim al-Asiri.”

³⁸ Calabresi, “Profile of Al Qaeda’s Top Bombmaker Ibrahim al-Asiri.”

still at large. However it is reported that he was almost taken out by a drone strike in Yemen in August 2013.³⁹

3. Motivation

As noted, AQAP did not consider the USA a primary target for many years, and mainly attacked targets in Saudi Arabia and attempted to incite regime change in Yemen and Saudi Arabia.⁴⁰ However, this historical avoidance of the US as a target has apparently shifted. In the wake of the attempted cargo bomb attack AQAP claimed explicit responsibility, and stated that they would “continue to strike blows against American interests and the interest of America’s allies.”⁴¹ This shift in AQAP policy also makes sense when factoring in the case of Umar Farouk Abdulmutallab, another AQAP bomber who attempted to blow himself up on a plane flying from Amsterdam to Detroit in December 2009.⁴² Indeed, as early as that attack, experts started describing this shift in policy. The official AQAP statement claiming credit for the December 2009 attempt stated that the attack was “to respond directly to the unjust American aggression on the Arabian Peninsula...This comes in the aftermath of the cruel attack using cluster bombs and cruise missiles launched from American ships that occupy the Gulf of Aden against proud Yemeni tribes in Abyan, Arhab, and Shabwah, killing dozens of Muslim women and children and even killing entire families.”⁴³

One commentator noted in December 2009 that “AQAP has taken note of the increased cooperation between American and Yemeni security forces and appears to have identified the United States and its interests as its primary target, replacing Saudi Arabia and Yemen, which have historically been the primary targets of al Qaeda groups on the Arabian Peninsula.” The writer, Chris Harnisch, cited a number of public statements by AQAP for asserting this shift in position, including a request by a former secretary of bin Laden’s to “attack airports and trains in the West,” a video from a Saudi AQAP commander noting that the “first enemy is the Crusaders, among them America and NATO,” and a video released by AQAP of the interrogation of an alleged double-agent in al-Qaeda, who was forced by his AQAP interrogators to state that Yemeni “security services...oppress the mujahideen at the request of America.” A December 2 discussion on the forum “al Fallujah” noted with some enthusiasm the idea of “taking the war to enemy territory . . . guerilla warfare in America.” Al Fallujah is not exclusively AQAP but does function as a sort of discussion forum for various terrorist organizations. Other evidence of the new campaign against the USA comes in the form of official statements released late in December 2009 describing President Obama as “the leader of the Crusader campaign.” The

³⁹ Jim Miklaszewski, Courtney Kube and Richard Esposito, “Reports: Al Qaeda’s master bombmaker wounded in US drone strike,” NBC News, August 13, 2013.

⁴⁰ Robert F. Worth, “Yemen Emerges as Base for Qaeda Attacks on U.S.,” *New York Times*, October 29, 2010.

⁴¹ “Yemen-based al Qaeda group claims responsibility for parcel bomb plot,” CNN News, November 6, 2010.

⁴² Miklaszewski, Kube and Esposito, “Reports: Al Qaeda’s master bombmaker wounded.”

⁴³ Harnisch, “Christmas Day Attack: Manifestation of AQAP Shift Targeting America,” www.criticalthreats.org, December 29, 2009.

statement also asked AQAP supporters “to face the Crusader campaign and its agents in the Arabian Peninsula by striking their military bases, their intelligence embassies, and their fleets in the waters and lands of the Arabian Peninsula, so that we stop the repeated massacres over the lands of the Muslims.”⁴⁴

Finally, the self-proclaimed rationale for AQAP’s violence against the US has been consistently based on US foreign policy in the Middle East. The Spring 2013 issue of AQAP’s online English-language magazine, *Inspire*, punts an “overarching theme ... that has been integrated into previous issues, but never before in such a central role ... that it is America’s fault that they are targeted in attacks, based on political decisions and its ‘crusade’ against the Muslim population.” That specific issue particularly highlights “the wars in Afghanistan and Iraq, as well as drone strikes in Afghanistan, Pakistan, Yemen and Somalia.”⁴⁵ This fits with typical al-Qaeda motivations for acts of terrorism

4. Goals

AQAP’s general goal is to “purge Muslim countries of Western influence and replace secular ‘apostate’ governments with fundamentalist Islamic regimes observant of sharia law.” Other “associated” objectives include “overthrowing the regime in Sana’a; assassinating Western nationals and their allies, including members of the Saudi royal family; striking at related interests in the region, such as embassies and energy concerns; and attacking the U.S. homeland.”⁴⁶

In this particular case the goals of this operation are difficult to comprehend exactly. A number of possibilities present themselves. According to AQAP themselves, the aim of the plot was to significantly increase US security spending, leading them to claim that even though the cargo bombs never detonated, the plot was actually successful in its aims.⁴⁷ AQAP justified the notion that the plot was successful by noting that the total costs of the operation from their side came to a mere \$4,200.⁴⁸ They also noted that they were trying to create an air of paranoia and again they succeeded in this. AQAP stated that they didn’t need to succeed in one huge attempt, but that by creating panic in increments, one small attack at the a time, they will succeed in their goals.⁴⁹ AQAP also claimed that the attack was aimed at disrupting air traffic, particularly cargo movement via airlines. In this they were partly effective, although not for an extended period of time (with the exception of cargo shipped from Yemen).

⁴⁴ Harnisch, “Christmas Day Attack: Manifestation of AQAP Shift Targeting America.”

⁴⁵ “AQAP Releases New Edition of *Inspire* Magazine,” www.msasecurity.net, May 31, 2013, available at <http://www.msasecurity.net/Portals/91068/docs/MSA%20AQAP%20Releases%2011th%20Edition%20of%20Inspire%20Magazine%205.31.13.pdf>.

⁴⁶ Masters and Laub, “Al-Qaeda in the Arabian Peninsula (AQAP),” Council on Foreign Relations, August 22, 2013.

⁴⁷ Scott Shane, “Qaeda Branch Aimed for Broad Damage at Low Cost,” *New York Times*, November 20, 2010.

⁴⁸ Shane, “Qaeda Branch Aimed for Broad Damage at Low Cost.”

⁴⁹ “Al-Qaida Magazine Details Parcel Bomb Attempt,” NPR, November 22, 2010, available at <http://www.npr.org/templates/story/story.php?storyId=131520780>.

Experts also suggest that this attack may have been an attempt to draw “broader publicity” and assist with recruiting.⁵⁰ A week after the bombs were discovered, AQAP took responsibility for the attempted bombings, and, in the same release, claimed responsibility for downing a plane that had crashed in Dubai several weeks prior. However a number of investigating agencies stated that this claim was not true, that no evidence of foul play was discovered while investigating the plane crash, and that AQAP was claiming responsibility for something they didn’t do in an attempt to make themselves look somewhat more successful in their objectives.

In light of this analysis it seems reasonable to suggest that an aspect of the cargo bomb plot was simply creating public awareness of AQAP and their goals. While it is very possible that the event would have disrupted air traffic as well as struck fear into the American public—certainly a viable “goal” so to speak—the overarching theme of these attacks seems to be that AQAP is setting themselves up as the “go-to” organization for young Muslims seeking jihad. There is little doubt that with the creation of their magazine, *Inspire*, and their growing internet presence, they are attempting to increase recruitment and generate support. Indeed, it is interesting to note that according to the Council on Foreign Relations, AQAP has “mastered recruitment through propaganda and media campaigns.”⁵¹ It is unclear to what extent the AQAP recruit base has enlarged over previous years. However, the fact that they were willing to engage Yemeni ground forces in conventional combat in Lawder and Hawta seems to support the notion that they have grown at least somewhat in numbers.

This cargo bomb plot therefore seems to have two important motivations. The first was, as described, the direct aim of attacking the United States based on their support for Israel and their foreign policy in the Middle East. This is the self-stated motivation of AQAP. The second motivation was to increase public awareness and recruitment.

5. Plans for violence

The devices themselves consisted of mobile phones with most of the unnecessary paraphernalia (including the sim cards and the screens) removed in order to save the battery life. Alarms were set using an ordinary cellphone alarm clock, which upon activation was intended to trigger the devices. The explosives consisted of pentaerythritol tetranitrate (PETN), a close relative of nitroglycerin and a powerful explosive. PETN was the same explosive used by Umar Farouk Abdulmutallab, another AQAP bomber who attempted to blow up a plane flying from Amsterdam to Detroit in December 2009 as well as by Richard Reid, the infamous shoe-bomber who attempted to blow up a flight to Miami in December 2001.⁵²

Although typically easy to detect, PETN can be extremely difficult to detect when utilized in this way.⁵³ Traditional methods of bomb detection,

⁵⁰ Worth, “Yemen Emerges as Base for Qaeda Attacks on U.S.”

⁵¹ Masters and Laub, “Al-Qaeda in the Arabian Peninsula (AQAP).”

⁵² “Q&A: Air Freight Bomb Plot,” BBC News.

⁵³ “Cargo bomb plot: What is the explosive PETN?” BBC News, November 1, 2010.

including the use of sniffer dogs and x-ray screening devices, are incapable of detecting the substance when it is enclosed in a device such as a printer cartridge.⁵⁴ Furthermore, it is a common explosive used by civilian firms for uses such as quarrying and demolitions, which means it is relatively easy to purchase on the open market.⁵⁵ PETN is manufactured as a white powder, and is often used in plastic explosives like Semtex. For traditional methods of bomb detection to reveal PETN, the “air from the container in which it is sealed needs to be ‘sucked out’ first.”⁵⁶ Furthermore, the printer cartridges used to conceal the explosives are containers that would normally contain white powder within, which makes detection all the more difficult.⁵⁷

According to Scotland Yard, the bombs were timed to detonate somewhere over the east coast of the continental United States. This is an estimation of the possible detonation, since, “because shipping times cannot be predicted accurately, it remains unclear whether the plotters themselves would have known where the bomb would have detonated or what it would have destroyed. But cargo industry sources say it could be possible to narrow down a time window to as little as a few hours, using prior deliveries as a guide.”⁵⁸

The size of the devices used were approximately 300 and 400 grams of PETN respectively.⁵⁹ Most newspaper sources suggest that this is more than enough to down a plane, with the Daily Mail suggesting that as little as 50 grams would be sufficient.⁶⁰ Bryan Walsh notes that PETN “is powerful even in quantities as small as a hundredth of a pound.” However, he continues, the substance needs to be ignited in order to be dangerous, and a typical primer such as a blasting cap is unfeasible in the type of device used in the cargo bomb plot. Moreover, the ignition sequence for the device is “difficult, but not impossible.”⁶¹

Furthermore, had the bombs exploded, the results might have been limited. In all likelihood, if the bombs had had any impact, they would have only blown a hole in the fuselage of their respective cargo planes.⁶² Even this isn’t clear-cut, since other cargo in the plane might have muffled the blast. Had the bombs managed to blow actual holes in the fuselage, they might destabilize the planes sufficiently to cause them to crash. However the damage from a plane crashing in the countryside would have been negligible, and even had the bombers been able to get the timing of the detonation right, there is little to suggest that mass damage to the civilian population on the ground would have occurred. The most noted example of a plane breaking up over a crowded area is that of the Lockerbie bombing of 1988, in which only 11 people were killed on

⁵⁴ “Saudi man ‘key suspect’ in jet bomb plot, says US,” BBC News.

⁵⁵ “Cargo bomb plot: What is the explosive PETN?” BBC News.

⁵⁶ “Cargo bomb plot: What is the explosive PETN?” BBC News.

⁵⁷ “Cargo bomb plot: What is the explosive PETN?” BBC News.

⁵⁸ John F. Burns, “Yemen Bomb Could Have Gone Off at East Coast,” *New York Times*, November 10, 2010.

⁵⁹ Williams, “Al Qaeda supergrass foiled cargo jet.”

⁶⁰ Williams, “Al Qaeda supergrass foiled cargo jet.”

⁶¹ Walsh, “Why It’s Not Easy to Detonate a Bomb on Board.”

⁶² Walsh, “Why It’s Not Easy to Detonate a Bomb on Board.”

the ground.⁶³ In February, 2009, a plane crashed in a suburban area of Buffalo, New York, killing only one person on the ground.⁶⁴ In November, 2001, an Airbus A300 crashed in urban Belle Harbor, New York, with only five deaths on the ground.⁶⁵ In each of these cases, all of the passengers flying on the planes were killed. However, the damage to those on the ground was minimal.

On a cargo plane, only two pilots are present. If the bombs had detonated, the pilots would most likely have lost their lives in the ensuing crash, but other casualties would most likely have been very limited.

6. Role of informants

According to British officials, the primary tip-off of the plot came from Jabr al-Faifi, a former Guantanamo Bay detainee and an AQAP member at the time of the plot. Al-Faifi reportedly revealed the plot to Saudi intelligence, and turned himself in to Saudi authorities in mid-October 2010.⁶⁶

Jabr al-Faifi was captured by US forces while fighting in Afghanistan.⁶⁷ He stated that he had been recruited at a mosque in Saudi Arabia, and that he joined the fight because “after he had read a newspaper article [urging] Muslims to join jihad in Afghanistan [he] did so because he felt he was not a faithful Muslim due to drug use, smoking and lack of prayer.”⁶⁸ He was given two weeks training, and did end up at the front lines in Afghanistan, but he denied having fired a weapon at any time.⁶⁹ He was held for five years at Guantanamo Bay before being released to Saudi Arabia. Upon his release he “vowed never to participate in another jihad” and that he wanted to return to Saudi Arabia to “take care of his parents and resume his job as a taxi driver.”⁷⁰

In Saudi Arabia, al-Faifi entered the Saudi militant rehabilitation program at the Muhammad Bin Naif al-Munasaha Center, where he was assessed to be a “low risk” threat and was used as a guinea pig in a case-study of the effectiveness of the program.⁷¹ The program operates by “using religious arguments and financial and other incentives to draw people away from extremism.”⁷² After being released from the program, al-Faifi joined AQAP, thereafter moving to Yemen. Saudi authorities listed him on a list of their 85 most-wanted terrorists.⁷³ In September 2010 he notified Saudi officials that he wanted to turn himself in and on October 16, 2010, a Saudi plane collected him in Yemen.⁷⁴ He was

⁶³ M. M. Charles, “Aircraft Accident Report No 2/90 (EW/C1094),” Department of Transportation, December 21, 1988.

⁶⁴ Doug Alexander and Chris Dolmetsch, “Continental Plane Reported Icing Before Crashing,” Bloomberg News, February 19, 2009.

⁶⁵ “NTSB Press Release,” NTSB News, October 26, 2004.

⁶⁶ “Parcel bomb plotters ‘used dry run’, say US officials,” BBC News.

⁶⁷ Andy Soltis, “Bomb tip from Qaeda traitor,” *New York Post*, November 2, 2010.

⁶⁸ “Ex-Gitmo inmate who joined al-Qaida surrenders,” *Washington Post*, October 16, 2010.

⁶⁹ “Ex-Gitmo inmate who joined al-Qaida surrenders,” *Washington Post*.

⁷⁰ “Ex-Gitmo inmate who joined al-Qaida surrenders,” *Washington Post*.

⁷¹ “Ex-Gitmo inmate who joined al-Qaida surrenders,” *Washington Post*.

⁷² “Ex-Gitmo inmate who joined al-Qaida surrenders,” *Washington Post*.

⁷³ Soltis, “Bomb tip from Qaeda traitor.”

⁷⁴ Soltis, “Bomb tip from Qaeda traitor.”

brought in for questioning where he revealed the details of the cargo bomb plot.⁷⁵ This version of events was disputed by Yemeni officials who suggest that al-Faifi had been a double-agent working for Saudi intelligence back when he first rejoined al-Qaeda.⁷⁶

Al-Faifi's information was absolutely critical to the successful resolution of the plot. Information provided to the Saudis and thereafter passed on to US, Qatari, and British officials included the tracking numbers of the parcels themselves, allowing investigators to go straight to the illicit cargo without having to perform time-consuming and dangerous searches for the devices.⁷⁷

Al-Faifi's motivation for turning on AQAP is unclear, whether or not he infiltrated the organization as a spy or actually joined AQAP with genuine intentions to support their jihad, and then changed his mind. It's possible that he may have gotten tired of Yemen and the discomfort of the militia lifestyle, and simply wanted a free ride out to Saudi Arabia. This is hardly a convincing argument by itself, but it should be recalled that the rehabilitation program would have educated him as to the potential benefits of informing—especially the financial benefits. On the other hand, the threat to his life and that of his family would have been significant. Alternatively, taking into account that al-Faifi stated in his Guantanamo release hearing that he never fired a weapon while on the front lines in Afghanistan, it is possible that he simply balked at the idea of taking lives, especially civilian lives. Whatever the truth, it is undeniable that his actions were instrumental in foiling the plot.

7. Connections

AQAP is not simply an affiliate of al-Qaeda itself, but rather its strongest pillar. The al-Qaeda organization has evolved from a single group to a network of organizations and individuals with common beliefs, overlapping membership, and decentralized control. As the United States State Department explains, "AQ serves as a focal point of 'inspiration' for a worldwide network of affiliated groups."⁷⁸ The disintegration of the central organization has occurred along geographic lines, with groups such as al-Qaeda in Iraq (AQI), al-Qaeda in the Islamic Maghreb (AQIM), al-Shabaab, and a host of other groups all forming the collective popularly known as al-Qaeda.⁷⁹

It is hard to state with any certainty the exact roles played by any of these different organizations in this particular plot, with the exception of AQAP itself. The various plots claimed by AQAP as an independent entity have all involved the use of PETN as an explosive device and innovative, ingenious delivery systems. Thus it would seem that AQAP was the primary author of this plot, and not simply part of a larger AQ plot. It does not appear on the surface that coordination or cooperation with any other part of the AQ network was required

⁷⁵ Soltis, "Bomb tip from Qaeda traitor."

⁷⁶ Soltis, "Bomb tip from Qaeda traitor."

⁷⁷ Soltis, "Bomb tip from Qaeda traitor."

⁷⁸ Country Reports on Terrorism 2012, U.S. Department of State.

⁷⁹ Country Reports on Terrorism 2012, U.S. Department of State. Other groups include "the Islamic Movement of Uzbekistan, the Islamic Jihad Union, Lashkar i Jhangvi, Harakat ul-Mujahadin, and Jemaah Islamiya. Tehrik-e Taliban Pakistan and the Haqqani Network."

in this instance. This is reinforced by the suggestions discussed earlier, namely that the bomb-maker was a member of the AQAP, and that the authorization came from a senior AQAP leader.

8. Relation to the Muslim community

The Dubai package had a woman's name and address in Sanaa listed as the return address.⁸⁰ This name and address were valid, and a woman and her mother were picked up by Saudi intelligence operatives. The two women were both later released, and Saudi intelligence revealed that the woman's name and address had been used as a cover by the real perpetrators.

The Department of Homeland Security announced at the time that the plot may have been “associated with two schools in Yemen—the Yemen American Institute for Languages-Computer Management, and the American Center for Training and Development.”⁸¹ Indeed, much AQAP recruiting is supposed to take place in the Muslim community, and they attempt to derive their legitimacy from the teachings of Islam. As the second issue of the AQAP magazine, *Inspire*, announces, “It is absolutely necessary have a sense of commitment to the Islamic Nation and its world, in the geographical, political and military dimensions and in every field ... [and] We must open the minds and hearts of the Islamic Nation's youth, so that they feel commitment to the Islamic Nation as a whole. This is a fundament in the religion and the faith, as well as in the politics and the strategic military concept.”⁸²

The two parcels were addressed to two synagogues in Chicago, perhaps symbolic of targeting not just the US but also Israel. AQAP condemned Saudi Arabia for their involvement in defusing the plot, announcing to the Saudi regime that, “God has exposed you and showed the world that you are nothing but treacherous agents to the Jews because these bomb packages were headed to Jewish-Zionist temples, and you had to intervene with your treacherous ways to protect them, so may God curse you for being the oppressors.”⁸³ One article in *Inspire* describes how “Jihad is the peak of Islam.”⁸⁴ In another article written by the leader of AQAP at the time of the cargo bomb plot, Anwar al-Awlaki himself, describes in great detail the religious justification for the actions and goals of AQAP.⁸⁵ In a sense, AQAP attempts to derive their legitimacy out of Islam and the sense that they are fighting for the so-called “Islamic Nation” or global Muslim community.

9. Depiction by the authorities

The day following the attempted bombing, the White House released a very brief statement:

⁸⁰ Mazzetti and Worth, “U.S. Sees Complexity of Bombs as Link to Al Qaeda.”

⁸¹ Mazzetti and Worth, “U.S. Sees Complexity of Bombs as Link to Al Qaeda.”

⁸² Abu Mus'ab al-Suuri, The Jihadi Experience, *Inspire*, 21, Fall, 2010, available at <http://info.publicintelligence.net/InspireFall2010.pdf>.

⁸³ “Yemen-based al Qaeda group claims responsibility for parcel bomb plot,” CNN News.

⁸⁴ Shaykh Ibrahim al-Banna, “Obama's Ploy and the Peak of Islam,” *Inspire*, 23, Fall, 2010.

⁸⁵ Shaykh Anwar al-Awlaki, The New Mardin Declaration: An Attempt at Justifying the New World Order, *Inspire*, 33, Fall, 2010.

Last night, intelligence and law enforcement agencies discovered potential suspicious packages on two planes in transit to the United States. Based on close cooperation among U.S. government agencies and with our foreign allies and partners, authorities were able to identify and examine two suspicious packages, one in East Midlands, United Kingdom and one in Dubai. Both of these packages originated from Yemen. As a result of security precautions triggered by this threat, the additional measures were taken regarding the flights at Newark Liberty and Philadelphia International Airports.

The President was notified of a potential terrorist threat on Thursday night at 10:35, by John Brennan, Assistant to the President for Homeland Security and Counter-terrorism. The President directed U.S. intelligence and law enforcement agencies, and the Department of Homeland Security, to take steps to ensure the safety and security of the American people, and to determine whether these threats are a part of any additional terrorist plotting. The President has received regular updates from his national security team since he was alerted to the threat.⁸⁶

President Obama would later make a press conference in which he noted that the attack posed a “credible terrorist threat” to the United States.⁸⁷ He further stated that Yemeni President Ali Abdullah Saleh “had pledged ‘full co-operation’ to hunt down the terrorists.” The President stated emphatically that “Going forward we will continue to strengthen co-operation with the Yemen government to disrupt plotting by al-Qaeda in the Arabian Peninsula, and to destroy this al-Qaeda affiliate. We will also continue our efforts to strengthen a stable, secure and prosperous Yemen so the terrorist groups do not have the time and space they need to plan attacks from within its borders.”⁸⁸ President Obama also personally called Saudi King Abdullah the day after the resolution of the plot to thank him for the role that Saudi officials had played in preventing the bombing.⁸⁹

During the Senate Hearing investigating the incident, Senator Joe Lieberman made a statement regarding the security lapses in which he noted that, Beginning with the attacks against America on September 11, 2001, our terrorist enemies have consistently sought to use airplanes as weapons of mass destruction, and more generally, they have seen in our aviation system a strategic choke point of international transit and commerce that could be brought to a halt, or at least stopped, through terrorist attacks. We have seen shoe bombers, liquid bombers, and underwear bombers. Again and again, terrorists have sought different ways to blow up an airplane. In the most recent attempt, of course, terrorists hid bombs inside the toner cartridges of printers and sent them to the United States as air cargo. This plot, as the others before it, was thwarted, in this case largely because of extraordinary intelligence, and here we give thanks and credit to our friends

⁸⁶ “Press Secretary Gibbs on Potential Suspicious Packages,” The White House Blog, October 29, 2010.

⁸⁷ Bill Chappell, “Cargo Packages Contained ‘Explosive Materials’ White House Says,” NPR Blog, October 29, 2010.

⁸⁸ Vikram Dodd, “Yemen bomb scare ‘mastermind’ lived in London,” The Guardian, October 29, 2010.

⁸⁹ Soltis, “Bomb tip from Qaeda traitor.”

and allies in Saudi Arabia. But there was in this an element of good fortune or luck, and luck, of course, is not a strategy to defend our Nation from a threat of terrorists.⁹⁰

Representative Ed Markey also made a statement noting that, “It is time for the shipping industry and the business community to accept the reality that more needs to be done to secure cargo planes so that they cannot be turned into a delivery systems for bombs targeting our country.”⁹¹

The tone of these and other responses from the authorities is realistic without being alarmist. Authorities appeared to understand that they had gotten “lucky” on this one, and that they would need to step up their game in future. It would seem that the US government didn’t try to hide the gravity of the situation, nor the fact that the existing security systems had let them down. At the same time, the authorities made it clear that they were now aware of the problem, and would be working to fix it in the future. In summary, the authorities’ depiction of the event was tense, but not fearful, and largely realistic in its depiction of the risks and the government’s need to respond.

10. Coverage by the media

Coverage of the event in the media varied from alarmist to precautionary to salutary of the role played by the intelligence community. Many media outlets noted the role of the informant and the fact that he was a Guantanamo Bay releasee. The BBC covered the event in some detail, and particularly addressed the problems of detecting PETN in this form of device. Most media articles went into considerable depth about the problems of detecting the substance, the gaps in security, and the “lucky break” in the form of the informant. While certainly not designed to incite panic, the vast majority of media coverage was far from congratulatory of the role played by the informant. CBS’s coverage was particularly alarmist, noting in the introduction to one of their stories, “‘The skies may still not be safe.’ That’s the concession from White House officials who admit they’re concerned there could be more bombs out there.”⁹² This theme did tend to run through certain media accounts of the incident. However, there was little suggestion that passengers on regular flights should panic or put off their travel plans.

Very few commentators assessed the actual fundamental aims of the plot, or the potential damage that would have ensued had the plot been successful. This went largely unreported. Finally, media outlets by-and-large reported the incident accurately and consistently. As information was released, the media updated their stories, and most outlets released follow-up pieces in the aftermath, looking at details as released by the authorities. Expert opinions tended to speculate very accurately about the sources and implications of the plot.

⁹⁰ “Closing the Gaps in Air Cargo Security,” Hearing before the Committee on Homeland Security and Governmental Affairs, United States Senate, S. Hrg. 111-1105, Second Session, Nov. 16, 2010.

⁹¹ Mark Mazzetti, Robert F. Worth and Eric Lipton, “Bomb Plot Shows Key Role Played by Intelligence,” *New York Times*, October 31, 2010.

⁹² “Suspect Named in Cargo Bomb Plot,” CBS News, November 1, 2010, available at <http://www.cbsnews.com/video/watch/?id=7010740n>.

11. Policing costs

Some 26 million tonnes of cargo travels by air each year, consisting predominantly of electronics, engineering or machine parts, pharmaceuticals, and fruit and vegetables. The manpower and time required to disassemble goods from their packaging and then reassemble the package is simply “unrealistic.”⁹³ This is where the vast bulk of policing costs arise.

In the case at hand there were little to no costs in terms of investigation or surveillance, and there was no court case to speak of. The informant surrendered himself to authorities, and presumably is in protective custody at the present time, which would like comprise a significant cost, as would the cost of maintaining other informants within various terrorist organizations, including AQAP. However these costs cannot be assigned exclusively to the policing of cargo bombs, but rather to the policing costs of terrorism in general. Informants’ roles are not to watch out for cargo bombs, but to watch for *any* activity which may pose a significant threat (cargo bombs being one such example). Similarly communication watchdog agencies such as the British General Communications Headquarters (GCHQ) and the US National Security Agency, have invested billions of pounds and dollars respectively into electronic surveillance, which would obviously include the tracking of communications between terrorists with regards to potential plots. This “policing cost” is tremendous, but cannot be isolated simply to this one case, but rather to the general problem of combatting terrorism.

The primary *direct* cost, as noted above, is and will be in the form of airport screening of cargo, and even on this there is little chance of a dramatic increase in cost from the screening procedures employed prior to the cargo bomb plot. The governmental response to the incident is covered in further detail below, but suffice it to note that since x-ray technology and dog-sniffing do not significantly improve the odds of detecting PETN,⁹⁴ the primary form of “policing” will be through “increased vigilance.”⁹⁵ Furthermore, much of the costs of investigating cargo will be borne by the cargo carriers themselves, who (as in Britain and the US) will find themselves compelled by legislation to increase their own security and protection.

12. Relevance of the internet

As noted above, the attackers most likely used the internet to track a number of harmless packages sent by express delivery in September as a “dry run.”⁹⁶ Even in the absence of this dry run, the internet would have been crucial in planning the timing of the detonation in order to maximize the damage. The bombs were most likely intended to detonate over major US cities, and doing so may have resulted in a similar outcome to the Lockerbie bombing, whereby

⁹³ Lighton, “‘No silver bullet’ for air cargo security concerns.”

⁹⁴ “Cargo bomb plot: What is the explosive PETN?” BBC News.

⁹⁵ Clare Lighton, “‘No silver bullet’ for air cargo security concerns,” BBC News, November 1, 2010.

⁹⁶ “Parcel bomb plotters ‘used dry run’, say US officials,” BBC News.

inhabitants on the ground would suffer damage and loss of life as the planes exploded overhead and rained down upon the ground. However, even with the use of the internet, this intention could only have been a hope: the bombers would have been forced to make a rough guess as to the best time to detonate the bombs. In the immediate aftermath, Interpol released a worldwide alert, informing governments, airlines and cargo companies of the plot and the danger. This information was disseminated quickly and efficiently through the internet.

Prior to the plot, AQAP had also “stepped up its recruitment drive on the Internet, issuing an English-language magazine that include[d] articles with titles like ‘Make a Bomb in Your Mother’s Kitchen.’”⁹⁷ Indeed, the primary role of the internet in this and similar atrocities is in the aftermath. AQAP uses it to broadcast messages and statements, including comments on different issues, the chastisement of the USA and its various allies in the Middle East, the claiming of responsibility for various acts, and the generation of public support for their cause. AQAP publishes its newsletter, *Inspire*, via the internet, and uses a number of blogs and forums to broadcast their message.⁹⁸ Indeed, *Inspire* contains an entire section entitled “Open Source Jihad” which the magazine describes as a “resource manual for those who loathe the tyrants; includes bomb making techniques, security measures, guerilla tactics, weapons training and all other jihad related activities.”⁹⁹ A column in this section entitled “2.0 extras” and written by an “Asrar al-Mujahideen” (a.k.a. “Terr0r1st”) describes methods for jihadists to use computers and the internet “safely.”¹⁰⁰ This includes the use of encryption programs and file shredders. AQAP is unabashedly and extensively using the internet not only to propagandize and recruit, but to teach prospective “jihadists” how to operate.

13. Are we safer?

In May 2012, eighteen months after the cargo bomb plot, the Federal Bureau of Investigation released a public statement announcing that

As a result of close cooperation with our security and intelligence partners overseas, an improvised explosive device (IED) designed to carry out a terrorist attack has been seized abroad. The FBI currently has possession of the IED and is conducting technical and forensics analysis on it. Initial exploitation indicates that the device is very similar to IEDs that have been used previously by al Qaeda in the Arabian Peninsula (AQAP) in attempted terrorist attacks, including against aircraft and for targeted assassinations. The device never presented a threat to public safety, and the U.S. government is working closely with international partners to address associated concerns with the device.¹⁰¹

⁹⁷ Worth, “Yemen Emerges as Base for Qaeda Attacks on U.S.”

⁹⁸ Chris Harnisch, “Christmas Day Attack: Manifestation of AQAP Shift Targeting America.”

⁹⁹ Asrar al-Mujahideen (a.k.a. Terr0r1st), “2.0 extras,” *Inspire*, 58, Fall, 2010, available at <http://info.publicintelligence.net/InspireFall2010.pdf>.

¹⁰⁰ Al-Mujahideen, “2.0 extras.”

¹⁰¹ FBI Statement on Seizure of IED Overseas, Federal Bureau of Investigation, National Press Releases, May 7, 2012.

This somewhat cryptic statement may refer to a plot very similar to the cargo bomb plot, one that was averted by an undercover agent in Yemen, who not only successfully infiltrated an AQAP cell, but was able to seize the device itself.¹⁰² Yet again crisis was averted through excellent human intelligence, from sources within the organization itself. So long as intelligence services maintain a high penetration of these terrorist cells and groups, it seems that the world is a relatively safe place. The concern, however, is that human intelligence is insufficient, and that these new, creative explosive devices pose a serious difficulty for airport screening devices.

The primary problem with regards to these devices is that they can go through x-ray scanners without being picked up.¹⁰³ Indeed, the bomb picked up at East Midlands Airport wasn't found until numerous searches of the printer had been conducted, even though officials knew for a practical certainty that the device was within the printer. Traditional scanning devices struggle to detect this particular form of device involving the explosive PETN.¹⁰⁴ PETN is relatively easy to get hold of, and the way in which it was set within the printer cartridges made it extremely difficult to detect.¹⁰⁵ In order for sniffer dogs or machines to detect PETN, it is necessary to suck out the air from the container in which it is sealed: a tricky process, and the reason British intelligence operatives struggled to locate the device within the printer even though they had the actual tracking number of the parcel.¹⁰⁶

In the wake of the October 2010 plot, a number of countries and private companies reacted by cutting off cargo and/or passenger flights from Yemen. The United Kingdom and the Netherlands banned cargo flights from Yemen and Somalia as well as increased security measures screening departing cargo from their own airports.¹⁰⁷ Additionally, 30 'trans-shipment' screening exemptions were revoked for foreign freight being loaded at UK airports, including "flights from Islamabad, Doha, Tripoli and Mumbai."¹⁰⁸ The British government in particular enacted review of air freight security, and immediately gave increased guidance to airport security staff on identification of suspicious packages.¹⁰⁹ They also suspended carriage of toner cartridges larger than 500 grams in passenger's hand luggage for all flights departing from the UK.¹¹⁰ The FBI and Homeland Security also "warned local officials across the country that packages from abroad with no return address and excessive postage [require] a second examination."¹¹¹

¹⁰² Cody Curran, James Gallagher, Courtney Hughes, Paul Jarvis, Adam Kahan, Patrick Knapp, Matthew Lu, and Jared Sorhaindo, "AQAP and Suspected AQAP Attacks in Yemen Tracker 2010, 2011, and 2012," www.criticalthreats.org, May 21, 2012.

¹⁰³ Lighton, "'No silver bullet' for air cargo security concerns."

¹⁰⁴ "Cargo bomb plot: What is the explosive PETN?" BBC News.

¹⁰⁵ "Cargo bomb plot: What is the explosive PETN?" BBC News.

¹⁰⁶ "Cargo bomb plot: What is the explosive PETN?" BBC News.

¹⁰⁷ "Parcel bomb plotters 'used dry run', say US officials," BBC News.

¹⁰⁸ "New air cargo restriction imposed after bomb plot," BBC News, November 4, 2010.

¹⁰⁹ Lighton, "'No silver bullet' for air cargo security concerns."

¹¹⁰ Lighton, "'No silver bullet' for air cargo security concerns."

¹¹¹ Gordon Rayner and Duncan Gardham, "Cargo plane bomb plot: ink cartridge bomb 'timed to blow up over US,'" *The Telegraph*, November 10, 2010.

Prior to the incident, in August 2010, the US introduced a statutory requirement that 100 percent cargo on passenger planes must be screened for explosives.¹¹² Large packages are required to be disassembled and packaged in smaller items, allowing viewing by “advanced X-ray machines which give more than one view of the package.”¹¹³ The US also employs explosives trace detection for cargo on both passenger and non-passenger flights.¹¹⁴ This ramping up of screening methods seems to be the trend throughout the world, however one questions whether this alone is sufficient, and even whether or not screening will detect the devices.

Following the incident, the US Senate Committee on Homeland Affairs and Governmental Affairs held hearings to discuss the screening and security issues raised by the cargo bomb plot.¹¹⁵ While the details of the hearings beyond the scope of this analysis, the main point of the hearings was that while 100 percent of luggage on passenger flights is being screened, only 60 percent of cargo is being screened. The Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) P.L. 110-53(2007) required 100 percent screening of cargo.

The Transportation Security Administration (TSA) notes that traditionally security measures would be left to the air carriers themselves, but due to the logistics of the process, much of that screening is today undertaken by the TSA itself, using a “multi-dimensional strategy to reconcile the requirements of the mandate, the security needs of passengers, and the needs of a U.S. economy that relies on an air cargo industry.” This strategy involved three programs: including 100 percent screening of cargo on narrow-body passenger aircraft (such as Boeing 737 and 757s, and Airbus 320s), which accounts for 96 percent of passenger flights in the US. In addition the Certified Cargo Screening program is a “voluntary program designed to enable certain vetted, validated and certified facilities to screen cargo prior to delivering the cargo to the air carrier.” Finally, the Indirect Air Carrier Screening Technology Pilot is a program whereby participants work “directly with TSA to provide information and data on cargo, commodity-types, and a certain cargo screening technology.”¹¹⁶ The most important development, therefore, is the Certified Cargo Screening Program, which imposes chain of custody standards on facilities supervising cargo delivery. These programs are aimed at implementing 100 percent screening of air cargo in the US, but it is unclear how close the TSA is to achieving this.

The details of US cargo screening technology are unclear. It isn’t certain that the high level of screening conducted by the TSA and the cargo companies will even be able to detect explosive devices in the form used in the cargo bomb plot.

¹¹² “Q&A: Air Freight Bomb Plot,” BBC.

¹¹³ “Q&A: Air Freight Bomb Plot,” BBC.

¹¹⁴ “Q&A: Air Freight Bomb Plot,” BBC.

¹¹⁵ “Closing the Gaps in Air Cargo Security,” Hearing before the Committee on Homeland Security and Governmental Affairs, United States Senate.

¹¹⁶ “Frequently Asked Questions: Air Cargo,” Transportation Security Administration, revised January 16, 2013, available at <http://www.tsa.gov/stakeholders/frequently-asked-questions-1>.

Furthermore, even if US technology *is* able to detect these types of threats, the main threat (as demonstrated by the 2010 cargo bomb plot as well as the IED attempt in May 2012) remains cargo that is shipped *into* the United States from overseas. On this, there is little the US can do beyond providing technical assistance to foreign governments. Indeed, according to their website, the “TSA is working closely with its foreign government counterparts to leverage existing air cargo security practices and to work towards comparability across systems to the greatest extent possible.” Furthermore, the “TSA has been working in both bilateral and multilateral forums to better understand the air cargo security regimes currently in place in other countries in order to promote best practices while also enhancing air cargo security systems, where necessary, in order to ensure commensurate levels of security from system to system.”¹¹⁷ However, the TSA recognizes that this is an “ongoing” process. In short, foreign governments do not have the technological or financial clout exerted by the TSA in its screening procedures, and there remains the threat that foreign governments will be unable to adequately screen cargo on flights into the US.

Thus, the primary takeaway from the episode has been this emphasis on “increased vigilance,” as noted above. Profiling of senders and recipients has played a part, and perhaps the single most encouraging aspect of the case is that despite the devices being unnoticed by traditional screening methods, there has not been a repeat performance (including the 2012 incident, which was shut down before the IED even made it onto a plane). While the information received from an informant was critical both in this case and in the February 2012 incident, it would appear that to date there has not been any incident involving such printer-cartridge-cargo bombs where the devices have gotten on board a plane.

Furthermore, al-Awlaki, the former leader of AQAP, was killed in a US drone strike in September 2011. While Ibrahim Hasan al-Asiri, AQAP’s bomb-expert, remains alive and at large, it seems that al-Awlaki was the “go-to-guy” for planning these types of operations. Putting aside the questions of legality and morality that surround the use of drones, his absence does seem to make the world a safer place, if only for the short term. It seems inevitable that someone will replace him at some point, not only in terms of prestige within the organization but also in terms of expertise in devising these plots. Indeed,

As a result of Awlaki’s death, AQAP may have more difficulty recruiting foreigners and conducting attacks on the U.S. in the short term. However, Awlaki was not one of the founding members of the organization, and other active AQAP leaders will continue to pose a threat. More importantly, AQAP and its supporters have established a safe haven in Yemen that has progressively expanded during the Arab Spring.¹¹⁸

For the moment, the mastermind is dead, and security officials around the world are aware of the threat posed by these cargo-bomb devices.

¹¹⁷ “Frequently Asked Questions: Air Cargo,” Transportation Security Administration.

¹¹⁸ “The Death of AQAP’s Anwar al Awlaki,” www.criticalthreats.org, available at <http://www.criticalthreats.org/yemen/al-qaeda-arabian-peninsula/anwar-al-awlaki-death-september-30-2011>.

On the flip side, Ibrahim Hasan al-Asiri, while reportedly wounded in an August 2013 drone strike, is still at large, and needs to be found.¹¹⁹ Furthermore, the manner in which AQAP and others are attempting to sneak explosive devices aboard planes is getting increasingly more creative, and since it was only possible to forestall the 2010 *and* 2012 attacks due to the good fortune (or perhaps foresight) of having informants in the right place at the right time, the next attempt may be even more creative still. As one security expert noted to a news agency, “this time we were extremely lucky.”¹²⁰

14. Conclusions

There are a number of takeaways from the event as it unfolded. Firstly, the role of human intelligence is not just critical in preventing terrorist strikes, but is also extremely good. Saudi and US intelligence services seem to have infiltrated AQAP very efficiently. Furthermore, inter-agency cooperation seems to be stronger than ever. The way in which the information was passed from al-Faifi to Saudi intelligence to US officials and then to the British government was extremely efficient at a time when the bombs were in fact ticking away. The case represents an excellent example of human intelligence and inter-agency cooperation working to prevent terrorism.

Another encouraging feature of the case was the swift and immediate response by authorities to the intelligence they received. The US, British and U.A.E. governments responded immediately to the information they received and were able to locate and defuse two ticking time bombs, as well as implement safety and security measures immediately to guard against any other bombs that may have been in transit.

On the other hand, the fact that the bombs even made it onto the plane is a big question mark against the screening techniques used at airports. The techniques used by al-Asiri to pull off a successful bombing attack are getting ever more ingenious. The sooner that he is either in custody or eliminated as a threat, the safer the Western world will be, and in particular the US, which remains a major target for AQAP.

As shocking as it is that the bombs were able to make it onto the planes, however, the fact remains that bombing a cargo plane is unlikely to result in significant casualties. The goal of bombing a cargo plane remains dubious, and in some ways the case poses more questions than answers. The symbolic value of striking a blow against American imperialism may be important to AQAP, but their repeated attempts to act against the continental United States have failed as yet to achieve anything substantial, and in retaliation the US military has stepped up its campaign in Yemen to the point where AQAP is being forced to replace leaders on a regular basis. Indeed, the extent to which US drone strikes and the Yemeni military have been able to eliminate AQAP leadership is testament again to the strength of the various agencies’ human intelligence on the ground. Regardless of the true intentions behind the strike, such an attack is unlikely to claim a large number of lives.

¹¹⁹ Miklaszewski, Kube and Esposito, “Reports: Al Qaeda's master bombmaker wounded.”

¹²⁰ “Cargo bomb plot: What is the explosive PETN?” BBC News.

In summation, the attack was averted, and whether al-Faifi was a double-agent or he had a last-second crisis of conscience, the point remains that the procedures in place were extremely effective at preventing the attack once the information was received. Furthermore, Western governments are now aware of the problems posed by air freight, and have taken significant measures to prevent such an attack from being successful.

Case 37: DC Metro—bomb plot

John Mueller

March 16, 2014

Apparently working from a tip supplied in 2010 by a fellow congregant at Farooque Ahmed's mosque in northern Virginia, the FBI worked a couple of operatives into his confidence. Over some six months, the tiny group plotted to set off bombs at four Washington, DC, Metro stations. Throughout, the operatives seem to have taken the lead. At their first meeting, Ahmed said that what he really wanted was "to fight and kill Americans in Afghanistan" and become a martyr. But the operative said he first needed to endure a "trial period" with al-Qaeda for a terrorism project within the U.S. and to complete the work within six months. Thereafter, Ahmed busied himself carrying out orders to surveil the Metro stations, craftily video recording them with his cell phone, in an effort to pick out the spots where a bomb would inflict the most harm.

In many ways, notes Chad Chessin, the 34-year-old naturalized US citizen from Pakistan was far from a "prototypical" terrorist. Quite well educated and married to a woman who was a member of "Hip Muslim Moms," Ahmed lived in a northern Virginia suburb with her and with his young son—who, as Chessin stresses, he was in the process of abandoning as he took up what he thought was a path to terrorism—but one that led instead to a 23 year jail term.

Because of Ahmed's "introverted personality and lack of confidence prior to being approached," Chessin does not believe that Ahmed would "have sought out al-Qaeda on his own." As noted in the introduction to this book, US intelligence commonly believed in the years immediately after 9/11 that there were thousands of al-Qaeda operatives at loose in the country. However, none, or virtually none, have been uncovered even though tens of billions of dollars have been spent on the quest. It seems unlikely that Ahmed, even if he had tried, would have been more successful. The FBI, however, has fulsomely filled the void.

Case 37: DC Metro—bomb plot

Chad Chessin

March 16, 2014

1. Overview

On October 27, 2010, Federal Bureau of Intelligence agents arrested 34-year-old Farooque Ahmed, a naturalized US citizen from Pakistan, for his role in what he thought to be an al-Qaeda-directed bomb plot targeting four Washington Metro stations. Ahmed's arrest capped off a six-month sting operation conducted by two FBI operatives in which sufficient evidence was gathered to indict him on three charges: attempting to provide material support to a designated foreign terrorist organization, collecting information to assist in planning a terrorist attack on a transit facility, and attempting to provide material support to terrorists.¹

The undercover operation—which officially began on April 18, 2010—was prompted in January 2010 when the FBI received a tip that Ahmed, along with an associate, aspired to engage in jihad against coalition forces in Afghanistan and/or Pakistan.² According to a board member of the mosque that Ahmed periodically attended, the tipster was likely one of Ahmed's fellow congregants.³ Around the same time, according to an Obama administration official, Ahmed aroused further suspicion by seeking to obtain “unspecified materials.”⁴ The ensuing investigation would focus on Ahmed, and not his associate, perhaps as a consequence of having this extra piece of intelligence that identified Ahmed as a potential threat to national security. Three months later, spurred by an FBI email invitation, Ahmed met with an FBI collaborator, whom Ahmed believed to be an al-Qaeda representative, at a hotel near Washington-Dulles International Airport. At this meeting, FBI agents watched the collaborator hand Ahmed a Qur'an in which were enclosed documents of code words that would later be used to signify meeting times.⁵

In May 2010, in a meeting with one of the two FBI operatives directly involved in the case, Ahmed revealed in a recorded conversation that he wanted “to fight and kill Americans in Afghanistan.” When prompted by the operative on the subject, Ahmed expressed his desire to become a martyr. At this point, the operative expressed his satisfaction with Ahmed, telling him that the organization required the completion of certain tasks over the next six months.⁶ Evidently, the FBI had already formulated a time frame for the closure of the investigation, as Ahmed would be arrested approximately six months later in October 2010.

From May until late October, Ahmed performed several surveillance-

¹ USA v. Farooque Ahmed, “Indictment,” Eastern District of Virginia: Alexandria Division (2010), Case 1:10-cr-00413.

² USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant,” Eastern District of Virginia: Alexandria Division (2010), Case 1:10-sw-569.

³ Annie Gowen and Spencer S. Hsu, “D.C. Metro terror suspect faces hearing,” *Washington Post*, October 29, 2010.

⁴ Peter Finn, Spencer S. Hsu, and Caitlin Gibson, “Man accused of Metro bomb plot,” *Washington Post*, October 28, 2010.

⁵ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

⁶ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

based tasks under the direction of the undercover agents. The operatives shrewdly delineated tasks one-by-one to Ahmed rather than giving him the entire project at once, seemingly to maintain the illusion of the plot's importance and the involvement of al-Qaeda—an organization that would be unlikely to trust a prospect so immediately with an operation of paramount importance. Upon closure of the operation, Ahmed had extensively mapped and recorded information on four Metro stations in the immediate Washington, D.C., area. He was made to believe that a bomb would be placed in each of these stations—Arlington Cemetery, Pentagon City, Crystal City, and Court House—in a plot designed to inflict the most damage and cause as many casualties as possible.⁷

As the date of the fake bombing drew nearer, Ahmed set off to meet with the undercover operatives to report on his surveillance activities. On October 27, 2010, he was arrested in Herndon, Virginia, at approximately 9:40 am.⁸ Just minutes earlier, he had passed one of the FBI operatives a thumb-drive with surveillance information on the Crystal City Metro station.⁹ The very same day, he appeared before U.S. Magistrate Judge John F. Anderson in U.S. District Court in Alexandria, where he was ordered to be held without bail until a detention hearing on the upcoming Friday.¹⁰ His detention hearing lasted less than two minutes, as Ahmed opted not to contest his pretrial detention.¹¹ Prior to entering his plea, based on the charges, Ahmed faced a maximum of 50 years in prison.¹² However, after entering a guilty plea on April 11, 2011, Ahmed's sentence was reduced to 23 years in prison followed by 50 years of supervised release.¹³

One of the more controversial aspects of the case—seeming to hold true in the large majority of cases in which law enforcement agents go undercover and pretend to collaborate—is whether the sting operation put the public at risk. Naturally, one could assume that some inhabitants of the Washington metropolitan area would be none too thrilled to find out that the FBI planted a dangerous plot with possibly devastating effects in the mind of a clearly fanatical and deranged individual and then let the plot play out for six months. Officials emphasized, to the contrary, that at no point in the investigation was the public in any real danger, as Ahmed's actions were always scrupulously monitored to ensure swift intervention if he chose to accelerate the plot.¹⁴ David Kris, who at the time served as U.S. Assistant Attorney General for National Security, lauded the work of the FBI, asserting: “Today's case underscores the need for continued

⁷ Finn, Hsu, and Gibson, “Man accused of Metro bomb plot.”

⁸ Finn, Hsu, and Gibson, “Man accused of Metro bomb plot.”

⁹ USA v. Farooque Ahmed, “Statement of Facts,” Eastern District of Virginia: Alexandria Division (2010), Case 1:10-cr-00413.

¹⁰ Finn, Hsu, and Gibson, “Man accused of Metro bomb plot.”

¹¹ “Accused Plotter of Metro Bombing, Farooque Ahmed, Appears in Court,” *FOX Phoenix*, October 29, 2010.

¹² Naimah Jabali-Nash, “Farooque Ahmed Arrested in FBI Sting Operation, Allegedly Plotted to Bomb DC Metro Stations,” *CBS News*, October 27, 2010.

¹³ U.S. Department of Justice, “Virginia Man Sentenced to 23 Years in Prison for Plotting Attacks on D.C.-Area Metro Stations with People He Believed to Be Al-Qaeda Members,” April 11, 2011.

¹⁴ U.S. Department of Justice, “Virginia Man Sentenced to 23 Years.”

vigilance against terrorist threats and demonstrates how the government can neutralize such threats before they come to fruition.”¹⁵

2. Nature of the adversary

Farooque Ahmed was born in Lahore, Pakistan, in 1976. Very little is known about his seventeen years of life there. We know that his father was a successful banker—ascending to the position of vice president of his bank—who afforded his family a comfortable existence. In 1993, his father was transferred to New York, a drastic change, but one that did not seem to have much of an effect on Farooque, his mother, or his siblings.¹⁶ While it is not only possible, but perhaps also likely that Farooque’s time in Pakistan gave rise to his eventual radicalization—especially based on his expressed desire to invoke jihad and kill Americans *in* Pakistan—no one he met in his early years in the U.S. was any the wiser, and unfortunately, due to the lack of available information, any such claim would be unsubstantiated and speculative.

In fact, Ahmed lived in the U.S. for quite a while before any red flags popped up. Shortly after immigrating, although no exact date is available, Ahmed became a naturalized U.S. citizen.¹⁷ As education was highly emphasized in his family, he always felt destined to get a college degree.¹⁸ In 2003, he did just that, obtaining a bachelor’s degree in computer science from the College of Staten Island, which he attended since 1999. Two years after graduation, he moved to Virginia to pursue a career in telecommunications.¹⁹

At this point, something odd happened that perhaps called Ahmed’s integrity into question but cannot be related to his future terrorist endeavors by any means. According to his LinkedIn page—a mechanism used to display one’s educational and work experience to attract employers—Farooque would have obtained a master’s degree from the City College of New York if not for a “political issue” between the computer science and engineering departments at the College of Staten Island.²⁰ The exact text on his LinkedIn reads: “Complete almost MS in (computer Eng) but due to collge [*sic*] of Staten island [*sic*] political issue between computer science and eng department Degree was abandon [*sic*] by the college board of commit.”²¹ Interestingly, however, the City College of New York reports that Ahmed was never a student at the school. His LinkedIn also reports that he was studying risk management and data security at Aspen University, an endeavor he would have been undertaking from his home in Virginia if the claim were true. However, according to the school’s president, he

¹⁵ U.S. Attorney’s Office: Eastern District of Virginia, “Virginia Man Arrested For Plotting Attacks On D.C. - Area Metro Stations With People He Believed To Be Al-Qaeda Members,” October 27, 2010.

¹⁶ “Farooque Ahmed,” muslimsforjustice.org, 2011.

¹⁷ Associated Press, “Farooque Ahmed Described as Quiet Suburban Dad,” *CBS News*, October 28, 2010.

¹⁸ “Farooque Ahmed,” muslimsforjustice.org.

¹⁹ Gowen and Hsu, “D.C. Metro terror suspect faces hearing.”

²⁰ Associated Press, “Farooque Ahmed Described as Quiet Suburban Dad.”

²¹ “Farooque Ahmed,” LinkedIn.com.

never took a class there, either.²² So, perhaps Ahmed was a bit of a fantasist when it came to his qualifications, but that does not really tell us much about what drove him to terror. If anything—and this is a stretch of a connection at best—his untrue and unsubstantiated claims might demonstrate that he would not have followed through with his supposed goal to engage in jihad abroad or to become a martyr.

Related to Farooque's adult life, most everything seemed normal. Sometime after moving to Virginia, Ahmed met his wife-to-be Sahar Mirza, and the two wed, the English-born wife changing her name to Sahar Mirza-Ahmed. According to neighbors, the couple was quiet, but kind enough, sometimes bringing food to neighbors' homes and engaging in chitchat. Although they rarely had guests over to their home, Sahar and Farooque were not antisocial, with Sahar participating in a local club called "Hip Muslim Moms," which was described as "very liberal" by one neighbor,²³ and Farooque active on social-networking sites. There is no reason to believe that their lack of direct hospitality was motivated by secrets within the house. In discussing the Ahmed couple's garb, another neighbor said that "[Sahar] always had her head covered" and that Farooque's dress was "typical" American.²⁴ To sum it up, a neighbor affirmed: "They're a regular, everyday family. That's why it's very shocking to hear this."²⁵ The couple also has a young son, who dresses conservatively.²⁶

However, if anything is illustrative of Ahmed's "dark side," it is the way he acted at his mosque. While he only attended services occasionally and rarely socialized, he did not refrain from making a scene if something ran contrary to his beliefs. At the All Dulles Area Muslim Society Center to Pray, men and women sit together during services, a controversial topic in Islam. While there is certainly no problem with Ahmed having an opinion on the matter, he was described as being relentless, rude, and malicious despite being out-ruled. He continually demanded relegation of women to a different floor. In fact he was so vocal on the subject that a male youth once confronted him during services asserting that Farooque was being disruptive, and a violent altercation resulted. The deputy Imam of the Mosque said of the incident: "[Farooque] was very angry and tried really to fight with him. I noticed a lot of anger. For most of the people at the center, this is what they remember about him. This 'show.' It was unfortunate."²⁷ His only legal infractions were several speeding tickets.²⁸

So, while the red flags were not abundant, they certainly still existed. Ahmed did not demonstrate unsheltered anger in all facets of life, but when it came to his religion, about which he was clearly quite passionate, he left no room for dissent. After Ahmed's arrest, authorities searched his home and found a

²² Associated Press, "Farooque Ahmed Described as Quiet Suburban Dad."

²³ Associated Press, "Farooque Ahmed Described as Quiet Suburban Dad."

²⁴ Caitlin Gibson and Scott Butterworth, "Farooque Ahmed: Neighbors describe the Metro plot suspect," *Washington Post*, October 27, 2010.

²⁵ Associated Press, "Farooque Ahmed Described as Quiet Suburban Dad."

²⁶ Finn, Hsu, and Gibson, "Man accused of Metro bomb plot,"

²⁷ Gowen and Hsu, "D.C. Metro terror suspect faces hearing."

²⁸ Alicia A. Caldwell, "Farooque Ahmed Arrested For Plotting DC Terrorist Attack," *Huffington Post*, October 27, 2010.

biography of Anwar al-Awlaki, an American-born Islamic militant who was known for his extremist views, advocacy of violence in the name of Islam, and connections to numerous instances of terrorism. He was recognized as a senior leader of al-Qaeda in the Arabian Peninsula before his death.²⁹ While it is difficult to identify a key moment—or even a critical time frame, for that matter—when Ahmed became radicalized, his immediate acceptance of what he thought to be recruitment into a global terrorist network demonstrates that he likely felt the way he did about the United States for quite some time. Despite some telling characteristics about Ahmed, however, his decision to turn to terror will in many respects forever remain a mystery.

3. Motivation

Based on comments he made to FBI undercover operatives and on his subscription to the virulent teachings of Anwar al-Awlaki—someone who was born in the United States but effectively renounced his roots—it is quite evident that Ahmed’s main motivation was anti-Western/U.S. sentiment. In his first meeting with the FBI operatives—who, of course, he believed to be recruiters for al-Qaeda—Ahmed explicitly expressed his desire to kill Americans in Afghanistan, going so far as to say he would like to be martyred in the process.³⁰ In other words, Ahmed felt that the U.S. had reached such a level of depravity and evil that it was a holy cause, worth ending his life, to go to Afghanistan and kill American soldiers. Later he said he was also willing to murder a mass amount of U.S. civilians.

It is likely that Ahmed was also motivated by a cosmic desire to be rewarded for his actions. Perhaps he believed, as many Islamic extremists do, that he would be sent to heaven for his “defense” of Islam against perceived crusaders. Going hand-in-hand with his anti-Western/U.S. sentiment is the perception of Muslim victimization. As was mentioned earlier, while there is little information about Farooque’s life in Pakistan, the role of his having lived there should not be underplayed. Perhaps there is more to his childhood than will ever be known or understood.

4. Goals

Farooque Ahmed’s goals were many, but they were all woven around the idea of killing U.S. citizens. First and foremost, he wanted to punish the U.S. for what he perceived as serious transgressions against Muslims. Prior to being approached by the FBI operatives, we do not know if Ahmed ever explicitly voiced his desire to join an anti-American terrorist group. However, based on his enthusiasm and lack of hesitation when approached by two people he thought were al-Qaeda representatives, it is a safe assumption that membership in a jihadist terrorist network was likely one of his top goals. Additionally, as he voiced to the first undercover agent in their initial meeting in May 2010, Farooque desired to fight in Afghanistan and kill U.S. soldiers, most optimally being

²⁹ Carol Cratty, “Accused would-be DC metro bomber pleads not guilty in federal court,” *CNN*, November 9, 2010.

³⁰ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

martyred in the process. As is illustrated by Ahmed’s plans for violence, he had no reservations about killing U.S. civilians either. Finally, the role of positive reinforcement—rather than punishment of the other side—cannot be undersold. While we may never know to what extent, Ahmed very likely thought he would be rewarded with eternal salvation for his “holy” actions.

5. Plans for violence

In January 2010, three months before the launch of an undercover investigation, law enforcement agents received a tip from an undisclosed person—which made its way up to the FBI—that Farooque Ahmed and an associate had expressed interest in engaging in jihad against U.S. troops in Afghanistan and Pakistan.³¹ Around the same time, according to a source within President Barack Obama’s administration, Ahmed attempted to obtain “unspecified materials” that further depicted him to be a significant national security threat.³² Perhaps this extra step distinguished Ahmed from his associate, as the FBI would only pursue the former in its investigation. To what degree Ahmed actually planned to engage in violence prior to being approached by undercover agents will never be known—presenting a significant ethical problem that will be discussed later—but the FBI felt that the threat was real and significant enough to get directly involved.

FBI agents crafted an email to Ahmed in early April 2010 that asked him to meet an al-Qaeda representative on April 18, 2010, in a hotel near Washington-Dulles International Airport. We cannot be sure if Ahmed was suspicious about this meeting but, if he was not, he likely assumed that his message had merely spread around the mosque. In the hotel lobby, FBI agents watched as Ahmed was given a Qur’an containing documents of code words that signified future meeting times by an FBI collaborator whom Ahmed believed to be an al-Qaeda member. Using the code, Ahmed emailed the FBI undercover agents back and scheduled a meeting in a Northern Virginia hotel for May 15, 2010.³³

At this May meeting, Farooque was introduced to the first of two FBI undercover operatives who posed as an al-Qaeda recruiter. The two conversed in Urdu with all audio and video under surveillance. After Ahmed expressed his desire to kill American troops in Afghanistan, as well as to be martyred, the operative feigned satisfaction, telling Ahmed they could use him over the course of the next six months.³⁴ From Ahmed’s perspective, he had just passed an initial test to graduate to a “trial period” with al-Qaeda.

While this case generated controversy regarding whether the FBI put the Washington, D.C., public in danger, the fact that the FBI knew precisely when the case would be closed and Ahmed arrested speaks to its favor. Quite ingeniously, the operative delineated tasks one-by-one, rather than all at once, to not only limit the chance that Ahmed carried out an attack, but also to maintain the guise of being a clandestine, secretive, and relatively untrusting organization. At this point,

³¹ Gowen and Hsu, “D.C. Metro terror suspect faces hearing.”

³² Finn, Hsu, and Gibson, “Man accused of Metro bomb plot.”

³³ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

³⁴ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

it is important to recognize a distinction: while Ahmed himself had the idea to eventually go overseas and fight against U.S. troops, the terrorist plot in this case—although not a *real* plot—was devised by the FBI. However, as I attempt to convey later, the fact that Ahmed did not conceive the original idea does not excuse him from his participation in the case, especially because he began to contribute his own novel ideas for death and destruction as his “trial period” with al-Qaeda progressed.

Ahmed was first tasked with gathering information on the Arlington Cemetery Metro station, which he obtained over the course of two visits on July 7 and July 13, 2010. A week after the second visit, Ahmed revisited the first FBI operative and gave him a thumb-drive that contained video of the Arlington station. Ahmed reported that he used a cell-phone to record the video but merely pretended to be talking on the phone. Again, feigning satisfaction, the undercover agent delineated for Ahmed his next mission: doing the same for two more Metro stations and a hotel. The Metro stations were Court House and Pentagon City, and the hotel was in downtown Washington, D.C. Ahmed affirmed that these targets were all optimal for mass casualties.³⁵

On September 28, 2010, Ahmed again met with the first operative, but this time the second operative was also in attendance. The second FBI agent introduced himself to Ahmed as the first agent’s boss, likely in an attempt to show Ahmed that the mission was progressing more intensively. In a maneuver that added to Ahmed’s already extensive culpability, the second operative asked Ahmed if he knew what organization he was aiding. Ahmed clearly stated in response: al-Qaeda. Next, Ahmed presented the fake al-Qaeda members with a thumb-drive of video from the Court House and Pentagon City Metro stations. At this point, the operatives told him that the three Metro stations on which he had collected information, as well as the hotel he had yet to address, would be the targets of a terrorist attack in 2011.³⁶ Again, we see that the FBI designed the plot, bringing up the problem of entrapment. Some have cried foul about the use of entrapment related to U.S. counterterrorism procedures—law enforcement provoking an illegal act out of a suspect—in this case. However, Ahmed’s actions from this point forward reduce, but do not eliminate, the merit of that argument.³⁷ Upon hearing of the plot, Ahmed began enthusiastically giving suggestions. Among his various proposals were to set off the bombs between 4:00-5:00 pm to ensure mass casualties and to put the bombs in specified, optimal locations within each station. Then, gaining confidence in his standing, Ahmed suggested adding an attack location at Crystal City station and using wheeled suitcases rather than backpacks that the “al-Qaeda” members provided. Virtually positive that none of this would come to fruition, the FBI operatives accepted all of Ahmed’s ideas.³⁸ The entrapment argument loses further steam when considering the *United States v. Russell* (1973) Supreme Court case in which it was decided that the

³⁵ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

³⁶ USA v. Farooque Ahmed, “Affidavit in Support of Application for Search Warrant.”

³⁷ Eric Schmitt and Charlie Savage, “In U.S. Sting Operations, Questions of Entrapment,” *New York Times*, November 29, 2010.

³⁸ USA v. Farooque Ahmed, “Statement of Facts.”

applicability of entrapment as a defense can only be tested subjectively.³⁹

The conversation then shifted to Ahmed's training with firearms, his desire to participate in jihad abroad, his plans to visit Mecca via the "hajj" pilgrimage, and his intention to finance Mujahedeen in Afghanistan with \$10,000. The FBI agents cited this last aim, financing a U.S. enemy, as one rationale necessitating a warrant to search Ahmed's home.⁴⁰ Importantly, Ahmed's expressed desire to fight in Afghanistan and/or Pakistan demonstrates that he did not plan on martyring himself during this bomb plot. Unbeknownst to him, there were never any bombs in the first place.⁴¹

Finally, the case began to close in around Ahmed in October 2010. After performing surveillance on the Crystal City Metro station—the last of the four to be mapped—Ahmed scheduled a meeting with another person whom he believed to be a member of al-Qaeda. After passing off a thumb-drive with the Crystal City station information and five Metrocards to be used by five al-Qaeda suicide bombers at the five locations on Wednesday, October 27, Ahmed was arrested at 9:40 am.⁴²

Later that day, he appeared before U.S. Magistrate Judge John F. Anderson in U.S. District Court in Alexandria, where he was ordered to be held without bail until a detention hearing on Friday.⁴³ His detention hearing lasted less than two minutes, as Ahmed opted not to contest his pretrial detention.⁴⁴ Ahmed faced the following charges: attempting to provide material support to a designated foreign terrorist organization, collecting information to assist in planning a terrorist attack on a transit facility, and attempting to provide material support to terrorists.⁴⁵ Together, these charges warranted a maximum of 50 years in prison.⁴⁶ However, after entering a guilty plea, Ahmed's sentence was reduced to 23 years in prison followed by 50 years of supervised release.⁴⁷

6. Role of informants

In this case, there were informants in both the traditional and untraditional sense. Without a tip from a confidential informant—who, according to a board member of Farooque's mosque, was likely one of Farooque's fellow congregants⁴⁸—the FBI would not have been able to perform the operation (at least at that time) and mitigate the risk posed by Ahmed. This informant represents a traditional informant. Also vital to the case were confidential informants utilized by the FBI to interact with Ahmed, such as the person who

³⁹ 411 U.S. 423, 93 S. Ct. 1637, 36 L. Ed. 2d 366 (1973)

⁴⁰ USA v. Farooque Ahmed, "Affidavit in Support of Application for Search Warrant."

⁴¹ USA v. Farooque Ahmed, "Statement of Facts."

⁴² USA v. Farooque Ahmed, "Statement of Facts."

⁴³ Finn, Hsu, and Gibson, "Man accused of Metro bomb plot."

⁴⁴ "Accused Plotter of Metro Bombing, Farooque Ahmed, Appears in Court," *FOX Phoenix*, October 29, 2010.

⁴⁵ USA v. Farooque Ahmed, "Indictment," Eastern District of Virginia: Alexandria Division (2010), Case 1:10-cr-00413.

⁴⁶ Jabali-Nash, "Farooque Ahmed Arrested in FBI Sting Operation, Allegedly Plotted to Bomb DC Metro Stations," *CBS News*, October 27, 2010.

⁴⁷ U.S. Department of Justice, "Virginia Man Sentenced to 23 Years."

⁴⁸ Gowen and Hsu, "D.C. Metro terror suspect faces hearing."

gave him the Qur'an in the hotel lobby and the "al-Qaeda" representative with whom he met just before the arrest. Due to the secrecy of the operation, it has not been revealed whether these informants were actually *members* of the FBI, but in either case they certainly played an important role in convincing Ahmed of the operation's legitimacy. Finally, the untraditional "informants" in this case were the two FBI undercover agents, who ran the sting operation and were truly responsible for bringing Ahmed to justice.

However, some people will maintain that the FBI undercover operatives played an unethical role in this case. The key question relates to entrapment and whether Ahmed would have acted the way he did if not for coaxing by law enforcement. At base, critics are correct: Ahmed likely would not have plotted to bomb Metro stations if not for the placement of the idea in his head by the FBI. However, I believe the turning point of the case—where the entrapment argument becomes null and void—to be when Ahmed stopped being merely *reactive* and began formulating *proactive* ideas. Ahmed's suggestion to bomb the Crystal City station and to use wheeled suitcases were his own novel ideas that represented individual, uninfluenced, and calculated thought. That prospective terrorism belonged to him and no one else. Sure, it could be argued that Ahmed was entrapped at first and consequentially lost himself in the mission, giving rise to these novel ideas. But I think a more appropriate explanation is that Ahmed had intentions to commit terrorism all along; he just needed a means to put his plans into actions.

Due to his introverted personality and lack of confidence prior to being approached, I do not believe Ahmed would have sought out al-Qaeda on his own. However, as has been demonstrated through the events of this case, given the opportunity to gain membership to what he thought was truly al-Qaeda, Ahmed would not think twice. Furthermore Ahmed would be a suitable—if not ideal—candidate for the real al-Qaeda due to his deep-seated hatred of the U.S. and strong sentiment of being wronged. Luckily, U.S. law enforcement got to him before he had the actual opportunity to cause real damage.

7. Connections

Although al-Qaeda was not directly involved in this case, the terrorist plot operated around the idea of a "terrorist network." Ahmed, who lived in suburban Virginia with a wife and young son, is not your prototypical terrorist. While it is not necessarily relevant that Ahmed came from a relatively wealthy family that stressed education—as research does not support the notion that terrorists are bred from poverty and a lack of education—one is hard-pressed to find the rationale behind his terrorism due to his seemingly comfortable upbringing. Where were the grievances? Where was the "trigger event?" I would go so far as to say that—prior to coming into contact with radical Islamist doctrine as propagated by the likes of Anwar al-Awlaki—in Ahmed's case, there probably were no grievances or triggers.

However, Ahmed fell prey to al-Qaeda propaganda. Coming from a religious background, Ahmed maintained a strong connection with Islam into his adulthood. His periodic trips to mosque services should have been spiritual,

pacifying trips, as they are for the astronomically large majority of Muslims. Yet, something about Ahmed’s personality, perhaps a propensity for anger, made him combust. All it took for him to become radicalized was exposure to marginalizing material—related to U.S. misconduct in Muslim lands—like that preached by the recently-deceased Yemenite cleric al-Awlaki. Perhaps, to a degree, Ahmed already felt socially downtrodden. His case is enigmatic, because there really does not seem to be a “perfect storm” of precursors for terrorism as there often is.

With that said, the ability of al-Qaeda to peak the interest of someone like Farooque Ahmed is a frightening display of its influence. We have come to understand that the “fringes” of society are often susceptible to terrorism, but if recruits can be picked from the middle of the pack, the phenomenon becomes that much more problematic. Let us hope that Ahmed was a “fringe-dweller,” and that there was just more than meets the eye in terms of his marginalization. Ahmed was a best-case scenario for al-Qaeda: a lone wolf operative inspired to violence without *any* risk or actual connection to the prevailing organization.

8. Relation to the Muslim community

In this case, Farooque Ahmed’s relationship to the Muslim community was crucial. Without testimony about his behavior at mosque, we would perhaps be left with no understanding about his path to terrorism. In striking contrast to his perception by his neighbors, members of the All Dulles Area Muslim Society Center to Pray virtually formed a consensus opinion about Ahmed’s character. He was viewed as disruptive, disrespectful, and menacing, perfectly exemplified by his choice to engage in a fight with an adolescent. In fact, Ahmed was such a frightening figure that one member of the mosque is suspected to have alerted the authorities about his capabilities, spurring the entire investigation. Classified as angry by the deputy Imam, Ahmed just seemed not to fit in at mosque.⁴⁹ Naturally, there was little if any support from his fellow congregants regarding his actions.

9. Depiction by the authorities

The manner in which this case was depicted by the authorities is extremely relevant, since, due to the FBI’s role in directing Ahmed’s actions, if any violence had actually come to fruition the FBI would have been considered at least partly responsible. In fact, I was shocked not to be able to find *any* commentary on the irresponsibility of law enforcement by allowing this plot to move forward. Sure, Ahmed would have been hard-pressed to carryout any attack on his own, as he was never given access to any real weapons, but his previous attempt to obtain “unspecified materials” does make him seem like a possibly dangerous, unilateral actor. In part, the lack of criticism can be attributed to statements made in the immediate aftermath of the case’s revelation when U.S. Assistant Attorney General for National Security David Kris proudly declared, “Farooque Ahmed is accused of plotting with individuals he believed were terrorists to bomb our transit system, but a coordinated law enforcement and intelligence effort was able

⁴⁹ Gowen and Hsu, “D.C. Metro terror suspect faces hearing.”

to thwart his plans.”⁵⁰ The trumping up of the fact that no violence *did* occur, along with emphasis that no weapons were ever truly accessible to Ahmed, may have played roles in decreasing the “what if” questions that would otherwise naturally have surfaced.

10. Coverage by the media

Because this case was under wraps for so long, and especially because the bomb plot did not actually come to fruition, this case received very limited media coverage. As recently discussed, the FBI experienced relatively no backlash for its decision to orchestrate a bomb plot, even if there were no bombs in the first place. In this sense, the media was responsible not to prompt an unnecessary fight. Rather than fixating on what some could perceive as a governmental miscalculation—a tactic the media generally love to trumpet for ratings—the media opted not to frame the sting in a negative light. Without doubt, the media plays a deciding role in how current events are remembered, so had certain outlets wanted to portray the arrest of a would-be terrorist as a risk management debacle rather than as a law enforcement triumph, history may have remembered this saga quite differently.

Coverage of the event was by no means alarmist, as the danger had already subsided, but some people naturally grew fearful over the plot, as reported by media outlets. In a *Huffington Post* article, an interviewee discussed how she would likely ride the Metro less often, if ever, as a result of this plot.⁵¹ Through mere inclusion of that quote, it can be assumed that other people in the metropolitan area reevaluated their own transportation security, but there is no fault to be delineated there. In general, most of the reporting of this case focused on Farooque’s trial, sentencing, and any factors from his past that might have contributed to his desire to join al-Qaeda and wage jihad against Americans.

11. Policing costs

While no figures are readily available, it can be assumed that policing costs were significant in this case. From April to October of 2010, two FBI undercover operatives maintained the illusion that they were members of al-Qaeda. In addition to the payment of both operatives, all involved collaborators, and the support staff that aided the main operation, the FBI had to incur costs to ensure that each “actor” was perceived as authentic-looking, as undercover operatives and collaborators likely had to wear disguises. Additionally, constant, around-the-clock surveillance of Ahmed, which was necessary to ensure that he would not carry out violence on his own, was a costly by-product of the investigation. The case was only very briefly in court. At first Ahmed did not enter a plea at all—leading to him being held without bond.⁵² Soon thereafter, he

⁵⁰ U.S. Department of Justice, “Virginia Man Sentenced to 23 Years.”

⁵¹ Caldwell, “Farooque Ahmed Arrested For Plotting DC Terrorist Attack.”

⁵² MSNBC Staff, “Man charged with D.C.-area subway bomb plot,” MSNBC, October 27, 2010.

shifted his plea to not guilty, but on April 11, 2011 he agreed to plead guilty as part of a plea deal that significantly reduced his sentence.⁵³

12. Relevance to the internet

The internet played a prominent role in the case in several regards. First, Ahmed was able to gain access to Anwar al-Awlaki's sermons. It is more likely that Ahmed sought these sermons out as a consequence of his prior radicalization than that the sermons radicalized him in and of themselves, but there can be no doubt that al-Awlaki's preaching augmented Ahmed's hatred of the U.S. and encouraged him to act violently. However, with that said, law enforcement officials have clarified that Ahmed and al-Awlaki—who was still alive when this case was in motion—never made actual contact.⁵⁴ Furthermore, we can speculate that Ahmed's radicalization—a process believed to have occurred once permanently in the United States—drew roots from jihadist message boards and other tools on the internet to recruit would-be terrorists. Next, email was vital in the undercover operation, as it was the primary means of communication between Ahmed and the two “recruiters” with whom he was dealing. Again, to maintain the illusion of being the clandestine, fail-proof network that al-Qaeda portrays itself to be, the FBI undercover operatives likely would not employ cell phones, which are so easily traceable. Finally, the internet played the important role of harboring the information Ahmed collected. While the FBI undercover operatives need not have actually stored the videos, diagrams, and maps of the Metro stations, they deceived Ahmed into thinking that the thumb-drives he was giving them were actually being put to use. In this sense, the internet helped lure Ahmed into a sense of security that his work was going toward an important, valid mission.

13. Are we safer?

On April 8, 2011, three days before his acceptance of a plea deal and subsequent sentencing, Ahmed made the following statement: “I know that what I did was wrong, and that a significant punishment must and will be imposed for what I did. But no punishment could be greater than the disappointment I already feel for engaging in this conduct, and for letting myself and my family down. I know that my conduct could have endangered many people, and I am happy that nobody was actually injured. I am truly sorry for my conduct, and I especially regret that I have let down my family (particularly my wife and young son), my faith, and my country.”⁵⁵ Ahmed's comments are a bit mysterious. Why would someone who already resigned himself to accepting a plea deal, who had so much pent-up anger against the U.S., and who was *willing to die* for his cause in the long run express remorse if he were not truly sorry? Based on this logic, Ahmed

⁵³ Carol Cratty and Jim Barnett, “Guilty plea entered in thwarted Metro station bomb plot,” CNN, April 11, 2011.

⁵⁴ Associated Press, “Next Question for FBI in D.C. Jihad Plot: Why?” *Fox News*, October 29, 2010.

⁵⁵ USA v. Farooque Ahmed, “Defendant's Statement Regarding the Offense,” Eastern District of Virginia: Alexandria Division (2010), Case 1:10-cr-00413.

truly did see the error of his ways, and it could be argued that we are not all that safer with Ahmed behind bars. Perhaps he simply needed a reality check about the evil of his actions.

However, to the contrary, I believe Ahmed's imprisonment does make us safer. It seems likely that any and all remorse felt by Ahmed stemmed from his coming to an understanding of his family's plight. This realization speaks to Ahmed's humanity, but it does not illustrate his reformation from being a dangerous person. In fact, I think that given the opportunity, Ahmed would likely attempt to strike against the U.S. again—perhaps with more prudence for his family's sake—as his level of virulence and hatred does not subside overnight, or over years, for that matter. Furthermore, as was illustrated by his rapid radicalization, which seemingly occurred without a significant “trigger event,” Ahmed is an unpredictable individual who, in light of his heinous attempted crime, deserves incarceration.

14. Conclusions

The DC-Metro bomb plot is an intriguing case for a number of reasons. First, Farooque Ahmed presents an interesting narrative for an antagonist, as his past does not seem to be filled with the red flags that have come to characterize the modern-day terrorist, and his present—a thirty-four year old man living in suburban Virginia with a wife and son—does not exactly set-off the “terrorist radar” either. However, this case shows that terrorism is not only the tool of perceived “crazies.” In fact, understanding the phenomenon in that manner is not only useless, as it will not help us catch the openly radicalized terrorists, but also detrimental, because it allows a significant amount of would-be terrorists to go undetected.

Next, the case has a degree of controversy because of elements of entrapment and public endangerment. As previously explained, I do not think the FBI's tactics can be classified as entrapment, because Farooque Ahmed demonstrated in the latter part of the investigation that he had his own, novel ideas related to terrorism. While some people have and will continue to cry foul about undercover sting operations like the one employed in this case, I believe this technique is a valuable tool if used on the most dangerous people, as they allow justice to be served *before* innocent lives are taken, not the other way around. Related to public endangerment, I was surprised to see no public outcry about the FBI's actions. To a degree, responsible framing by the media contributed to this lack of upheaval, as refreshingly, news outlets decided to portray this investigation for what it actually was: a triumph against terrorism.

There is a final element to consider, and it deals with the selfishness of Farooque Ahmed—just like countless terrorists before him—in leaving behind his family. Sure, Ahmed may have subscribed to the “higher-calling” theory, but that does not excuse his selfishness in abandoning his wife and son. While he sits in prison for years and years, they will need to find a way to support themselves without him. Surely, Ahmed did not *plan* on going to prison—which we know for a number of reasons, including his stated intention to fight abroad and die a martyr—and his statement regarding the offense suggests remorse, likely due to

his family's inevitable future plight, which may have been impressed upon him by post-arrest meetings with his wife and son. However, as a by-product of the dangerous game he was playing, he was putting the livelihood of his wife and son at risk, and he has no one to blame but himself for their current situation. Our minds cannot be changed that Ahmed's risk was a despicable chance to be taken, but I just hope that future prospective terrorists have the humanity to at least consider their *own* families—if not the families of the innocent people they are about to kill—before making an irreversible mistake.

Case 38: Oregon

John Mueller

June 5, 2011

Described as the “class clown” in high school where he was obsessed by basketball and girls, Mohamed Osman Mohamud, a Somali-American in Portland, Oregon, changed perspective and became equally obsessed by a desire to defend Islam against what he saw as Western incursion: “They want to insult our religion. They want to take our lands. They want to rape our women while we're bowing down to them. This is what they want.”

Unable to travel abroad to join terrorists and insurgents fighting there, Mohamud, now aged 19 years, sought to wreak murderous mayhem close at home. Tipped off apparently by the boy's father, a successful computer engineer, the FBI made contact and eventually set up a sting operation which Mohamud enthusiastically embraced: “do you remember when 9-11 happened when those people were jumping from skyscrapers...that was awesome.” He was arrested when he eagerly tried to set off a bomb at a Christmas tree lighting ceremony attended by thousands. Aided by a fake passport provided by his co-conspirators, he had planned to flee after the attack to join his “brothers” abroad.

In reporting his son to the authorities, it was presumably the father's intention that they keep the boy under surveillance, stopping him should his new radical passions ever lead to coherent plans for violence. Since the former class clown had no criminal record and no experience whatever with explosives or guns, it was a reasonable presumption, or hope, that he would eventually outgrow his jihadist obsession as other teenagers generally abandon cults and other fanciful expressions of youthful rebellion, moving on to such parent-pleasing adult enterprises as getting married and having children.

Instead, the FBI launched a sting—a kind of cult operation built around Mohamud's current obsession—that played to and fulsomely facilitated his violent fantasies in a manner that he would never have been able to carry out on his own. In result, the gullible young man engaged in a spectacular act that he thought would lead to mass murder, a prospect that tends to alarm judges and juries alike. Mohamud will have to mature in prison where he will likely spend the next several decades.

Knowing this, David Bernstein questions, would other worried fathers turn in their radical sons?

Case 38: Oregon

David Bernstein

June 5, 2011

typographical and other minor corrections January 10, 2012

1. Overview

In August 2009, Mohamed Osman Mohamud, aged 18 and a naturalized U.S. citizen from Somalia, made e-mail contact with a man believed to be a terrorist recruiter in Pakistan, and they had further discussions in December about having Mohamud travel to Pakistan to receive training in violent jihad.¹ However, Mohamud's parents stopped him from going abroad for such purposes. Then, according to sources close to the family, Mohamud's father, Osman Barre,² a successful computer engineer, reported his son's radical bent to the authorities who began to observe Mohamud and intercepted his e-mails to the recruiter in Pakistan.³

Pretending to be an associate of the recruiter, an undercover FBI employee made e-mail contact with Mohamud in June 2010 and, on July 31, met with him face-to-face.⁴ From August to late November 2010, Mohamud, the undercover FBI operative, and another FBI employee developed a plot to bomb a Christmas tree lighting ceremony in Pioneer Courthouse Square in downtown Portland, Oregon.⁵ They conducted surveillance of the target area, decided where they would park the explosives-filled van, and even practiced detonating the explosive.⁶ In early September, the trio met at a Portland hotel, where Mohamud was provided with money to buy bomb components. He purchased these and then mailed them to a third undercover FBI operative who assembled a fake explosive for him.⁷

On November 26, 2010, Mohamud met with the two undercover FBI operatives and then drove a fake explosives-laden white van to a prearranged parking spot.⁸ Approximately 10,000 people were attending the ceremony,⁹ a number that enthralled Mohamud who was quoted in an affidavit as saying that he

¹ "Oregon Resident Arrested in Plot to Bomb Christmas Tree Lighting Ceremony in Portland," Department of Justice Press Release, November 26, 2010.

² It is typical in Somali culture for a son to have a different surname than his father.

³ Lynne Terry, "Family of Portland's bomb suspect, Mohamed Mohamud, fled chaos in Somalia for new life in America," *The Oregonian*, December 4, 2010. Also found in "Trial by Entrapment," CAIR California, December 3, 2010, ca.cair.com/losangeles/news/trial_by_entrapment

⁴ "Oregon Resident Arrested," Department of Justice Press Release.

⁵ Colin Miner, Liz Robbins, and Erik Eckholm, "F.B.I. Says Oregon Suspect Planned 'Grand' Attack," *New York Times*, November 27, 2010.

⁶ Miner, Robbins, and Eckholm, "F.B.I. Says."

⁷ United States of America v. Mohamed Osman Mohamud, Criminal Complaint and Affidavit, United States District Court for the District of Oregon, November 26, 2010, www.justice.gov/usao/or/Indictments/11262010_Complaint.pdf

⁸ U.S. v. Mohamud, Criminal Complaint and Affidavit.

⁹ Miner, Robbins, and Eckholm, "F.B.I. Says."

was looking for a “huge mass that will...be attacked in their own element with their families celebrating the holidays.”¹⁰

After leaving the parked van, Mohamud tried to detonate the explosives with a cell phone provided by one of the FBI operatives. After an unsuccessful first try, Mohamed stepped out of the car he was in and tried again to detonate the explosives when he was promptly arrested at 5:40 pm.¹¹ As he was being arrested, Mohamud violently kicked and thrashed while yelling “Allahu akbar” before being forcibly restrained.¹²

On November 29, 2010 Mohamud was charged with attempting to use weapons of mass destruction for his terrorist attempt. He pled not guilty and was held without bail.¹³ His lawyer, Stephen Sady,¹⁴ has said that he will likely pursue an entrapment defense during the trial.¹⁵

2. Nature of the adversary

Mohamed Osman Mohamud was born in 1991 to Osman and Mariam Barre in Mogadishu, Somalia, as the country was breaking out in chaotic, violent civil war.¹⁶ Osman Barre, with a group of extended family members, left a Kenyan refugee camp after being separated from his wife and child in 1992 and then moved to Portland, Oregon, as a sponsored guest of an Oregon church.

In 1995, Barre, who had been a professor of computer engineering in Somalia and spoke five languages, was hired by Intel as an engineer and was able to bring his wife and young son to live in the United States with him.¹⁷ The family moved to Beaverton, Oregon, a nice suburb outside of Portland with a sizeable Somali population,¹⁸ and the boy attended local Portland public schools.¹⁹

At Westview High School in Beaverton, Mohamud was nicknamed “Mo” and has been characterized as the class clown by former classmates. He was described to have obsessed about basketball, girls, writing rap songs, and occasionally skipping class.²⁰ He joined the high school’s literary magazine and

¹⁰ “Oregon Resident Arrested,” Department of Justice Press Release.

¹¹ U.S. v. Mohamud, Criminal Complaint and Affidavit.

¹² Miner, Robbins, and Eckholm, “F.B.I. Says.”

¹³ Joel Millman, “Suspect Pleads Not Guilty in the Portland Bomb Case,” *Wall Street Journal*, November 30, 2010.

¹⁴ Sady, a Deputy Chief Public Defender, defended an Oregon man accused of assisting the 2004 Madrid train bombers. Sady was able to have the government’s charges dismissed and got a \$2 million settlement and a government apology for his client. On the case, see David K. Shieler, *The Rights of the People*, New York: Knopf, 2011, 157-80.

¹⁵ Millman, “Suspect Pleads Not Guilty.”

¹⁶ Terry, “Family of Portland’s bomb suspect.” The family has no known connection to former Somalian dictator Mohamed Siad Barre and fled Somalia to escape the violence during his reign.

¹⁷ Terry, “Family of Portland’s bomb suspect.”

¹⁸ Portland is home to approximately 6,500-8,000 Somali immigrants, depending on reports. Bob Drogin and April Choi, “Mixed portraits of Oregon terrorism suspect,” *Los Angeles Times*, November 29, 2010. Mohamud attended Markham Elementary School and Jackson Middle School, a school with an arts-based curriculum. Terry, “Family of Portland’s bomb suspect.”

¹⁹ Drogin and Choi, “Mixed portraits.”

²⁰ Terry, “Family of Portland’s bomb suspect.”

loved to play pick-up basketball with friends.²¹ While growing up, several different accounts from neighbors and family friends of the Barres describe Mohamed Mohamud as an intelligent, polite, but quiet teenager.²²

However, at age 15 in his sophomore year of high school, “Mo” began to change and started taking school and his religion more seriously,²³ and he would occasionally attend local mosques. Most classmates did not remember anything odd or radical about Mohamud, who had many friends but was reportedly closest with Somalis or other Muslims.²⁴ However some schoolmates remembered Mohamud discussing religious politics and arguing that Islam was the best religion in the world and that it should be taken up by everyone.²⁵ Although most former classmates interviewed did not remember him saying anything anti-American, one student recalled him saying “I hate Americans” after an altercation about a dirty locker.²⁶ In his junior year in high school, Mohamud had to deliver a presentation on the inner workings of a mechanical device. While most classmates picked simple things such as staplers, Mohamud chose to present a report on the mechanics of a rocket-propelled grenade.²⁷ However, friends of Mohamud claim that while he may have joked, he never was anti-American and exemplified an average student that worked hard and had friends from a wide circle of backgrounds.

Mohamud graduated from Westview in June 2009 and chose to enroll as a non-degree-seeking student taking pre-engineering classes at Oregon State University in Corvallis, Oregon. While there, Mohamud seemed to be the stereotypical college student. He became known to friends as a partier who loved drinking beer and as a smoker with a taste for hookah and marijuana, and he continued to write poetry and rap songs.²⁸ While in college, he would attend religious services at the local mosque approximately once a month.

Although he has no criminal history, he was accused of date rape by a fellow Oregon State student in October 2009. The woman claimed Mohamud slipped something in her drink causing her to black out at an Oregon State fraternity party. However, urine analysis did not reveal any substances or pharmaceuticals to back up her claim. Mohamud said that the sexual encounter was consensual. Brian Gatimu, a mutual friend of both Mohamud and the woman, claimed that they tried to stop Mohamud from taking the woman home with him, as they were reportedly both intoxicated.²⁹ However, witnesses told investigators

²¹ Drogin and Choi, “Mixed portraits.”

²² Candice Ruud, Allan Brettman, Brent Hunsberger and Molly Hottle, “Suspect in attempted Portland terrorist bombing was his mother’s ‘golden child,’” *The Oregonian*, November 27, 2010.

²³ Drogin and Choi, “Mixed portraits.”

²⁴ Terry, “Family of Portland’s bomb suspect.”

²⁵ Terry, “Family of Portland’s bomb suspect.”

²⁶ Drogin and Choi, “Mixed portraits.”

²⁷ Terry, “Family of Portland’s bomb suspect.”

²⁸ Terry, “Family of Portland’s bomb suspect.”

²⁹ Allan Brettman, “State police investigated Mohamed Mohamud for alleged date rape last year on Oregon State campus,” *The Oregonian*, November 29, 2010.

that the sexual encounter appeared consensual. Mohamud avoided any criminal charges after an investigation of the incident.³⁰

Despite this incident, Mohamud appeared completely normal to his college friends who later seemed blind-sided by his arrest for plotting the Portland bombing. According to Gatimu, who was contacted after Mohamud's arrest, "He was the most normal person you can think of. There were no signs leading to what happened (Friday night). All of his friends are just shocked about it."³¹

In the summer of 2009, Osman and Mariam Barre separated while Mohamud was living with them in a Beaverton Apartment.³² Soon after, Osman married a woman from Minneapolis, a city with a sizable Somali-immigrant population.³³

At this time, the Barres were worrying that Mohamud was becoming increasingly radicalized and, according to sources close to the family, they reported his actions to the authorities.³⁴ The FBI then received permission to begin surveillance on Mohamud and found an August 2009 e-mail from Mohamud to a terrorist recruiter in Pakistan.³⁵ In a coded message in December 2009, the FBI believes that Mohamud and his contact discussed the possibility of Mohamud joining the recruiter in Pakistan. The recruiter then referred Mohamud to another terrorist recruiter, but Mohamud confused the contact directions and failed in repeated efforts to connect with him about joining jihad in Yemen or Pakistan.³⁶ Using this lapse in communication, the FBI then had an undercover employee contact Mohamud via e-mail under the guise he was an associate of Mohamud's Pakistani contacts.

In May 2010, an unknown source video-recorded with a cell phone Mohamud ranting against westerners and their intervention in Muslim countries in his dorm room.³⁷

On June 14, 2010, Mohamud was stopped at Portland International Airport after he attempted to board a flight to Kodiak, Alaska, where he said he wanted to work as a fisherman during the summer after his first year at Oregon State.³⁸ Mohamud was on the No-Fly List and was interrogated by the FBI in Portland because he attempted to board a plane. In the interview, Mohamud admitted that he had previously wanted to travel to Yemen to meet up with an associate but never obtained a visa or tickets.³⁹ Although the FBI has yet to release why

³⁰ Brettman, "State police investigated Mohamed."

³¹ Brettman, "State police investigated Mohamed."

³² Drogin and Choi, "Mixed portraits."

³³ Lukas I. Alpert, "Neighbors say wannabe Christmas bomber Mohamed Mohamud embraced extremism after parents split," *New York Daily News*, November 28, 2010.

³⁴ Terry, "Family of Portland's bomb suspect." Caryn Brooks, "Portland's Bomb Plot: Who Is Mohamed Mohamud?" *Time*, November 28, 2010.

³⁵ Brooks, "Portland's Bomb Plot."

³⁶ U.S. v. Mohamud, Criminal Complaint and Affidavit, 8-10.

³⁷ Michael Stone, "Portland bomber Mohamed Mohamud caught on angry cell phone video rant," *Portland Progressive Examiner*, December 1, 2010.

³⁸ U.S. v. Mohamud, Criminal Complaint and Affidavit, 10.

³⁹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 10.

Mohamud was on the “No-Fly List,” it is probably the tip from his parents that led to its investigation and surveillance.⁴⁰

In the fall of 2010, Mohamud began taking classes at Oregon State again while living off-campus, but dropped out on October 6 as his plot was beginning to take off with the assistance of the undercover FBI employees.⁴¹ Mohamud continued to be seen around Corvallis even though he was no longer enrolled at the University. Imam Yosof Wanly of the Salman Alfarisi Islamic Center in Corvallis, where Mohamud would occasionally attend services, saw Mohamud a little over a week before his arrest. Wanly claims that Mohamud was acting strange and told him a lie that he was going to be married and move to Florida.⁴²

Mohamud thus privately expoused radical ideas and made plans to go join foreign terrorists while outwardly living the life of a normal college student. It seems likely that the rift in his family somehow spurred radical action from Mohamud since his contacts with the Pakistani recruiter began shortly after his parent’s separation.⁴³ Furthermore, Mohamud once e-mailed that “I was betrayed by my family; I was supposed to travel last year, but Allah had decreed that I stay here longer.” And in a goodbye-video recorded on November 4, 2010, he said “To my parents, who held me back from jihad in the cause of Allah, I say to them, If you make allies with the enemy, then Allah’s power will ask you about that on the day of judgment.”⁴⁴ These sentiments shows that trouble in Mohamud’s home life may have brought along feelings of anger and hate that he channeled with ambitions of violent jihad.

Despite being described as Mariam Barre’s “golden child”⁴⁵ by friends and neighbors of the family, Mohamud’s parents and his two younger sisters have remained extremely quiet since his arrest as have his other relatives.⁴⁶ Mohamud did not acknowledge his mother’s attendance at his plea hearing on November 29, 2010, further showing that anger at his family may have played some role in his behavior.⁴⁷ Law enforcement officials, however, have asserted that Mohamud’s family issues were irrelevant to the FBI investigation.⁴⁸

3. Motivation

No information has been thus far released that shows what first motivated or inspired Mohamed into a life of radical Islam. However, according to Mohamud’s conversations with undercover FBI operatives, he first began

⁴⁰ Brooks, “Portland’s Bomb Plot.” and “Trial by Entrapment,” CAIR California, December 3, 2010. During the trial, the FBI’s original tip-off is likely to be discussed.

⁴¹ Terry, “Family of Portland’s bomb suspect.”

⁴² Terry, “Family of Portland’s bomb suspect.”

⁴³ Drogin and Choi, “Mixed portraits.”

⁴⁴ Brooks, “Portland’s Bomb Plot.”

⁴⁵ Ruud, Brettman, Hunsberger, and Hottle, “Suspect.”

⁴⁶ Brooks, “Portland’s Bomb Plot.” Different media reports have cited Mohamed Mohamud as having a sister, a brother and a sister, or two sisters. Because of the extremely private stance the family has taken throughout Mohamud’s trial, it is difficult to ascertain the make-up of Mohamud’s immediate family except that he definitely has one younger sister.

⁴⁷ Millman, “Suspect Pleads Not Guilty.”

⁴⁸ Jesse McKinley and William Yardley, “Suspect in Oregon Bomb Plot Is Called Confused,” *New York Times*, November 28, 2010.

thinking about radical Islam and jihad during Ramadan at age 15 when he was informed about the virtues of martyrdom which immediately interested him.⁴⁹ Mohamud also told undercover FBI operatives that at the time he made a special prayer for guidance on whether he should conduct jihad overseas in an attack similar to the one in Mumbai in 2008.⁵⁰ However, this might have been fabricated because the Mumbai terrorist attacks did not occur until Mohamud was seventeen years old.

He claimed to the undercover operatives that because he was a rapper, he could get an AK-47 assault rifle or pistol for an attack. However, much of this must have been jihadist bravado and boasting.⁵¹

Additionally in 2009, Mohamud told the undercover FBI operatives that he published three articles under the pseudonym Ibn al-Mubarek in the publication *Jihadist Recollections* which has known ties to jihadist and terrorist organizations.⁵² In an April 2009 article entitled “Getting in shape without weights,” Mohamud described getting yourself into prime physical condition to be able to conduct violent jihad.⁵³

In videos and recorded conversations, Mohamed explained the motivating factors behind his feelings. In a video recorded on May 22, 2010 by a cell phone in an Oregon State University dorm room, Mohamud began ranting about westerners and how they treat Muslims: “You know what the whole West thing is? They want to insult our religion. They want to take our lands. They want to rape our women while we’re bowing down to them. This is what they want. This country and Europe and all those countries, that’s all they want.”⁵⁴

And in a November 4, 2010 video recorded by the FBI undercover employees, Mohamud, dressed in “Sheik Osama Style,” warned that “a dark day is coming your way” for Americans and that “for as long as you threaten our security, your people will not remain safe.”⁵⁵

4. Goals

In all the recorded material, Mohamud is seen to be extremely frustrated with the treatment he believes Muslims and Islamic countries receive from Western nations and he wants to launch jihadi attacks against the United States because he believes it will ensure security in the Muslim world.

In the November 4, 2010 recorded video, Mohamud issued his good-bye and gave justifications for his planned attack. In the video, he said “did you think you could invade a Muslim land, and we would not invade you, but Allah will have soldiers scattered everywhere across the globe.”⁵⁶ In a later part of the video, in which he reads a poem he wrote dedicated to “Mujahedeen across the globe,” Mohamud said “explode on these Infidels. Alleviate our pain. Assassinate their

⁴⁹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 16.

⁵⁰ U.S. v. Mohamud, Criminal Complaint and Affidavit, 18.

⁵¹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 18.

⁵² Miner, Robbins, and Eckholm, “F.B.I. Says.”

⁵³ U.S. v. Mohamud, Criminal Complaint and Affidavit, 16.

⁵⁴ Stone, “Portland bomber Mohamed Mohamud caught.”

⁵⁵ U.S. v. Mohamud, Criminal Complaint and Affidavit, 29-31 (includes full text of the video).

⁵⁶ U.S. v. Mohamud, Criminal Complaint and Affidavit, 30.

leaders, commanders, and chiefs from your bother to his brothers.”⁵⁷ In this speech, Mohamud can be seen advocating a global mujahedeen in which “infidels” in all parts of the world are not safe from jihadi attacks.

5. Plans for violence

After graduating from high school, Mohamud began to become interested in the idea of joining a terrorist organization abroad. Mohamud claims that he tried to go to Pakistan while on a family trip to Britain, but was unable to obtain the necessary visa because of an invalid passport.⁵⁸ When he established contact with the Pakistani recruiter in 2009, the FBI claims that the purpose of their coded e-mails was to establish whether and how Mohamud would join with jihadi forces in the Middle East.⁵⁹ Additionally, when he was prevented by the FBI from traveling by plane to Alaska, Mohamud told FBI interrogators that he had previously planned to meet up with an associate in Yemen.⁶⁰

When Mohamud met with the FBI operatives on August 19, 2010 and began developing his plan, he said in a recorded conversation that he had “made a prayer for guidance as a teenager asking Allah whether he should go abroad to join with mujahedeen groups and then had a dream in which he saw the mountains of Yemen.” Evidence for his desire to go abroad can be also be seen when he was discussing with the operatives whether or not his plot should be an act of martyrdom in a recorded September 7, 2010 meeting. However, based on a suggestion by the FBI people, he decided that instead of a suicide bombing, he would go abroad and join fellow terrorists abroad after his attack.⁶¹

The Christmas tree lighting ceremony plot began to develop after the undercover FBI employee got in e-mail contact with Mohamud in June 2010.⁶² They first met face-to-face on July 30, but the meeting was not recorded because the FBI claims they had technical difficulties with the audio surveillance equipment,⁶³ specifically that the recorder ran out of power.⁶⁴ During this meeting, the FBI employee said that he had received Mohamud’s e-mail address from the overseas “ijtimeat,” which in Arabic loosely means “council.”⁶⁵ Mohamud said he wished to become “operational” and that, although he wanted to wage war in the U.S. he would not be able to assist in overseas operations because he was on the U.S. government’s No-Fly List. He seemed extremely interested in supporting “the cause”⁶⁶ and said he wanted to put an explosive in a car that they would park close to a target and detonate it. The FBI employee asked Mohamud to research potential targets, and they made plans to meet again in the future.

⁵⁷ U.S. v. Mohamud, Criminal Complaint and Affidavit, 30-31.

⁵⁸ Brooks, “Portland’s Bomb Plot.”

⁵⁹ “Oregon Resident Arrested,” Department of Justice Press Release.

⁶⁰ U.S. v. Mohamud, Criminal Complaint and Affidavit, 10.

⁶¹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 16, 21.

⁶² U.S. v. Mohamud, Criminal Complaint and Affidavit, 11-12.

⁶³ U.S. v. Mohamud, Criminal Complaint and Affidavit, 14.

⁶⁴ Denson, “Mohamed Mohamud case.”

⁶⁵ U.S. v. Mohamud, Criminal Complaint and Affidavit, 13.

⁶⁶ U.S. v. Mohamud, Criminal Complaint and Affidavit, 13.

They met for the second time on August 19, 2010 at a downtown Portland hotel that was set up by the FBI for audio and recording. In addition the FBI operatives recorded all other conversation for the remainder of their sting operation. Mohamud was introduced to a second FBI operative who would be assisting in the plot. During this meeting, Mohamud suggested his desired target for attack, the Christmas Tree lighting ceremony at Pioneer Courthouse Square in downtown Portland on November 26 at precisely 5:30 pm when the ceremony was scheduled to begin. Mohamud believed that up to 25,000 people might be in attendance for the ceremony. When asked about all the people and even children who would be in attendance at the event, Mohamud responded that he was looking for a “huge mass that will...be attacked in their own element with their families celebrating the holidays. And then for them later to be saying, this was them for you to refrain from killing our children, our women...so when they hear all these families were killed in such a such a city they’ll say you know what your actions you know they will stop you now.” Also during this meeting, Mohamud said that nobody in Portland, Oregon looks for or is expecting any kind of terrorist attack and that they should have no worries about law enforcement.⁶⁷

On several occasions during this meeting, the FBI operatives tried to impress upon Mohamud how difficult this operation would be and whether he should alter his target or was committed to the plot at all. On each occasion, Mohamud reassured them that he was committed in his desire to go through with the plot.

In a September 7, 2010 meeting at the hotel, the operatives told Mohamud that “the Council” was impressed by his plans, but did not desire him to become a martyr because then he could take his skills and use them in jihad overseas. During this meeting, they discussed whether Mohamud should conduct a suicide bombing by driving the van with explosives directly to the target or whether he should park the vehicle and then remote detonate the explosives after which they would then hide for a few days before making their way overseas to join fellow mujahedeen there. Mohamud decided on remote detonation option because he said that he did not have the necessary “highest level of faith” for martyrdom after living in the United States and attending college. The operatives asked Mohamud to find a parking spot for the vehicle bomb and told him that it could be up to a block away and still be effective. They then gave him \$2700 to rent an apartment to use as a hide-out after the attack. They also asked him to buy certain bomb components with the money that he would then mail to them.⁶⁸

On September 27 and 30, the FBI received components (two Nokia prepaid cell phones, five 9-volt battery snap connectors, stereo phone jacks, and a heavy-duty toggle switch) from Mohamud, who had bought all of the items at RadioShack.⁶⁹

On October 3, the operatives met Mohamud in Corvallis, Oregon, near Oregon State University. They discussed the plot more specifically, including an initial parking spot as well as potential back-up parking spots and a location to

⁶⁷ U.S. v. Mohamud, Criminal Complaint and Affidavit, 15-17.

⁶⁸ U.S. v. Mohamud, Criminal Complaint and Affidavit, 21-22.

⁶⁹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 24.

remote-detonate the explosives-laden van. The operatives asked Mohamud to conduct more thorough research on the parking spots and on Pioneer Courthouse Square and informed him that they will use a cell phone detonator device for detonation. Mohamud again assured them of his commitment to the plot as well as to leaving the country after the attack. The operatives then told Mohamud that they would help him procure a fake passport and asked him to send passport photographs to their address.⁷⁰

On November 4, the three men met again in Corvallis, but soon after drove to a remote location in Lincoln County, Oregon. While on the drive, Mohamud gave the operatives a thumb drive containing Google street view photographs of the parking spots, a photograph of Pioneer Courthouse Square, Google maps that showed routes in and out of downtown Portland, directions to and from Corvallis to downtown Portland, and detailed instructions on how to ensure that they park the van in one of the three planned spots. Also on the drive, Mohamud again expressed his desire to go abroad to join his “brothers” already in Yemen or similar countries.⁷¹

In Lincoln County, the three men practiced remote detonating a smaller version of the explosive that they will be using in the attack. Based on existing media reports, this appears to be the first experience Mohamud had with weapons. The operatives showed Mohamud how to use the detonator. Unbeknownst to him, hidden bomb technicians and law enforcement were in full control of the practice bomb which they set off once they received notification that Mohamud had properly triggered the detonator.⁷²

Upon their arrival back in Corvallis, the three men discussed the harm they would inflict on people at the tree lighting ceremony. Mohamud said “do you remember when 9-11 happened when those people were jumping from skyscrapers...that was awesome” and later “I want whoever is attending that event to leave, to leave either dead or injured.” Mohamud then recorded his video, dressed in what he described as “Sheik Osama Style” garb, issuing his call for continual attacks on countries everywhere until attacks on Muslim people stopped.⁷³

On November 18, they drove to Pioneer Courthouse Square to walk around the target, and Mohamud decided upon the exact parking spot where he would park the van. Rejecting other suggestions by the operatives, he picked the spot closest to the target.

On November 23, the three men loaded 55-gallon barrels, a gasoline can, electrical wire, and screws into the car of one of the operatives from a storage unit that Mohamud had rented. The supplies had been placed in the storage unit by the FBI in advance. Mohamud also gave the operatives the reflective traffic markers, hard hats, reflective gloves and vests they had asked Mohamud to obtain so that the men could walk away from the van once it was parked and tell any onlookers that they worked for a public works company. They planned to throw away the

⁷⁰ U.S. v. Mohamud, Criminal Complaint and Affidavit, 25-26.

⁷¹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 26-27.

⁷² U.S. v. Mohamud, Criminal Complaint and Affidavit, 28.

⁷³ U.S. v. Mohamud, Criminal Complaint and Affidavit, 29.

disguises on their way to the place where they would remotely detonate the explosive.⁷⁴ Mohamud also informed the operatives that he would like his name to be “Beau Coleman” on the fake passport they were supposedly procuring for him.

After months of planning and preparation, one of the operatives picked up Mohamud in Beaverton, Oregon at noon on November 26, 2010 and took him to a downtown Portland hotel room. The three men drove to view the explosives in the white van that was parked nearby. Inside the van were inert bombs constructed by the FBI consisting of six 55-gallon drums and a cell phone detonating device. Mohamud described the explosives as “beautiful.”⁷⁵ The operatives again asked Mohamud whether he wanted to pull out of their plot, but he assured them of his commitment. At 4:45 pm, one of the operatives dropped Mohamud and the other operative off at the white van which the two men then drove to the pre-arranged parking spot near Pioneer Courthouse Square. The FBI and Portland Police Bureau ensured that the parking spot and the street were open for the conspirators.

Mohamud then attached the blasting cap to the explosives and flipped the toggle switch on the cell phone detonator as he had been taught during the November 4 practice explosion in Lincoln County. Mohamud and his companion then donned their disguise and walked to the prearranged detonation point. The operatives read off the phone number for Mohamud to call to detonate the explosives, which Mohamud in his excitement dialed before the undercover operatives could finish reading the number aloud. After nothing seemingly happened, it was suggested that Mohamud step out of the vehicle and call the number again. He complied and, shortly after the second attempt, law enforcement swept in, arresting Mohamud at 5:40 pm.⁷⁶ As he was being arrested, Mohamud began screaming and kicking violently while yelling “Allahu akbar.”

6. Role of informants

The role of informants obviously played a major role in the plot. Through the involvement of the FBI operatives Mohamud was able to develop a complicated bomb plot and obtain what he thought was the necessary resources and assistance to execute what he thought was going to be a violent, deadly attack. However, because Mohamud’s trial has not even begun, no information exists on the operatives except that they are “undercover FBI employees.” Until the trial begins, it is impossible to tell whether they were paid informants or FBI agents. Furthermore, there is no way at present to determine what incentive they had to be a part of the FBI’s sting operation or their credibility.

At Mohamud’s plea hearing, his defense attorneys made it clear they would argue an entrapment defense. His attorneys argued that the government is “manufacturing crime” in this case and that the arrest was “timed for maximum impact and maximum publicity.” Mohamud’s attorney, Stephen Sady, was suggesting that by allowing the arrest to take place on a Friday night during the winter holiday season, the media and public opinion would condemn Mohamud

⁷⁴ U.S. v. Mohamud, Criminal Complaint and Affidavit, 32-33.

⁷⁵ U.S. v. Mohamud, Criminal Complaint and Affidavit, 33-34.

⁷⁶ U.S. v. Mohamud, Criminal Complaint and Affidavit, 34.

before he was even arraigned in court. However, the prosecution ignored this accusation and asserted that it was Mohamud himself who picked the time and place of his planned bombing.⁷⁷

According to the Center on Law and Security at New York University School of Law, which follows domestic terrorism trials, since September 11, 2001, one in four people who are prosecuted in U.S. courts argue that the government entrapped them but not one of these arguments have ever been successful.⁷⁸ In a 2009 trial against plotters who wound up in a sting operation while plotting to blow up synagogues in the Bronx, NY (Case 25), the judge instructed jurors to ignore the defense's entrapment argument if they believed the defendants acted with full knowledge of the consequences of the plot.⁷⁹ Additionally, Professor Tung Yin of Lewis & Clark Law School explained entrapment as "a legal concept that means the government has planted the idea of committing a crime in the mind of a target who ordinarily wouldn't have considered it on his own."⁸⁰

Based on these definitions, it appears the FBI insured the court would be able to dismiss the entrapment argument easily by having their undercover operatives take certain steps during their sting operation: they continually questioned Mohamud on his commitment to the plot, reminded him that many children would be severely harmed as a consequence of his plot, and urged Mohamud that he could back out of the plot as late as hours before they began to execute the plans for the attack.⁸¹ Not only did Mohamud continually assure the operatives that he was committed to the plot, but he seemed thrilled at the idea of killing women and children.⁸² In an August 27, 2010 e-mail to one of the operatives responding to whether he had thought the plot over and considered whether he wanted to be involved, Mohamud wrote that he prayed for guidance and when he woke up his "faith was sky high for no apparent reason. So I see it as a sign [God-willing] that the traffic light is green."⁸³

Using Yin's entrapment definition, it must also be determined where the idea for the bombing originated to determine if an entrapment argument is valid.

⁷⁷ William Yardley, "Entrapment Is Argued in Defense of Suspect," *New York Times*, November 29, 2010.

⁷⁸ Bryan Denson, "Portland bomb plot case likely to serve as primer on entrapment, FBI sting issues," *The Oregonian*, December 4, 2010. Article looks in depth at the validity of the entrapment argument in the case.

⁷⁹ Joel Millman and Evan Perez, "Teen in Oregon Bomb Sting to be Arraigned," *Wall Street Journal*, November 29, 2010.

⁸⁰ Denson, "Portland bomb plot."

⁸¹ Christopher Dickey, "Spooking the Terrorists—and Ourselves," *Newsweek*, November 27, 2010, a well-written article arguing that the sting operation was run in a manner ensuring an entrapment argument would not hold in court. Eric Schmitt and Charlie Savage, "In U.S. Sting Operations, Questions of Entrapment," *New York Times*, November 29, 2010, another excellent discussion of entrapment in the case, containing a brief discussion of a FBI guidebook on undercover investigations that is only available for the public in heavily redacted form.

⁸² "Oregon Resident Arrested," Department of Justice Press Release.

⁸³ U.S. v. Mohamud, Criminal Complaint and Affidavit, 21.

Agreeing in principal with this concept of entrapment, Mohamud's attorney Sady said "in cases involving potential entrapment, it's the first meeting that matters."⁸⁴

According to the FBI affidavit, in their first face-to-face meeting, an operative asked Mohamud would he would do "for the cause." Mohamud answered he initially wanted to wage war in the U.S. but later had dreams about going to the Middle East to support jihadist causes overseas. When asked the same question again, Mohamud answered that he "could do anything," but the operative said Mohamud had to decide what actions to do on his own and that they must come from his heart. The operative then suggested five possibilities of how he could support the cause: 1) pray five times a day and spread Islam to others, 2) continue studying and get an engineering or medical degree so he could help his brothers overseas, 3) raise funds for the brothers overseas, 4) become "operational," or 5) become a "shaheed" (martyr). Mohamud immediately answered that he would like to become operational, which he then explained to mean putting together an explosive and discussed that he had heard of "brothers" putting stuff in a car, parking it, and detonating it. The operative then explained that he could assist Mohamud with this type of operation.⁸⁵

This initial meeting would seem to kill the defense's entrapment argument immediately. However, as noted, although the operative was wired with audio-surveillance equipment, this meeting was not recorded due to "technical difficulties."⁸⁶ The FBI later added that the recorder failed to work because it ran out of power.⁸⁷ Therefore, the credibility of the operative will surely be tested in trial. However, Federal Prosecutors Ethan D. Knight and Jeffrey S. Sweet filed papers contending that, even though the recordings failed, FBI agents were listening in through earpieces and walkie-talkies, and there are reports based on their notes from the live transmission.⁸⁸ The prosecution notes that "taken to its logical conclusion, the defense theory appears to be not only that multiple government witnesses are lying but also that all of the subsequent recorded meetings belie the 'true' nature of the half-hour meeting on July 30."⁸⁹

Additionally, the operatives had to provide all the training for detonating the explosive, money for housing and bomb components, and other logistical support to aid Mohamud in his foiled plot.

In a May 6, 2011 court filing, Mohamud's attorneys submitted evidence that Mohamud was contacted via e-mail by a "Bill Smith" starting on November 9, 2009.⁹⁰ Federal prosecutors have acknowledged that "Smith" was working on behalf of the government and sent e-mails that appeared to be inciting Mohamud into committing violent acts against the United States. However, they argued that "Smith" and the e-mail correspondence were unrelated to the bomb plot for which Mohamud is on trial. Mohamud's attorneys countered that Smith "was acting as

⁸⁴ Yardley, "Entrapment is Argued in Defense."

⁸⁵ U.S. v. Mohamud, Criminal Complaint and Affidavit, 13-14.

⁸⁶ U.S. v. Mohamud, Criminal Complaint and Affidavit, 14.

⁸⁷ Denson, "Mohamed Mohamud case."

⁸⁸ Denson, "Mohamed Mohamud case."

⁸⁹ Denson, "Mohamed Mohamud case."

⁹⁰ Bryan Denson, "Mohamed Mohamud case: New court filing says man working for government tried to provoke teen into violent acts," *The Oregonian*, May 6, 2011.

an agent provocateur, attempting to encourage (Mohamud) to engage in violent activity in this country.”⁹¹ Because Mohamud did not take any action in response to these e-mails, his defense team is arguing that this demonstrates Mohamud was not predisposed to violence when he first began e-mailing and then meeting with the undercover employees in December 2009.

Based on past terrorism trials in the United States, as shown by the Center of Law and Security at New York University’s School of Law study,⁹² Mohamud’s argument of entrapment will likely fail. Even before being investigated by the FBI, Mohamud was in contact and musing on ways to join jihadist causes in the Middle East. Furthermore, on at least four separate occasions⁹³ he turned down opportunities offered by the operatives to back out of his terrorist plot. In a conversation recorded on November 18, 2010, Mohamud said he had intended to travel to Yemen after making money when asked by the operatives what he would be doing had he not met them, but he did not say directly in that conversation that he would be joining the mujahedeen.⁹⁴

Possibly most important, Mohamud believed up till his arrest that he was a part of an actual terrorist plot and that the explosives he twice tried to detonate would inflict substantial death and injury. Summing up the government’s arguments against entrapment, Kenneth Weinstein, a former assistant attorney general for the Justice Department’s national security division, said “It doesn’t matter whether it’s a would-be terrorist who has expressed his desire to launch an attack, or a would-be drug dealer who has indicated an interest in moving a kilo of crack cocaine. So long as that person has expressed an interest in committing a crime, it’s appropriate for the government to respond by providing the purported means of carrying out that crime so as to make a criminal case against him.”⁹⁵

7. Connections

Few connections exist between overseas terrorist sources and Mohamud once the plot actually began. Although one might suspect as a Somali immigrant that Mohamud would have sympathized with or tried to establish ties with Somali-terrorist groups, such as al-Shabab, no links to Somalia at all were ever discovered or discussed.⁹⁶ However, Mohamud had been in contact with one suspected terrorist recruiter in Pakistan, and he was trying to make contact with another when the FBI decided to intercede.⁹⁷ As of now, no information exists on the two suspected terrorist associates that Mohamud contacted or attempted to contact, except that Mohamud had met one of them when Mohamud was a high school student and that the suspected terror recruiter was a student studying in the United States between August 2007 and July 2008.⁹⁸

⁹¹ Denson, “Mohamed Mohamud case.”

⁹² Denson, “Portland bomb plot.”

⁹³ Denson, “Portland bomb plot.”

⁹⁴ U.S. v. Mohamud, Criminal Complaint and Affidavit, 31.

⁹⁵ Schmitt and Savage, “In U.S. Sting Operations.”

⁹⁶ Miner, Robbins, and Eckholm, “F.B.I. Says.”

⁹⁷ U.S. v. Mohamud, Criminal Complaint and Affidavit, 7-11.

⁹⁸ Miner, Robbins, and Eckholm, “F.B.I. Says.”

In 2009, under the pseudonym Ibn al-Mubarak, Mohamud wrote and published three articles and planned a fourth one on the website *Jihadist Recollections*, which is known to have terrorist ties to Yemen and Pakistan.⁹⁹ In an article entitled “Getting in shape without weights,” he wrote “So the one who wants to prepare their own selves for Jihad and raise the banner of La Illaha Illallah, they must make their intentions and prepare themselves spiritually, militarily, financially, and logistically. And from amongst preparing oneself militarily is to exercise the body and to prepare it for war which necessitates that it be able to withstand long journeys and carry heavy equipment and to be fit, generally speaking.”¹⁰⁰ In another article, “Preparing for the long night,” he discussed how to mentally and physically prepare oneself for “Ribaat.”¹⁰¹ According to Islamic websites, this is the concept of guarding the frontiers of Muslim lands with the intention of defending them against the enemies of Islam.¹⁰² In both articles, Mohamud discusses exercise and training one must do to be prepared to defend Muslim lands at any time instantly. In the third article, “Assessing the Role and Influence of As-Sahab Media,” he discussed his views on why As-Sahab Media is the most successful Jihadi-supporting media outlet in the world.¹⁰³ Viewed as a whole, the issues of *Jihadist Recollections* provide for vague advice for terrorists, inspirational support for jihad, and other assorted collections of editorials appealing to radical Muslims.

According to the *New York Times*, *Jihadist Recollections* was published by a Saudi-born American, Samir Khan, from his home in North Carolina.¹⁰⁴ Khan has since moved to Yemen where he works on *Inspire*. Mohamud also claims he submitted and had an article published in the publication *Inspire*, but this could not be found on the internet. *Inspire*, according to the FBI affidavit, is an extremist publication published by al Malahim media, the media arm of al-Qaeda of the Arabian Peninsula.¹⁰⁵

Although the FBI believes that Mohamud’s contact in Pakistan urged Mohamud to travel abroad, which he attempted to do on several occasions, his actions in the tree lighting ceremony plot were largely self-motivated.¹⁰⁶ However, Mohamud was pleased to believe that his plot was continually

⁹⁹ Miner, Robbins, and Eckholm, “F.B.I. Says.” U.S. v. Mohamud, Criminal Complaint and Affidavit, 15.

¹⁰⁰ Ibn al-Mubarak, “Getting in shape without weights,” *Jihadist Recollections*, Issue 1, April 2009, 22-26. *Jihadist Recollections* can be found in pdf form on www.teapartytribune.com/2011/04/11/al-qaedas-inspire/

¹⁰¹ Ibn al-Mubarak, “Preparing for the long night,” *Jihadist Recollections*, Issue 2, May 2009, 59-60.

¹⁰² <http://www.pakistanarmy.biz.tc/riabaat.html>

¹⁰³ Ibn al-Mubarak, “Assessing the Role and Influence of As-Sahab Media,” *Jihadist Recollections*, Issue 3, August 2009, 36-37.

¹⁰⁴ Miner, Robbins, and Eckholm, “F.B.I. Says.” Further discussion of *Inspire*, including a copy of an issue, can be found at homelandsecurityus.com/archives/3908

¹⁰⁵ U.S. v. Mohamud, Criminal Complaint and Affidavit, 15.

¹⁰⁶ Mohamud’s actions can only justifiably argued as self-motivating on the assumption that his entrapment argument fails in court.

monitored and supported by an organization overseas called “the Council,”¹⁰⁷ a hoax established by the FBI undercover operatives.

Additionally, Mohamud paid homage to Osama bin Laden by dressing in his style when he was filmed on November 4, 2010 delivering his good-bye and justifications for attack.

8. Relation to the Muslim community

Mohamed Mohamud grew up in a modern Muslim household. His mother did not wear a hijab, but the family was observant of Ramadan, was involved in the community, and would sporadically attend local mosques.¹⁰⁸ While studying at Oregon State University, Mohamud would continue to attend religious services at the local mosque once every month or every other month.¹⁰⁹ Many Muslim community and religious leaders in Portland and Corvallis knew Mohamud or his family, but saw no reason to expect any radical behavior from him and emphatically assured the media Mohamud’s plot had nothing to do with mosques he attended. Jesse Day, spokesman for the Islamic Center of Portland and for Masjed As-Saber, which Mohamud would occasionally attend, spoke to the media days after Mohamud’s arrest and assured them “if this kid’s being radicalized, it’s not from the locals.”¹¹⁰ However, Yosof Wanly, the imam at the Salman Al-Farisi Islamic Center that Mohamud attended in college, noticed that Mohamud’s behavior just days before his arrest seemed strange. According to Wanly, “He seemed to be in a state of confusion. He would say things that weren’t true. ‘I’m going to go get married,’ for example. But he wasn’t getting married.”¹¹¹

The day after the arrest of the young Somali, Muslim and Arab leaders in the Pacific Northwest issued a joint statement condemning his actions, calling them “inexcusable and without any justification in Islam or authentic Muslim tradition.”¹¹² Isgow Mohamed, executive director of the Northwest Somali Community Organization, made it clear that the Somali community condemned Mohamud’s plot and were equally shocked by his actions: “First of all, we’re really sorry, we do not support terror. We came to live here and not bother anyone. We left a civil war.”¹¹³ Furthermore, representatives from Portland mosques asserted their confidence in law enforcement’s handling of such issues.

Around 2 am on Sunday, November 28, 2010, an unknown arsonist set fire to the Salman Al-Farisi Islamic Center in Corvallis, in likely response to Mohamud’s plot and arrest two days prior.¹¹⁴ No one was injured, but according to mosque members, extensive damage was done to the mosque including burned Korans and wedding and death certificates.¹¹⁵ Many Muslim community leaders

¹⁰⁷ U.S. v. Mohamud, Criminal Complaint and Affidavit, 13.

¹⁰⁸ Molly Hottle, “Portland’s Somali community unites to condemn alleged Pioneer Courthouse Square bomb plot,” *The Oregonian*, November 27, 2010.

¹⁰⁹ Terry, “Family of Portland’s bomb suspect.”

¹¹⁰ McKinley and Yardley, “Suspect in Oregon Bomb Plot.”

¹¹¹ McKinley and Yardley, “Suspect in Oregon Bomb Plot.”

¹¹² Miner, Robbins, and Eckholm, “F.B.I. Says.”

¹¹³ Brooks, “Portland’s Bomb Plot.”

¹¹⁴ Miner, Robbins, and Eckholm, “F.B.I. Says.”

¹¹⁵ McKinley and Yardley, “Suspect in Oregon Bomb Plot.”

and private individuals began to worry that an effect of Mohamud's arrest would result in negative treatment towards Muslims.¹¹⁶ In response to the fire at the Corvallis mosque, the Council on American-Islamic Relations (CAIR) publicly called on the FBI and state law enforcement to increase their protection of the regional Muslim community.¹¹⁷

As the community had time to process the circumstances and details of the FBI's investigation as they were available after the arrest, the opinions of the community began to change, and some local Muslims began to question the tactics and methods of investigation that the FBI pursued in the case. Imtiaz Khan, president of the Islamic Center which Jesse Day represents, said he was worried his mosque and the Islamic community would be unfairly portrayed because of Mohamud's plot, and relayed the opinion of several members of his mosque questioning why the FBI would help orchestrate such a violent and elaborate plot: "They're saying, 'Why allow it to get to this public stunt? To put the community on edge?'"¹¹⁸ Additionally, Day said the circumstances of Mohamud's plot and arrest has brought on feelings of "some distrust, a little bit, in the tactics" of the FBI's investigation.¹¹⁹ Sam Adams, the mayor and police commissioner of Portland, urged the community to be fair in their reaction to Mohamud's arrest. In an interview, Adams said "bad actions by one member of any group does not and should not be generalized or applied more widely to other members of that same group."¹²⁰ Adams also noted that the police chief, the city commissioner, and he would be conducting outreach to leaders in the Somali community in Portland to maintain good relations.

CAIR also has brought up questions regarding the FBI's sting operation. The Director of CAIR's California branch, Hussam Ayloush, said "When the FBI engages in tactics that involve fabricating fake terrorist attacks, it undermines that faith in the community. We have a fake, FBI-manufactured terrorist incident resulting in a real terrorist attack on the Portland mosque." He conceded that "from a technical legal perspective, many of these cases might not amount to entrapment. However, there is something immoral, or at least questionable, about the FBI luring confused, socially alienated, and sometimes unstable individuals into becoming terrorists."¹²¹

9. Depiction by the authorities

Authorities strongly insisted that the plot was severe and potentially dangerous following the arrest. In the Department of Justice's official press release, Dwight C. Holton, U.S. Attorney for the District of Oregon, said, "This defendant's chilling determination is a stark reminder that there are people—even here in Oregon—who are determined to kill Americans. The good work of law

¹¹⁶ McKinley and Yardley, "Suspect in Oregon Bomb Plot."

¹¹⁷ "CAIR: Oregon Mosque Arson Prompts Call To Protect Muslims," *PR Newswire*, November 28, 2010.

¹¹⁸ Schmitt and Savage, "In U.S. Sting Operations."

¹¹⁹ Schmitt and Savage, "In U.S. Sting Operations."

¹²⁰ James Mayer, "Portland Mayor Sam Adams did not know about bomb plot, urges fairness," *The Oregonian*, November 27, 2010.

¹²¹ "Trial by Entrapment," CAIR California, December 3, 2010.

enforcement protected Oregonians in this case—and we have no reason to believe there is any continuing threat arising from this case.”¹²² Additionally, Arthur Brazilian, Special Agent in Charge of the FBI in Portland, commented that “The threat was very real. Our investigation shows that Mohamud was absolutely committed to carrying out an attack on a very grand scale. At the same time, I want to reassure the people of this community that, at every turn, we denied him the ability to actually carry out the attack.”¹²³

Portland Mayor Sam Adams told the press that he was not aware of the investigation until he was debriefed by the FBI at 9:15 am on November 26, a few hours after Mohamud was arrested.¹²⁴ He then explained that he was not informed because of strict protocol issued from Washington, D.C. and that only select law enforcement circles are notified about undercover terrorism investigations. In 2005, Portland City Council passed an ordinance, based on concerns for residents’ civil liberties, that put limitations on the city’s participation with the F.B.I.’s Joint Terrorism Task Force in Portland. However, following Mohamud’s arrest, Adams discussed the idea of better cooperation between the city and federal law enforcement.¹²⁵

Attorney General Eric Holder issued a statement expressing his confidence “that there is no entrapment here, and no entrapment claim will be found to be successful.” He called the sting operation “part of a forward-leaning way in which the Justice Department, the FBI, our law enforcement partners at the state and local level are trying to find people who are bound and determined to harm Americans and American interests around the world.”¹²⁶

10. Depiction by the media

The media became captivated and gave a great deal of press coverage for the entire week following Mohamud’s arrest. Many reports immediately following Mohamud’s arrest portrayed law enforcement’s opinion that, although Mohamud’s plot did not have potential to bring harm to the public, his intent was extremely violent and hateful. However, demonstrating responsible journalism, as early as the day after the arrest, newspaper articles began appearing questioning the investigation.¹²⁷

Additionally, many investigative articles appeared in the following days and weeks that explored Mohamud’s past, including countless conversations with neighbors, classmates, former friends, community members, and community leaders. These reports are extremely varied: some offer reports from people who knew Mohamud that are shocked that the man was capable of such actions¹²⁸ while other articles feature interviews that portray Mohamud in a much different,

¹²² “Oregon Resident Arrested,” Department of Justice Press Release.

¹²³ “Oregon Resident Arrested,” Department of Justice Press Release.

¹²⁴ Mayer, “Portland Mayor.”

¹²⁵ Beth Slovic, “After Thwarted Attack, Question is ‘Why Portland?’” *New York Times*, November 28, 2010.

¹²⁶ Schmitt and Savage, “In U.S. Sting Operations.”

¹²⁷ See Dickey, “Spooking the Terrorists.”

¹²⁸ For example, see McKinley and Yardley, “Suspect in Oregon Bomb Plot,” and Brettman, “State police investigated Mohamed.”

darker light.¹²⁹ As the trial has not yet begun and much information about Mohamud's plot still unrevealed, it is difficult to further speculate about which accounts reveal Mohamud's true nature.

11. Policing costs

The FBI began investigating Mohamud between December 2009 and June 2010 when an undercover operative made contact with Mohamud via e-mail, but it is currently unknown when it began conducting surveillance on him. Two FBI undercover operatives worked with Mohamud from July 30, 2010, and more closely in the autumn of 2010 until his arrest on November 26.¹³⁰ According to the Department of Justice's press release, the investigation was conducted by the FBI with assistance from the Oregon State Police, the Corvallis Police Department, the Lincoln County Sheriff's Office, and the Portland Police Bureau. The prosecution is being conducted by two Assistant U.S. Attorneys, Ethan D. Knight and Jeffrey Sweet, from the U.S. Attorney's Office for the District of Oregon with the assistance of Jolie F. Zimmerman and David Cora, from the Counterterrorism Section of the Justice Department's National Security Division. Mohamud's arraignment was conducted on November 29, 2010, initiating the first stage of his trial. It is not clear under what circumstances the operatives were employed or how they were paid for their services.

12. Relevance of the internet

The internet played a prominent role in the plot's formulation and an even bigger one in the FBI investigation and sting operation. In the summer of 2009, Mohamud used e-mail to correspond with a suspected terrorist recruiter in Pakistan,¹³¹ and visited jihadi websites. He also published three articles on the website *Jihadist Recollections* in 2009.¹³²

The FBI, which began investigating Mohamud because of a tip suspected to be from one of his relatives, likely his father,¹³³ took advantage of Mohamud's failure to contact a second terrorist associate to set up their undercover sting operation by having an undercover FBI employee contact Mohamud by e-mail until gaining enough trust to get Mohamud to meet face-to-face.

While developing his bombing plot, Mohamud used the internet to conduct surveillance and gain information, using the Google Street-View feature to find parking spots and Google Maps to find quick routes in and out of downtown Portland.¹³⁴

13. Are we safer?

Often the most asked question after the arrest of a suspected terrorist in an FBI sting operation is whether the arrest of the suspect results in any real change

¹²⁹ For example, see Stone, "Portland bomber Mohamed Mohamud caught," and Drogin and Choi, "Mixed portraits."

¹³⁰ "Pioneer Courthouse Square bomb plot: a timeline," *The Oregonian*, November 27, 2010.

¹³¹ U.S. v. Mohamud, Criminal Complaint and Affidavit, 8-10.

¹³² Miner, Robbins, and Eckholm, "F.B.I. Says."

¹³³ Terry, "Family of Portland's bomb suspect."

¹³⁴ U.S. v. Mohamud, Criminal Complaint and Affidavit, 27.

in the safety of the American public from terrorists. In his *Newsweek* article, “Spooking the Terrorists—and Ourselves,” Christopher Dickey attempts to answer this question. Dickey writes “When it comes to ‘home-grown terror’ plots and FBI stings, there is a great divide between those would-be jihadis who think they can do everything they want to do with a few local buddies and those who make contact with the pros in Pakistan, Yemen or elsewhere overseas. The second category is much more dangerous. Mohamud was somewhere in between.”¹³⁵ Dickey goes on to explain that Mohamud comes from the subset of angry, young displaced Somali immigrants that al-Qaeda is known to be targeting for recruitment. Dickey also argues that such sting operations send a psychological blow to terrorists looking for recruits to bring abroad for operations in the Arab world or to use them to develop terrorist plots in the United States by sowing mistrust, making it nearly impossible for terrorists abroad to know whether they are talking to actual radical, wanna-be jihadists or undercover U.S. law enforcement agents. The stings also send a message that communications in and out of the United States are heavily watched, limiting terrorists’ ability to find like-minded allies in the United States.¹³⁶ Dickey’s thought-provoking article brings up many strong arguments for the continued use of often-criticized investigation methods by the FBI.

It is less easy to say that the American people are actually safer. Mohamud clearly possessed a violent intent and believed he was going to cause extensive death and injury, but, without the FBI’s assistance, he would never have been able to obtain the weaponry or resources necessary to develop an attack anywhere near the magnitude of the one he believed he was going to carry out.

One could also argue that even if Mohamud had not met with the undercover FBI operatives, he might still have gone abroad to join with violent mujahedeen forces in the Middle East or North Africa. However, he was unable to travel overseas due to the No-Fly List and other obstacles.

Whatever his problems with conducting jihad at home or with joining a terrorist organization overseas, however, he showed continual desire and interest in joining jihadist causes. His apparently immediate willingness to become “operational” suggests that, although he might not have possessed the tactics, training, or intelligence to develop a plausible and dangerous terrorist plot on his own, he was more than willing to participate in a plot if he came in contact with the right person. As Dickey concludes, “Mohamud sounds like a mad dog, and putting him out of action is probably a good thing any way you cut it.”¹³⁷

14. Conclusions

Mohamud’s arrest brings up interesting questions on the FBI’s sting operation tactics that have been so successful in bringing about the conviction of terrorists. According to the Terrorist Trial Report Card prepared by Karen Greenberg’s Center on Law and Security at NYU School of Law, “93% of federal terrorism prosecutions between 2001 and 2009 brought about at least in part by an

¹³⁵ Dickey, “Spooking the Terrorists.”

¹³⁶ Dickey, “Spooking the Terrorists.”

¹³⁷ Dickey, “Spooking the Terrorists.”

informant resulted in conviction.”¹³⁸ Mohamud’s trial will serve as an important test as to whether an entrapment argument will ever hold as a viable defense for suspected terrorists investigated by the FBI—as noted, all previous attempts have failed.¹³⁹

Also, the fact that the FBI recorder failed to properly record the first, and possibly most important meeting, between Mohamud and FBI undercover employees, brings up striking similarities to some other cases of domestic terrorism in the United States. Mohamud’s defense attorney argues that the first meeting between a government undercover agent/informant is the key behind showing entrapment.¹⁴⁰ This idea is supported in another article in *The Oregonian* where a law professor defines entrapment as “a legal concept that means the government has planted the idea of committing a crime in the mind of a target who ordinarily wouldn’t have considered it on his own.”¹⁴¹ However, the first face-to-face meeting with an undercover FBI operative in which Mohamud discusses his motivation for wanting to do jihad and allegedly becomes emphatically eager to become a part of a terrorist plot failed to be recorded due to “technical issues.” Similarly, in the 2009 Bronx synagogue bomb plot (Case 25), the informant did not begin recording conversations until well after the plot had begun to be formulated, and the same holds for the Herald Square plot (Case 12) and for the Springfield plot (Case 29). And in Rockford, Illinois in 2006 (Case 21), the FBI never released their initial source for determining that the suspect was discussing radical jihadist ideas and recordings began only at the stage when potential targets were already being discussed. The fact that in all these cases the FBI seemed to mishandle the initial start of these investigations leads one to wonder whether the FBI’s accounts, and those of their paid informants, are wholly and completely factual, particularly because the informants in the Rockford and Bronx case were both questionable characters—one had been a crack dealing gang member and the other avoided a jail sentence for fraud by cooperating with the FBI. Although this could all be completely coincidental, it is an interesting consideration in the use of the FBI’s anti-terrorism tactics in combating homegrown terrorists.

Additionally, Mohamud’s case again brings up considerations about the effect of sting operations on the American Muslim community which should be the FBI’s most important tool in searching for radical, violent Muslims. If Osman Barre did in fact report his own son to the FBI, it could discourage other parents from reporting their children’s questionable behavior to the authorities. Thus, another Somali-born engineer in Portland questioned whether he would be capable of reporting his own son to the authorities because, even if his son harbored radical ideas, he would never want him to get caught in a somewhat questionable sting operation like the one sprung on Mohamud.¹⁴² Perhaps, as

¹³⁸ Stewart Ain, “Implications of Riverdale Case Unclear,” *Jewish Week*, October 12, 2010.

¹³⁹ Denson, “Portland bomb plot.”

¹⁴⁰ Yardley, “Entrapment is Argued in Defense.”

¹⁴¹ Denson, “Portland bomb plot.”

¹⁴² Steve Duin, “Mohamed Mohamud: Betrayed by his family?” *The Oregonian*, November 30, 2010.

suggested by Haris Tarin, director of the Washington, D.C., office of the Muslim Public Affairs Council, the government should focus on existing criminal activity and spend more resources aiding and assisting the Muslim community in letting community experts and leaders deal with radicalization of local Muslims.¹⁴³ Allowing the community to largely self-police itself could free up FBI resources and impinge less on the necessary and important relationship between local Muslim communities and law enforcement agencies, especially the FBI.

Finally and most troublesome, the arrest of Mohamed Mohamud should cause the American public to question whether a pre-engineering college student from a middle-class, two-income, two-parent household actually became a radical would-be terrorist or whether he was manipulated by the government. If, as argued by friends and neighbors, it was the divorce of his parents that led Mohamud on his path to radical Islam, the case should inspire discussion within law enforcement and the American public of how to ensure that disassociated, troubled teens can find lawful and helpful outlets instead of becoming potential public dangers and destroying their lives.

¹⁴³ “Trial by Entrapment,” CAIR California, December 3, 2010.

Case 39: DC Metro—Facebook

John Mueller

June 5, 2011

The 25-year-old Awais Younis appears to have been as much a pre-terrorist or proto-terrorist as many of the other people arrested, convicted, and sentenced in this book. An angry, frustrated, violent, and perhaps mentally unbalanced hothead, he made dramatic and intemperate threats of violence about killing people on the Washington, DC, Metro and elsewhere to a female correspondent (who lived in New Orleans) on Facebook. In this, he “made a poor choice,” notes Lauren Brady in cosmic understatement.

The threats only became more violent and explicit when he suspected her (correctly) of telling the authorities about him and therefore of betraying him, calling her a “bitch.” His Facebook profile contained several photos of him holding weapons (one an AK-47 rifle) and a tent full of explosives with a caption sardonically reading, “My family business.” He gleefully bragged about how “we” had “dropped the twin towers,” and when he was arrested he had a loaded handgun and \$22,000 in cash secreted in his residence.

Yet he never faced a terrorism charge and was tried simply for interstate communication of a threat. He received a sentence of time served (three months) with two years of supervised release.

He never had any explosives, but that hardly makes him unusual among the young hotheads that populate many of the cases in this book. And many of those, in stark contrast to Younis, have been sentenced to decades in prison for plotting murderous crimes.

The difference seems to be that there never was time to employ a cool, calculating, older, and experienced FBI informant to worm his way into the suspect’s confidence and to encourage, and to play on, his propensity to spew bravado. As Brady points out, normally the process is “to monitor the suspects for an extended period to determine if they are a serious threat, then send in an undercover agent or team to pose as terrorists, gather evidence, and sometimes even provide the resources to carry out a plot.” However, the FBI only found out about Younis’ ravings on November 28, 2010, and a week later he made an explicit threat to do violence in Washington the next day. Not wanting “to take any chances,” he was arrested “solely based on his threats.”

There was no time, then, to create a terrorist in this case, and the authorities settled for something much more limited. But if Younis had been befriended by an informant—particularly a fatherly one as he seems to have been fatherless or effectively so—it does seem quite possible he could have been moved along the path to terrorism over, say, a few months.

Or, reversing the consideration, what if the Younis approach had been applied in some of the other cases—cutting the hotheads off early on, giving them a light sentence for making violent threats, and then supervising them for a while? Would we be less safe?

Also, there may have been other instances—perhaps many of them—in which hotheads have been turned off even before they got to the Younis stage.

Realizing that they had attracted the attention of the authorities or realizing they were being informed upon, there may be many young men who were smart enough to cork up. Since they were never arrested, these unknown guys did not make it into this study (or into jail). On the other hand, they, like Younis and some of the other hotheads who didn't stop in time and were arrested, they might never have actually committed terrorist violence in any case.

Case 39: DC Metro—Facebook

Lauren Brady

June 5, 2011

typographical and other minor corrections January 11, 2012

1. Overview

Awais Younis, a 25 year-old naturalized U.S. citizen born in Afghanistan, was arrested on December 6, 2010 for threatening an informant and her father after she alerted the FBI that he had written on Facebook that he was going to set off explosives on the DC Metrorail and in the busy neighborhood of Georgetown.¹

Younis came to the attention of the authorities in November 2010 when the informant contacted the FBI agency in New Orleans about his online Facebook posts.² The informant, who was friends with Younis on the social networking site, said that Younis described how to build a pipe bomb and discussed planting it on the Metro or under manholes in Georgetown. On December 5, 2010, the informant contacted the FBI again, stating that Younis was angry and agitated with her, seemingly because he was suspicious that she had contacted the authorities.³ The FBI arrested Younis the next day, December 6, 2010, and charged him with interstate communication of a threat.⁴ A search of his Arlington, Virginia, home revealed drugs and guns but no explosives,⁵ and he never faced a terrorism charge.⁶

Younis pled not guilty to one count of interstate communication of a threat, a charge with a maximum sentence of five years, and after a mental health hearing in January 2011 was ordered to remain in custody pending trial.⁷ In March 2011, he reached a plea bargain and was sentenced to time served, which was approximately three months, and two years of supervised release.⁸ He was released from federal custody on March 9, 2011.⁹

2. Nature of the adversary

Awais Younis, who also goes by the names Mohhanme Khan and Sundullah Ghilzai, is a naturalized U.S. citizen born in Afghanistan.¹⁰ Very little has been published about his background and upbringing. At the time of his arrest, he resided in Arlington, Virginia and apparently still lived with his family.

¹ Maria Glod, "Va. Man Allegedly Used Facebook to Threaten D.C. Area Bombings," *Washington Post*, December 14, 2010.

² Glod, "Va. Man."

³ Glod, "Va. Man."

⁴ Glod, "Va. Man."

⁵ Emily Babay, "Man Accused of Metro Threats Has Mental Illness History," *Washington Examiner*, January 27, 2011.

⁶ Devlin Barrett, "Virginia Man Charged With D.C. Subway Threat," *Wall Street Journal*, December 14, 2010.

⁷ Babay, "Man Accused."

⁸ Dana Hedgpeth, "Allegations Scaled Back for Virginia Man Indicted in Metro Bomb Threat on Facebook," *Washington Post*, March 9, 2011.

⁹ Hedgpeth, "Allegations."

¹⁰ Barrett, "Virginia."

Court records state that during the FBI search of his home, a loaded handgun, marijuana, and \$22,000 in cash were found in his 11 year-old sister's bedroom, and his family and residence are described in court documents as reflecting "very serious deficits."¹¹ His Facebook profile contained several photos of Younis holding weapons, one with an AK-47 rifle and a tent full of explosives, the caption reading "My family business."¹² During Younis' mental health hearing, presiding U.S. District Judge T. S. Ellis expressed concern about his "lack of suitable guardian" and the fact that no third-party custodian had been identified.¹³ Prosecutors even suggested that it was his family that was supplying him with drugs.¹⁴ He clearly had a troubled home life.

It is unclear when Younis and his family moved to the U.S. from Afghanistan, but according to court records he first underwent mental health treatment in middle school.¹⁵ In November 2010 he was referred for mental counseling at George Mason University, his third college in six years, where he was studying chemistry and biology.¹⁶ Younis had no criminal record, but family and friends described him as prone to violence, with frequent outbursts that resulted in smashing things and beating up on siblings.¹⁷ His long history of apparent mental illness, along with the drugs and guns in his home and an apparent lack of responsible family member caused Judge Ellis to hold Younis in custody to await trial before he reached his plea bargain.¹⁸

Younis' religious or political beliefs do not appear to be in court documents and do not appear to have been reported on by the mainstream media. Afghanistan, where Younis was born, is a Muslim majority nation, but he does not seem to have espoused Islamic extremist views and it is not explicitly clear that he was even Muslim himself. His political views are also unclear, but in his communications with the informant that alerted the FBI, he wrote to her "Bitch, I know what you are up too and you better stop if you know what is good for you!!!! You are sticking your nose where it doesn't belong into something bigger than you and I. that is the problem with Americans they cant leave well enough alone until something happens then they sit there wondering why we dropped the twin towers like a bad habit hahaha."¹⁹ He also wrote to her, "you want a reason to complain about me and my people. i will give you a reason."²⁰ From these statements, it seems that he views himself as part of a group associated with the 9/11 attacks, whether that be Muslims or Middle Easterners. By referring to his "people" and the complaints about them, it could be inferred that he feels socially

¹¹ Babay, "Man Accused."

¹² Glod, "Va. Man."

¹³ Babay, "Man Accused."

¹⁴ Babay, "Man Accused."

¹⁵ Babay, "Man Accused."

¹⁶ Babay, "Man Accused." Barrett, "Virginia."

¹⁷ Babay, "Man Accused."

¹⁸ Babay, "Man Accused."

¹⁹ Glod, "Va. Man." Bruce Alpert, "N.O. FBI Received Tip That Led to Arrest of Virginia Man in Facebook Bomb Threat Case," NOLA.com, December 14, 2010. All communications from Younis in this study retain his spelling and grammar.

²⁰ Emily Babay, "Facebook Chats Alert Authorities to Va. Man's Bomb Threats," *Washington Examiner*, December 12, 2010.

marginalized or discriminated against because of his status as an Afghani, Muslim, or a person of Middle Eastern descent. However, from these limited statements, it is difficult to definitively determine Younis' political or religious views.

Overall, Younis appears to be a young man prone to violence, perhaps because of his questionable mental health and difficult family life. His statements on Facebook suggest that he may have heavily identified with his Middle Eastern heritage, and thus felt socially marginalized. His stated plans for violence do not seem to have been motivated by any specific person or group, and appear to be a result of Younis's own psychological troubles and frustrations.

3. Motivation

Younis' motivations are unclear. In his threatening Facebook messages, he states "we dropped the twin towers" and tells the informant that he will give her a reason to complain about "me and my people," both of which suggest that he feels an association between himself and the 9/11 terrorists and that he has experienced racism based on his Middle Eastern heritage.²¹ But specific religious or political motivations are never stated, and he never mentions any explicit grievances with the U.S. or Americans. Considering his troubled family life and mental health issues, it seems likely that he simply lived an unstable life and was prone to violence. It is possible that he was frustrated living as a native Afghani in the U.S. and his apparent lack of positive family role models caused him to admire Middle Eastern terrorists and develop a desire to act like them. Because of his unstable mental health and the seemingly empty nature of his threats, it is likely that even Younis himself is unaware of his motivation behind the bomb threats.

4. Goals

The goal of Younis' threatened plans appears to be to kill (or to threaten to kill) as many Americans as possible, but no specific political or religious goal was ever explicitly stated.²²

5. Plans for violence

On November 28, 2010, an informant residing in Louisiana contacted the New Orleans FBI office to report that Younis had made bomb threats during a Facebook chat.²³ According to an affidavit signed by Washington FBI agent Joseph J. Lesinki, Younis wrote that he planned on building pipe bombs and planting them in the third and fifth car of a DC Metro train because they are the most crowded.²⁴ He also spoke of placing a bomb under a sewer head at rush hour in the busy DC neighborhood of Georgetown.²⁵ When the informant wrote back, "you wouldn't do that," Younis answered "watch me."

²¹ Glod, "Va. Man."

²² Glod, "Va. Man."

²³ Alpert, "N.O. FBI Received Tip."

²⁴ Glod, "Va. Man."

²⁵ Glod, "Va. Man."

On December 5, 2010, the informant contacted the FBI about more conversations with Younis, who seemed to suspect that the informant had disclosed his plans for violence.²⁶ As noted, he wrote in a Facebook chat, “Bitch, I know what you are up too and you better stop if you know what is good for you!!!! You are sticking your nose where it doesn’t belong into something bigger then you and I. that is the problem with Americans they cant leave well enough alone until something happens then they sit there wondering why we dropped the twin towers like a bad habit hahaha.”²⁷ He directly threatened the informant, writing “I’m telling you right now you are going to regret doing what you did. For you peace, I hope what I am hearing is all lies.”²⁸ The informant’s father lived and worked in the DC area, and Younis wrote to her, “Do yourself a favor and tell your father to cancel work tomorrow.”²⁹ This triggered the FBI into action and Younis was arrested the next day and charged with making threats via interstate communications.³⁰

A search of Younis’ Arlington, Virginia home the day of his arrest revealed no explosives or anything that would have allowed him to carry out the stated attack. It was his next day threat that likely provided the impetus for the arrest, as the FBI probably determined that it was better to be safe than sorry once provided with a potential attack date. Because he was never charged with a terror related crime, it may be inferred that his arrest was a precautionary measure, and that once they failed to discover explosives or evidence of an actual terror plot, the FBI no longer viewed Younis’ plans for violence as an existing threat. With the exception of his online threats, no concrete plans for violence were ever developed.

6. Role of informants

The informant in this case was vital—there would likely be no case without the information she provided. The federal indictment refers only to the informant as K.D., a Louisiana woman who is a private citizen and was friends with Younis on the social networking site, Facebook.³¹ How they knew each other has not been reported. Without the informant, the FBI would not have been aware of Younis nor had any evidence with which to charge him.³²

7. Connections

Younis does not appear to have any connections to a terrorist network, either abroad or in the U.S. He was born in Afghanistan, but reports do not mention any connections in Afghanistan that directly helped or encouraged Younis to develop his violent ideas. Younis was essentially self-motivated, and no terror network was operating in this case.

²⁶ Alpert, “N.O. FBI.”

²⁷ Glod, “Va. Man.” Alpert, “N.O. FBI Received Tip.”

²⁸ Alpert, “N.O. FBI.”

²⁹ Glod, “Va. Man.”

³⁰ Glod, “Va. Man.”

³¹ Bruce Alpert, “Man Who Threatened to Blow up D.C. Subway Pleads Guilty to Threatening Louisiana Woman Who Turned Him in,” NOLA.com, March 17, 2011.

³² Alpert, “Man.”

8. Relation to the Muslim community

Younis does not appear to have had any support from the Muslim community. Reports and court documents do not specify that Younis is a Muslim, but the population of his native Afghanistan is 99% Muslim.³³ He also wrote to the informant, “we dropped the twin towers like a bad habit” and that he will give her a reason to complain about “me and my people,” suggesting that he identifies with the Islamist 9/11 hijackers and has felt post-9/11 discrimination.³⁴ However, his religious beliefs and practices have not been published, and it seems unlikely that he received support from the Muslim community in developing his threats.

9. Depiction by the authorities

Federal officials and the Justice Department took great care to publicly assure that Younis was carefully monitored and that the public was never in any danger.³⁵ Justice Department spokesman Dean Boyd said in a statement that “The public should be reassured that his activities prior to his arrest were carefully monitored and that there is no threat against Metrorail or the general public in the Washington, D.C. area.”³⁶ There was no heralding of this arrest as a victory for the war on terror and no issue of warning to domestic terrorists; it seems that the FBI arrested Younis as a precaution, and took care to not label him as a serious threat. Their reports were responsible and non-alarmist—an appropriate response considering Younis was never actually charged with a terror related crime and was not sentenced to additional jail time beyond time served.³⁷

Younis’ defense attorneys argued that he was a “nobody” who posed no real danger or threat. They argued that Younis had mental health issues, and pushed for a lenient sentence and treatment for mental health issues and substance abuse.³⁸ Many terrorist defense teams will argue their client was not mentally stable, but in this case, considering Younis’ past, the attorneys’ depiction of their client seems within reason.

10. Coverage by the media

Media coverage of the case was non-alarmist and responsible, and most journalists took extra care to emphasize that Younis was not actually being charged with a terror crime and that there was no real danger of an attack. Just days after the arrest, the *Washington Post* published an article that quoted Arthur Hulnick, a Boston University professor who worked with the CIA for 28 years and who said that “A real terrorist who is going to blow up the Washington Metro wouldn’t put an advertisement on Facebook. He’d just do it.” This suggests that Younis is not viewed by credible experts as a “real terrorist.”³⁹ Hulnick also

³³ “Afghanistan,” U.S. Department of State. December 6, 2010.

³⁴ Glod, “Va. Man.”

³⁵ Barrett, “Virginia.”

³⁶ Barrett, “Virginia.”

³⁷ Hedgepeth, “Allegations.”

³⁸ Maria Glod, “Metro Threat Suspect Seeks Pre-trial Release,” *Washington Post*, January 24, 2011.

³⁹ Glod, “Va. Man.”

stated that the authorities, however, must devote resources to checking out threats to determine whether or not they are serious, which was the situation in this case.⁴⁰ Articles took special care to differentiate between this case and the previous DC Metro bombing case of Farooque Ahmed (Case 37). Ahmed, who had been arrested five weeks earlier, had conspired with FBI undercover operatives he believed to be al-Qaeda, while Younis made undeveloped threats in a Facebook chat.⁴¹

Probably due to the lack of serious danger presented by this case, it has been covered much less thoroughly than other terrorist threats. Only the *Washington Examiner*, a free local newspaper in Washington DC, reported extensively on Younis' mental health evaluation and dug into his personal history.⁴² Journalists are often very interested in the backgrounds of those involved in terror threats, but the seemingly non-threatening nature of this case resulted in a general apathy towards Younis; there were probably other, more realistic dangers taking up journalists' time.

11. Policing costs

After the informant first reported Younis to the FBI on November 28, 2010, he was monitored until the informant contacted the FBI again on December 5, 2010 with the direct threats on her and to her father, and Younis was arrested the next day. Younis was therefore under FBI investigation for a total eight days before his arrest. This is an extremely short period of time compared to other terror investigations, and therefore it was probably a relatively cheap investigation. There was no expensive undercover operation involving paid informants or fake bomb materials, and the case did not take up significant labor hours for the FBI. All that being said, Younis was never charged with a terror related crime, and while he pled guilty to interstate communication of threats, he served no additional jail time.⁴³ However, evaluating and responding to all possible terror threats is the FBI's duty.

Younis originally pled not guilty to one count of making a threat via interstate communications.⁴⁴ After a mental health evaluation and hearing, U.S. District Judge T. S. Ellis ruled Younis was to remain in custody pending trial.⁴⁵ After three months, Younis reached a plea bargain in which he pled guilty to one count interstate communication of a threat and was sentenced to time served plus two years supervised release.⁴⁶ The ruling came on March 9, 2011, a little over three months since Younis' arrest. This case traveled through the legal system quickly and, because of the plea agreement, will not be dragged on by appeals; its speed means it was probably a low cost case for both the government and for Younis.

⁴⁰ Glod, "Va. Man."

⁴¹ "Feds: Va. Man Makes DC Subway Bomb Threat Online," ABCNews.com, December 14, 2011.

⁴² Babay, "Man Accused."

⁴³ Hedgepeth, "Allegations."

⁴⁴ Glod, "Metro."

⁴⁵ Babay, "Man Accused."

⁴⁶ Hedgepeth, "Allegations."

12. Relevance of the internet

Younis' threats were communicated on the social networking website, Facebook, making the internet extremely relevant—indeed, the key element—in this case. Using the Facebook chat feature, Younis wrote to the informant, who was his “friend” on the site, that he was going to place bombs on DC Metro cars or under the streets of Georgetown at rush hour.⁴⁷ They monitored Younis online until the informant contacted them again⁴⁸ on December 5, 2010, about additional threats Younis had made on Facebook. The FBI also found further evidence of Younis' violent tendencies on the internet, including the photos he had posted on his Facebook page of him holding an AK-47 in front of a tent full of explosives.⁴⁹ The internet was vital to Younis' crime, to apprehending Younis, and to providing evidence for the government.

13. Are we safer?

We are safer, but only slightly. Younis did not have any developed plans for attack, nor did he appear to have the resources for such an attack or any connection to an actual terrorist group. What he did seem to have, however, was a violent personality and an apparent frustration with Americans that led him to make the online threats. While the threats under consideration may have been empty, we are safer with the FBI monitoring Younis to ensure his violent ideas never come to fruition. Hulnick, the Boston University professor, commented on this case about the importance of authorities devoting time and resources to checking out threats and determining which ones are serious. He notes that the most serious terrorists aren't likely to promote their plans on Facebook, but you can't ignore it if someone does.⁵⁰ Younis was unlikely to have bombed Washington when he said he was going to, but with him under FBI surveillance, we are safer knowing that he will now probably never have that chance.

14. Conclusions

This case is unique, or at least unusual, on many different levels. First, it involves no actual charges of terrorism. Younis was only charged with interstate communication of a threat, and it was not the bomb threats that he was charged with but rather the threats against the informant and her father.⁵¹

It is also unique because of its short timeline—just a few days. In cases similar to this one, the FBI strategy seems to be to monitor the suspects for an extended period to determine if they are a serious threat, then send in an undercover agent or team to pose as terrorists, gather evidence, and sometimes even provide the resources to carry out a plot.⁵² But because the informant reported that Younis told her to tell her father to “cancel work tomorrow,” the FBI

⁴⁷ Glod, “Va. Man.”

⁴⁸ Barrett, “Virginia.”

⁴⁹ Glod, “Va. Man.”

⁵⁰ Glod, “Va. Man.”

⁵¹ Alpert, “Man.”

⁵² “FBI Terror Stings: Entrapment or Prevention?” CBS News, November 30, 2010.

likely did not want to take any chances and arrested Younis solely based on his threats.⁵³

Finally, this case is unique because it is not clear whether or not Younis' desire to bomb Washington is a result of Islamist beliefs. He seems to affiliate himself with the Islamist terrorists of 9/11 by stating that “we dropped the twin towers,” but nowhere in court documents or media reports is he described as an Islamist or even as a Muslim. Because of the undeveloped and haphazard nature of his plans, his political or religious motivations remain very unclear.

This case is similar to other cases because of Younis' background and behavior. Younis was an American citizen, but he was born in Afghanistan. His court ordered psychological evaluation revealed a troubling family life and a propensity towards violence, though he had no criminal record.⁵⁴ Many terror plots since 9/11 have been thought up by those similar to Younis—young men in their late teens or twenties, foreign born or of Middle Eastern descent, and socially isolated. The only true evidence of Younis' motivation for making the threats was when he wrote, “you want a reason to complain about me and my people. i will give you a reason.”⁵⁵ He seems to have experienced discrimination as a result of his Middle Eastern heritage or Muslim faith, and it is entirely possible that the threats were an expression of violent frustration with that discrimination.

Younis was a frustrated, violent young man who made a poor choice by posting some of his violent ideas on the internet. Considering a lack of explosives, it seems very unlikely that he was actually going to carry out the attacks he described to the informant. However, it is clear that Younis had access to guns and at least thought about expressing his frustrations through violence. It was good that the informant contacted the FBI and important that the FBI monitored him then and that it continues to monitor him now.

It is easy to declare young men like Younis to be angry but harmless. However, they are only harmless because they do not yet have the resources, connections, or will to transform their dangerous ideas into realities. The FBI needs to keep men like Younis on its radar, because meeting the right people or obtaining the right resources can easily turn them into a serious terror threat.

⁵³ Barrett, “Virginia.”

⁵⁴ Babay, “Man Accused.”

⁵⁵ Babay, “Facebook.”

Case 40: Baltimore

John Mueller

May 17, 2011

Antonio Martinez, an American Latino who converted to Islam and became angered by American military operations in the Middle East, took it into his head in 2010 to carry out violent jihad in the United States. He sought out military targets, particularly recruiting stations, and eventually settled on one where he had once tried to enlist--in Catonsville, Maryland, near Baltimore.

As Lauren Brady makes clear, although neither trained nor knowledgeable about explosives or about violent or covert operations, he was determined from the start to commit violence and might eventually have done something, perhaps entering a recruiting station and shooting off a gun as had been done in Fort Hood the year before (Case 32).

Although this could have been done in "lone wolf" style as at Fort Hood or in Little Rock (Case 26) or in the questionable El Al instance (Case 4)—the only instances since 9/11 in which Islamic terrorist have killed anyone in the United States—he somehow decided he needed help, and came to the remarkable conclusion that he could best enlist recruits in about the most public manner conceivable—through his Facebook page. He posted all sort of jihadist bravado apparently intended to be attractive to the like-minded, such as "Do you really want to spend your entire lives praying for longevity? WE were born in order to die" and "Any 1 who opposes ALLAH and HIS Prophet PEACE.Be.upon.Him I hate you with all my heart."

This spectacularly amateurish recruitment effort was, none too surprisingly, a fiasco. Two people simply turned him down, another tried to talk him out of it, and the fourth, although apparently congenial to his plans, proved to be an FBI informant.

The informant, working with an FBI agent, supplied Martinez with a fake SUV bomb and both offered him many chances to back down. But Martinez remained determined and adamant about attacking the military: "we are gonna go...to their stations, to their bases...to everywhere a soldier is," "every soldier that we see in uniform will be killed on the spot," and "they will be killed until they stop waging war against...Islam." When Martinez tried to detonate the supplied bomb, he was arrested.

The attack was the first of many he planned to carry out against the American military, but, rather confusingly, he also apparently had a plan to flee to Afghanistan after the detonation.

Although there had been a well-publicized sting-driven arrest in a very similar situation in Oregon (Case 38) even while Martinez was putting his plot together, it generated only momentary pause, and his concerns were quickly mollified by the agile informant.

The case did not generate much press, perhaps because it came so soon after the somewhat more sensational Oregon case in which the (theoretical) target was a colorful Christmas tree lighting ceremony attended by many people rather than a recruiting station populated by few.

Given the intensity Martinez showed in his public displays and in his private behavior with the informer and the agent, Brady sees him as an especially dangerous character who would have done something violent even without the highly convenient aid of his supposed co-conspirators. How much damage he would have done as a lone wolf is a matter of speculation however—as Max Abrahms has observed in, interestingly, the *Baltimore Sun*, lone wolves have carried out only two of the 1,900 most deadly terrorist attacks over the last four decades.¹

¹ Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011.

Case 40: Baltimore

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1. Overview

On December 8, 2010, Antonio Martinez, a 21 year-old Baltimore construction worker and recent convert to Islam, was arrested for attempting to blow up an Armed Forces recruiting station in Catonsville, Maryland.¹ Martinez came to the FBI's attention in October 2010 when an informant contacted them about posts Martinez had made on his Facebook page expressing his interest in recruiting Afghani jihadists to help him attack a military recruiting station.² The FBI undertook a sting operation involving the informant and an undercover FBI agent introduced to Martinez as an Afghani bomb maker, and together they recorded conversations and internet communications with Martinez in which he expressed his hatred for America and his plans for violence.³ In November 2010 when an Oregon man was arrested in an FBI sting for attempting to set off a bomb at a Christmas tree lighting (Case 38), Martinez became concerned that he, too, was being set up, and expressed specific concerns about the identity of the FBI undercover agent.⁴ To quell his fears, the FBI had the informant tell Martinez that the "Afghani" had his doubts about Martinez's identity as well, and the subterfuge worked.⁵ On several occasions, the informant and the FBI undercover agent told Martinez that he did not have to go through with it, and they would understand if he did not, but Martinez insisted.⁶

On December 8, 2010, he drove an SUV which he believed to be rigged with explosives to the targeted recruiting station.⁷ He parked the inert car bomb at the recruiting station and, once he thought there were soldiers inside, he attempted to detonate it with a remote trigger and was immediately arrested.⁸

Martinez was charged in a U.S. District Court with attempted murder of federal officers and employees and attempted use of a weapon of mass destruction; if convicted, he could be sentenced to life in prison.⁹ In January 2011, he appeared at a brief hearing and pled not guilty to the charges, his attorneys argued that he was entrapped in an FBI sting and never could have committed the attack on his own.¹⁰

¹ Maria Glod, Jerry Markon, and Tara Brahmppour, "Md. Man Accused of Attempted Bombing," *Washington Post*, December 9, 2010.

² Charlie Savage and Gary Gately, "Maryland Bomb Plot Foiled, Authorities Say," *New York Times*, December 8, 2010.

³ Savage and Gately, "Maryland."

⁴ Evan Perez, "FBI Holds Man in Bomb-Plot Sting," *Wall Street Journal*, December 9, 2010.

⁵ Perez, "FBI."

⁶ Savage and Gately, "Maryland."

⁷ Savage and Gately, "Maryland."

⁸ Savage and Gately, "Maryland."

⁹ Bob Drogin and Richard Serrano, "Baltimore Man Arrested in Foiled Terrorism Plot," *Los Angeles Times*, December 9, 2010.

¹⁰ Drogin and Serrano, "Baltimore."

2. Nature of the adversary

Antonio Martinez, also known as Muhammad Hussain, is a naturalized U.S. citizen born in Nicaragua.¹¹ It is unclear when he came to the U.S., but he attended Prince George's County Public Schools in Maryland, and the 2005 Laurel High School yearbook lists him as a member of that year's freshman class, but it is unclear whether he ever graduated. At a court hearing, he claimed to work in construction, but he held a previous job selling children's clothing at a mall in Catonsville, Maryland. Former coworkers reported that he began working at the mall about a year before his arrest, that he seemed just like a typical young adult working a retail job, and that he was polite and hardworking. They also claimed that when he began the job he was a newly baptized Christian, but one day surprised them by announcing he had converted to Islam. He began to bring a prayer rug to work to pray to Mecca.¹²

According to his former coworkers, Martinez converted once he "met some people and started reading the Quran." When they reminded him of Islam's bad publicity in the U.S., Martinez acknowledged that both his mother and girlfriend at the time did not approve, but converting was something he felt he had to do. One of his former colleagues claimed that she never had any inkling that Martinez held any anti-American views—in fact, he once tried to join the Army, something that he also revealed to the FBI informant. Since then, he appeared to have developed a particular hatred towards American servicemen, stating "Every soldier that we see in uniform will be killed on the spot, Insha'Allah." It is unclear when he changed his name to Muhammad Hussain, but his discontent with America seemed cemented by the time he first posted on his public Facebook page in August 2010, writing "When are these crusaders gonna realize they cant win? How many more lives are they willing to sacrafice."¹³

His mother was reportedly concerned with his sudden change of faith and his increasingly fervent Islamic views. She tried to dissuade him from converting to Islam, and told the press that she is a "devout American" and is embarrassed by her son's actions. During the FBI's undercover investigation, Martinez expressed frustration with his mother, claiming that she just wanted him to be like everyone else and she could not understand his passion for Islam. He was recorded as saying that he was "Glad I am not like everyone else my age, 21--going out, having fun, be in college, all that stuff. That's not me...that not what Allah has in mind for me." Little else has been written about his family or upbringing, only that he had a little brother who he would sometimes watch play outside.¹⁴

Martinez married Naimah Ismail-Hussain in the summer of 2010, according to his wife's Facebook page. According to his former coworkers at the clothing store, his girlfriend at the time of his conversion did not approve of his new religion, so Martinez likely met his wife after he became a Muslim. In

¹¹ Mara Gay, "Who Is Accused Baltimore Terrorist Antonio Martinez?" Huffington Post, December 9, 2010.

¹² Scott Calvert, "Baltimore-area Bomb Plot: Co-workers Surprised by Charges," *Baltimore Sun*, December 9, 2010.

¹³ Calvert, "Baltimore."

¹⁴ Calvert, "Baltimore."

December 2010, her Facebook page listed her as a senior majoring in English and education at Pine Manor College in Chestnut Hill, Massachusetts; Martinez lived in an apartment in Woodlawn, Maryland, so it appears that they had a long-distance relationship but it is unclear how they met. According to court records, Martinez stated that his wife was supportive of his desire to fight jihad, claiming that she said she didn't want to stop him and that "She will support everything I want to do." Martinez's wife appears to have a brother, Kojo Ghana, who describes himself on Facebook as Martinez's brother-in-law and who tried many times to temper Martinez's violent emotions on Facebook. Ghana wrote to Martinez that "There's always balance in Islam" and that Martinez should "Help those who are in need of help, volunteer at a food bank, tutor, or something Constructive."¹⁵ So Martinez appears to have had at least one moderate Islamic influence in his life.

Martinez worshiped at two different mosques, the Faizah-e-Madina Mosque and the Al Madina, located in shopping strips in his hometown of Woodlawn, Maryland. Worshipers at the Faizah-e-Madina Mosque were surprised by his arrest, and said that they only knew Martinez as someone who prayed at the mosques. Naeem Rafiq, a Pakistan native and local grocery store owner, said that he prayed with Martinez two or three times a day at the Faizah-e-Madina Mosque beginning about a year before his arrest, but that Martinez had left to attend the Al Madina and he had not seen him in six months.¹⁶

Neighbors commented that Martinez usually kept to himself, only coming outside to watch his little brother play. It is unclear whether or not he lived alone or with other family members. They say that he usually wore a black-and-white checked head covering, and sometimes would kneel in the grass outside to pray. He seems to have expressed much of his violent jihadist views on Facebook, spending a lot of time glorifying jihad and showing his admiration particularly for Anwar al-Awlaki, a U.S.-born cleric linked to the 2009 shooting at Fort Hood (Case 32). He describes himself on Facebook by writing, "IM just a yung brotha from the wrong side of the tracks who embraced Islam."¹⁷

According to state records, Martinez faced criminal charges three times. In 2006, at age 16, he was charged with armed robbery and handgun offenses in Montgomery County, Maryland, though the outcome of those charges is unclear and may have been transferred to juvenile court. In 2008 he was charged with car theft in Prince George's County and theft under \$100 in Montgomery County. According to state records, he was convicted on the lesser theft charge and received a 90-day suspended jail sentence and ordered to pay \$500 in fines and \$160 in restitution.¹⁸ The FBI investigation does not appear to make note of any jail time or possible Islamic influences he may have encountered in prison.

Overall, Martinez appears to have been a troubled young man who was susceptible to radical Islam for a number of possible reasons, such as his trouble with the law, his rejection from the Army, or his atypical lifestyle for a 21 year-

¹⁵ Calvert, "Baltimore."

¹⁶ Calvert, "Baltimore."

¹⁷ Calvert, "Baltimore."

¹⁸ Calvert, "Baltimore."

old American. He was a minority in the United States seemingly without goals or direction, and was drawn to the guidelines of religion, especially one that is not in the mainstream of America. His transformation from a misbehaving youth to a married, radical Islamist appears to have taken place in about a year, and such a readily quick change suggests that his old way of living was unstable and unhappy.

3. Motivation

Martinez was motivated by a devotion to Islam, a desire to commit violent jihad, and a wish to kill members of the American military in retaliation for what he perceived as their war against Islam.¹⁹ Martinez first came to the attention of the FBI when an informant showed authorities a Facebook message in which he expressed an interest in joining jihadists in Afghanistan and tried to get the informant to help him with an attack on a military recruiting center.²⁰ The informant and undercover FBI agent recorded numerous conversations and online communications with Martinez in which he expressed his motivations. According to the complaint filed by the government, Martinez believed that the United States was responsible for the September 11, 2001, terrorist attacks and had “accused Muslims of committing the attacks as an excuse to fight them.”²¹ The government affidavit stated that Martinez told the informant that it was appropriate to attack the U.S. military because it was killing Muslims overseas.²² He wrote that “Every soldier that we see in uniform will be killed on the spot, Insha’Allah,” and “They will be killed until they stop waging war against...Islam.”²³ The FBI claims to have recorded conversations in which Martinez states that Army Major Nidal Hasan saved the lives of Muslims by killing 13 soldiers in a shooting spree the previous year at Fort Hood.²⁴ In October and November of 2010, he praised Anwar al-Awlaki, a radical Muslim cleric who called for terrorist attacks, and a video of insurgents attacking Western troops.²⁵

It is abundantly clear that his devotion to Islam and his anger about U.S. foreign policy in Islamic majority nations drove his desire to wage jihad, especially against the American military.

4. Goals

The goal of Martinez’s attempted attack was to kill American soldiers by targeting a military recruiting station. On a broader level, by attacking a military target, Martinez hoped to end what he perceived as America’s war on Islam, writing that soldiers “will be killed until they stop waging war against ...

¹⁹ Calvert, “Baltimore.” Glod et al., “Md. Man.”

²⁰ Savage and Gately, “Maryland.”

²¹ Savage and Gately, “Maryland.”

²² Perez, “FBI.”

²³ Calvert, “Baltimore.”

²⁴ Perez, “FBI.”

²⁵ Savage and Gately, “Maryland.”

Islam.”²⁶ He wrote on his Facebook page that “we gotta rise up” and “continue the establishment of Islam on the earth.”²⁷

The affidavit filed by the FBI describes the attempted attack in Catonsville as the first of many that Martinez wanted to commit against the American military. He wrote, “We are gonna go...to their stations, to their bases...to everywhere a soldier is” and “Every soldier that we see in uniform will be killed on the spot.” The affidavit asserted that his goal was to become a martyr for Islam.²⁸ He clearly felt that the U.S. military was attacking his new religion and, as an adherent to violent jihad, he wanted to target and kill members of the American military both in the name of jihad and to expel the U.S. from the Middle East.

5. Plans for violence

Antonio Martinez first came to the attention of the FBI in October 2010 when an informant contacted them about Facebook posts made by Martinez in which he expressed an interest in joining jihadists in Afghanistan and attacking a military recruiting station in the U.S.²⁹ Martinez was trying to recruit others to help with the attack, and the informant was not the only person Martinez had tried to enlist for help—two others refused, another refused and tried to talk him out of it, and the fourth, the informant, turned him in to the FBI.³⁰ According to the affidavit, the plot to attack a recruiting station evolved from Martinez’s idea to get a rifle and shoot everyone in the station into a plan involving a remote detonated car bomb.³¹ The informant introduced Martinez to an undercover FBI agent posing as an Afghani man who would help Martinez with his plot and help him make a car bomb.³²

It does not appear that Martinez was trained or knowledgeable about explosives or any other violent or covert operations, and it does not appear that the undercover FBI agent provided him with any training.

Martinez chose the Catonsville, Maryland, military recruiting station as a target on his own, and was familiar with the station because he had gone there to try to join the military, according to the FBI.³³ As noted, he was adamant about having a military target. He had previously spoken about blowing up Andrews Air Force Base, but determined that it would be more effective to carry out small attacks and ambushes.³⁴ According to the FBI, the Catonsville attack was the first of many he planned on carrying out against the American military.³⁵

As is now common in FBI sting operations, the informant and the undercover FBI agent both gave Martinez many chances to back out of the plan,

²⁶ Calvert, “Baltimore.”

²⁷ Calvert, “Baltimore.”

²⁸ Glod et al., “Md. Man.”

²⁹ Savage and Gately, “Maryland.”

³⁰ Glod et al., “Md. Man.”

³¹ Glod et al., “Md. Man.”

³² Glod et al., “Md. Man.”

³³ Perez, “FBI.”

³⁴ Glod et al., “Md. Man.”

³⁵ Glod et al., “Md. Man.”

ensuring him that they would understand if he did not want to proceed.³⁶ In one of these cases, Martinez replied, “I came to you about this, brother,” making it clear that Martinez was the leader of the plot and that he had no intention of giving it up.³⁷

He did express misgivings when an Oregon man was arrested as a result of an FBI undercover sting on November 27, 2010 for attempting to detonate a bomb at a Christmas tree lighting ceremony (Case 38). Martinez told the FBI informant that he was unsure about the true identity of his “Afghani brother,” the undercover FBI agent. At the suggestion of the FBI, the informant told Martinez that the “Afghani” had expressed his own doubts about Martinez and was thinking of canceling their operation. This subterfuge was successful, and Martinez was eager to show his “Afghani brother” that he was trustworthy.³⁸

In early December 2010, the undercover FBI agent provided Martinez with an SUV rigged with an inert explosive.³⁹ At this meeting, they discussed where to park the vehicle to cause the most damage and a plan to flee to Afghanistan after the bomb had been detonated.⁴⁰ There does not appear to have ever been talks of a suicide mission, and Martinez’s plan to flee and commit further attacks suggests he was not yet willing to die in the name of jihad. On the morning of Wednesday, December 8, 2010, Martinez met the informant and the undercover FBI agent at a parking lot near the targeted recruiting center and then drove the vehicle carrying the fake explosive device alone to the Catonville recruiting station.⁴¹ He was then picked up by the informant and they drove to a designated vantage point.⁴² Once the undercover FBI agent alerted them that soldiers were in the Catonville recruiting station, Martinez attempted to detonate the device, at which time he was placed under arrest.⁴³

6. Role of informants

Clearly, both the informant and the undercover FBI agent were absolutely vital to this case. The informant, about whom very little is known, was guided by the FBI to go along with Martinez’s plot and continue recording their communications.⁴⁴ This informant appears to have only been an acquaintance of Martinez’s on Facebook, and it is unclear how or if they knew each other prior to their online talks. The informant introduced Martinez to the undercover FBI agent posing as an Afghani brother who could help provide Martinez with a car bomb.⁴⁵ Along with recording crucial evidence and going on many surveillance missions with Martinez, it was the informant who picked him up after he planted the fake

³⁶ Savage and Gately, “Maryland.”

³⁷ Glod et al., “Md. Man.”

³⁸ Perez, “FBI.”

³⁹ Savage and Gately, “Maryland.”

⁴⁰ Savage and Gately, “Maryland.”

⁴¹ United States District Court. District of Maryland. United States of America v. Antonio Martinez A/k/a Muhammad Hussain, December 8, 2010, 17.

⁴² U.S. v. Martinez, 18.

⁴³ U.S. v. Martinez, 18.

⁴⁴ Glod et al., “Md. Man.”

⁴⁵ Glod et al., “Md. Man.”

bomb in the recruiting station and who sat with him in the car as Martinez attempted to remote detonate the bomb.⁴⁶ It is unclear whether or not he was paid for his services. Nothing is known about his background or identity, but without him this case would not exist and Martinez would remain a dangerous threat.

It is very possible that Martinez could have obtained a gun and accomplished his shooting plan—after all he had handgun and theft charges on his criminal record.⁴⁷ The change in plan from a shooting to a bombing may have developed only after he thought he had enlisted the help of the “Afghani” bomb expert.

Neither the informant nor the undercover FBI agent could be said to have entrapped Martinez. While his defense attorneys have argued that he was not capable of completing the attack on his own,⁴⁸ Martinez developed the plot on his own and only came to the attention of the FBI because he was trying to recruit people to help him carry it out.⁴⁹ The government’s affidavit describes how the attack evolved in Martinez’s mind from a plan to just get a rifle and shoot everyone he could in the recruiting station to a more complicated remote detonation bomb plot.⁵⁰ Also, as is now routine in these FBI sting cases, in order to avoid calls of entrapment⁵¹ both the informant and the undercover agent asked him numerous times if he was sure he wanted to go through with the plan and told him they would understand if he did not.⁵² Each time, Martinez was adamant that he wanted to continue, even chiding them to remember that it was he who came to them about the attack, not the other way around.⁵³ Entrapment is a weak argument in this case.

7. Connections

It does not appear that Martinez ever had connections to al-Qaeda or any other terror network. He is a naturalized U.S. citizen from Nicaragua and also does not appear to have any direct connections with the Middle East. He attended two different mosques, and it is possible that he was influenced there, but if such influences exist, they were never made explicit. His Facebook posts clearly show reverence for Osama bin Laden and Anwar al-Awlaki, who he called his “beloved sheikh,” but while these men may have influenced him, Martinez did not have any direct connections with them or any of their terrorist networks.⁵⁴

The FBI press release for this case states that “there is no evidence that Mr. Martinez received direction or support from any other person.”⁵⁵ Martinez’s desire to attack the U.S. thus seems essentially self-motivated.

⁴⁶ U.S. v. Martinez.

⁴⁷ Calvert, “Baltimore.”

⁴⁸ Maria Glod, “Not Guilty Plea in Md. Bomb Case,” *Washington Post*, January 7, 2011.

⁴⁹ Glod et al., “Md. Man.”

⁵⁰ Glod et al., “Md. Man.”

⁵¹ Perez, “FBI.”

⁵² Glod et al., “Md. Man.”

⁵³ Glod et al., “Md. Man.”

⁵⁴ Glod et al., “Md. Man.”

⁵⁵ “FBI—Maryland Man Charged in Plot to Attack Armed Forces Recruiting Center”, *FBI—Homepage*, December 8, 2010

8. Relation to the Muslim community

According to his former coworkers, Martinez converted to Islam about a year prior to his arrest and just recently after he had been baptized as a Christian. He attended two mosques located in shopping strips in his hometown of Woodlawn, Maryland, the Faizah-e-Madina and then the Al Madina. Naeem Rafiq, a Pakistani man and local grocery store owner, said that Martinez had prayed with him two or three times a day at the Faizah-e-Madina Mosque, but that he had not seen him in six months because he had switched to the Al Madina mosque. Rafiq stated that “We don’t like these things in my country,” seemingly expressing his and the community’s disapproval of Martinez’s actions.⁵⁶

According to his former coworkers at the children’s clothing store, Martinez would bring a prayer rug into work and pray in the back room. When they asked why he converted, Martinez stated that he met some people and started reading the Quran. It is unclear who those people were and what the level of their influence was over his Islamic interpretations and actions. Martinez’s family was not Muslim, but it appears that his wife and her family shared his Islamic faith. While his wife was supposedly supportive of everything he wanted to do, his brother-in-law offered him a less violent, tempered interpretation of Islam in response to many of Martinez’s jihadist remarks on Facebook.⁵⁷ It thus seems that he did not have direct or indirect support from the Muslim community.

9. Depiction by the authorities

The day after Martinez’s arrest, the Justice Department released a statement expressing that he was never a threat and the plot he attempted to carry out was controlled by the FBI and never involved an actual bomb.⁵⁸ Government officials also “emphasized that Martinez came up with the idea and target for the plot, tried to recruit others and was given numerous chances by agents to back out.”⁵⁹

While Martinez was unlikely to be able to carry out the car bomb plot on his own, his original plan to just go into the recruiting station and start shooting was one he could have easily accomplished. His goal was to kill members of the American military, and he went so far on his own as to choose a target and attempt to recruit help.

It was important for the authorities to emphasize both the lack of actual danger and the clear absence of entrapment, but it was also very important that they take the chance to herald a victory for the war on terror that was truly a significant arrest. In this case, the FBI did arrest someone who was likely to commit a terrorist act if it had not intervened. The FBI press conference reflected this sentiment, with Special-Agent-in-Charge Richard A. McFeely stating “The danger posed by the defendant in this case was very real. The exceptional work of

⁵⁶ Calvert, “Baltimore.”

⁵⁷ Calvert, “Baltimore.”

⁵⁸ Perez, “FBI.”

⁵⁹ Glod et al., “Md. Man.”

the Joint Terrorism Task Force (JTTF) showed us Martinez was absolutely committed to carrying out an attack which would have cost lives.”⁶⁰

The attempted attack was accurately portrayed as not posing any danger, and Martinez was accurately portrayed as being a truly serious potential threat. Overall, the depiction of this case by authorities was accurate and responsible.

10. Coverage by the media

Like the depiction by the authorities, media coverage focused both on the lack of actual danger posed by the attempted attack and on the numerous reasons why it would be difficult for Martinez to argue entrapment. Each main article also touches on the more interesting facets of the case, such as the hesitation of Martinez after the arrest in the similar Oregon sting and the fact that he tried and failed four times on Facebook to enlist help with his attack.

Another theme that was commonly reported on was the increasing frequency of FBI terror stings happening around the end of 2010. In October, FBI agents posed as Islamic radicals and arrested Farooque Ahmed for plotting to bomb DC Metro stations (Case 37), and in November, FBI agents made the arrest in the Oregon sting (Case 38) that worried Martinez.⁶¹ Journalists reported on this new trend in the fight against terror that seemed to center on undercover operations and allowing plots to proceed to the point of a fake attack to avoid charges of entrapment.⁶² Finally, they extensively quoted Martinez’s Facebook page, as it was available for public viewing and provided an unfettered glimpse into his views and motivations.

Very few reports were given on Martinez’s background, and only the *Baltimore Sun* printed an extensive article that went beyond his self-reported history on Facebook.⁶³ The media, perhaps jaded by the multiple, seemingly non-threatening fake terror plots at that time, failed to truly capture how dangerous Martinez could have been had the FBI not intervened. Overall their reports were competent and responsible, but a perhaps a bit too non-alarmist.

11. Policing costs

The FBI and the Justice Department have not released costs of the investigation, and journalists have not reported specific or generic figures. The investigation began on October 8, 2010 when the informant contacted the FBI about Martinez’s postings on Facebook.⁶⁴ It ended on the morning of December 8, 2010, exactly two months later, when Martinez attempted to blow up the military recruiting center and was subsequently arrested.⁶⁵ A two-month long investigation is relatively short, and therefore probably relatively inexpensive. However, the investigation involved many different bodies at the local, state, and federal levels, including the Baltimore City and Baltimore County Police

⁶⁰ “FBI—Maryland Man Charged in Plot.”

⁶¹ Glod et al., “Md. Man.”

⁶² Glod et al., “Md. Man.” Perez, “FBI.”

⁶³ Calvert, “Baltimore.”

⁶⁴ FBI Press Release, “FBI.”

⁶⁵ FBI Press Release, “FBI.”

Departments, the Maryland State Police, the Naval Criminal Investigative Service, Air Force Recruitment Command, Air Force Office of Special Investigations, Army 902nd Military Intelligence Group, the U.S. Marshals, and several levels of the U.S. Justice Department.⁶⁶ Clearly many people were involved, and they likely spent a significant amount of time and energy on the case, which translates into cost.

It does not appear that the FBI directly paid Martinez, and it seems that they only provided him with minor transportation and, of course, the inert car bomb. The two key members of the investigation are the informant and the undercover FBI agent. It is unclear at present whether the informant was paid and whether the undercover agent received additional compensation. Significant direct costs of the case seem limited to the personnel costs involved with such an investigation.

The case is in the U.S. District Court in Baltimore, and because of Martinez's not guilty plea, will likely spend a significant amount of time working its way through the legal channels and therefore be relatively expensive. However, as of May 2011, there appear to have only been two brief hearings, and no trial date has been made public.

12. Relevance of the internet

The informant contacted the FBI based on communications with Martinez on the social networking website, Facebook, making the internet extremely relevant to this case.⁶⁷ Martinez attempted to recruit additional people on Facebook to help carry out his attack. He also used the social networking site to publicly post his jihadist views and violent intentions, writing things like "The sword is cummin the reign of oppression is about 2 cease inshallah"⁶⁸ and "Do you really want to spend your entire lives praying for longevity? WE were born in order to die"⁶⁹ and "Any 1 who opposes ALLAH and HIS Prophet PEACE.Be.upon.Him I hate you with all my heart."⁷⁰ This brought Martinez to the attention of the FBI and provided them with evidence that he was a serious threat. From his internet postings, the FBI enlisted the help of the informant and developed a sting operation. Finally, the FBI used the postings as evidence in their criminal complaint, directly quoting his comments.⁷¹ The internet provided crucial evidence of Martinez's dangerous intentions and without it he would have been unknown to the FBI. It was thus absolutely crucial to this case.

13. Are we safer?

Yes. Martinez clearly expressed his Islamist extremist views on his public Facebook page and made clear his intent to attack and kill military personnel.⁷² He attempted to recruit others, including the informant, to help him with such an

⁶⁶ FBI Press Release, "FBI."

⁶⁷ Glod et al., "Md. Man."

⁶⁸ Perez, "FBI."

⁶⁹ Calvert, "Baltimore."

⁷⁰ U.S. v. Martinez, 3

⁷¹ U.S. v. Martinez, 9-10

⁷² FBI Press Release, "FBI."

attack.⁷³ All of this was done before the FBI was even alerted about the danger Martinez posed.

Had the informant not come forward, Martinez could have committed a terrorist attack. While it may not have been as sophisticated as the remote detonation plan he developed with the help of the undercover agent, it could have been just as deadly. Because he was developing his plans well before FBI involvement, an entrapment argument in this case is quite weak. While Antonio Martinez seemed to be a troubled youth who fell into an extreme religious ideology, this does not negate his dangerousness. The United States is, without a doubt, safer with him in custody.

14. Conclusions

In many ways, Antonio Martinez fits the stereotype of a would-be terrorist. He is a young man with a troubled past, and when he discovered Islam he adopted a very violent interpretation of jihad. His motivations clearly stem from Islamist extremist ideology, and he was intent on killing Americans. He held particular disdain for the American military because of his belief that U.S. military action in the Middle East has caused destruction and the killing of his Muslim brothers. While Martinez is not of Middle Eastern descent like the majority of would-be Islamist terrorists, he is a Latino and this minority status may have made him particularly sympathetic to the plight of Muslims in the U.S. and contributed to his frustrations with America.

The sequence of events in this case is also very similar to other recent cases. The FBI has frequently first determined that the suspect is a legitimate threat, then used undercover agents to monitor and secretly to befriend the suspect, and then provided the means to actually carry out a fake attack that the suspect believes to be real.⁷⁴ While doing this, the agents take particular care to offer suspects the chance to back out and change their mind, which protects against claims of entrapment.⁷⁵ Just months prior to this case, FBI agents in Oregon arrested a young man in a sting operation for attempting to detonate a bomb at a Christmas tree lighting (Case 38), and agents in Northern Virginia arrested another man in a sting for plotting to bomb the DC Metro (Case 37).⁷⁶ Undercover plots, like the one in this case, are frequently allowed to proceed to the point of an attack—a strategy that has worked well for the FBI against claims of entrapment.⁷⁷ The most significant difference between Martinez and the similar sting cases is that Martinez already had a practical plan in motion before FBI involvement—he had attempted to recruit individuals to help him, had chosen a target, and probably could have successfully executed a shooting terror attack.

All evidence suggests that Martinez acted alone and was not part of a terror network.⁷⁸ He did, however, try to build such a group by recruiting his

⁷³ FBI Press Release, “FBI.”

⁷⁴ Glod et al., “Md. Man.”

⁷⁵ Glod et al., “Md. Man.”

⁷⁶ Glod et al., “Md. Man.”

⁷⁷ Glod et al., “Md. Man.”

⁷⁸ FBI Press Release, “FBI.”

friends, and he may have derived some satisfaction by forming the conspiratorial threesome consisting of himself, the informant, and the undercover FBI agent. But he does not appear to have been motivated by the social solidarity of a terrorist network. Martinez makes it abundantly clear that he sought to attack the U.S. military because he believes it his duty as a Muslim to wage jihad, and he wishes to do so by enacting revenge on those he believes have pillaged the Middle East and killed his Muslim brothers. Religious ideology and political payback motivate Martinez, not social connections.

In 2009, the Department of Homeland Security suggested that most terrorist threats in the post-9/11 era are likely to be smaller and focused on less protected targets.⁷⁹ Similarly, expert Brian Jenkins argues that the threat America is most likely to face today are “tiny conspiracies, lone gunmen, one-off attacks rather than sustained terrorist campaigns.”⁸⁰ Martinez’s plans seem to fit these descriptions. While he spoke at times of large attacks like blowing up Andrews Air Force Base with a truck of gasoline, he also often spoke of smaller, more realistic attacks and ambushes that he believed would be more effective.⁸¹ The target that he eventually chose was a suburban Armed Forces recruiting center in the residential Baltimore suburb of Catonville, Maryland, a place that he had visited before when he had considered joining the Army.⁸² Before the possibility of a remotely detonated car bomb was made possible by the undercover FBI agent, Martinez spoke of a much simpler plan that involved just going into the recruiting station and shooting everyone.⁸³ While Martinez’s goal was to kill members of the military rather than go after critical infrastructure and key resources, as suggested by the Department of Homeland Security, he clearly showed an understanding of his capabilities and proved that he understood the effectiveness of small, targeted attacks that can be simple yet deadly.

Antonio Martinez was an Islamist extremist who would have posed serious danger to the U.S. had the FBI not intervened. His threat of actual danger is what separates this case from several similar FBI undercover operations that also took place around this time period. Martinez had a plan to attack a particular military recruiting station and considered doing so by simply going in and shooting everyone inside, an action that would likely have been easy for him to carry out and effective to service his goal to kill members of the U.S. military. He attempted to recruit others to assist him even before FBI involvement. Entrapment is a question that appears frequently in these undercover FBI stings involving immature, frustrated, and irrational young men. While Martinez may have been all of those things, he was also a serious threat with a dangerous religious ideology. In this case, there is no doubt that the FBI prevented terrorist violence.⁸⁴

⁷⁹ Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

⁸⁰ Brian M. Jenkins, *Would-be Warriors : Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 13.

⁸¹ Glod et al., “Md. Man.”

⁸² U.S. v. Martinez, 4

⁸³ U.S. v. Martinez, 10

⁸⁴ Glod et al., “Md. Man.”

Case 41: Texas

John Mueller

June 5, 2011

At any one time over 30,000 citizens from Saudi Arabia are studying at U.S. colleges or universities. In 2010, one of them, the 20-year-old Khalid Ali-M Aldawsari, apparently turned to violent extremism at about the time he was flunking out of Texas Tech. He publicly recording the change on his blog posts and Facebook profile which previously had shown, in contrast, a distinct attraction to, and fondness for, America and the girls within, as well as a desire to get a job at Google, a “dream” he deemed to be “not impossible.”

In his new mood he condemned American foreign policy in the Middle East: “if this is the West’s version of freedom, and their peace policy, we have our own policies in freedom and it is war until...the infidels leave defeated,” condemned both the Saudi regime and Israel’s policies in Gaza, and prayed, “You who created mankind and who is knowledgeable of what is in the womb, grant me martyrdom for Your sake and make Jihad easy for me.”

He accordingly began to accumulate materials to make bombs and to select targets. Among the targets: three Americans who served in the U.S. military and at some point were stationed in the Abu Ghraib prison in Iraq, twelve reservoirs and hydroelectric dams, nuclear power plants, and—the one most noted by the media— “TYRANT’S HOUSE,” otherwise known as the Dallas residence of former President George W. Bush. He apparently was also giving deep thought to detonating explosive-laden rental cars by remote control on crowded streets during rush hour in New York.

Curious complications developed with one of his chemical purchases, and the FBI, tipped off by the vendor, began an investigation, one that presumably included checking out Aldawsari’s blog and Facebook materials. After the arrest, the FBI Special Agent in charge asserted, “This was a close call.” Noting some research by Michael Kenney, however, David Bernstein, though concerned about how close Aldawsari came to making a bomb, observes that, although Aldawsari had accumulated some relevant chemicals, he did not possess the training, experience, or education needed to overcome other challenges in building either bombs or remote detonating devices.¹

¹ Michael Kenney, “Beyond the Internet,” *Terrorism and Political Violence* 22(2), 2010. See also Anne Stenersen, “The Internet: A Virtual Training Camp?” *Terrorism and Political Violence* 20(2), 2008.

Case 41: Texas

David Bernstein

June 5, 2011

btypographical and other minor corrections January 12, 2012

1. Overview

On late Wednesday night, February 23, 2011, Khalid Ali-M Aldawsari was arrested after an FBI investigation led agents to believe that he was attempting to build an explosive to use in an act of terrorism against a target in the United States.² Aldawsari, 20, a Saudi citizen who began studying in the United States on a student visa in September 2008, was arrested after the investigation found that he had acquired or was attempting to acquire necessary ingredients and equipment to build an explosive.³ At the time of his arrest, Aldawsari was studying business at South Plains College near Lubbock, Texas.⁴

According to the criminal complaint, he was attempting to create an explosive by producing trinitrophenol (TNP), also called picric acid, which can be used to create an improvised explosive device (IED). The FBI became aware of Aldawsari's actions after he attempted to purchase \$435 worth of concentrated phenol—a chemical when properly added to nitric and sulfuric acids can produce TNP—from the chemical supply company Carolina Biological Supply.⁵ Complications with the order caused the chemical supply firm to grow suspicious and inform the FBI of Aldawsari's attempted order on February 1, 2011.⁶ Additionally, reports have emerged that the Department of Homeland Security and the FBI had received prior tips on Aldawsari from Immigration and Customs Enforcement (ICE) regarding “suspicious banking activity.”⁷

Following the tip from the chemical supply company, the FBI began an investigation of Aldawsari that involved 24-hour surveillance and two secret searches of his apartment in Lubbock, Texas.⁸ After an initial February 14, 2011 search of Aldawsari's apartment failed to properly determine the amount of progress in Aldawsari's attempt to create an explosive and failed to determine if he had other accomplices, a second search was conducted that convinced agents Aldawsari was acting as a “lone-wolf” terrorist.⁹ According to the FBI affidavit that detailed passages of a journal written by Aldawsari in Arabic, Aldawsari

² “Texas Resident Arrested on Charge of Attempted Use of Weapon of Mass Destruction,” Department of Justice Office of Public Affairs, February 24, 2011.

³ Charlie Savage and Scott Shane, “U.S. Arrests Saudi Student in Bomb Plot,” *New York Times*, February 24, 2011.

⁴ Peter Finn, “FBI: Saudi student bought materials for bomb, considered Bush home as target,” *Washington Post*, February 25, 2011.

⁵ Savage and Shane, “U.S. Arrests Saudi Student.”

⁶ Savage and Shane, “U.S. Arrests Saudi Student.”

⁷ Mike H. Ahers, “DHS says it had suspicions about terror suspect before companies’ tip,” CNN, March 3, 2011. No mention of suspicious banking activity was made in the criminal complaint against Aldawsari, but it may be brought up during trial.

⁸ Barton Gellman, “Is the FBI Up to the Job 10 Years After 9/11?” *Time*, April 28, 2011. For his article, Gellman shadowed FBI Director Robert Mueller to gain a better view on the Director's job. During his time with Mueller, the FBI was in the middle of its investigation of Aldawsari.

⁹ Gellman, “Is the FBI Up to the Job.”

wrote “I excelled in my studies in high school in order to take advantage of an opportunity for a scholarship to America. And now, after mastering the English language, learning how to build explosives, and continuous planning to target the infidel Americans, it is time for Jihad.”¹⁰ Additionally, the search turned up extensive internet research conducted by Aldawsari over potential targets and instructions for developing his bomb, prompting the FBI to arrest Aldawsari at his apartment a week later on February 23, 2011.

Aldawsari was charged with the attempted use of a weapon of mass destruction which carries the potential sentence of life in prison and a \$250,000 fine.¹¹ After being indicted on March 28, 2011, Aldawsari pled not guilty. His trial was initially scheduled to begin May 2, 2011 but was postponed after prosecutors asked the District Court to slow down court proceedings because it is a “complex case.” The trial is now currently scheduled to begin on October 24, 2011.¹²

2. Nature of the adversary

Khalid Ali-M Aldawsari was born in Saudi Arabia on April 24, 1990.¹³ Whether he came to the United States as a student to commit terrorism or became inspired to do so after his arrival is impossible to determine. However, Aldawsari was granted a scholarship from the Saudi Basic Industries Corporation, whose majority owner is the Saudi government.¹⁴ Saudi officials have commented since Aldawsari’s arrest that he had no prior criminal record.¹⁵

With the scholarship providing him financial means to study at American universities, Aldawsari began his studies at Vanderbilt University in September 2008 studying English as a second language.¹⁶ After spending much of the summer of 2009 in Saudi Arabia, he chose to return to the United States to continue his studies.¹⁷ He then transferred to Texas Tech University in Lubbock, Texas in August 2009 to study chemical engineering.¹⁸

While at Texas Tech, he was assigned to live in student housing dorms and shared a suite with two other roommates. Those who knew Aldawsari while he was studying at Texas Tech described him as an extremely private, shy person who shunned requests to spend time with others. According to his roommates, he would only be seen coming to or from class, preparing food in a shared kitchen, and would politely decline their invitations to spend time with them or run shared

¹⁰ Savage and Shane, “U.S. Arrests Saudi Student.”

¹¹ “Texas Resident Arrested,” Department of Justice.

¹² James Clark, “Lubbock’s Aldawsari terror case put off until October,” KCBD11 News, April 6, 2011.

¹³ Jeremy Pelofsky, “Factbox: Details of bomb plot in U.S. by Saudi national,” Reuters, February 24, 2011.

¹⁴ Jason Trahan and Todd J. Gillman, “Saudi terror suspect who allegedly targeted Bush appears in Lubbock court,” *Dallas Morning News*, February 25, 2011.

¹⁵ Finn, “FBI: Saudi Student.”

¹⁶ Trahan and Gillman, “Saudi terror suspect.”

¹⁷ James C. McKinley and Sarah Wheaton, “Saudi Student to Be Arraigned in Bomb Plot,” *New York Times*, February 25, 2011.

¹⁸ Savage and Shane, “U.S. Arrests Saudi Student.”

errands together.¹⁹ His roommates also said that his door was almost always locked and they could hear him in the mornings having phone conversations in Arabic and watching Arabic newscasts on his computer in the afternoon.²⁰ His roommates also noted that Aldawsari did not appear to be outwardly religious and, except for celebrating Ramadan, did not appear to partake in any other Islamic traditions including ritual daily prayer, refraining from shaving, or wearing traditional Muslim clothing.²¹ As he was always polite and extremely private with his roommates, Aldawsari's roommates said that they were shocked when he was arrested for allegedly preparing an explosive for a future terrorist act. One roommate, Dwaine Fombuh said, somewhat jokingly, in reference to Aldawsari's extremely private demeanor that "Friends who would come over would be like, 'Man, he's probably a terrorist.' But he never was a threat to us. He didn't seem like a bad guy at all."²²

Aldawsari also kept himself private from the Muslim and Saudi student communities at Texas Tech. According to the imams at the main local mosque and a smaller mosque for Texas Tech students, Aldawsari never attended either mosque while living in Lubbock. Furthermore, according to Almohannad Ali Aghamdi, president of the Saudi Student Association at Texas Tech, Aldawsari declined several invitations to attend meetings of the student group or join in their activities.²³

In July 2010, Aldawsari moved into a Lubbock apartment by himself and then transferred to South Plains College in January 2011.²⁴ According to the FBI, Aldawsari flunked out of Texas Tech and somehow avoided a review of his student visa that should have been conducted before he was able to transfer to South Plains College.²⁵

Beginning in December 2008, Aldawsari published a blog, entitled "From Far Away," in which he wrote about his time studying in America, sometimes in Arabic and sometimes in broken English. From late 2008 until the summer of 2009, Aldawsari made many blog posts regarding his growing fondness for America and depictions of multiple girls that he became infatuated with while studying at Vanderbilt and Texas.²⁶ In an August 23, 2009 post, Aldawsari said that he was beginning to love Lubbock.²⁷ In others he expressed an interest in a future career in America. For example in a May 11, 2009, blog post, Aldawsari wrote "This is an opportunity to be in the US to achieve my dream that I am working very hard and I am doing my best to catch it, that dream is mainly and simply to be an employee in google which is not impossible to achieve even if it

¹⁹ Elliot Blackburn, "Roommates: Aldawsari shy, aloof," *Amarillo Globe-News*, February 26, 2011.

²⁰ Savage and Shane, "U.S. Arrests Saudi Student."

²¹ Blackburn, "Roommates."

²² Trahan and Gillman, "Saudi terror suspect."

²³ McKinley and Wheaton, "Saudi Student."

²⁴ Trahan and Gillman, "Saudi terror suspect."

²⁵ Gellman, "Is the FBI Up to the Job?"

²⁶ McKinley and Wheaton, "Saudi Student."

²⁷ <http://fromfaraway90.blogspot.com/2009/08/i-arrived-in-lubbock-tx-one-week-ago.html>

is hard but it is still not impossible because there is nothing impossible for me.”²⁸ From many of his blog entries and from descriptions by his roommates, Khalid Aldawsari would not appear to be the lone wolf terrorist that attempted to construct a powerful explosive.

However, in 2010, he stopped writing blog entries in English and also moved out of student dorms to even further isolate himself from those around to him, possibly indicating he was beginning on his path to try to commit a terrorist act against the United States.

3. Motivation

Many details have yet to emerge about Aldawsari’s path to terrorism, but some factors that demonstrate his motivation for becoming a jihadi can be seen on his blog, his private journal that was discovered during an FBI search of his apartment, e-mails he sent to himself from separate e-mail addresses, and even his Facebook page. Despite initially using his “From Far Away” blog to discuss his time in America, movies he had seen, and American girls who had caught his affection, he began writing angrier and more radical blog posts in 2010.

According to the FBI affidavit in support of the criminal complaint against Aldawsari, his blog posts in 2010 began to show his growing discontent with the United States and growing support for radical Islam. In one from March 11, 2010, Aldawsari wrote:

You who created mankind and who is knowledgeable of what is in the womb, grant me martyrdom for Your sake and make Jihad easy for me only in Your path, for You have no partner, and make me reside in the high heaven eternally forever, and shield me in Your shadow on the day when there is no shadow, but Yours. My God, You are the one who responds to supplication.²⁹

Furthermore, on April 8, 2010, probably discussing American foreign policy in the Middle East, Aldawsari wrote “if this is the West’s version of freedom, and their peace policy, we [Muslims] have our own policies in freedom and it is war until...the infidels leave defeated.”³⁰ These posts demonstrate that Aldawsari saw bringing jihad to the United States as an ultimate goal of his and show that Aldawsari saw himself committing terrorism as an act of Allah’s will.

When the FBI conducted secret searches of Aldawsari’s apartment on February 14 and 17, 2011, they discovered and photographed his private journal which shows even more examples of Aldawsari’s discontent with the United States and his desire to commit an act of violence while in the United States. In one excerpt, in a verbatim translation by the FBI from the original Arabic writing, Aldawsari wrote

²⁸ http://fromfaraway90.blogspot.com/2009_05_01_archive.html

²⁹ United States of America v. Khalid Ali-M Aldawsari, Criminal Complaint and Affidavit, United States District Court for the Northern District of Texas, February 23, 2011, 6. <http://www.washingtonpost.com/wp-srv/world/documents/khalid-aldawsari-complaint-affidavit.html?sid=ST2011022406551>

³⁰ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 6.

I excelled in my studies in high school in order to take advantage of an opportunity for a scholarship to America, offered by the Saululi government and its companies, so I applied with [Saudi corporations], and with the Traitor of the Two Holy Places scholarship program, and was accepted to all of them, thank God. I chose [a specific Saudi sponsoring corporation] for two reasons. First, it sends students directly to America...Second, the financial scholarship is the largest, which will help tremendously in providing me with the support I need for Jihad, God willing. And now after mastering the English language, learning how to build explosives, and continuous planning to target the infidel Americans, it is time for Jihad. I put my trust in God, for he is the best Master and Authority.³¹

In this journal, assuming the FBI's translation is proven accurate in court, Aldawsari essentially spells out that he came to the United States to learn the necessary skills, and to be able, to conduct an act of terrorism in the United States. In other entries, Aldawsari also noted that he was inspired by the speeches of Osama bin Laden and that the attacks of September 11, 2001 produced a "big change" in his thinking.³²

Furthermore, his post explaining his reasons for coming to the United States also demonstrate Aldawsari's discontent with the Saudi monarchy. He called the Saudi monarchy the "Saululi government," a derisive term for the Saudi royal family, and accused the Saudi King, often called the Custodian of the Two Holy Places, of being the "Traitor of the Two Holy Places." Furthermore, on Aldawsari's Facebook personal profile, he lists a group called "STOP Israel's War Crimes in Gaza" and several anti-monarchy Saudi dissident groups as his interests.³³

4. Goals

Aldawsari was arrested in possession of several ingredients and equipment necessary to create his own explosive device. However, he had not fleshed out a plan that included specific targets or plans of action. Instead, Aldawsari was arrested as he was conducting research on potential targets and weaknesses in the United States. In his private writings and e-mails to himself, Aldawsari revealed many potential goals that he had for himself. According to the criminal complaint and FBI affidavit against Aldawsari, his intent, as outlined in the passage in his private journal, was to come to the United States to learn the skills necessary to carry out an attack in the United States. In an e-mail Aldawsari sent to himself, he wrote "one operation in the land of infidels is equal to ten operations against occupying forces in the land of Muslims."³⁴

Furthermore, in his private journal, Aldawsari expressed his desire to create a terrorist organization that would fall under the umbrella of al-Qaeda. According to the FBI affidavit, Aldawsari wanted to create "Jamaat Jund al-

³¹ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 9-10.

³² U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

³³ Savage and Shane, "U.S. Arrests Saudi Student."

³⁴ Finn, "FBI: Saudi Student."

Islam” to be able to train, fund, and assist members of his group to carry out his, and al-Qaeda’s, agenda.³⁵

5. Plans for violence

Although Aldawsari was arrested before he had obtained all of the materials necessary to create an explosive, he had made significant steps toward reaching that goal. He also conducted extensive internet research on how to create the explosives and on potential targets for attack. In his private journal, he also had outlined the next steps he presumably would have taken in his would-be terrorist plot had he not been arrested. While conducting research, Aldawsari used three e-mail addresses to send himself the summaries of his internet research so that they would be stored in a common location.³⁶ As his trial has yet to begin, the account of his actions that led to his arrest are based upon the FBI affidavit that led to his indictment on the charges of attempted use of weapons of mass destruction.

According to FBI electronic surveillance conducted on their raids of Aldawsari’s apartment, he was first noted conducting research on potential targets for attack in September 2010. In a September 22, 2010 e-mail that Aldawsari sent to himself entitled “Targets,” Aldawsari noted the names and addresses of three American citizens who served in the U.S. military and at some point were stationed in the Iraqi Abu Ghraib prison. Again in October, Aldawsari expanded his targets to more significant points of American infrastructure. In three separate e-mails that Aldawsari sent himself on October 25, 2010, he listed the names of twelve reservoirs and hydroelectric dams, nuclear power plants, and an internet link that shows real time New York City traffic cameras. The reservoirs and hydroelectric dams were sent in an e-mail with the subject “NICE TARGETS.” However, Aldawsari likely never picked a specific target for attack and aroused intense media interest from a February 6, 2011 e-mail he sent to himself with the subject line “TYRANT’S HOUSE” that contained former President George W. Bush’s Dallas, Texas home address.³⁷

Although his intended target is not exactly clear from the evidence collected by the FBI investigation, what is clear is that Aldawsari desired to create an explosive device using trinitrophenol, TNP. TNP is a chemical compound comprised of phenol, sulfuric acid, and nitric acids that, when processed together in the correct manner, can produce a powerful explosive.³⁸ Aldawsari came dangerously close to obtaining all the necessary chemicals and equipment to produce this explosive and, as found in his private journals, showed a desire to use these explosives for violent purposes.

On December 6, 2010, Aldawsari ordered three gallons of concentrated sulfuric acid from an Amazon.com online merchant and received the shipment a

³⁵ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

³⁶ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 5. Aldawsari developed the pseudonym “Abu Zidan Al Najdi” in his personal journal and used the abu.zidan00@live.com e-mail address when researching potential targets.

³⁷ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 12.

³⁸ “Texas Resident Arrested,” Department of Justice.

week later. On December 13, 2010, he ordered 30 liters of concentrated nitric acid from Qualichem Technologies. Because the company required a non-residential address for shipping, Aldawsari had the chemicals delivered to a FedEx-Kinko's Store located near his apartment. From December 2010 to the end of January 2011, he acquired many materials and equipment necessary for building a bomb from sources he found on the internet including a soldering iron kit, electric wire, a stun gun, a battery tester, an alarm clock, and a screwdriver set from Amazon.com and a Hazmat suit from Ebay.com.³⁹ All of these materials were found during the February 14 and February 17, 2011 FBI searches of his apartment.

When Aldawsari sought to acquire the key and final ingredient for producing TNP, phenol, his terrorist intent was discovered by the FBI. On January 30, 2011, Aldawsari attempted to purchase 10 500-ml bottles of phenol from Carolina Biological Supply (CBS) for \$434.57. As earlier with Qualichem Technologies, Aldawsari was unable to ship the chemical to his apartment because it was a residential address. Aldawsari then attempted to have the phenol shipped to a Lubbock Con-way Freight office. However, Con-way returned the shipment to CBS and informed Aldawsari that he was not allowed to use Con-way as a shipping address. Because of difficulties with the shipment and because of Aldawsari's attempt to have the chemical sent to a residential address, CBS notified its security department of the "suspicious" purchase by Aldawsari, and the security department then notified the FBI of the purchase on February 1,

In addition, Con-way Freight notified the Lubbock Police Department when they received the shipment of phenol, and the police relayed this information to the FBI.

These two tips spurred a three week intense FBI investigation of Aldawsari. Four shifts of FBI agents conducted round-the-clock surveillance of Aldawsari, including following his car using vehicles containing StingRay transceivers that could record his cell phone conversations. Finally, with a search warrant issued by the Foreign Intelligence Surveillance Court, the FBI conducted the searches of Aldawsari's Lubbock apartment on February 14 and February 17,

The first search was prematurely interrupted and a complete observation of suspicious materials in the apartment and of his computer was not completed until the second.

Once the FBI became aware of Aldawsari, they worked with CBS to further divine what his purpose for the ordered phenol was. On February 8, 2011, an FBI agent, under the guise of a CBS employee, contacted Aldawsari and asked him why he wished to purchase phenol from CBS. Aldawsari answered that he was associated with Texas Tech and wanted the phenol for "off-campus, personal research." However, at the time, Aldawsari was not attending Texas Tech anymore and was studying business at South Plains College. He then contacted CBS on February 10 and cancelled the order after voicing his frustrations for being continually bothered by CBS. However, this did not end Aldawsari's search

³⁹ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 5-9.

⁴⁰ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 3.

⁴¹ Gellman, "Is the FBI Up to the Job."

for phenol as the FBI investigation turned up a February 12, 2011 e-mail he sent to himself with instructions for producing phenol from aspirin.⁴²

In addition to finding the materials necessary to build Aldawsari's desired explosives and the research of targets for attack, the FBI investigation also found e-mails and journal entries listing Aldawsari's next steps in his desire to carry out jihad in the United States. A December 8, 2010 e-mail Aldawsari sent to himself contained detailed instructions with step-by-step pictures for turning a cell phone into a remote detonating device. A January 12, 2011 e-mail Aldawsari sent to himself also contained instructions on how to booby trap vehicles.⁴³ Additionally, in February, Aldawsari conducted internet searches of Dallas nightclubs' policy on bringing in backpacks and also of baby dolls, leading investigators to believe that he may have been planning to attack a nightclub with concealed explosives.⁴⁴

Among many other things, Aldawsari's journal listed his next steps for a possible future terrorist attack. These included obtaining a forged U.S. birth certificate, acquiring a U.S. driver's license and passport, traveling to New York City for at least a week, and scheduling car rentals for NYC online. While in New York City, the journal suggests, Aldawsari would alter his appearance and clothing before picking up each car rental and then, after booby-trapping the rental cars, placing them in crowded traffic centers during rush hour and simultaneously setting off explosions.⁴⁵ Aldawsari then hypothesized that he would need a place to hide after the bombings.

Although Aldawsari had acquired all but one of the chemicals necessary to begin producing his explosives, he was far from being able to conduct a real terrorist attack. His wide range of targets from hydroelectric dams to New York City traffic jams show that he was still at the beginning stages of a terrorist plot when he was discovered by the FBI. The FBI discovered all the materials and electronic research conducted by Aldawsari during their February searches and arrested him a week later at his apartment when they became certain that he was acting alone and before he could cause any harm to the American public.⁴⁶ As his bomb materials were still packed away when he was arrested, Aldawsari's capabilities at constructing an explosive device or ability to carry out an attack with the explosives is unknown. Although he flunked out of chemical engineering at Texas Tech, TNP can be produced with basic chemistry kits and skills.⁴⁷

Also important in determining the danger Aldawsari presented is to assess his bomb-making capabilities. In a study of whether the internet and its vast resources are as valuable to terrorists as the media has suggested, especially in terms of bomb-making, terrorism expert Michael Kenney found that while the internet is an excellent source for finding abstract technical knowledge on weapons manufacturing, it is not useful for getting the necessary experiential and

⁴² U.S. v. Aldawsari, Criminal Complaint and Affidavit, 4-5.

⁴³ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 8-9.

⁴⁴ Savage and Shane, "U.S. Arrests Saudi Student."

⁴⁵ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

⁴⁶ Gellman, "Is the FBI Up to the Job."

⁴⁷ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 3.

practical knowledge terrorists need in executing plots involving weapons of mass destruction. Furthermore, Kenney wrote “one cannot become an effective bomb-maker simply by reading online manuals or watching instructional videos, no matter how detailed and reliable their preparations.” To have even a chance of success, he continues, a bomb maker would need advanced technical knowledge and a great deal of practical experience, usually gained through a professional science education, to build a bomb. Although Aldawsari studied chemical engineering at Texas Tech University because, as he had suggested in his writings, he wanted to learn how to build explosives, he flunked out of the class and was only taking a non-degree seeking, pre-engineering curriculum. Because he attended Texas Tech for such a short time and never was enrolled in the chemical engineering school, one could easily infer that Aldawsari never gained the necessary experience that Kenney argues is needed to be a competent bomb-maker. However, as Kenney says “Some internet-directed amateurs may succeed in building crude devices with the power to maim and kill, but the quality—and lethality—of these munitions will be limited by the perpetrators’ lack of technical knowledge and practical experience. The danger we face from Islamist terrorism comes less from virtual dilettantes and more from local militants that receive paramilitary instruction from knowledgeable veterans.”⁴⁸

This suggests that, even if Aldawsari was capable of producing the chemical explosive from raw ingredients, he did not possess the training, experience, or education to overcome other obstacles in building the bombs or remote detonating devices.

6. Role of informants

An FBI informant was not used against Aldawsari, as he was discovered by Carolina Biological Supply after placing the order for phenol. The only contact an FBI employee had with Aldawsari prior to his arrest was when an agent placed a call to him on February 8, 2011, under the guise of a CBS employee, asking why he wanted to purchase phenol. Aldawsari became angered with CBS after this call and cancelled his order for phenol.⁴⁹

7. Connections

According to the FBI investigation, Aldawsari did not appear to have any terrorist connections or other operatives involved in his bomb making plot. Despite being a Saudi transfer student, the investigation did not turn up any connections or contacts in the United States or abroad.⁵⁰ Although Aldawsari discussed his desire to create a terrorist organization in the United States that would fall under the umbrella of al-Qaeda, he was likely simply stating improbable dreams as he seemingly never attempted to recruit anyone and has been described as a loner.⁵¹

⁴⁸ Michael Kenney, “Beyond the Internet,” *Terrorism and Political Violence* 22(2) (2010), 192.

⁴⁹ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 4.

⁵⁰ McKinley and Wheaton, “Saudi Student.”

⁵¹ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

8. Relation to the Muslim community

Despite being a Saudi citizen studying in the United States and a somewhat observant Muslim, Aldawsari never made any contacts with the local Muslim communities in which he was living. According to the imams at the mosques in Lubbock, Texas, they had never seen Aldawsari and he had never attended services. Additionally, Aldawsari did not seem to make connections with fellow Saudi-born students at the universities he attended. According to Almohannad Ali Aghamdi, president of the Saudi Student Association at Texas Tech, Aldawsari declined several invitations to attend meetings of the student group or join in their activities.⁵²

Aldawsari's arrest has spurred media interest into other Saudi students studying in the United States and into the student visa process for studying in the United States. According to the Saudi embassy, about 30,000 Saudi citizens are studying at U.S. colleges or universities under Saudi-government funded scholarships while approximately another 3,000 are studying in the U.S. on privately-funded ventures, like Aldawsari who received a financial scholarship package from BASIC, a Saudi corporation.⁵³ According to Nail al-Jubeir, a spokesman at the Saudi embassy, no other Saudi students have been arrested on terrorism-related charges in the United States since September 11, 2001.⁵⁴

9. Depiction by the authorities

From the onset after his arrest, Aldawsari has been depicted by authorities as a violent threat to the United States who was luckily caught before he could cause harm to American citizens. According to Robert E. Casey, Jr., FBI Special Agent in charge of the Dallas field office, "He was taking steps by himself, and it appeared that he intended to detonate the bombs on his own in the United States. This was a close call."⁵⁵

Additionally, Aldawsari's arrest has caused many members of the federal government to question the process by which Aldawsari obtained his student visa which enabled him to come to the United States and begin to plan a terrorist plot. House Homeland Security Chairman Peter King (R-NY) said in a Fox News interview "I think we have to realize that if they come here from these countries, they're going to be subjected to more surveillance than others. If they fit a certain profile, if you're coming from Saudi Arabia and you want to major in chemistry...I think you should be able to monitor the Internet and be able to see what these people are doing."⁵⁶ However, the ranking Democrat on the House Select Committee on Intelligence, Rep. C.A. "Dutch" Ruppertsberger (D-MD) responded to these comments with "We don't want to discourage people coming from other countries to come to our education systems, because that makes us stronger as a country. [Foreign students] are going to other countries, like China

⁵² McKinley and Wheaton, "Saudi Student."

⁵³ Trahan and Gillman, "Saudi terror suspect."

⁵⁴ Savage and Shane, "U.S. Arrests Saudi Student."

⁵⁵ McKinley and Wheaton, "Saudi Student."

⁵⁶ Jordy Yager, "Is arrest of Saudi student a 'see something' win, or security flaw?" TheHill.com, February 27, 2011.

and Russia, who I believe are a big threat to us from a military and power point of view. We can't discourage students from other countries coming to our country."⁵⁷

10. Coverage by the media

Because Aldawsari was conducting a lone wolf terrorist plot and had lofty goals for attacking targets ranging from New York City to former President George W. Bush's Dallas home, his arrest received heavy media coverage. From the onset, the media has depicted him as a violent terrorist threat. For example, in three separate *New York Times* articles, the alleged Aldawsari quote "And now, after mastering the English language, learning how to build explosives and continuous planning to target the infidel Americans, it is time for jihad" has been highlighted as a sign of his violent intent before Aldawsari's trial presented the opportunity to contest the validity or accuracy of his Arabic journal entries.⁵⁸

Because of this, his defense attorney, Rob Hobson has argued that media coverage on Aldawsari has been one-sided and that it might not be possible for Aldawsari to receive a fair trial in Lubbock. After Aldawsari's first court hearing prior to his indictment, Hobson argued "This is not Alice in Wonderland, where the Queen said 'first the punishment then the trial.' This is America, where everyone is entitled to the presumption of innocence."⁵⁹

Because of the intense media coverage, U.S. District Court Judge Sam Cummings ordered all parties involved in the case to not speak with the news media following Aldawsari's indictment.⁶⁰ Cummings argued that the case had already received intense media coverage and further statements "could prejudice a fair trial."⁶¹

11. Policing costs

According to the Department of Justice Press Release following Aldawsari's arrest, the investigation and arrest was conducted by the FBI's Dallas Joint Terrorism Task Force, with assistance from the Lubbock Police Department. Additionally, the prosecution is being conducted by Assistant U.S. Attorneys Richard Baker and Denise Williams from the U.S. Attorney's Office for the Northern District of Texas, and Trial Attorney David Cora from the Counterterrorism Section of the Justice Department's National Security Division.⁶² Aldawsari first appeared in court on February 25, 2011 and was indicted on March 28, 2011. His trial was scheduled to begin on May 2, 2011 but was delayed at the request of prosecutors until October 24, 2011.⁶³

⁵⁷ Yager, "Is arrest of Saudi student."

⁵⁸ McKinley and Wheaton, "Saudi Student." Savage and Shane, "U.S. Arrests Saudi Student." and Timothy Williams, "In Texas Courtroom, Saudi Denies Plotting Bomb Attacks," *New York Times*, March 28, 2011.

⁵⁹ McKinley and Wheaton, "Saudi Student."

⁶⁰ Logan G. Carver, "Aldawsari pleads not guilty, case set for trial," *Lubbock Avalanche-Journal*, March 28, 2011.

⁶¹ Carver, "Aldawsari pleads not guilty."

⁶² "Texas Resident Arrested," Department of Justice.

⁶³ Clark, "Lubbock's Aldawsari terror case."

Following the FBI discovery of Aldawsari from a tip from the Carolina Biological Supply chemical firm, the FBI began a nearly month long intense investigation of Aldawsari.⁶⁴ The investigation consisted of 24-hour surveillance of Aldawsari by four shifts of FBI agents, including following his car using vehicles containing StingRay transceivers that could record his cell phone conversations. Additionally, with a search warrant issued by the Foreign Intelligence Surveillance Court, the FBI conducted two secret searches of Aldawsari's Lubbock apartment on February 14 and February 17, 2011.⁶⁵

12. Relevance of the internet

The internet was extremely relevant to the case. Aldawsari used common websites, such as Amazon.com and eBay.com, to obtain the necessary equipment and chemicals to begin building his explosive. He also used the internet to find and attempt to purchase phenol from Carolina Biological Supply and nitric acid from Qualichem Technologies.⁶⁶

Furthermore, he conducted his research on targets and found instructions for producing the explosives, constructing a remote detonator, and booby-trapping vehicles all from the internet. He stored all of the information he acquired in three separate e-mail accounts that have all been linked back to him.⁶⁷

Also relevant is his internet blog, "From Far Away."⁶⁸ Initially he wrote posts about enjoying being a student in the United States and about different girls that he had developed an affection for, and subsequently posted radical material in Arabic.

13. Are we safer?

Aldawsari's arrest has caused the American government, public, and FBI to increase their alertness against suspected Islamic radicals living in the United States. According to James T. Jacks, U.S. Attorney for the Northern District of Texas, "yesterday's arrest demonstrates the need for and the importance of vigilance and the willingness of private individuals and companies to ask questions and contact the authorities when confronted with suspicious activities."⁶⁹ A *Time* article that shadowed FBI Director Robert Mueller during the FBI investigation of Aldawsari noted, "Good luck and shoe leather led the FBI to Aldawsari, the Saudi student. One of the trip-wire programs rolled out after 9/11 invited vendors of hazardous goods to report unusual purchases to the fed."⁷⁰

Furthermore, Aldawsari's arrest has caused many in the media and government to re-examine the danger of "lone-wolf" terrorists. The *Time* article noted "More than a year ago, Mueller raised some eyebrows when he testified that "homegrown and lone-wolf extremists pose an equally serious threat." But that message did not take root in the body politic or even in the national-security

⁶⁴ Gellman, "Is the FBI Up to the Job."

⁶⁵ Gellman, "Is the FBI Up to the Job."

⁶⁶ U.S. v. Aldawsari, Criminal Complaint and Affidavit, 5-6.

⁶⁷ U.S. v. Aldawsari, Criminal Complaint and Affidavit.

⁶⁸ <http://fromfaraway90.blogspot.com/>

⁶⁹ "Texas Resident Arrested," Department of Justice.

⁷⁰ Gellman, "Is the FBI Up to the Job."

establishment.”⁷¹ Michael Leiter, the director of the National Counterterrorism Center, recently told the Senate Homeland Security Committee that lone-wolf terrorists are what “keeps me up at night.”⁷² In an article discussing the lone-wolf terrorist threat, terrorism expert Max Abrahms noted that all four successful terrorist attacks on U.S. soil since September 11, 2001 have been conducted by operatives outside of any chain of command of a known terrorist organization. However, Abrahms later says “Instead of looking like Sept. 11, which required 19 men and other resources from the al-Qaida leadership, most lone wolf attacks kill just a single, unlucky bystander or nobody at all. American politicians and counterterrorism officials are particularly afraid of lone wolves operating within the United States. To date, however, such homegrown terrorists have taken just six Americans a year. Any deaths are too many, of course, but their low numbers from lone wolves hardly amount to a national nightmare.”⁷³ Abrahms concludes that, though lone-wolf attacks have resulted in successful, violent attacks against Americans, lone-wolf attacks do not represent a significant danger to the United States and instead show that al-Qaeda is experiencing an organizational demise if they are urging their followers to partake in lone-wolf attacks against Western nations instead of trying to recruit them and launch their own terrorist violence.

After Aldawsari’s arrest, federal lawmakers also debated whether his arrest is a signal of victory for Homeland Security, or a sign that there are still vulnerabilities in the government’s surveillance on terrorists. The chairman of the House Select Committee on Intelligence, Mike Rogers (R-Mich.), best sums up arguments made by Congressmen and argued for further vigilance when he said “from what we’ve heard so far it looks like this was a nice piece of work by the FBI and some alert citizens in preventing a potential terrorist attack. This case also highlights the need for continued vigilance against ‘lone wolf’ terrorist threats, as well as the need for Congress to make the ‘Lone Wolf’ provision of FISA [Foreign Intelligence Security Court] permanent so the FBI has this crucial tool at its disposal for use against precisely this type of threat.”⁷⁴

Regardless of whether Aldawsari’s arrest is a telling sign of homeland security weaknesses or of the authorities’ continued excellence in counterterrorism, his arrest and imprisonment is a clear victory for public safety. Assuming the FBI’s affidavit of their investigation proves accurate, he wanted to create weapons of mass destruction and let them loose on the American public. His arrest is a clear victory for the FBI in their attempts to protect the American public against violent would-be jihadis. Whether the FBI needs to take further steps and increase vigilance in their counterterrorism efforts remains to be seen, but if the American public stays alert against suspicious activity like the employees at Carolina Biological Supply and Con-way Freight, terrorists in the United States will have a much harder time executing any plot that would cause massive damage and injury to the United States.

⁷¹ Gellman, “Is the FBI Up to the Job.”

⁷² Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011.

⁷³ Abrahms, “Fear.”

⁷⁴ Yager, “Is arrest of Saudi student.”

14. Conclusions

The foiling of Khalid Ali-M Aldawsari's terrorist plans show promise that counterterrorism authorities and the general public are alert against possible terrorist actions that would be conducted against the United States. The FBI-tipoff by Carolina Biological Supply, in conjunction with the Lubbock Police Department notification by Con-way Freight, of Aldawsari's suspicious activity show that American companies are serious about catching suspicious behavior.

However, Aldawsari's case demonstrates how an individual can come dangerously close to creating a weapon of mass destruction with ease and relative anonymity. Only when Aldawsari attempted to purchase phenol were his actions discovered by the authorities. If he had at first produced phenol from aspirin or found another, less vigilant chemical vendor, as he was planning, he could have been able to produce an explosive and cause extreme harm to the American public. Furthermore, his arrest has caused many to question the large number of foreign students studying in the United States from countries known to harbor terrorists or to have terrorist connections. This becomes even more alarming when the fact that Aldawsari somehow avoided a required student visa review after flunking out of Texas Tech is taken into account.⁷⁵

Aldawsari's arrest has caused many American lawmakers to question the availability, process, and oversight of foreigners in the United States under student visas. As argued by House Homeland Security Chairman, Rep. Peter King (R-NY), "In this case, you have a student from Saudi Arabia, home of 15 of the 19 9/11 hijackers, on a student visa studying chemistry, with an interest in explosives. I believe we need to better screen student visa applicants, certainly those from countries like Saudi Arabia. Then once they are here studying we need to have a way to more closely monitor them."⁷⁶

Another issue to come from Aladawsari's arrest is America's need to be vigilant against lone-wolf terrorism. Although terrorism expert Max Abrahms concluded that lone-wolf terrorists are not to be as feared as the media and government officials have suggested, the government is growing warier of such types of attacks as they seem to be increasing in frequency. Regardless of Abrahms' conclusions, law enforcement authorities should, if they already have not, continue to evolve and develop their monitoring of lone-wolf terrorists. Whether or not they represent a serious threat to the American public will only be known with time. Law enforcement and the American people need to maintain vigilance against potential lone-wolf jihadis.

Regardless of an individual's feeling on this issue, Aldawsari's arrest shows the success of American counterterrorism efforts and opens up discussion of additional venues for monitoring to prevent even more terrorist plots in the United States. Although no definitive answer exists on the best way to police against lone-wolf terrorism in the United States, open discussion aids in developing new techniques and raising public awareness to the potential threat against violent jihadis from entering and attacking our country.

⁷⁵ Gellman, "Is the FBI Up to the Job."

⁷⁶ Yager, "Is arrest of Saudi student."

Case 42: Manhattan's Pair of Lone Wolves

John Mueller

April 12, 2012

On May 11, 2011, ten days after Osama bin Laden was killed in Afghanistan, two Muslim men from Queens were arrested in midtown Manhattan for conspiring to commit terrorism. City officials, including Police Commissioner Raymond Kelly and Mayor Michael Bloomberg, held a press conference the next day and explained that the men harbored impressive, even monumental, "aspirations."¹ Most notable was a plan to "blow up the largest synagogue in Manhattan he can find."² This would be accomplished by entering in disguise after growing a beard and the side curls of a Hassidic Jew "and then taking out the whole entire building."³ Also targeted were more synagogues ("one after another"), a church in Queens, and the Empire State Building.⁴ According to the indictment, the more voluble of the pair, Ahmed Ferhani, also expressed a desire to "blow up ten synagogues at one time."⁵

The men were arrested in an arms deal sting. Ferhani paid \$100 toward the full price of \$600 (a substantial bargain) while saying that he was making the purchase "for the cause." He took possession of three handguns, ammunition, and one inert hand grenade with which he and his sidekick apparently planned to get to work on their monumental, if still distinctly aspirational, deed or multiple deeds. He noted that they also would eventually need a rifle with a sniper scope, a bulletproof vest, a silencer, and a police radio, and that they might need to sell a kilo of heroin to fund the project.⁶ The plot had no connection to any wider terrorist group: it was thus a case, declared a city official curiously, of a "pair of lone wolves."⁷

Ferhani, age 26, was sometimes called "the ringleader" of the group of two (not including the several informants and agents involved).⁸ He had come to

¹ Sean Gardner, Pervaiz Sallwani, and Devlin Barrett, "Grenade Attack Suspects Charged," *Wall Street Journal*, May 13, 2011.

² Bob Hennelly, "Feds Say Terror Case Hyped, NYPD Says It's The Real Deal," WNYC News, May 14, 2011.

³ William K. Rashbaum and Al Baker, "Suspects in Terror Case Wanted to Kill Jews, Officials Say," *New York Times*, May 12, 2011.

⁴ Sean Gardiner, Pervaiz Sallwani, and Michael Howard Saul, "Terror Suspect Details Emerge," *Wall Street Journal*, May 14, 2011.

⁵ Indictment, The People of the State of New York against Ahmed Ferhani and Mohamed Mamdoun, Supreme Court of the State of New York, undated.

⁶ David Seifman, Jane Schram, and Dan Mangan, "New video shows takedown of 2 Queens men who plotted to blow up Manhattan synagogues," *New York Post*, May 14, 2011. Indictment.

⁷ Hennelly, "Feds Say Terror Case Hyped, NYPD Says It's The Real Deal."

⁸ Rocco Parascandola, Alison Gendar, and Bill Hutchinson, "NYPD arrests 2 Queens terror suspects, charged with plot to hit NYC synagogues with grenades, guns," *New York Daily News*, May 12, 2011.

the attention of the police as a potential terrorist seven months earlier when he had been arrested for pulling a gun and then tying up and robbing a prostitute who had invited him into her into her midtown Manhattan hotel room. At that time a detective heard him say he hated Jews and was fed up with how Muslims, especially Palestinians, were treated around the world.⁹ Kelly also quoted him as having said, "They're treating us like dogs," and confided that the suspect had inserted an expletive into his comments.¹⁰ An undercover New York Police Department detective worked his way into Ferhani's confidence and recorded many conversations over several months.

Ferhani and his family came to the United States from wartorn Algeria in 1995 when he was 10 years old. The parents were granted asylum, and Ferhani had permanent resident status. However, he faced possible deportation because he failed to appear before an immigration judge who wished to question him about the fact that he had been arrested at least six times not only for the armed robbery but for marijuana possession, disorderly conduct, and weapons possession.¹¹

Whatever his political concerns, Ferhani is not very religious. As his father puts it, "He doesn't pray; he drinks."¹² He worked for a while as a cosmetics sales clerk at Saks Fifth Avenue in midtown Manhattan and hoped someday to become a model or an actor. Under the stage name, "Zeus," he was a hip-hop performer and a few days before his terrorism arrest competed in a Manhattan poetry contest to raise money for AIDS.¹³ A friend and fellow rapper says Ferhani "has a great heart" and "helps old ladies cross the street."¹⁴

Completely unmentioned at the initial official press conference and in early reporting on the case is that Ferhani has an extensive record of mental illness, and had been hospitalized for it 20 to 30 times in the previous 10 to 15 years, including some involuntary commitments to a psychiatric facility.¹⁵ At least five of these hospitalizations took place after his family called the police.¹⁶

⁹ Colleen Long and Jennifer Peltz, "2 men accused of plotting to bomb NYC synagogue," *troyrecord.com*, May 13, 2011. Seifman et al., "New video shows takedown of 2 Queens men who plotted to blow up Manhattan synagogues." Prostitute: Gardiner et al., "Terror Suspect Details Emerge."

¹⁰ Gardner et al., "Grenade Attack Suspects Charged."

¹¹ Gardner et al., "Grenade Attack Suspects Charged." Parascandola et al., "NYPD arrests 2 Queens terror suspects."

¹² Rashbaum and Baker, "Suspects in Terror Case Wanted to Kill Jews, Officials Say."

¹³ Gardiner et al., "Terror Suspect Details Emerge."

¹⁴ Hendrick Koroliszyn, Rocco Parascandola, and Larry McShane, "Terror twit cries a river: Suspect Mohamed Mamdouh declares his innocence in jailhouse interview," *New York Daily News*, May 14, 2011.

¹⁵ Willaim K. Rashbaum and Colin Moynihan, "Most Serious Charges Are Rejected in Terror Case," *New York Times*, June 15, 2011.

¹⁶ "Lawyers of Suspect Accused of Plot to Blow Up NYC Temples Want Case Dropped," Fox News, November 9, 2011.

The other member of the “ring” is Mohamed Mamdouh, 20, who came to the country with his parents in 1999 from Casablanca, Morocco. A United States citizen, he worked as a taxi service dispatcher. A grade-school mate, who stresses that he himself is not a Muslim and has never been convicted of any crime, writes that “Mo” was against 9/11 “and I know he wasn’t just saying it.” He “was a genuinely kind hearted person,” a quality that came out during a “blizzard” when “as we walked past this old lady shoveling he made me stop and help her.”¹⁷ Others have had less pleasant experiences with him. In October 2010, Mamdouh burglarized a home in Queens and stole a laptop, jewelry, and a bottle of vodka. Although the owner was not home at the time, her French poodle, Lulu, was, and Mamdouh kicked the dog during the robbery, bruising its ribs. None of the stolen property has been recovered.¹⁸ Under a plea deal, he was set to serve 90 days in prison for the offence.¹⁹

Neighbors expressed less than full admiration for the capacity of the accused terrorists. “There’s no way they could be terrorists. They are too stupid,” said one, “Him and his brother are always out in the street smoking pot and fighting.” The word, “knuckleheads” was also used as a descriptor.²⁰

It is not clear how Ferhani and the undercover detective met, but according to the Criminal Complaint they hooked up in October 2010, at the time of Ferhani’s arrest for assaulting and robbing the prostitute. Ferhani voiced his support for the Palestinian cause and considered traveling to the area to fight against the Israelis. Eventually Ferhani brought Mamdouh in and, in April 2011, in a conversation among the three, Ferhani broached the idea of blowing up a synagogue, preferably the biggest one in Manhattan. As time went on, the discussions developed, and Ferhani expressed an interest in obtaining weapons. The undercover detective linked him up with another detective who played the role of a dealer in illegal arms. The three drove in to Manhattan where Ferhani consummated the deal and was arrested as he took possession of the arsenal and put it in the trunk of his car.²¹ Up to a dozen police converged on the arrest scene.²² Mamdouh, who for some reason had been let out of the car earlier, was then arrested where he was waiting, some four blocks away.²³

The Criminal Complaint says little about Mamdouh, and at one point specifically identifies the authors of the bombing plans as Ferhani and the undercover detective: “Ferhani explained his motivation for executing the plans he and [the undercover officer] devised by stating, that ‘Muslims is getting abused

¹⁷ Comment “...from NYC” posted October 29, 2011, on Hennelly, “Feds Say Terror Case Hyped, NYPD Says It’s The Real Deal.”

¹⁸ Kerry Wills and Joe Kemp, “Queens’ terror suspect Mohamed Mamdouh already facing a burglary rap,” *New York Daily News*, May 13, 2011.

¹⁹ “Al Qaeda’s hardmen,” *dailymail.co.uk*, May 14, 2011.

²⁰ Parascandola et al., “NYPD arrests 2 Queens terror suspects.”

²¹ Criminal Complaint: The People of the State of New York against Ahmed Ferhani and Mohamed Mamdouh, May 12, 2011.

²² Parascandola et al., “NYPD arrests 2 Queens terror suspects.”

²³ Parascandola et al., “NYPD arrests 2 Queens terror suspects.”

all over the world,' and added, 'I ain't gonna accept it.'"²⁴ The indictment mentions Mamdouh more, usually as someone who was in the room at the same time as Ferhani, though it does record his rather ill-informed opinion that the explosive, C4, could "blow up a whole city block."²⁵

In a weepy jailhouse interview with a New York newspaper reporter, Mamdouh insisted that he and Ferhani were not real friends but acquaintances who hung out together and drank occasionally. Ferhani "has anger issues," he said, and "gets mad and says things." Mamdouh says he "never spoke about guns and blowing things up." Rather, "That was him. It was all his idea. I had nothing to do with it." The whole thing emerged out of a conversation between the two of them and the undercover detective in April after the three had watched a documentary, "The Ultra Zionists." "I was drunk....It was just a conversation. It was not serious." However, "I swear I don't think he would kill anyone either. I don't think he has the b- - - ."²⁶

From the beginning there were questions about why this operation was carried out entirely by the NYPD with no participation either from the FBI or from the FBI-NYPD Joint Terrorism Task Force. The NYPD's Intelligence Division had notified the JTTF about the case, but the JTTF had opted not to get involved. At the initial press conference, there were conflicting explanations for this.²⁷ However, in a couple of days two Federal law enforcement sources, speaking under condition of anonymity, said they did not take the case because the operation was problematic, because it might not hold up in court as a terrorism case, and because the result was being over-hyped.²⁸

In fact, when the state grand jury heard the evidence against the "pair of lone wolves" in June, it declined to indict on the main charge of conspiring to commit a crime of terrorism, which carries with it a maximum of life in prison without parole, and on the second charge of conspiracy to commit a hate crime. Instead, the panel accepted lesser charges—though hardly trivial ones—that the defendants wanted to destroy a synagogue when it was empty.²⁹

Labeling the episode "another terrorism air ball," crime writer and NYPD watcher Leonard Levitt says Federal authorities distrusted the undercover detective—described in one news report as "a foreign-born officer trained outside

²⁴ Criminal Complaint: The People of the State of New York against Ahmed Ferhani and Mohamed Mamdouh, May 12, 2011.

²⁵ Indictment. See also "District Attorney Vance, Mayor Bloomberg, Police Commissioner Kelly Announce Arrests in Terror Cases," Press Release, Office of the District Attorney, New York County, May 11, 2011.

²⁶ Koroliszyn et al., "Terror tweet cries a river." Word obfuscation in the original.

²⁷ Rashbaum and Baker, "Suspects in Terror Case Wanted to Kill Jews, Officials Say." Rashbaum and Moynihan, "Most Serious Charges Are Rejected in Terror Case."

²⁸ Hennelly, "Feds Say Terror Case Hyped, NYPD Says It's The Real Deal."

²⁹ Rashbaum and Moynihan, "Most Serious Charges Are Rejected in Terror Case." See also "Mayor Bloomberg, Police Commissioner Kelly Announce Arrests."

the Police Academy”—and were discomforted when the police would not allow them to interview him. Levitt quotes Ferhani’s lawyer, Elizabeth Fink, whom he characterizes as “an old-time lefty,” as saying “this case is bogus... It’s total entrapment.”³⁰

Defending her Jew-hating client, Fink insisted that Ferhani’s “unfortunate statements” were nothing other than “hyperbole and speculation.” Meanwhile, Mamdouh’s lawyers have argued that the alleged remarks and the gun sale don’t constitute an “intent to intimidate or coerce a civilian population” as required under the state’s terror law.³¹

Another lawyer called it “predatory policing,”³² and Fink asserts that it was perpetuated by politics and grandstanding tied to the financial, political and personal ambitions of the police commissioner, mayor, and district attorney.³³

Interesting is a comment Mayor Bloomberg made during the initial press conference. He denounced a potential cut of \$100 million in federal terror funding for New York, a development, city officials said, that would have an immediate impact on their efforts to secure lower Manhattan. The cut was nonetheless approved by a House of Representatives subcommittee the next day.³⁴

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

³⁰ Leonard Levitt, “Another Take on Terror,” nypdconfidential.com, June 20, 2011. News report: Parascandola et al., “NYPD arrests 2 Queens terror suspects.”

³¹ “Lawyers of Suspect Accused of Plot to Blow Up NYC Temples Want Case Dropped,” Fox News, November 9, 2011.

³² “Lawyers of Suspect Accused of Plot to Blow Up NYC Temples Want Case Dropped,” Fox News, November 9, 2011.

³³ Rashbaum and Moynihan, “Most Serious Charges Are Rejected in Terror Case.”

³⁴ Gardiner et al., “Terror Suspect Details Emerge.”

Case 43: Pentagon Shooter

John Mueller

March 14, 2014

In late 2010, a 22-year-old Ethiopian-American, a member of the Marine Corps reserves, decided he needed to send a message protesting American involvement in the wars in Iraq and Afghanistan. He wanted people to “be afraid for supporting the war,” he said, and, to carry out this task, he took a gun and, over the course of about two weeks and in the dead of night, took pot shots at a series of military targets in Northern Virginia: the Pentagon, a Marine Corps recruiting sub-station, a Coast Guard recruiting office, and, on two occasions, the Marine Corps Museum. He videotaped himself in action the second time he assaulted the Museum and can be heard proclaiming that he was trying to turn out the lights in the building.

A few months later, he was arrested for smashing the windows of 27 cars in the Leesburg, Virginia, area and stealing valuables from them, a caper that brought him dismissal from the Marine Corps reserves.

Out on bail and noticing that no one appeared to have gotten the intended message from his dedicated shootings (and perhaps aggrieved that the lights were on again), he decided to be less subtle and was planning, again in the dead of night, to deface gravestones—2,379 of them—in Arlington National Cemetery with provocative slogans in Arabic.¹ He was intercepted by the police when attempting to carry out this mission, and searches of his backpack and then of his apartment turned up the videotape (linked in Andrew Braun’s case study). This in turn led to a confession about the whole range of shootings.

The shooter had not been raised a Muslim, and he kept his conversion to Islam a secret even from his parents. He also acted entirely alone in his bizarre “lone wolf” terrorism efforts which inflicted some \$110,000 in damage, but hurt no one. Although deemed to be schizophrenic at one point in the judicial proceedings, his acts of focused vandalism earned him 25 years in prison. This suggests that, although his actions scarcely affected US policy in the Middle East, he was successful at least in frightening some people. The sentencing judge says that the case reminded him of the DC snipers of 2002 who, unlike the Pentagon shooter, had actually shot at people, killing ten.² The judge may also have been impressed by evidence that, if the cemetery vandalism, like his earlier ventures, failed to call sufficient attention to his cause, the Pentagon shooter was planning to do yet more shootings and/or somehow figure out how to blow up a military fuel tanker truck in nearby Maryland.

¹ Justin Jouvenal, “Yonathan Melaku, Who Fired at Pentagon and Other Military Facilities, Gets 25 Years in Prison,” *Washington Post*, January 11, 2013.

² Jouvenal, “Yonathan Melaku.”

Case 43: Pentagon Shooter

Andrew Braun

March 14, 2014

1. Overview

Yonathan Melaku, an Ethiopia-born naturalized U.S. citizen, was responsible for what became known as the Northern Virginia Military Shootings in which, between October 17 and November 2, 2010, he shot at the Marine Corps museum on two occasions as well as at the Pentagon, a Marine Corps recruiting sub-station in Chantilly, and a Coast Guard recruiting office in Woodbridge.¹ The 22 year old used a high powered rifle for all five of his attacks and forensic examination was eventually able to link all the bullets from the separate incidents to the same rifle.² All of these buildings were associated with the United States military. According to authorities, Melaku said that he targeted symbols of the military because of American involvement in Iraq and Afghanistan.³ He was 22 years of age at the time of the shooting series.

On October 17, 2010, Melaku committed the first shooting, aimed at the National Museum of the Marine Corps in Triangle, Virginia. The shooting occurred sometime between the hours of 12:30 and 7:00am, and ten .38/9mm rounds were fired from a range of approximately 150-250 yards away. Bullets holes were discovered in several windows as well as on the base of the building.

Although Yonathan Melaku first started shooting in October, he was not found until June 17, 2011. Moreover, he was arrested for other reasons. At 1:30am, he was approached by police from Ft. Myer but, instead of responding to the law enforcement officials, he ran from them, dropping a backpack in the process. Eventually he was taken into custody on the property of Arlington National Cemetery, where he was about to deface and defile the names of those who had died in combat.

Police were later able to connect Melaku to the second shooting of the Marine Corps museum because after he was arrested police found a video when searching his residence in which Melaku had videotaped himself in his car shooting at the Museum, playing mujahedeen praising music in the background, and screaming things in Arabic such as “God is good.”⁴ After this video was discovered, Melaku confessed to the authorities about the other shootings.

He ended up agreeing to serve a 25-year prison sentence on three charges: destruction of U.S. property, use of a firearm in an act of violence, and intention to injure a veteran’s memorial.⁵ It is estimated that the total amount of damages

¹ Ryan J. Reilly “Feds: Reservist Recorded Himself Shooting At Marine Corps Museum. *“Talking Points Memo*, October 17, 2013.

² Kelley A. Clark, “Affidavit In Support of Criminal Complaint,” June 23, 2011.

³ <http://www.scribd.com/doc/58554233/Melaku-Complaint>

⁴ “Profile: Yonathan Melaku,” Adl.org, March 14, 2013.

⁵ Meta Pettus, “Yonathan Melaku, Accused of Firing a Gun at Marine Corps Museum, Pentagon, Pleads Guilty,” January 26, 2012.

⁵ “Pentagon Shooter Pleads Guilty, Agrees to 25 Years,” FOX News Network, January 26, 2012.

he caused to all of the buildings was in excess of \$100,000.⁶ No one was killed or hurt in the shootings.

2. Nature of the adversary

Yonathan Melaku was born in Ethiopia and moved to the United States in 2005. He and became a naturalized United States citizen in 2009.⁷ He attended Thomas A. Edison High School located in Alexandria, Virginia, graduating in 2006. Melaku then decided to join the Marine Corps reserves in September of 2007. Marine Corps officials have disclosed that Melaku was never deployed overseas nor was he scheduled to deploy.⁸ Though Melaku's choice to target military buildings in all of his five part potshot campaign might imply his dissatisfaction with his experience in the reserves, his defense attorney insisted otherwise. "I don't believe this was based on any grievance against the Marines," defense attorney Robert May said. "As far as I know he was happy with his Marine Corps service."⁹ Melaku served for several years in the reserves as a lance corporal, which is a non-commissioned office rank just above private first class and below corporal.¹⁰ His Military Occupational Specialty or MOS was 3531- a motor vehicle operator.¹¹ While in the reserves, Melaku won several awards including the National Defense Service Medal and the Selected Marine Corps Reserve medal.¹²

He was dismissed from the Corps in 2011 because of Grand Larceny charges after he broke into 27 different cars in the Leesburg, Virginia area, smashing windows and stealing valuables from inside the vehicles.¹³ At the time of his arrest for larceny (a crime involving the unlawful taking of personal property), Melaku was being held on bond for \$5000 but the bond was revoked when the federal charges surfaced after his Arlington Cemetery arrest. A pretrial meeting for the larceny charges occurred in Leesburg. Six charges were held against him initially but prosecutors dropped four of the six larceny charges when Melaku agreed to waive his right to a preliminary hearing on the remaining two charges.

When Melaku's father was approached about his son, he replied that Yonathan Melaku is good person, who respects his parents and authority. In the courtroom, Melaku's lawyer read a statement that was prepared by Melaku's parents in which they said that while growing up in Ethiopia, Yonathan would always ask to give money to poor people. When he left the marines, he was "a

⁶ "Man Pleads Guilty to Shooting Military Buildings in Northern Virginia Defense, Government Jointly Recommend Sentence of 25 Years in Prison." *FBI*, January 26, 2012.

⁷ "Remember the Guy That Was Caught for Shooting at the Pentagon?" *NowPublic.com*, January 26, 2012.

⁸ "Remember the Guy That Was Caught for Shooting at the Pentagon?" January 26, 2012.

⁹ "Lawyer: Melaku Has No Grudge against Marines." *FOX News Network*, July 20, 2011.

¹⁰ "US Marine Military Ranks, Lowest to Highest." *Http://www.militaryfactory.com*.

¹¹ Eric Dondero, "Suspected Muslim Terrorist at Pentagon a Marine Reservist Failure?" *Libertarian, Republican*, June 19, 2011.

¹² Richard Esposito, Pierre Thomas, Sunlen Miller, and Huma Khan, "Marine Corps Reserve Corporal Arrested in Pentagon Bomb Scare," *ABC News*, June 17, 2011.

¹³ "Yonathan Melaku Arrested in Leesburg Car Tamperings," *WJLA*, May 26, 2011.

different person.”¹⁴ “Your honor, my son is sick. He is not a terrorist,” his parents said in their statement.¹⁵

Melaku’s motivation for shooting at the military buildings was to make a statement against the involvement of the United States in Iraq and Afghanistan. He appears to be religiously motivated by a radical interpretation of Islam and was described by prosecutors as a “self-radicalized lone wolf.”¹⁶ Melaku filmed himself the second time he shot at the Marine Corps Museum.¹⁷ He appeared to be alone on this night and positioned the camera in a way that made his shooting visible to the viewer, emphasizing how he acted alone in his actions. Melaku narrated the video, and at one point he points out the window and exclaims “That’s my target. That’s the military building. It’s going to be attacked ... Last time I hit them, they turned off the lights for like four or five days. Now, here we go again. This time, I’m gonna turn it off permanently.”¹⁸ Some of the things he said in the video amplify his religious convictions and suggest that they play some part in his decision to perform these terroristic crimes. For instance, after the shooting, he repeatedly exclaimed “Allahu Akbar” which in Arabic means “God is great.” He starts out simply saying the phrase, but quickly starts to shout it out very emphatically and his religious zeal seems to take over as he literally screams the words. This would imply that he experienced some sort of personal satisfaction upon shooting at the museum and he justifies his actions in religion in saying “God is great.”

Melaku’s mental condition was initially called into question by his first defense lawyer, Gregory English. Melaku ended up pleading guilty to the federal charges that stood against him, avoiding an actual trial. He was sentenced to 25 years in prison as part of this plea deal. At the time he entered his plea, English requested a mental health evaluation in the hopes of placing Melaku in the federal medical prison in Butner, N.C.¹⁹ However at this time, English took pains to say that “any mental health problems that plagued Melaku did not rise to the level that they called his competency into question.”²⁰

It is unclear why, but for some reason (perhaps English’s weak attempt to lessen the plea because of mental illness) Melaku obtained a new set of lawyers later in the year: Geoffrey Gitner and Billy Martin. Gitner and Martin opposed English’s conclusion about Melaku’s mental health, claiming it to be “shocking” that “prior counsel failed to ever have Mr. Melaku examined by a psychiatrist or other mental health practitioner.” This shows that these two lawyers believe

¹⁴ Mary Lopez, “Pentagon Shooter Yonathan Melaku Sentenced to 25 Years in Prison,” *Clarendon-Courthouse-Rossllyn Patch*, January 11, 2013.

¹⁵ Lopez, “Pentagon Shooter Yonathan Melaku Sentenced to 25 Years in Prison.”

¹⁶ “Combating Hate: International Extremism & Terrorism: Profile: Yonathan Melaku,” March 14, 2013.

¹⁷ This video is posted at <http://www.nbcwashington.com/video/#!/news/local/Video-Released-of-Marine-Corps-Museum-Shootings/138146668>

¹⁸ Pettus, “Yonathan Melaku, Accused of Firing a Gun at Marine Corps Museum.”

¹⁹ Arin Greenwood, “Yonathan Melaku, Ex-Marine Who Fired Shots At Pentagon, Claims Mental Illness,” *The Huffington Post*, July 11, 2012.

²⁰ Greenwood, “Yonathan Melaku, Ex-Marine Who Fired Shots At Pentagon.”

English failed Melaku as a lawyer in his trivialization of what they saw as mental health issues particularly because he never actually sought professional diagnoses of Melaku and instead just assumed normality. Gitner and Martin took the steps necessary in seeking a professional evaluation of their client and had had psychiatrist Neil Blumberg examine Melaku. After reviewing medical records and interviewing Melaku for five hours in jail, Blumberg concluded that Melaku suffered from schizophrenia. Gitner and Martin motioned for a court-ordered mental examination, but the motion did not seek to overturn Melaku's conviction and it was not clear at the time if any determinations about Melaku's mental health could affect his guilty plea. The diagnoses of schizophrenia did not deter prosecutors and Melaku ended up with the same plea deal of 25 years in prison. The prosecutors said that the report from officials identifying Melaku as schizophrenic gave no real indication that Melaku was unfit to be sentenced or that the diagnoses interfered with this competence or ability to make the decisions he made to make those military buildings his targets. In other words, despite the schizophrenia diagnoses, there is no indication that this deficiency draws any conclusions about Melaku's mental health at the time of the shootings and whether he could be deemed legally insane. Prosecutors said that the 25-year term was quite reasonable especially when compared side-by-side to the potential mandatory minimum sentence of 85 years that Melaku could have faced in trial.²¹

One very interesting thing about Yonathan Melaku is the ambiguity of his religious involvement. Although it is clear that some of his motivation involves his personal interpretation of Islam, nobody actually knew that he was a Muslim, not even his parents. It is unclear the degree to which he self-radicalized and converted to Islam after the Iraq war and it is also unclear how open he was to others about his religious convictions. It appears however, that he tended to keep this information to himself, or at least away from his parents. Melaku's defense attorney stated that Melaku's family is of the Coptic Christian faith and they were completely stunned to learn about the crimes their son committed and about his relationship with Islam and personal Jihad: they claimed that they observed no signs that Yonathan had any involvement with the Islamic faith at all.

Melaku serves as another example of a lone-wolf terrorist. He took it upon himself to make a statement against the United States that he disagreed with its involvement in Iraq and Afghanistan and used his personal dissatisfaction, political perspective, and newly found religious identity as fuel to propel himself into his terroristic actions.

3. Motivation

Melaku was primarily motivated by U.S. foreign policy. After being convicted, he told the FBI that he self-radicalized after the Iraq war and committed the shootings as a means to send a message to the United States Government that they should not participate or engage in wars against Muslims in Iraq and Afghanistan. He also told the FBI that he ended the shootings because his message was not being communicated. This is definitely true as nobody understood the purpose of the shootings and they occurred without any evidence

²¹ "Yonathan Melaku, 2010 Pentagon Shooter, Deemed Schizophrenic," *WJLA*, January 14, 2013.

for motivation, but simply as isolated incidents of shootings at military buildings. In fact, Melaku said that he was planning to deface graves in Arlington Cemetery as a means to up his message and make it more clear and penetrating. Apparently, had he not been caught, Melaku had intended to hijack a military fuel truck and set it on fire in Maryland.²²

4. Goals

Melaku shot at the Marine Corps Museum, Pentagon, and the two recruiting stations with the intention of sending a message. Because all of the shootings happened very early in the morning when nobody inhabited these facilities, it is unlikely that Melaku had a goal in mind of murdering U.S. citizens. For example, the first time Melaku shot at the National Museum of the Marine Corps, the event occurred sometime between 12:30 and 7:30am. When he shot at the pentagon, the Pentagon Force Protection Agency reported audible shots around 4:57am. Similar early morning times were also the case for the other shootings, reinforcing the unlikelihood that killing was a goal of Melaku's. Rather his intention was simple in that it was only to send a message about U.S. meddling in Iraq and Afghanistan. However, randomly shooting at these five buildings did not clearly communicate this to anyone and instead caused a lot of confusion and panic. Melaku intended to amplify his message by defacing the graves of veterans who served in Iraq and Afghanistan, but was caught the night he attempted to commit this crime.²³

5. Plans for violence

Melaku's plans were not so much about violence or hurting others as they were about the big picture ideals he was trying to get across. Melaku told investigators that he wanted people to "be afraid for supporting the war," which led him to commit the shootings.²⁴ Since nobody seemed to be heeding his message due to the extreme ambiguity and uncertainty surrounding the shootings, he tried to more clearly communicate his message by defacing the graves of those who had died in the Iraq and Afghanistan wars by spray painting statements in Arabic across the markers.²⁵ When Melaku was initially approached by law enforcement when he was on his way to do this, he fled on foot and dropped the backpack that he was carrying.²⁶ He was eventually taken into custody on the property of Arlington National Cemetery but had no identification on his person and initially refused to supply it.²⁷

The contents of the backpack were examined and found to contain four clear Ziplock bags containing a powdery substance marked as "5 lbs AN", numerous 9mm shell casings, one can of black spray paint, two cans of Rust-Oleum, work gloves, a headlamp, and a spiral notebook containing numerous

²² "Yonathan Melaku, 2010 Pentagon Shooter, Deemed Schizophrenic."

²³ Justin Jouvenal, "Yonathan Melaku, Who Fired at Pentagon and Other Military Facilities, Gets 25 Years in Prison," *Washington Post*, January 11, 2013.

²⁴ Jouvenal, "Yonathan Melaku, Who Fired at Pentagon and Other Military Facilities."

²⁵ "Man Pleads Guilty to Shooting Military Buildings in Northern Virginia."

²⁶ Clark, "Affidavit In Support of Criminal Complaint."

²⁷ Clark, "Affidavit In Support of Criminal Complaint."

Arabic statements referencing the Taliban, al-Qaeda, Osama bin Laden, other individuals associated with foreign terrorist organizations, and “The Path to Jihad” including “defeat coalition and allies and America.”s. An FBI forensic chemist analyzed the powder and found it to be ammonium nitrate (corresponding to the “AN” marked on the bags), with minor amounts of other inert material. Ammonium nitrate is a common component of homemade explosives. In order for homemade explosives to function properly, one needs an oxidizer to provide oxygen to the explosive reaction and a fuel. Ammonium nitrate is an easily obtained oxidizer because it is sold in the form of fertilizer. Any fuel can be combined with ammonium nitrate to create a high explosive known as ammonium nitrate fuel oil or ANFO. The necessary proportions of ammonium nitrate to fuel oil are readily obtained via the internet.²⁸

ANFO is a very powerful explosive, and was used in the 1995 Oklahoma City Bombing of the Alfred P. Murrah federal building. Apparently, in addition to spray painting the graves of the deceased, Melaku intended to leave the four bags of ammonium nitrate nearby as part of a solitary campaign of “fear and terror” that included the earlier shootings.²⁹ However the powder was discovered to be inert as it was just ammonium nitrate, and not ANFO. This was confirmed by special agent in charge of counterterrorism for the FBI, Brenda Heck, who said “There was not a device and the products found are determined right now to be inert.”³⁰ It should be noted that upon arrest, Melaku allegedly disclosed to police that other devices were at bay in the neighboring area.³¹ He also told them the location of his car, and police investigated a red 2011 Nissan which ended up containing materials that were reportedly neutralized, according to law enforcement.³² Police searched for other devices, creating serious traffic congestion in the neighboring area, but no such devices were discovered.

Later, on June 17, 2011, Melaku’s residence in Alexandria was searched for more evidence. Law enforcement found a typed list in Melaku’s bedroom closet that was titled “Timer” and had the following items:

1. 9 volt alkaline [sic] battery
2. Battery connector for 9 volt
3. 20 gauge insulated stranded wire
4. Electrical tape
5. Epoxy or super glue
6. Digital kitchen countdown timer
7. Bulb
8. LED light
9. Transistor³³

Items 1, 4, 5, and on the list were already crossed off. According to an FBI bomb technician, the items on this list line up with the items required to make a time

²⁸ Clark, “Affidavit In Support of Criminal Complaint.”

²⁹ Josh White, “Yonathan Melaku Admits Shooting at Pentagon, Military Buildings,” *Washington Post*, January 26, 2012.

³⁰ Esposito et al., “Marine Corps Reserve Corporal Arrested in Pentagon Bomb Scare.”

³¹ Esposito et al., “Marine Corps Reserve Corporal Arrested in Pentagon Bomb Scare.”

³² Esposito et al., “Marine Corps Reserve Corporal Arrested in Pentagon Bomb Scare.”

³³ Clark, “Affidavit In Support of Criminal Complaint.”

power unit and firing mechanism of an Improvised Explosive device or IED.³⁴ The video discussed earlier was also found in this search, and this is how authorities tied Melaku to the museum shootings and then to the other shootings as he eventually confessed.

In addition to the shootings and vandalism, Melaku had further plans to send his message and inspire fear. These included shooting at more buildings and then blowing up a military fuel tanker truck in Maryland, according to court documents.³⁵ Luckily, Melaku was caught and sent to prison before he commit to any of these other further plans of violence. Details of how he planned to carry out such measures of violence were not found, and it was unclear whether these future plans involved physical harm or killing of individuals.

6. Role of informants

Yonathan Melaku acted alone and was not found to be associated with any particular terrorist network, nor was he found to have had any personal interaction with anyone within a terrorist organization. He had not been talking to any informant during any part of his plans of terror, and it is likely that he would have been found a lot earlier if he had been in contact with an informant. Instead, he was not captured until eight months after he began his shooting spree in 2010.

Melaku can be considered to be a lone-wolf terrorist, which many believe is a new wave of terrorism. This growing phenomenon is attributed in part to the United States crackdown on foreign terrorist networks, something that has prompted these now-decentralized groups to encourage individuals to act on their own in a kind of “leaderless resistance.” For example, in 2006 al-Qaeda leader Abu Jihad al-Masra issued a call to arms entitled “How to Fight Alone” which was widely circulated in jihadist networks and beyond.³⁶

7. Connections

Although federal investigators never found any evidence that Melaku was linked to any terrorist organization, he at the very least seemed to be inspired by al-Qaeda as pro-al-Qaeda statements were discovered in his backpack when he was arrested. These statements were found in a spiral that consisted mainly of notes for a financial class. There was a page that contained the words “al-Qaeda,” “Taliban rules,” “mujahidin,” and “defeated coalition forces.”³⁷ These statements do not indicate an immediate association with any terrorist organization. But they do indicate a sort of fascination with these networks and with the concept of jihad. It appears that Melaku was inspired by the goals of these radical terrorist networks without actually having any contact with them. This type of lone wolf terrorism is exactly what these networks were aiming for in their call for Muslims to rise up independently without instruction. This type of encouragement has eliminated the need for one to belong to a terrorist network to commit acts of

³⁴ Clark, “Affidavit In Support of Criminal Complaint.”

³⁵ Jouvenal, “Yonathan Melaku, Who Fired at Pentagon and Other Military Facilities.”

³⁶ Edwin Bakker and Beatrice De Graaf. “Preventing Lone Wolf Terrorism: Some CT Approaches Addressed,” *Perspectives on Terrorism*, Vol. 5, No. 5-6, 2011.

³⁷ Esposito et al., “Marine Corps Reserve Corporal Arrested in Pentagon Bomb Scare.”

terrorism. Melaku's self-radicalization and self-motivation is what led him to engage in these attacks, independent of any help from a terrorist organization.

8. Relation to the Muslim community

Melaku was characterized by his neighbor as "a person that doesn't really talk a lot, a quiet man."³⁸ This is certainly true in that Melaku was not an active member of the Muslim community in Alexandria. He claimed to have been self-radicalized and kept to himself to the degree that not even his parents, Coptic Christians, knew that Melaku identified as Muslim. However, he did identify his religion as Islam in military documentation.³⁹ Melaku's lack of communication with members of the Muslim community limited the reaction of community members to his acts of violence. Also, the authority's reluctance to initially label the shootings as acts of terrorism and the ambiguity surrounding Melaku's religious affiliation likely led to lack of information available on any link between Melaku and the Muslim community.

9. Depiction by the authorities

Initially, authorities were not anxious to label the attacks as acts of terrorism and were very reluctant to provide any information as the case was still unfolding, developing, and evolving before them.

When the shooter of the military buildings was still unknown, law enforcement did not single out any certain description or mold of the perpetrator but rather kept its options open to a wider range of possibilities. "It could be someone who holds a grudge against the military. It could be someone who believes by targeting military facilities they will get a lot of attention. It could be someone suffering from PTSD [post-traumatic stress disorder] who believes someone in one of those buildings is responsible," Stephen Weber, professor of political science at University of California, said. "Or it could be none of those things."⁴⁰

The authorities handled the situation very well: their reaction was not alarmist and they did not try to spread any hysteria about the nation being under attack by radicals. Rather, they maintained a controlled response, got a hold of the situation, and reacted responsibly by only providing facts to the public on the case rather than biased opinions.

10. Coverage by the media

The media was similar response in that they did not immediately label the events as acts of terrorism. Rather they handled the situation well by not reacting negatively to Melaku's religious affiliation, in fact most news outlets neglected to bring up Melaku's religious background at all. Whether this happened because the information was not yet available or because reporters were trying to avoid associating a connection between potential terrorism and Islam is unclear. Fox

³⁸ Esposito et al., "Marine Corps Reserve Corporal Arrested in Pentagon Bomb Scare."

³⁹ "Va. Man Charged in 2010 DC-area Military Shootings," FOX News Network, June 23, 2011

⁴⁰ White, "Yonathan Melaku Admits Shooting at Pentagon, Military Buildings."

news channel was the first to report Melaku was indeed a self-proclaimed Muslim.

Overall the media did a great job of examining the facts of the case from the shootings to Arlington National Cemetery. One of the more useful documents is the affidavit of Kelley A. Clark, a Special Agent with the FBI Washington Field Office, which is lengthy and full of detail.

Although the media were effective in honing in on the facts of the case, I feel they could have done a better job in trying to form a fuller picture of who Yonathan Melaku is as an individual. Instead, finding any kind of background on Melaku or really finding any information outside the direct scope of the case was very difficult. It would have been easier to characterize him if more information on his upbringing, high school experiences, and time in the marine reserves, was readily available.

11. Policing costs

Since Melaku acted alone in this case and never communicated or had any contact with any informant or terrorist and was thus not being tracked by police, no surveillance costs were incurred. However, the total cost in damage to the four buildings was approximately \$110,000. The cost to repair damage to the windows and exterior of the Pentagon just by itself was \$15,144. In addition, the cost of the damages to the Museum exceeded \$93,000 and the Coast Guard office damages came out to \$1,800.

12. Relevance of the internet

When authorities went to Melaku's residence to gather evidence and to make sure there were no other potential explosive threats, they investigated his laptop and found that he had used the internet to look up numerous documents concerning bomb-making and explosives.⁴¹ He used it to look up how to make up improvised explosive devices and the list of items required to make a timer, listed above, was taken from the internet. Though these items were found on his computer, no evidence was found that he had been chatting with anyone in any kind of terrorist network--reinforcing the conclusion that he acted on his own for the purpose of supporting his own personal terror campaign. Melaku was also reported to have been researching what jihadism was on his computer. The internet played a role in allowing Melaku self-radicalize by allowing him to look up as much information as he wanted about jihad and about making explosives. It seems to have been the primary means for Melaku to get information, especially since he had no contact or communication with anyone else during the conjuring of his plans. This makes the importance of the internet very high in this particular case.

13. Are we safer?

The answer to that question is yes. Melaku intended to blow up a fuel truck in Maryland and carry out more shootings. Although none of his shootings at that point had hurt anybody, it is possible that the next round of shootings

⁴¹ Clark, "Affidavit In Support of Criminal Complaint."

would have targeted more than just buildings. Thus with Melaku behind bars, we are certainly safer as he cannot fulfill any of these alternative plans to further communicate his message.

14. Conclusions

Even though there were no people injured in these shooting attacks, an important lesson here is that lone wolves are incredibly hard to prevent and a serious threat to our nation's national security operations because if they communicate with nobody else, nobody can stop them from carrying out their plans but themselves. Melaku told no one about any of his plans. The only reason he was caught was because of his suspicious behavior in the early hours of the night. Although national security efforts are somewhat capable of finding lone wolves by tracking who visits certain types of websites, the potential for a lone wolf to slip through the government's hands is considerable. What is incredible is how easy it was for Yonathan Melaku to terrorize the D.C. area. He was able to shoot at such high profile buildings as the pentagon and suffered no consequences or repercussions until 8 months later when he was arrested for something else entirely in Arlington National Cemetery. It is possible to shoot at and damage one of the world's most heavily protected facilities and get away with it scot free.

How much fear he instilled in people is uncertain but, because these incidents were eerily reminiscent of those perpetuated by the Washington, D.C., sniper several years earlier, the public safety and homeland security challenges associated with responding to this series of incidents were still of high significance. In addition, the timing of these events fell in line with several important events including the Marine Corps Marathon (in which security was heavily beefed up), Veteran's Day, and the Marine Corps Birthday. This heightened concern for the response requirements for law enforcement.⁴²

What is interesting about this case is that Melaku was not immediately caught after any of the shootings and instead was only taken into custody after being arrested for another crime. This raises the question of what did investigators know about him (as the mystery shooter) in the months leading up to arrest and what leads were being investigated, if any. The difficulty of tracking down a lone wolf is considerable, and new ways to counteract these individuals must be found to deal with the problem lone wolf s present. Otherwise, instead of plans to attack buildings, plans to attack people may easily be put into place.

Appendix: Timeline of the shootings

October 17, 2010: Melaku committed the first shooting, aimed at the National Museum of the Marine Corps in Triangle, Virginia. The shooting occurred sometime between the hours of 12:30 and 7:00am. Ten .38/9mm rounds were fired from a range of approximately 150-250 yards away from the museum. Melaku was believed to have been shooting from the general vicinity of

⁴² Colleen McCue, Lehigh Miller, and Steve Lambert, "The Northern Virginia Military Shootings Series: Operational Validation of Geospatial Predictive Analytics" *The Police Chief*, February 2013.

Interstate-95, which is west of the museum. Bullets holes were discovered in several windows as well as on the base of the building.

October 19, 2010: Melaku shoots at the Pentagon. The Pentagon Force Protection Agency reported hearing shots in the vicinity of the Pentagon South parking lot, which faces I-395, at approximately 4:47am. Three impact marks consistent with bullet holes were discovered on the Pentagon's south side exterior. In addition, there were bullet holes in individual windows on both the third and fourth floors. Although the bullets had hit the protective windows, they were trapped and did not penetrate to the inside. Also, these windows were to offices that were being renovated and so were not in use at the time of the shooting.⁴³

October 25-26, 2010: Sometime between 7pm and 8am, two shots were fired at the Marine Corps recruiting sub-station in Chantilly, Virginia. The bullet holes were found by two marine recruiters at 8am on October 26. Another bullet hole was found in the business to the left, a nail salon, but this was likely an accident as the target was indeed found to later be the recruiting office.⁴⁴

October 29, 2010: At approximately 6:30am employees of the National Museum of the Marine Corps found new bullet holes in an area similar to that of the previous shooting that had taken place just a few weeks prior. Like this last shooting, the trajectory appeared to be coming from Interstate-95.

November 1-2, 2010: Sometime during the night and early morning hours at least one shot was fired at the U.S. Coast Guard recruiting office in Woodbridge, Virginia. The front door frame and locking mechanism were damaged in the shooting.

⁴³ Jerry Markon and Julie Tate, "FBI Links Shots Fired at Pentagon and Marine Museum." *Washington Post*, October 27, 2010.

⁴⁴ "Bullet Holes Found at Corps Recruiting Office," *Marine Corps Times*, October 26, 2010.

Case 44: Seattle

John Mueller

July 22, 2011
revised January 13, 2012

On June 22, 2011 two men in Seattle were arrested after they took possession of an inoperable machine gun specially built for them by the FBI with which they planned to attack the local Military Entrance Processing Center.

The leader of the plot was the 33-year old Khalid Abdul-Latif, who had a lengthy criminal record, including at least two felony convictions.¹ He had a janitorial business, but any income from the enterprise was less than the expenses of running it, and he had declared bankruptcy a month earlier with assets of about \$3000 and liabilities of \$6000.²

He idolized Osama bin Laden,³ and the two men once used the password, "OBL," when arranging for some bus tickets.⁴ Abdul-Latif had come to believe that "it was time to take action, not just talk"⁵ and to "wake the Muslims up" about defending their religion.⁶ The attack would be in retaliation of crimes committed by US soldiers in Afghanistan.⁷ The only targets would be military personnel.⁸ His accomplice, aged 32, who does not appear to have a criminal record, said the idea was to prevent soldiers from going to Islamic lands and killing Muslims.⁹ The justice department press release on the case, however, simply says they were "driven by a violent, extreme ideology."¹⁰

The two men fantasized about the headlines they would create: "Three Muslim Males Walk into MEPS Building, Seattle, Washington, And Gun Down Everybody," and they speculated about the arrival of television crews.¹¹ "We're not only trying to kill people, we're sending a message," said Abdul-Latif. "We're trying to set something that's gonna be on CNN all over the world."¹²

The pair tried to recruit a third man a few weeks before the arrests. He, however, went to the authorities and then was paid to be a confidential informant.¹³ The informant has an "extremely serious" felony record.¹⁴

¹ William Yardley, "Officials Say Two Planned Armed Attack in Seattle," *New York Times*, June 23, 2011. Associated Press, "Suspect in Seattle terror plot intent on attacking a recruiting station to 'wake the Muslims up'," *oregonlive.com*, June 23, 2011.

² AP, "Suspect in Seattle."

³ Levi Pulkkinen, "Grand jury indicts two in South Seattle terror attack plot," *Seattle Post-Intelligencer*, July 7, 2011.

⁴ Ryan J. Reilly, "Feds: Terror Suspects Struggled To Afford Bullets, Worried They'd 'Look Like Fools'," *TPMMuckraker*, June 23, 2011.

⁵ Pulkkinen, "Grand jury indicts two."

⁶ AP, "Suspect in Seattle."

⁷ BBC, "Pair charged with plotting to attack US military target," June 23, 2011.

⁸ AP, "Suspect in Seattle."

⁹ AP, "Suspect in Seattle." "Arrests over 'plot to attack US army target'," *aljazeera.net*, June 24, 2011.

¹⁰ "Two Men Charged in Plot to Attack Seattle Military Processing Center," Office of Public Affairs, US Department of Justice, June 23, 2011.

¹¹ AP, "Suspect in Seattle."

¹² Yardley, "Officials Say Two Planned Armed Attack."

¹³ "Arrests over 'plot to attack US army target'."

The plans for the attack were not yet final. For one thing they didn't have any—or at any rate a sufficient number of—bullets. Having spent all his money for the gun, Abdul-Latiff was planning to save up to get more weaponry, and he was especially concerned about looking like a “fool” if he ran out of bullets:

Now we got the guns, we don't have to worry about that, that's done. And, we can spend another three or four hundred dollars on clips. So, if we get another, say, at least three grand, then we can buy two RPG's, and buy more clips, buy a few grenades, you know what I am saying? And then get the jackets [bulletproof vests], you know what I am saying? That should hold it down. 'Cause if I'm going down, I wanna last as long as I can, and take as many of them as I can. That's all I'm saying. I don't wanna be a fool and just—oh, I'm out [of ammunition]...We need as much as we can get, especially if we're going down.¹⁵

As this statement suggests, he expected to be killed in the attack.

When asked, a neighbor said of the case, “It's an absolute surprise. As they say in the media, he'd the last person I would have expected.”¹⁶

At their initial hearing, the men were asked if they lacked money to hire a lawyer. Both answered in the affirmative.¹⁷

This case has yet to be written.

¹⁴ Yardley, “Officials Say Two Planned Armed Attack.”

¹⁵ Reilly, “Feds: Terror Suspects Struggled.”

¹⁶ Yardley, “Officials Say Two Planned Armed Attack.”

¹⁷ Yardley, “Officials Say Two Planned Armed Attack.”

Case 45: Abdo

John Mueller

March 14, 2014

In 2009, Naser Jason Abdo, an American citizen who had recently converted to Islam, joined the U.S. Army which was then deep in wars both in Iraq and Afghanistan. He claimed he joined because at the time he felt it was the best way he could defend the rights of Muslims in places like that. However, notes Nicole Spaetzle, he had no other job prospects.

The next year, as he was about to be deployed to Afghanistan, he applied for conscientious objector status because of his opposition to those wars in which Muslims were the prime casualties and because of harassment he felt he had undergone in the Army because he was a Muslim.

Raised in a home that was “broken and abusive,” he was a loner and described as friendless and “weird.” None of these qualities seemed to improve when he joined the Army, and after some consideration, the Army decided to accept his application and to discharge (i.e. get rid of) him. However, this action was delayed when child pornography was found on his government-issued computer.

This experience set Abdo off. Insisting that someone in the Army had placed the pornography there (and perhaps especially sensitive on the issue because his father had once been arrested for soliciting sex with a minor on the internet), Abdo went AWOL, plotted to kidnap one of his commanding officers and then murder him on video, failed to buy a gun because of his “alarming behavior” in a gun shop, and then took off for Fort Hood, Texas, where another Muslim in the Army, Major Nidal Hasan had killed 13 in 2009 (Case 32). There he planned to outdo Hasan by setting off a homemade bomb like those used in the Boston Marathon bombing (Case 53) at a restaurant popular with soldiers, gunning down people fleeing the explosion, and then dying in a shoot-out with police.

Whether by plan or happenstance, Abdo bought gunpowder and bullets at Guns Galore in Killeen, Texas, the same store that had been used by Hasan—who, in contrast to Abdo, had joined the military *before* the US became involved in wars in the Middle East. Abdo’s demeanor in the store and the fact that he seemed to be buying a great amount of explosive material while asking naïve questions about how to use it, alerted the clerk who then called the police. They arrested Abdo in his motel room on July 27, 2011, and he was soon vehemently confessing all.

Forced to wear a surgical mask at his trial to keep him from spitting blood at officers, the defiant, unrepentant, and clearly dangerous Abdo was sentenced to two consecutive life sentences in prison plus sixty years with no chance of parole.

Case 45: Abdo

Nicole Spaetzel

March 14, 2014

1. Overview

After going AWOL from the United States Army's Fort Campbell, Kentucky and battling accusations that he possessed child pornography, United States Army Private First Class Naser Jason Abdo was arrested on July 27, 2011 in Killeen, Texas for plotting to bomb a restaurant near Fort Hood. After his arrest Abdo, who is a Muslim, confessed that he planned the attacks because he opposed the United States War in Afghanistan and felt it was his duty to help fight the Holy War.¹ Abdo was twenty-one years old at the time of his arrest and had been in the Army for two years. Abdo was set to deploy to Afghanistan in June of 2010 but he applied for discharge as a conscientious objector to the war because he was a Muslim.² He had been an actively practicing Muslim since he was seventeen.

Abdo filed his conscientious objector application in June 2010. The Army's Conscientious Objector Review board initially denied his request, but the deputy assistant secretary of the Army Review Boards Agency stepped in and recommended he be granted status as a conscientious objector.³ His discharge was delayed when he was charged with possession of child pornography on May 13, 2011. The Army discovered the images on Abdo's government issued computer. They recommended that he face a court martial for the charges. Abdo denied the charges and insisted they he was set up by the Army because of his religion.

Abdo went AWOL from Fort Campbell over the Fourth of July weekend in 2011. Abdo planned to kidnap an officer from Fort Campbell.⁴ After Fort Campbell officials learned Abdo was visiting gun stores, he left Kentucky and traveled to Killeen, Texas.⁵ In Texas, Abdo planned to attack a local restaurant and secured ammunition and bomb supplies.

Law enforcement was tipped off that Abdo was a potential threat by the clerk of Guns Galore near the Fort Hood restaurant that Abdo planned to attack. The clerk at the gun store became suspicious by the amount of smokeless gunpowder and ammunition that Abdo purchased. The clerk was also suspicious because the Guns Galore store is the same place where Major Nidal Malik Hasan bought the weapons and ammunition that he used to attack Fort Hood in 2009.⁶ The tip from the guns store clerk and information from a taxi driver helped law

¹ "AWOL Soldier Gets Life Term for Fort Hood Plot," *NY Daily News*, August 10, 2012.

² Manny Fernandez and James Dao, "Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army," *New York Times* July 29, 2011.

³ Jamie Stengle, "Naser Abdo Confession: AWOL Soldier Admits To Fort Hood Attack Plan: Army," *Huffington Post*. July 28, 2011.

⁴ "Abdo Planned to Kidnap, Kill Campbell Official" *Army Times*. A Gannett Company, November 22, 2011.

⁵ "Abdo Planned to Kidnap, Kill Campbell Official."

⁶ Rhonda Schwartz, Pierre Thomas, and Martha Radditz, "Fort Hood Suspect Mentions Al Qaeda Cleric Believed to Have Inspired Previous Attack, Official Says," *ABC News*. ABC News Network, July 28, 2011.

enforcement agents track Abdo to a motel room in the Fort Hood area. They discovered his hotel room full of “possible bomb-making materials,”⁷ including ammunition, gunpowder, weapons and a book tutorial for bomb making.⁸ After questioning Abdo, authorities were able to rule out any suspicious that he was working with others. Abdo also admitted to authorities that his aim was to kill soldiers.⁹

Following his arrest, Abdo was charged with attempted use of a weapon of mass destruction, attempted murder of federal employees and weapons charges for his possession of an illegal firearm.¹⁰ He was convicted of all charges in Federal Court on May 24, 2012.¹¹ He was sentenced on August 10, 2012 to two consecutive life sentences in prison plus sixty years with no chance of parole.¹² On August 19, 2013 the US 5th Circuit Court rejected his appeal and upheld his 2012 conviction.¹³ Abdo is currently serving his prison sentence in ADX Florence maximum-security prison in Colorado.¹⁴

2. Nature of the adversary

Naser Jason Abdo was born in Garland Texas to Jamal Rateb Abdo and Carlisa Morlan.¹⁵ His father was a Muslim immigrant from Jordan and his mother was a natural born American citizen and Christian. Together they had Naser Jason and one younger daughter. When Abdo was three years old his parents divorced. After the divorce, he and his younger sister continued living with their father in Texas.¹⁶ Their mother was suffering from substance abuse, and left her children with their father while she sought help with her addiction.¹⁷

When Abdo was fourteen, his father was arrested for soliciting sex to a minor on the internet. The minor was actually a Garland, Texas detective looking for sexual predators on the internet by posing as a fifteen year old.¹⁸ His relationship with the fifteen-year-old “Molly” started online as early as 2002, but Jamal Rateb Abdo’s arrest did not come until 2004 when he went to an apartment complex where he believed he was meeting Molly. He served five years in prison and upon his release in 2009, he was deported back to Jordan.¹⁹ After his father’s

⁷ Elyse Siegel, “Naser Jason Abdo Arrested Near Fort Hood with Possible 'Bomb-Making Materials,’” *TheHuffingtonPost.com*, July 28, 2011.

⁸ Stengel, “Naser Abdo Confession.”

⁹ Phillip Janowski, “Judge Rules Abdo's Confession Admissible,” *Killeen Daily Herald*. April 22, 2012.

¹⁰ Siegel, “Naser Jason Abdo Arrested Near Fort Hood With Possible 'Bomb-Making Materials’”

¹¹ Post Staff Report, “Fort Hood Bomb Plotter Found Guilty on All Charges,” *New York Post* May 24 2012.

¹² Luke Johnson, “Naser Jason Abdo Sentenced To Life for Fort Hood Plot,” *TheHuffingtonPost.com*, August 10, 2012.

¹³ Sarah Rafique, “Court Rejects Abdo's Appeal,” *Killeen Daily Herald*. August 20, 2013.

¹⁴ “Inmate Locator,” *Federal Bureau of Prisons*, U.S. Department of Justice.

¹⁵ “Naser Jason Abdo,” *Wikipedia.com*, Wikimedia Foundation, July 8, 2013.

¹⁶ Fernandez, “Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army.”

¹⁷ “Terror Suspect Grew Up in Broken North Texas Home,” *KDFW Fox 4*. Fox Television Stations, July 29, 2011.

¹⁸ Fernandez, “Soldier Arrested in Suspected Bomb Plot Had Series of Disputes With Army.”

¹⁹ Fernandez, “Soldier Arrested in Suspected Bomb Plot Had Series of Disputes With Army.”

arrest, Abdo and his sister moved-in with their mother, and the family stayed in Garland, Texas.²⁰

Abdo attended elementary through high school in Garland, Texas.²¹ Neighbors and residents of the town were familiar with Abdo as a child and young adult. They recalled his childhood home with his father as “broken and abusive.”²² One neighbor remembered him as quiet and lonely.²³ Another said that you could tell he was trying to make the best of his broken family life and troubled childhood.²⁴ Many neighbors and residents pitied Abdo as a child, but few said they were surprised when Abdo was arrested for his terror plot to bomb a restaurant in Killeen, Texas.²⁵ A friend of Abdo’s younger sister that attended high school with Abdo remembered him as, “weird,” and that he, “didn’t fit in.”²⁶ She said he always stayed in his room while she was over. She remembered that Abdo was lonely and had no friends while his sister was very popular.²⁷

Abdo did not officially become a Muslim until he was seventeen although he spent the majority of his adolescent years around his Muslim father. Two years later, in March of 2009, Abdo joined the Army, reportedly because at the time he felt it was the best way he could defend the rights of Muslims in other countries, namely Iraq and Afghanistan.²⁸ However, he had no other job prospects.²⁹ Thus, Abdo joined the United States Army not as an American citizen looking to protect the freedom of his country, but as a Muslim trying to do what was right for his religion.

His short time in the military was plagued with conflict and harassment. Abdo complained that he endured harassment from his fellow service members because he was a Muslim serving in the United States Army and that he was unable to fast appropriately or to say his necessary prayers five times a day.³⁰ He used these obstacles and harassments as reasons to question his ability to serve in the United States Army as a Muslim. In June of 2010, when his troop was scheduled to deploy for Afghanistan, he decided to leave the military as a conscientious objector. He could not bring himself to fight in what he believed to be an “unjust war” as a Muslim.³¹ Abdo had joined the Army because of his religion and left because of it too. Clearly, Abdo’s identification as a Muslim was very important to him.

Abdo went to the media to draw attention to his struggle to be discharged from the military. He held a news conference in October 2010 in New York sponsored by Iraq Veterans against the War where he warned against America’s

²⁰ Stengle, “Naser Abdo Confession.”

²¹ Fernandez, “Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army.”

²² “Terror Suspect Grew Up in Broken North Texas Home.”

²³ “Terror Suspect Grew Up in Broken North Texas Home.”

²⁴ “Terror Suspect Grew Up in Broken North Texas Home.”

²⁵ “Terror Suspect Grew Up in Broken North Texas Home.”

²⁶ Stengle, “Naser Abdo Confession.”

²⁷ Stengle, “Naser Abdo Confession.”

²⁸ Sarah Netter, “Devout Muslim Soldier Hopes to Avoid Deployment to Afghanistan,” *ABC News*, ABC News Network, August 31, 2010.

²⁹ Fernandez, “Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army.”

³⁰ Fernandez, “Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army.”

³¹ Netter, “Devout Muslim Soldier Hopes to Avoid Deployment to Afghanistan.”

association of terror with Muslims.³² He participated in a number of interviews with different news sources.

In the midst of his very public fight to be discharged as conscientious objector, Abdo began openly to denounce America's involvement in the war. He also made a trip to New York City in September of 2010 to attend an anti-war vigil in support of Pfc. Bradley Manning, the alleged source of the WikiLeaks that released classified United States war documents.³³ The Army also investigated Abdo for making anti-American comments during a language class he was taking at the Fort Campbell Base. His remarks were left unspecified by the Army investigators and they felt that they did not have evidence to suggest Abdo was planning an attack.³⁴

While there were no specific dates listed, it was reported that the Army's Conscientious Objector Review board initially denied his request, but the deputy assistant secretary of the Army Review Boards Agency stepped in and recommended he be granted status as a conscientious objector.³⁵ However, shortly after his application was accepted, the Army reported that they found thirty-four images of child pornography on Abdo's government issued computer. The Army charged Abdo on May 13, 2011.³⁶ The discovery caused Abdo's previously granted status as a conscientious objector to be delayed until after this court martial. He immediately accused the Army of putting the child pornography on his computer in order to continue to persecute him because of his religion.³⁷

3. Motivation

The child pornography accusations set off the series of events that led to Abdo's eventual arrest for plotting to bomb a restaurant near Fort Hood and gun down any survivors. Abdo felt that the army had set him up because he was a Muslim applying for conscientious objector status. He denied having child pornography on his government issued computer and insisted the Army placed it there.³⁸ Shortly thereafter, Abdo went AWOL from Fort Campbell. What followed was a series of events that revealed his true character and culminated with his arrest in Killeen, Texas.

In order to retaliate against the Army for placing the pornography on his computer, Abdo planned to kidnap one of his commanding officers from Fort Campbell.³⁹ He planned to execute the officer on video.⁴⁰ He bought a cattle prod, a shovel and handcuffs. His plan was interrupted when Army officials discovered he was visiting gun stores near Fort Campbell: Abdo attempted to

³² Charles Hoskinson, "Naser J. Abdo Arrested in Possible Ft. Hood Attack Plot," *POLITICO*, July 28, 2011.

³³ Levine, "AWOL Soldier Arrested in What Police Say Was New Fort Hood Terror Plot."

³⁴ Stengle, "Naser Abdo Confession."

³⁵ Stengle, "Naser Abdo Confession."

³⁶ Stengle, "Naser Abdo Confession."

³⁷ Johnson, "Naser Jason Abdo Sentenced To Life For Fort Hood Plot."

³⁸ Johnson, "Naser Jason Abdo Sentenced To Life For Fort Hood Plot."

³⁹ Janowski, "Judge Rules Abdo's Confession Admissible."

⁴⁰ "Abdo Planned to Kidnap, Kill Campbell Official."

purchase a gun from Quantico Tactical near the base on July 3, 2011.⁴¹ The gun storeowner said that Abdo visited the store twice that day. The owner did not comment on specifics but said that, “He exhibited behavior that alerted our staff and our staff refused to, based upon that behavior, sell him a firearm.”⁴² Once Abdo failed to purchase the handgun and knew the Army was catching on to his plan, he ditched the supplies in a trash can and left town.⁴³

He now shifted his attention to Fort Hood. Abdo felt that the United States Army had wronged Muslims, including him. He felt he needed to defend Muslims everywhere. He viewed the Army as the enemy because they were fighting abroad in Iraq and Afghanistan and putting the lives of Muslims in danger. He had originally joined the Army because he thought it was the best way to defend the rights of Muslims in those countries.⁴⁴ When his troop was scheduled to deploy to Afghanistan, he felt he was no longer serving to protect the rights of Muslims. Thus, he applied for conscientious objector status.⁴⁵ Abdo told media during his battle to earn status as a conscientious objector, “A Muslim is not allowed to participate in an unjust war by Islamic standards. Any Muslim who knows his religion or maybe takes into account what his religion says can find out very clearly why he should not participate in the U.S. military.”⁴⁶

A few years before him, another Muslim American soldier felt the same way about fighting in Afghanistan (see Case 32). Major Nidal Hasan is responsible for the mass shooting at Fort Hood in Killeen, Texas, on November 5, 2009.⁴⁷ The shooting killed thirteen people and injured more than thirty others.⁴⁸ Law enforcement determined that Hasan acted alone and was not affiliated with any terrorist cell. Hasan was a psychiatrist working at Fort Hood when he carried out the mass shooting.⁴⁹ After the shooting, Hasan was hailed a hero by many Islamic extremist groups including al-Qaeda.⁵⁰

Abdo had originally condemned the Fort Hood shooting when it happened in 2009, but by the time of his trial in 2012, Abdo was screaming out Hasan’s name as his “brother.”⁵¹ By 2012, Abdo had completely changed his opinions on the United States Army and no longer believed they were defending innocent Muslims by fighting, but were instead responsible for threatening the freedoms and rights of innocent Muslims in Islamic countries like Iraq and Afghanistan.

Abdo did not just call Hasan his “brother,” but also confessed that he was motivated to “outdo” Hasan with his terror plot. Without much examination, it is

⁴¹ Stengle, “Naser Abdo Confession.”

⁴² Stengle, “Naser Abdo Confession.”

⁴³ “Abdo Planned to Kidnap, Kill Campbell Official.”

⁴⁴ Netter, “Devout Muslim Soldier Hopes to Avoid Deployment to Afghanistan.”

⁴⁵ Brad Knickerbocker, “Another Fort Hood Terror Plot? Army Pfc. Naser Abdo Arrested,” *Christian Science Monitor*, July 28, 2011.

⁴⁶ Netter, “Devout Muslim Soldier Hopes to Avoid Deployment to Afghanistan.”

⁴⁷ Robert McFadden, “Army Doctor Held in Fort Hood Rampage,” *New York Times*, November 5, 2009.

⁴⁸ “Soldier Opens Fire at Ft. Hood; 13 Dead,” *CBSNews.com*, November 5, 2009.

⁴⁹ Hasan has since been dishonorably discharged from the Army.

⁵⁰ Richard Esposito, Matthew Cole, and Brian Ross, “Officials: U.S. Army Told of Hasan's Contacts with Al Qaeda,” *ABC News*, ABC News Network, November 9, 2009.

⁵¹ “AWOL Soldier Gets Life Term for Fort Hood Plot.”

easy to see similarities between Hasan's Fort Hood Shooting and Abdo's Fort Hood Terror Plot. Abdo set the scene for his attack near Fort Hood and targeted Fort Hood soldiers just like Hasan. Hasan was a soldier stationed at Fort Hood at the time of his attack, and Abdo bought a Fort Hood uniform to wear during his attack.⁵² Abdo had a pistol in his possession, which he intended to use to shoot survivors.⁵³ Hasan used a pistol in his shooting rampage at Fort Hood in 2009.⁵⁴ Abdo admitted that he would, "lived in Hasan's shadow despite efforts to outdo him."⁵⁵ Abdo planned to outdo Hasan by placing the bomb in addition to using the firearm.

4. Goals

Abdo had two main goals: to be a good Muslim and to bring justice to the United States Army for wronging Muslims. During Abdo's time in the Army, he felt that he had lost sight of his religion and needed to redeem himself. He cited not having enough time for daily prayer and not being able to fast as two grievances that prevented him from being, what he considered, a good Muslim while serving in the Army.⁵⁶

On top of redeeming himself in the eyes of Allah, Abdo also felt that the United States Military had wronged Muslims, including him, and there needed to be justice. Abdo had applied for status in the military as a conscientious objector so he would not be deployed to Afghanistan and be forced to kill fellow Muslims.

Abdo was not the only Muslim that the United States Army had wronged. During his trial, Abdo called out the name, "Abeer Quassim al Janvi."⁵⁷ Al Janvi was a fourteen-year-old girl raped in Iraq by soldiers from the 101st Airborne Division out of Fort Campbell in 2006. Abdo was assigned to his division when he entered in the Army in 2009. More generally, Abdo denounced the Army for taking the lives of innocent Muslims while they fought in Afghanistan and Iraq.

Abdo believed that martyrdom was the only way to achieve justice and freedom.⁵⁸ Similarly, a man that dies a martyr, or Shahid, in the name of Allah or his religion, is held in the highest regard.⁵⁹ Abdo's ultimate goal to die a martyr was meant to ensure his place as a good Muslim and his path to martyrdom, placing two bombs in a Killeen, Texas restaurant, shooting survivors and dying in a shootout with police, would ensure justice was served.

Abdo saw the 2009 Fort Hood Shooter, Nadil Malik Hasan as an example of a good Muslim that succeeded in bringing justice to the United States Army for

⁵² David J. Goodman, "Solider Held Amid Terror Plot at Fort Hood," NYTimes.com, July 28, 2011.

⁵³ Jeremy Schwartz, "AWOL Soldier Planned to Bomb Killeen Restaurant, Then Shoot Survivors, FBI Agent Testifies," Statesman.com, May 22, 2012.

⁵⁴ Pierre Thomas, and Jason Ryan, "Alleged Fort Hood Shooter Bought Gun, Despite Ongoing Terrorism Investigation," *ABC News*, ABC News Network, November 11, 2009.

⁵⁵ "AWOL Soldier Gets Life Term for Fort Hood Plot."

⁵⁶ Fernandez, "Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army."

⁵⁷ Alex Johnson, "Belligerent Fort Hood Suspect Denounces Military," NBCNews.com, July 29, 2011.

⁵⁸ "Abdo Planned to Kidnap, Kill Campbell Official."

⁵⁹ Ezzati, "The Concept of Martyrdom in Islam," Al-Islam.org.

trying to deploy him to Afghanistan where he would have to kill fellow Muslims. Abdo structured his plans for violence similarly to Hasan's but with the goal of outshining Hasan. In Abdo's eyes, if he could outperform Hasan's attack, then Abdo would be a better Muslim and better at making the Army face justice. After Abdo was arrested, he admitted he was trying to outdo Hasan but failed and will forever live in his shadow.⁶⁰

5. Plans for violence

At a press conference following the arrest of Abdo, police alluded to the severity of the terror plot by telling the media, "We would probably be here today giving you a different briefing had he not been stopped."⁶¹ Dressed in a Fort Hood Army uniform, Abdo planned to place a bomb in a restaurant in Killeen, Texas that was popular among soldiers from the nearby Fort Hood. After the bomb had detonated, he planned to gun down any survivors that exited the restaurant. His ultimate plan was to engage in a shoot-out with police and die a martyr for Muslims. Abdo had acquired all of his necessary supplies and was building the bomb in a Killeen, Texas motel room when police apprehended him.

Abdo's original plan was to capture an officer from Fort Campbell and execute the soldier on video.⁶² He bought a cattle prod, a shovel and handcuffs. His plan was interrupted when Army officials discovered he was visiting gun stores near Fort Campbell. Abdo attempted to purchase a gun from Quantico Tactical near the base on July 3, 2011.⁶³ The gun storeowner said that Abdo visited the store twice that day. The store staff refused to sell him a handgun because of his alarming behavior. Once Abdo failed to purchase the handgun, he ditched the supplies in a trashcan and left town.⁶⁴ Abdo then went AWOL from Fort Campbell. There is no indication of Abdo's specific travels from Kentucky to Texas between July 3, 2011 and his arrest on July 27, 2011. His hometown of Garland, Texas is only about one hundred-seventy miles from Fort Hood so he would be familiar with the area.⁶⁵ Once in Texas, He checked himself into a motel room near the restaurant where he planned to place his bomb.

Abdo purchased a Fort Hood Uniform from an Army Surplus Store near Killeen.⁶⁶ Abdo had no plans of attempting to enter the base because he knew it would be a near impossible task because of heightened security and his AWOL status.⁶⁷ Instead, he planned to use the uniform to blend in with the soldiers at the restaurant. He also wore a Fort Hood uniform to achieve his goal of following closely in the footsteps of the 2009 Fort Hood shooter, Nadil Malik Hasan. Abdo worked to have an obvious connection to the violence Hasan caused to defend Islam, but Abdo also wanted to outdo Hasan.

⁶⁰ "AWOL Soldier Gets Life Term for Fort Hood Plot."

⁶¹ Mike Levine, "AWOL Soldier Arrested in What Police Say Was New Fort Hood Terror Plot." *Fox News*. FOX News Network, July 28, 2011.

⁶² "Abdo Planned to Kidnap, Kill Campbell Official."

⁶³ Stengle, "Naser Abdo Confession."

⁶⁴ "Abdo Planned to Kidnap, Kill Campbell Official."

⁶⁵ Fernandez, "Soldier Arrested in Suspected Bomb Plot Had Series of Disputes With Army."

⁶⁶ Hoskinson, "Naser J. Abdo Arrested in Possible Ft. Hood Attack Plot."

⁶⁷ "AWOL Soldier Gets Life Term for Fort Hood Plot."

There is no available information to suggest how Abdo acquired the pistol that law enforcement found in his motel room. Abdo was charged with possession of an illegal firearm so it can be inferred that he came upon the firearms illegally. It is also likely that Abdo resorted to obtaining the pistol illegally because when he attempted to buy a firearm at a gun store in Kentucky, he was denied sale because the clerks deemed his behavior alarming.⁶⁸

Abdo traveled to Guns Galore in Killeen, Texas. The clerk at the gun store carefully watched Abdo browse the store for twenty minutes. Abdo eventually purchased six pounds of smokeless gunpowder, one magazine for a semiautomatic handgun, and shotgun shells.⁶⁹ He noted that Abdo asked many questions about what he was buying.⁷⁰ The clerk thought it was particularly alarming for Abdo to be buying ammunition and smokeless powder in large quantities when he did not know that much about it.⁷¹ Later that day the gun store clerk informed Killeen Police about his concerns.⁷²

By contacting the cab driver who transported Abdo from the gun store, Killeen Police were able to track Abdo to his motel room where they found all of the supplies he planned to use in his terror attack.⁷³ They discovered the smokeless gunpowder and that he had purchased the previous day at Guns Galore. They also discovered the Fort Hood uniform he had purchased with patches, sugar, a pressure cooker, additional magazines and ammunition,⁷⁴ a pistol, the article, how to “make a bomb in your kitchen of your mom” from the English-language al-Qaeda magazine *Inspire*, a cell phone, wall clocks, duct tape, and a shopping list of other bomb-making materials.⁷⁵ Although he still needed to assemble the bomb, Abdo had all he needed to carry out his attack.

Almost immediately following his detainment and arrest at the motel, Abdo admitted his plans to authorities.⁷⁶ He admitted he was planning to attack, hurt, and kill soldiers from Fort Hood because of what troops were doing in Afghanistan.⁷⁷ Specifically, Abdo called out the name, “Abeer Quassim al Janvi.”⁷⁸ Al Janvi was a fourteen-year-old girl raped in Iraq in 2006 by soldiers from the 101st Airborne Division out of Fort Campbell. He admitted that he had planned to attack a soldier back in Fort Campbell and that after he set off the bomb in Texas he planned to wait outside and shoot survivors.⁷⁹ He revealed that the end of his plan was to die in a police shoot-out with police. He made a point to tell law enforcement agents that he did not want to hurt any innocent people and that he only wanted to make a point.⁴⁴ Investigators were also able to determine

⁶⁸ Stengle, “Naser Abdo Confession.”

⁶⁹ Schwartz et al., “Fort Hood Suspect Mentions Al Qaeda Cleric.”

⁷⁰ Schwartz et al., “Fort Hood Suspect Mentions Al Qaeda Cleric.”

⁷¹ Barbara Starr, Marylynn Ryan, and Carol Cratty, “Official: Soldier Said He Wanted to Attack Fort Hood Troops,” CNN.com, July 29, 2011.

⁷² Schwartz et al., “Fort Hood Suspect Mentions Al Qaeda Cleric.”

⁷³ Goodman, “Soldier Held Amid Terror Plot at Fort Hood.”

⁷⁴ Knickerbocker, “Another Fort Hood Terror Plot? Army Pfc. Naser Abdo Arrested.”

⁷⁵ Goodman, “Soldier Held Amid Terror Plot at Fort Hood.”

⁷⁶ Janowski, “Judge Rules Abdo's Confession Admissible.”

⁷⁷ Starr, “Official: Soldier Said He Wanted to Attack Fort Hood Troops.”

⁷⁸ Johnson, “Belligerent Fort Hood Suspect Denounces Military.”

⁷⁹ Janowski, “Judge Rules Abdo's Confession Admissible.”

that Abdo was acting alone and that any risk of an attack was averted by arresting Abdo.

Considering Abdo had all the necessary supplies and that he was convinced that his martyrdom was the only way to become a good Muslim, it is very likely that he would have carried out his attack. Even after he was charged and standing trial, he was not remorseful. Abdo was forced to wear a surgical mask because he spit blood at officers, and vowed, "I do not ask the court to give me mercy, for Allah is the one that gives me mercy."⁸⁰ Abdo's lack of remorse and dedication to Islam after his arrest further support the likelihood that he would have carried out the attack if he had not been apprehended.

Abdo was convicted in Federal Court on May 24, 2012, of attempted use of a weapon of mass destruction, attempted murder of federal employees and other weapons charges.⁸¹ He was sentenced on August 10, 2012, to two consecutive sentences of life in prison plus sixty years with no chance of parole.⁸² On August 19, 2013 the US 5th Circuit Court rejected Abdo's appeal and upheld his conviction.⁸³ He is currently serving his prison sentence in ADX Florence maximum-security prison in Colorado.⁸⁴

6. Role of informants

While there were no official police informants working alongside Abdo to stop his terrorist plot, the role of an unofficial civilian informant was crucial to stopping Abdo's attack. When Abdo went to purchase guns at Gun Galore in Killeen, Texas, the clerk noticed something did not seem right in Abdo's demeanor and questions. The clerk noted that Abdo did not even know what he was looking for or buying.⁸⁵ The clerk in Guns Galore had been on extra high alert because that same store was where Major Nidal Malik Hasan had purchased the guns he used in his shooting rampage at Fort Hood in 2009. It is unclear whether Abdo knew Hasan purchased his gun at this same store. The clerk watched Abdo leave in a cab. After work, he still felt uneasy about his encounter with Abdo at the store and so notified the local authorities.

Police credited the gun store clerk with busting the terror plot. Police said if not for the clerk it that would have been highly likely that they would have been delivering a very different news conference.⁸⁶ They also said that, "We now have an example of what works to prevent these type attacks,"⁸⁷ suggesting that public alertness to suspicious individuals and encounters and a willingness to report these observations is the best way to prevent local, "lone wolf" attacks. Lone wolf attacks are a particularly dangerous threat because it is harder for law enforcement to track terrorists when they are not working within a known network.⁸⁸

⁸⁰ "AWOL Soldier Gets Life Term for Fort Hood Plot."

⁸¹ Post Staff Report, "Fort Hood Bomb Plotter Found Guilty on All Charges

⁸² Johnson, "Naser Jason Abdo Sentenced To Life For Fort Hood Plot."

⁸³ Rafique, "Court Rejects Abdo's Appeal."

⁸⁴ "Inmate Locator."

⁸⁵ Schwartz et al., "Fort Hood Suspect Mentions Al Qaeda Cleric."

⁸⁶ Levine, "AWOL Soldier Arrested in What Police Say Was New Fort Hood Terror Plot."

⁸⁷ Starr, "Official: Soldier Said He Wanted to Attack Fort Hood Troops."

⁸⁸ Knickerbocker, "Another Fort Hood Terror Plot? Army Pfc. Naser Abdo Arrested."

7. Connections

Police were able to determine, rather quickly, that Abdo was acting alone. Abdo was self-motivated to kill service members in retaliation for the United States Army's involvement in Iraq and Afghanistan. By bombing and shooting American soldiers, Abdo felt he was honoring the lives of Muslims in the countries where those soldiers would be deployed.

Abdo made mention of an al-Qaeda cleric Anwar al-Awlaki to authorities but no concrete connection was ever able to be made. Al-Awlaki was also suspected to be connected to Hasan and the 2009 Fort Hood Shootings.⁸⁹

While Abdo had no concrete connection to Hasan, the two men shared many of the same struggles as noted earlier.

8. Relation to the Muslim community

Abdo considered himself a very devout Muslim. As a devout Muslim, he struggled to serve in the United States Army. By June 2010, when he was scheduled to deploy to Afghanistan, Abdo no longer felt that serving in the Army was an appropriate way to defend the rights and lives of Muslims. He told a reporter, "A Muslim is not allowed to participate in an unjust war by Islamic standards. Any Muslim who knows his religion or maybe takes into account what his religion says can find out very clearly why he should not participate in the U.S. military."⁹⁰

Islam teaches that to die a martyr in the name of Allah is one of the most honorable things a Muslim can do on Earth.⁹¹ In order to ensure that he would die a devout and good Muslim, Abdo believed if he needed to die a martyr defending Islam in the name of Allah. Abdo planned to achieve martyrdom by dying in a police shootout after bringing justice to the United States Army for wronging Muslims.

Besides his self-proclaimed devotion to his own faith, however, there is no documentation that Abdo ever visited an Islamic Mosque or had any active involvement within a Muslim community.

9. Depiction by the authorities

Shortly after Abdo was apprehended and arrested on July 27, 2011, law enforcement held a press conference.⁹² At the press conference police alluded to the severity of the threat from Abdo's plot and informed the public that they had no reason to believe that Abdo had any accomplices.⁹³ They also thanked the role of the gun clerk that had tipped them off. Police were able to avoid causing alarm because they already had Abdo in custody and had determined he had acted alone by the time they delivered their press conference.

⁸⁹ Schwartz et al., "Fort Hood Suspect Mentions Al Qaeda Cleric."

⁹⁰ Netter, "Devout Muslim Soldier Hopes to Avoid Deployment to Afghanistan."

⁹¹ Ezzati, "The Concept of Martyrdom in Islam."

⁹² "UPDATE 2: Statement on Arrest of Soldier in Killeen," FortHoodPressCenter.com, July 28, 2013.

⁹³ Levine. "AWOL Soldier Arrested in What Police Say Was New Fort Hood Terror Plot."

10. Coverage by the media

Media outlets did not catch wind of Abdo's terror plot until after police had arrested him on July 27, 2011 within a day of receiving the tip from the Guns Galore store clerk. By the time media crews arrived at the scene, Abdo had already been taken into custody and law enforcement officials were able to get a news conference. There was no opportunity for the media to send out alarmist reports because Abdo was arrested and police were able to tell the media that Abdo was acting alone and there was no reason to believe there was any further risk of danger.⁹⁴

Most media sources turned their attention to the gun store clerk that informed the police. They interviewed the clerk, Greg Ebert, for his account of the event and Abdo's unsettling demeanor. Ebert's story, face, and statements flooded the news stories surrounding the terror plot, and media and internet sources hailed him as a hero.⁹⁵ Other sources dug up their stories from when Abdo reached out to them during his struggle to be discharged from the Army as a conscientious objector.⁹⁶ Some media drew a connection between the 2009 Fort Hood Shootings and Abdo's plot.⁹⁷

Most news stories were published the two days following Abdo's arrest suggesting that the media did not dwell on the plot because it was never carried out and because the arrest happened so quickly. There was additional media interest when Abdo was convicted and when he was sentenced.

11. Policing costs

Abdo's case was quick and required little investigation or surveillance work. The case also traveled through the court system relatively quickly. Police were not actively searching for Abdo or watching him at the time of his arrest on July 27, 2011. And there were no police hired informants working close to Abdo to spoil his terror plot. And shortly after his arrest, Abdo confessed to plotting a terror attack to kill soldiers from Fort Hood.⁹⁸

Between all of the evidence in Abdo's motel room and his confession, law enforcement did not have to exert much effort to build a case against him. His entire legal process from arrest to sentencing took slightly more than a year. In comparison, the legal proceedings of Hasan for his shooting rampage in 2009 took almost four years to close.⁹⁹ Abdo was arrested on July 27, 2011, and was charged with attempted use of a weapon of mass destruction, attempted murder of federal employees and weapons charges for his possession of an illegal firearm.¹⁰⁰

⁹⁴ Knickerbocker, "Another Fort Hood Terror Plot? Army Pfc. Naser Abdo Arrested."

⁹⁵ John Farmer, "Gun Store Clerk Saved Lives – Guns Galore Is Your Place to Shop in Killeen, TX." BlueCollarRepublican.wordpress.com. July 29, 2011.

⁹⁶ Hoskinson, "Naser J. Abdo Arrested in Possible Ft. Hood Attack Plot."

⁹⁷ Hoskinson, "Naser J. Abdo Arrested in Possible Ft. Hood Attack Plot."

⁹⁸ Johnson, "Naser Jason Abdo Sentenced To Life for Fort Hood Plot."

⁹⁹ Billy Kenber, "Nidal Hasan Sentenced to Death for Fort Hood Shooting Rampage," WashingtonPost.com, August 28, 2013.

¹⁰⁰ Post Staff Report, "Fort Hood Bomb Plotter Found Guilty on All Charges."

He was convicted of all charges in Federal Court on May 24, 2012.¹⁰¹ It took the six jurors fifty-five minutes to find him guilty.¹⁰² The biggest expense in Abdo's case is the money that will be spent keeping him behind bars for the rest of his life, but that is a small price to pay in exchange for protecting the lives of those service men and women in Killeen, Texas.

12. Relevance of the internet

There is some evidence to suggest that Abdo used the internet to gain information to plan and to carry out his plot. Law enforcement found an article from the online al-Qaeda magazine *Inspire* in Abdo's hotel room that detailed how to make a bomb out of household items.¹⁰³ There was also evidence that Abdo was using the internet to participate in other anti-war activities. Abdo's personal Facebook page detailed his trip to New York City in September of 2010 to attend an anti-war vigil in support of Pfc. Bradley Manning. Manning, the alleged source of the WikiLeaks that released classified United States war documents.¹⁰⁴ Besides the online magazine and Abdo's details about his trip, there is no other concrete evidence to reveal Abdo's dependence on the internet.

13. Are we safer?

Abdo's arrest and incarceration make the country a safer place in two ways. Primarily, with Abdo behind bars he is unable to attack American soldiers. Additionally, Abdo's case proves that Americans are becoming more aware to suspicious persons and activity. Average alert Americans with the courage to speak up can save lives and prevent terror attacks. Reading Abdo's story and learning that one gun owner spoiled the entire attack might encourage other Americans to step forward when they see something.

14. Conclusions

The most remarkable conclusion that can be drawn from Abdo's case is the impact that civilians can have in stopping terrorists. Lone wolf terrorist attacks like him are particularly dangerous. They are extremely self-motivated to cause destruction in the name of their self-proclaimed cause. They act alone and without a network, which makes them difficult to track and discover. All the technology and surveillance the United States counterterrorism officials have would have failed to stop Abdo before he placed the bombs, but the observant eye of a civilian gun store clerk did.

We can also draw conclusions about the Army granting Abdo conscientious objector status. In the 2009 Fort Hood Shootings, Hasan's main grievance was that the United States Army should not force Muslims to fight fellow Muslims in Iraq and Afghanistan.¹⁰⁵ Abdo had expressed himself

¹⁰¹ Johnson, "Naser Jason Abdo Sentenced To Life For Fort Hood Plot."

¹⁰² Sig Christenson, "Abdo Guilty of Fort Hood Terror Plot," MySanAntonio.com, May 24, 2012.

¹⁰³ Goodman, "Soldier Held Amid Terror Plot at Fort Hood."

¹⁰⁴ Levine, "AWOL Soldier Arrested in What Police Say Was New Fort Hood Terror Plot."

¹⁰⁵ Elizabeth Sheld, "Nidal Hasan Wanted Muslims In Army to Have Option for Conscientious Objection," Breitbart.com, August 30, 2013.

throughout his time in the Army as an extremely devout Muslim. He complained that the Army was not allowing him time to fast or pray during the day.¹⁰⁶ He also blamed the Army for the way other soldiers treated him because of his faith.¹⁰⁷ When Abdo finally felt he needed to leave the Army it was only because he was set to be deployed to Afghanistan. Abdo argued that it was unjust for the Army to send him to fight against other Muslims.¹⁰⁸ Although the Army's Conscientious Objector Review board initially denied his request, this decision was later overruled. Considering the possibility of another Fort Hood incident and Abdo's complaints with the Army, it is reasonable to assume that the superior officer overruled Abdo's initial denial because it was safer.

If Army officials feared Abdo would retaliate like Hasan, they were not far off, considering how closely Abdo modeled his terror plot to match Hasan's. Hasan fought back against the Army and was rewarded with praise from the Islamic extremist community. Abdo sought to attack the Army in a similar way in order to garner the same praise.

In reality, Abdo was most concerned with pleasing his god and being a good Muslim. Abdo seemed so obsessed with Hasan not because he wanted to be Hasan, but because he wanted to be like Hasan. He saw Hasan as the most prime and real example of a good Muslim. In fact, Abdo planned to achieve more than Hasan in order to be a better Muslim in the eyes of Allah.¹⁰⁹ At his trial, Abdo told reporters that he, "will forever live in Hasan's shadow despite efforts to outdo him."¹¹⁰ Abdo's plan to outdo Hasan was to martyr himself in a police shootout after he placed the bomb in the restaurant and shoot survivors.¹¹¹

We can also draw a conclusion from Abdo's desire to be a good Muslim. The child pornography charges seemed set Abdo off, starting with the plot to kidnap an Army officer and ending with the bomb plot near Fort Hood. His initial plot especially seemed like retaliation for what he believed was a set-up. After his arrest however, Abdo made little to reference to the child pornography accusations. Instead, he mentioned his devotion to Allah, his goal to be a good Muslim, and his desire to seek justice for innocent Muslims. While his initial violent plot might have been for retaliation, we can conclude that his grand bomb plot in Fort Hood was motivated by a larger desire to be a good Muslim and bring justice to those he thought were responsible for killing innocent Muslims, namely the United States Army.

We can also conclude that, because his motivation behind the Fort Hood bomb plot was not centered on the child pornography charges, Abdo would have attempted to carry out the attack even if the child pornography charges had never surfaced and he had been discharged from the Army. Abdo was convinced at the time of his arrest that he needed to die a martyr to show his faith to Allah and avenge the lives of innocent Muslims. Islam teaches that to die a martyr in the

¹⁰⁶ Fernandez, "Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army."

¹⁰⁷ Fernandez, "Soldier Arrested in Suspected Bomb Plot Had Series of Disputes with Army."

¹⁰⁸ Netter, "Devout Muslim Soldier Hopes to Avoid Deployment to Afghanistan."

¹⁰⁹ "AWOL Soldier Gets Life Term for Fort Hood Plot."

¹¹⁰ "AWOL Soldier Gets Life Term for Fort Hood Plot."

¹¹¹ "Abdo Planned to Kidnap, Kill Campbell Official."

name of Allah is one of the honorable things a Muslim can do on Earth.¹¹² In order to ensure that he would die a devout and good Muslim, Abdo believed if he needed to die a martyr defending Islam in the name of Allah, and he planned to achieve martyrdom by dying in a police shootout after punishing the Army for wronging Muslims. Between his devotion to dying a good Muslim and avenging Muslims wronged by the Army, Abdo was an extremely self-motivated lone wolf terrorist who would have killed until he was stopped.

Lone wolf terrorists are often have a loner personality, act on personal stress, and want to cause violence.¹¹³ Abdo lived in a troubled life. He allegedly only joined the Army because he had no other options.¹¹⁴ He was accused of possessing child pornography, and he felt the United States Army was to blame for discriminating and attacking Muslims, including him. The only thing he felt passionate about was his faith in Islam. His faith was so strong that combined with his personality and stress it motivated him to plan a terror attack. Abdo was not shy to admit that his ultimate plan was to kill American soldiers. Abdo's faith told him that he needed to defend his faith. Abdo's experience with the military and with the guidance of his hero, Hasan, Abdo believed the best way to defend his faith was to carry out a violent attack against the United States Army. An extreme faith in Islam and an extreme portrayal of American soldiers as the enemy of his faith drove a "weird" teenager from Texas to buy six pounds of smokeless gunpowder even though he had no idea what it was.

¹¹² Ezzati, "The Concept of Martyrdom in Islam."

¹¹³ "Joseph Stack and the Lone Wolf Mentality," *Anti-Defamation League*, February 22, 2010.

¹¹⁴ "Terror Suspect Grew Up in Broken North Texas Home."

46: Model Planes

John Mueller

March 16, 2014

In December 2010, Rezwan Ferdaus, a 27-year-old Muslim—a college graduate of Bangladeshi origin who had been raised in an upscale neighborhood of Boston—asked a man in his mosque about contacting al-Qaeda. The man tipped off the FBI, and over the next several months three FBI operatives claiming to be from al-Qaeda formed a cooperative and encouraging terrorist cell around Ferdaus.

During that period, he enthusiastically spun out a series of increasingly elaborate terrorist plans for his fellow cell-mates who obligingly provided him with several thousand dollars of financing that he had no capacity to amass on his own. The plans mostly centered around the notion of attacking the Pentagon (conspiratorially designated as “the P-building” in his planning documents) with explosives-bearing model airplanes. At one point the explosives were to be grenades whose pins would apparently be pulled out by a “high-torque servo motor.” Later plans included as well a “ground assault” by several co-conspirators armed with AK-47s who would shoot at people as they fled the air-bombed P-building. He also envisioned using nine pounds of explosives to blow up surrounding bridges. By September 2011, when he was arrested, Ferdaus’ “Order of Actions” contained fifteen separate phases.

Ferdaus was out the “change the world.” Impressed with “how evil” America was, he determined to “terrorize” the country and wanted to “decapitate” its government’s “military center” thereby severely disrupting “the head and heart of the snake.” Notes Ruxton McClure, he was especially excited by the prospect of gunning down politicians. Given dozens of opportunities by his cell mates to drop out of the enterprise, he refused.¹

As McClure further notes, model-aircraft enthusiasts point out that “it would be nearly impossible to inflict large-scale damage using model planes” and found the plan to be “kind of a joke, actually.” Even under the highly unlikely assumption that the explosives-laden planes would have been able to get off the ground, the added weight would throw them off balance and make them uncontrollable, a key defect in that, to do any serious damage, they would have to be flown into windows, and at high speed.

Ferdaus had showed distinct signs of mental illness for some time: there was, for example, a police report describing how he once “stood in the road not moving and appeared to have wet his pants.” His defense did not ask for a mental exam however, and settled in a plea bargain for 17 years in prison—he could have gotten 35. The court deemed Ferdaus to be “a significant danger to the community,” not because his plot would have worked or because he had the means to carry it out, but, as it emphasized in italics, because he had a “*strong desire to see his plan carried out.*”

¹ Jess Bidgood, “Massachusetts Man Gets 17 Years in Terrorist Plot, *New York Times*, November 2, 2012.

Case 46: Model Planes

Ruxton McClure

March 15, 2014

1. Overview

A twenty-seven year old Muslim man planned to plant explosives in remote controlled model airplanes and fly them into the Pentagon and the U.S. Capitol building.¹ In December 2010, Rezwan Ferdaus approached an individual at his mosque requesting help getting in touch with al-Qaeda. The individual, a government informant, introduced Ferdaus to FBI agents posing as al-Qaeda operatives.² Ferdaus met with the undercover agents numerous times, on several occasions handing over a number of cellphones rigged to detonate improvised explosive devices, for use in Afghanistan and Iraq.³ Through early to mid-2011, Ferdaus introduced the undercover agents to his plan to attack the Pentagon and the Capitol buildings using remote controlled airplanes.⁴ His plan changed to incorporate a ground assault on the Pentagon, using AK-47s and grenades, as well as using the remote controlled planes as a diversion. Finally in mid-2011 Ferdaus requested the assistance of the phony al-Qaeda operatives in providing explosives and firearms, as well as financial assistance in purchasing the planes.⁵ The undercover agents did give him money, and provided Ferdaus with dud weapons, grenades, and explosives.⁶ After taking possession of the dud explosives and weapons in September 2011, Ferdaus was arrested.⁷ In a plea bargain, he received a seventeen year prison sentence followed by ten years of supervised release.

2. Nature of the adversary

According to authorities, Ferdaus “masterminded everything himself,” and no other parties played a role in creating the plot.⁸ While he may not have turned out to be a brilliant “mastermind,” at the very least we can presume that the plot was entirely his own. Ferdaus is a U.S. citizen who grew up in Massachusetts, lived in Ashland, Massachusetts, and holds a physics degree from Northeastern University, Boston.⁹ At his eventual sentencing, the judge noted the support shown by Ferdaus family, including a “letter from his parents that contained photographs chronicling their son’s life ... [which painted] ‘a portrait of a much-loved son.’”¹⁰ This leads one to believe that Ferdaus at least for some time had an

¹ “Mass. man sentenced in model airplane terror plot,” CBS News, November 1, 2012.

² “Ashland Man Agrees to Plead Guilty to Plotting Attack on Pentagon and U.S. Capitol and Attempting to Provide Material Support to Terrorists,” Department of Justice, July 10, 2012.

³ “Ashland Man Agrees to Plead Guilty.”

⁴ “Ashland Man Agrees to Plead Guilty.”

⁵ “Ashland Man Agrees to Plead Guilty.”

⁶ “Ashland Man Agrees to Plead Guilty.”

⁷ “Ashland Man Agrees to Plead Guilty.”

⁸ “Rezwan Ferdaus held over Pentagon and Capitol bomb plot,” BBC News, September 29, 2011.

⁹ “Mass. man sentenced in model airplane terror plot,” CBS News.

¹⁰ Brian Ballou, “Rezwan Ferdaus of Ashland sentenced to 17 years in terror plot; plotted to blow up Pentagon, Capitol,” Boston.com (accessed November 20, 2012).

ostensibly stable family life. However, the judge also noted that “there was a point in which his life turned darker.”¹¹

Ferdaus’ defense lawyer asserted that at least a month prior to his arrest, Ferdaus was seeing a psychiatrist for “depression and anxiety.”¹² His lawyer also suggested that the FBI had “ignored signs of mental illness . . . while investigating him.”¹³ Apparently, an FBI agent noted during a bail hearing that Ferdaus had acknowledged to undercover agents that he was “anxious and depressed.”¹⁴ Furthermore, FBI officials were made aware of a police report describing an incident when Ferdaus “stood in the road not moving and appeared to have wet his pants.”¹⁵ Ferdaus’ parents also wrote to the District Judge on the case, describing how Ferdaus “slipped into a depression during his senior year at Northeastern, which led to mental illness that was ‘obviously visible’ to his family [from] late 2009.”¹⁶ They attempted to “get him to see a doctor but he would not.”¹⁷

However, the defense didn’t request any mental examination of Ferdaus, and prosecutors responded to questions about his mental health by citing “Ferdaus’ composed responses to the judge’s questions and the judge’s comment that Ferdaus is ‘obviously an intelligent and well-educated young man.’”¹⁸ In the hearing on a Government Motion for Detention, the defense counsel did, however, argue that

[T]here [was] no evidence that his plan would have worked, . . . that without modifications it likely would not have worked, . . . that because the FBI provided the financing and components of Ferdaus’s plan, including the rifles and explosives, his plan could not have been brought to fruition, . . . that [he] never was actually in contact with any terrorist organization, . . . [and his plan was] a ‘fantasy’ *fueled by his mental illness*.¹⁹

The Court noted in response that Ferdaus had “carefully researched and wanted to carry out his plan.”²⁰ The Court focused on Ferdaus’ intent, stating that what made “Ferdaus a significant danger to the community [was] not whether his plan would have worked or whether he had the means to implement it, *but that it was his strong desire to see his plan carried out*.”²¹

Ferdaus pled guilty to six charges: attempting to damage and destroy a federal building by means of an explosive; attempting to damage and destroy national defense premises; receipt of explosive materials; receipt of possession of

¹¹ Ballou, “Rezwan Ferdaus of Ashland sentenced to 17 years.”

¹² “Mass. man sentenced in model airplane terror plot,” CBS News.

¹³ “Mass. man sentenced in model airplane terror plot,” CBS News.

¹⁴ “Mass. man sentenced in model airplane terror plot,” CBS News.

¹⁵ Denise Lavoie, “Rezwan Ferdaus Admits Guilt In Plot To Blow Up Pentagon And U.S. Capitol,” Huffington Post, July 20, 2012.

¹⁶ “Mass. man sentenced in model airplane terror plot,” CBS News.

¹⁷ “Mass. man sentenced in model airplane terror plot,” CBS News.

¹⁸ Lavoie, “Rezwan Ferdaus Admits Guilt In Plot To Blow Up Pentagon And U.S. Capitol.”

¹⁹ Decision on Government Motion for Detention, United States of America v. Rezwan Ferdaus, Criminal Action No. 11-10331-RGS 17 (November 28, 2011), 17 (emphasis added).

²⁰ Decision on Government Motion for Detention, 17.

²¹ Decision on Government Motion for Detention, 17 (emphasis original).

non-registered firearms (six fully automatic AK-47 assault rifles and three grenades); attempting to provide material support to terrorists; and attempting to provide material support to al-Qaeda.²²

In a plea bargain, prosecutors and defense attorneys agreed to recommend a seventeen year prison sentence, followed by ten years of supervised release.²³ The plea bargain was accepted by the District Judge.²⁴ He could have faced up to thirty-five years in the absence of the plea bargain.²⁵

3. Motivation

According to prosecutors, Ferdaus was inspired by “jihadi websites and videos that said America is evil.”²⁶ At one point he told undercover agents, “I just can’t stop; there is no other choice for me.”²⁷ The FBI Supervisory Special Agent overseeing the undercover operation and the arrest noted that Ferdaus was “planning to commit violent ‘jihad’ against the United States, which he considers an enemy of Allah.”²⁸

When Ferdaus was asked about his motivation for building the cellphone detonator devices, he responded that he “want[ed] to hit the kafir [non-believer] armies and [kill] as many people as possible.”²⁹ Regarding his plan to hit the Pentagon and the Capitol, Ferdaus told the undercover agents that he had realized [f]rom viewing jihadi websites and videos ‘how evil’ America was and that jihad is the solution. As a result he decided to, in his own words, ‘terrorize’ the United States by attacking Washington, D.C. Ferdaus indicated that by so doing, he wanted to ‘decapitate’ the U.S. government’s ‘military center’ and to ‘severely disrupt the head and heart of the snake.’ Ferdaus further envisioned causing a large ‘psychological impact’ by killing Americans, including women and children, whom he referred to as ‘enemies of Allah.’ Ferdaus also expressed excitement at the prospect of gunning down politicians at the Capitol Building. [He also] confided that he ha[d] no interest in ‘making money;’ his only desire [wa]s, in his own words, to ‘change the world’ using the skills Allah ha[d] given him to strike the ‘infidels’ by carrying out his planned attacks and building bomb components to kill the ‘kafir armies.’”³⁰

²² “Ashland Man Agrees to Plead Guilty.”

²³ “Mass. man sentenced in model airplane terror plot,” CBS News; “Ashland Man Agrees to Plead Guilty.”

²⁴ “Mass. man sentenced in model airplane terror plot,” CBS News; “Ashland Man Agrees to Plead Guilty.”

²⁵ Ballou, “Rezwan Ferdaus of Ashland sentenced to 17 years.”

²⁶ “Mass. man sentenced in model airplane terror plot,” CBS News.

²⁷ “Massachusetts Man Charged with Plotting Attack on Pentagon and U.S. Capitol and Attempting to Provide Material Support to a Foreign Terrorist Organization,” FBI, September 28, 2011.

²⁸ Affidavit of Gary S. Cacase in Support of Criminal Complaint, United States of America v. Rezwan Ferdaus, Case No. 11-mj-4270-TSH, 2011 WL 7656054, at 5 (filed September 28, 2011).

²⁹ Affidavit in Support of Affidavit in Support of Criminal Complaint, 7.

³⁰ Affidavit in Support of Criminal Complaint, 9-10.

Many of Ferdaus' conversations with the cooperating witness reveal similar motifs and themes when he was asked about his motivations for creating violence.³¹

4. Goals

Ferdaus had as his goals, "terrorizing the United States, decapitating its "military center," and killing as many non-believers as possible."³² The Assistant District Attorney prosecuting the case said that "Ferdaus told them [that] his plan 'ought to terrorize' and 'ought to result in the downfall of this entire disgusting place.'"³³ Ferdaus also told undercover agents that his plan "envisioned causing a large "psychological" impact by killing Americans, including women and children, who he referred to as "enemies of Allah."³⁴

5. Plans for violence

Ferdaus originally desired to contribute to *jihad* simply by designing and delivering modified cellphone detonation devices for improvised explosives devices which would have been used to kill U.S. soldiers in Iraq and Afghanistan.³⁵ He "allegedly supplied 12 mobile phones each of which had been modified to act as an electrical switch for an IED to FBI undercover employees, who he believed were members of or recruiters for al Qaeda."³⁶ Indeed, when the undercover agents posing as al-Qaeda agents and accepting the detonators later misinformed Ferdaus that his devices had been used successfully he allegedly became "visibly excited" and stated, "That was exactly what I wanted."³⁷

The cellphone devices he built were determined by the FBI Explosives Unit to be functional, working components of an IED, which could be used as "electrical switches" by transmitting an electrical current through the phones' wiring when dialed, thereby activating and detonating the explosive components of IEDS.³⁸ Ferdaus did note to undercover agents, however, that his cellphone detonator devices "might require an additional power source such as a 9 volt battery to cause an explosion."³⁹ He also created a training video showing how one can design and build the types of cell phone detonators he was creating.⁴⁰

It is unclear how Ferdaus gained the technical skills required to build these detonators, but it seems plausible that his physics degree may have given him some basic knowledge, and online manuals and guides also contributed. Additionally, during one meeting with the cooperating witness, Ferdaus indicated that he "'used to be into robotics' and enjoyed 'exploration – taking stuff apart, trying to do electronics, learning on my own. I learned a lot of stuff on my own ...

³¹ Affidavit in Support of Criminal Complaint, 10-17.

³² "Ashland Man Agrees to Plead Guilty."

³³ Lavoie, "Rezwan Ferdaus Admits Guilt In Plot To Blow Up Pentagon And U.S. Capitol."

³⁴ "Massachusetts Man Charged with Plotting Attack," FBI.

³⁵ "Mass. man sentenced in model airplane terror plot," CBS News.

³⁶ Ashland Man Agrees to Plead Guilty."

³⁷ Lavoie, "Rezwan Ferdaus Admits Guilt In Plot To Blow Up Pentagon And U.S. Capitol."

³⁸ Affidavit in Support of Criminal Complaint, 6-7.

³⁹ Affidavit in Support of Criminal Complaint, 28.

⁴⁰ "Massachusetts Man Charged with Plotting Attack," FBI.

from doing it and reading, too.”⁴¹ He also, however, indicated his willingness to undergo specialized training abroad, as well as potentially to assist al-Qaeda by teaching physics or “making something with technology” while abroad.⁴² In mid-2011, once Ferdaus had come to fully trust the undercover agents and, after they falsely informed him that the devices had been sent to Iraq and Afghanistan where they had been used to kill Americans, Ferdaus offered to up his production of the devices to around 20 or 30 devices per week.

In May and June 2012, Ferdaus handed over to the undercover agents whom he believed to be al-Qaeda operatives “two thumb drives containing plans for the attack, including step-by-step instructions on how he would strike the Capitol and the Pentagon.”⁴³ The thumb drives contained a plan of attack that was, according to the FBI Supervisory Special Agent, “detailed, well-written, and annotated with numerous pictures ... and diagrams.”⁴⁴ The first thumb drive contained a written document prepared and sectionalized extremely efficiently (almost professionally) into the various components of his plan. For instance, under the subheading “Location,” Ferdaus “included highlighted maps, diagrams and photographs of the Pentagon and the Capitol Building as well as the launch site.”⁴⁵ He also visited Washington in May 2012 and photographed the target sites, as well as potential areas at East Potomac Park from which he could launch the planes.⁴⁶

As the first thumb drive revealed, Ferdaus intended to launch three military-jet replicas from the park near the Pentagon and Capitol and guide them into the buildings.⁴⁷ The planes he chose were small replicas of F-4 Phantoms and F-86 Sabre jets, each plane being around “5 to 7 1/2 feet long, guided by GPS devices and capable of speeds over 100 mph.”⁴⁸ In terms of flying the planes, he suggested in his thumb drive plan that the planes “can come fully assembled, and with a gps” and can run “on programmable software that can execute such modes as autopilot where it can fly the aircraft to already entered gps coordinates.”⁴⁹

Originally when researching for model planes, Ferdaus suggested to the cooperating witness that he had found a website where he could purchase a remote controlled aircraft that could fly up to 100 miles per hour and carry a maximum payload of 50 pounds.⁵⁰ Before submitting the thumb drive, Ferdaus planned to fill the planes with up to 10 grenades each, and fly using a built-in GPS system.⁵¹ According to Ferdaus, he “planned to detonate the remote controlled aircraft by hooking up a cell phone to a rocket motor, which would

⁴¹ Affidavit in Support of Criminal Complaint, 13.

⁴² Affidavit in Support of Criminal Complaint, 16-17.

⁴³ Chris Dolmetsch, “Massachusetts Man Charged With Plotting Airborne Pentagon Attack,” Bloomberg News, September 29, 2011.

⁴⁴ Affidavit in Support of Criminal Complaint, 23.

⁴⁵ Affidavit in Support of Criminal Complaint, 24.

⁴⁶ Affidavit in Support of Criminal Complaint, 8.

⁴⁷ “Could model airplanes become a terrorist weapon?” CBS News, September 29, 2011.

⁴⁸ “Could model airplanes become a terrorist weapon?” CBS News.

⁴⁹ Affidavit in Support of Criminal Complaint, 24.

⁵⁰ Affidavit in Support of Criminal Complaint, 16.

⁵¹ Affidavit in Support of Criminal Complaint, 16.

contain explosive powder and could be used as the ‘preliminary boom.’”⁵² It would appear that a combination of the rocket motor and explosive powder was intended to perhaps generate an explosion which would subsequently detonate the grenades. However, in his thumb drive plan Ferdaus suggested that the planes would have a “payload capacity of 10-12 lbs” which would enable placement of up to 16 grenades within each plane.⁵³ In this plan the grenades would be detonated via a “high-torque servo motor.”⁵⁴ A servo motor is a form of rotary actuator, a mechanical device designed to produce rotation or angular movement, meaning that perhaps the servo motor was intended to pull the pins from the grenades, thereby initiating the explosions.⁵⁵ The details of how exactly the servo motor would function aren’t perfectly clear, however, or even whether or not it would have worked the way Ferdaus imagined.

On June 9, 2011, Ferdaus met with the undercover agents following a reconnaissance trip he’d undertaken to Washington D.C. Ferdaus claimed to have done extensive research, even walked in a restricted area of the Pentagon, and that based on his research he needed to expand his plan. Thus the aerial assault on the Pentagon would now be accompanied by a ground assault consisting of six people including Ferdaus himself.⁵⁶ Under his new plan, he wished to use the “aerial assault ... [to] effectively eliminate key locations of the P-building [and] then ... add to it in order to take out everything else and leave one area only as a squeeze where the individuals will be isolated, they’ll be vulnerable and we can dominate.”⁵⁷ The new plan was included on a new thumb drive which he also gave to the undercover agents. It included an “Order of Actions” which Ferdaus “divided into fifteen separate phases ... detailing what actions would occur during each phase of the attack.”⁵⁸

The plan continued to evolve over the next several months. Instead of grenades, he now wanted to place 5 pounds of C-4 plastic explosive within each of the replica jets, and guide them by remote control into the Pentagon and the U.S. Capitol (specifically the dome of the Capitol building).⁵⁹ After requesting funds from the undercover operatives in exchange for several new cellphone detonator devices, between May and September 2011, Ferdaus “researched, ordered, and acquired (with the financial assistance of the UCEs) necessary components for his attack plans, including one remote controlled aircraft (F-86 Sabre), 25 pounds of C-4 explosives, 6 fully-automatic AK-47 assault rifles (machine guns), and grenades.”⁶⁰ He intended to purchase three planes in total, and place 5 pounds of C-4 plastic explosive on each plane. He planned to use the

⁵² Affidavit in Support of Criminal Complaint, 15.

⁵³ Affidavit in Support of Criminal Complaint, 27.

⁵⁴ Affidavit in Support of Criminal Complaint, 27.

⁵⁵ “Rotary Actuator,” Wikipedia (accessed November 20, 2012).

⁵⁶ “Massachusetts Man Charged with Plotting Attack,” FBI.

⁵⁷ Affidavit in Support of Criminal Complaint, 30.

⁵⁸ Affidavit in Support of Criminal Complaint, 32.

⁵⁹ “Could model airplanes become a terrorist weapon?” CBS News.

⁶⁰ Affidavit in Support of Criminal Complaint, 8-9.

“remaining 9 pounds of explosives to blow up the bridges surrounding the Pentagon.”⁶¹

To make these purchases, he created a PayPal account under a false name, Dave Winfield, and when purchasing the plane (using the money given to him by the undercover agents) informed “representatives of a Florida distributor that he was purchasing the plane for his son.”⁶² He granted one of the undercover agents access to the Paypal account, ostensibly so that the undercover agent could ensure that the funds were being spent on the intended purpose. In June 2011 he rented a storage facility in Framingham, Massachusetts, “under a different false name, to use to build his attack planes and maintain all his equipment.”⁶³ It’s also interesting to note that when initially asking the cooperating witness for his assistance in planning and preparing the attack, Ferdaus asked the CW if he had “a connection that would be able to gather ... some material where we can build some of the explosive enough to take out a target that’s like three football fields, say a radius, of one or two blocks?”⁶⁴ In short, Ferdaus was nothing if not ambitious (or crazy).

However, according to counterterrorism experts and model-aircraft enthusiasts, “it would be nearly impossible to inflict large-scale damage using model planes.”⁶⁵ Greg Hahn, a technical director at the Academy of Model Aeronautics, stated that “The idea of pushing a button and this thing diving into the Pentagon is kind of a joke, actually.”⁶⁶ Another expert, a former Navy helicopter pilot and senior fellow at the Center for Strategic and International Studies, explained that in order to inflict any serious damage, Ferdaus would have had to fly the replica jets into a window, which would have been near impossible at high speed. He stated that “flying a remote-controlled plane isn't as easy as it actually looks, and then to put an explosive on it and have that explosive detonate at the time and place that you want it add to the difficulty of actually doing it.”⁶⁷

Furthermore, even if Ferdaus had managed to guide the planes into the right spot, an explosives and anti-terrorism expert noted that “getting a stable explosive like C-4 to blow up at the right time would have been hugely difficult.” Half a pound of C4 is sufficient to blow up a car, so had the plot gone 100 percent according to plan, the five pounds in each replica jet could have done a little damage. However, both the Pentagon and the Capitol are “undoubtedly hardened to withstand explosions.”⁶⁸ Furthermore, the planes would only have been able to carry a maximum of two pounds before malfunctioning. Most likely the planes simply would have been incapable of lifting off, or if capable of getting off the ground, the weight would have thrown the plane off balance making control extremely difficult.

⁶¹ Affidavit in Support of Criminal Complaint, 37.

⁶² Affidavit in Support of Criminal Complaint, 9.

⁶³ Affidavit in Support of Criminal Complaint, 9.

⁶⁴ Affidavit in Support of Criminal Complaint, 12.

⁶⁵ “Mass. man sentenced in model airplane terror plot,” CBS News.

⁶⁶ “Could model airplanes become a terrorist weapon?” CBS News.

⁶⁷ “Could model airplanes become a terrorist weapon?” CBS News.

⁶⁸ “Could model airplanes become a terrorist weapon?” CBS News.

6. Role of informants

In December 2010, Ferdaus approached an individual at his mosque requesting help getting in touch with al-Qaeda. The individual, a government informant, tipped off the FBI and, in January 2011, introduced Ferdaus to an cooperating witness (CW) posing as an al-Qaeda operative.⁶⁹ The CW “met with and engaged in consensually recorded conversations with Ferdaus,” and then, starting in March 2011, two FBI undercover employees (UCEs) joined the plot.⁷⁰ These three individuals were critical in dismantling Ferdaus’ plans. Presumably the purpose of using the undercover agents was to learn as much as possible about the plot, and investigate the extent of the threat.

Between December 2010 and April 2011, the CW met with Ferdaus numerous times, the majority of which conversations were “consensually” recorded (although what exactly is meant by “consent” is unclear).⁷¹ During these conversations, Ferdaus informed the CW of his plans to use remote controlled planes, and asked the CW about prices for AK-47 assault rifles, grenades and explosives.⁷² Amongst other tasks, Ferdaus asked the CW to perform research on, and procure, weapons, and explosives.⁷³ He also requested and was given financial assistance with his plan.⁷⁴ This included \$450 to rent storage space in Framingham, Massachusetts, \$4000 in initial cash for the order of a model F-86 Sabre, and subsequently a further \$3500 to pay off the balance on the model plane.⁷⁵ Without this financial assistance it is unlikely Ferdaus would have been able to purchase the plane.

Little detail is known about the cooperating witness, although a cryptic reference in the Court Decision on the Government’s Motion for Detention is rather interesting: the Judge noted in passing that “the CW’s character and credibility is questionable, at best....”⁷⁶ What the Judge meant by this is unclear. Furthermore, the CW was apparently “sent to the mosque by the FBI for the purpose of initiating a meeting with Ferdaus.”⁷⁷ This raises a curious question about why and how the FBI knew about Ferdaus’ intentions beforehand. One possibility is that the CW himself had already previously met Ferdaus and had informed the FBI about his plans. Another possibility is another informant, perhaps a friend of Ferdaus who’d been told about the plan and then told the FBI. Alternatively, National Security Agency electronic surveillance may have picked up something from Ferdaus’ web browser or perhaps his hard drive. Whatever the case, it is unclear exactly why the FBI “sent” the CW to meet Ferdaus.

⁶⁹ “Ashland Man Agrees to Plead Guilty to Plotting Attack on Pentagon and U.S. Capitol and Attempting to Provide Material Support to Terrorists,” Department of Justice, July 10, 2012.

⁷⁰ Affidavit in Support of Criminal Complaint, 7.

⁷¹ Affidavit in Support of Criminal Complaint, 10.

⁷² Affidavit in Support of Criminal Complaint, 11.

⁷³ Affidavit in Support of Criminal Complaint, 12-16.

⁷⁴ Affidavit in Support of Criminal Complaint, 14.

⁷⁵ Affidavit in Support of Criminal Complaint, 32, 36, 40.

⁷⁶ *United States of America v. Rezwan Ferdaus*, United States District Court, District of Massachusetts, Criminal Action no. 11-10331-RGS, 15 (decided on November 28, 2011).

⁷⁷ Decision on Government Motion for Detention, 3.

In early March 2011, in response to a request from Ferdaus to meet al-Qaeda representatives, the CW introduced Ferdaus to two FBI undercover agents, telling Ferdaus the two men were “‘brothers’ who were ‘down with the cause.’”⁷⁸ These undercover agents, referred to in court documents as “posed as al-Qaeda operatives in multiple subsequent meetings with Ferdaus. Over the course of several months, Ferdaus evolved and elaborated his plan, always informing his supposed co-conspirators of his adaptations. On April 18 the plan involved flying one plane into the Pentagon and one plane into the Capitol building, stating that the “plan is to have a fast model airplane with a GPS system stuffed with handhelds [grenades] and it’s on a timer and it ... has the coordinates of the targets ... All it has to do is crash into the target.”⁷⁹ Throughout this period the UCEs advised Ferdaus that, “You don’t have to do this” to which Ferdaus consistently responded that he was committed to jihad, on one occasion stating that he wanted “to contribute to victory for the sake of Allah.”⁸⁰

Through June, July and August, the UCEs “assisted” Ferdaus with his preparations by accepting his cellphone detonator advices, providing him with funds to purchase the remote controlled planes, inspecting his various plans, and advising him against certain courses of action (such as building homemade explosives to place on the planes). On September 28, 2011, pursuant to Ferdaus’ explicit request, the UCEs provided Ferdaus with 25 pounds of C-4 explosives, 3 grenades, and 6 fully automatic AK-47 assault rifles. The weapons and armaments were always under the control of the UCEs, but they allowed him to inspect the items and take possession of the items promptly before they arrested him.⁸¹

7. Connections

Ferdaus did not have any direct connection with any terrorist organization.⁸² He had hoped to make contact with al-Qaeda and he believed that he had done so, but no such connection ever actually occurred. The only substantive connection to any terrorist group was the inspiration for starting his own private *jihad*, which apparently stemmed from terrorist propaganda published on the internet, including videos and articles.⁸³

8. Relation to the Muslim community

Ferdaus did start attempting to liaise with al-Qaeda operatives through making enquiries at his mosque. However, prosecutors on the case were careful to avoid casting any shadow on the Muslim community, making a public statement that, “In addition to protecting our citizens from the threats and violence alleged yesterday, we also have an obligation to protect members of every community, race and religion against violence and other unlawful conduct.”⁸⁴ Furthermore, it

⁷⁸ Affidavit in Support of Criminal Complaint, 15.

⁷⁹ Affidavit in Support of Criminal Complaint, 18-19.

⁸⁰ Affidavit in Support of Criminal Complaint, 16, 21.

⁸¹ Affidavit in Support of Criminal Complaint, 41.

⁸² “Rezwan Ferdaus held over Pentagon and Capitol bomb plot,” BBC News.

⁸³ “Rezwan Ferdaus admits US model plane explosives plot,” BBC News, July 20, 2012.

⁸⁴ Chris Dolmetsch, “Massachusetts Man Charged With Plotting Airborne Pentagon Attack.”

seems that the CW may have been a member of the mosque, inclining one to think that at least one member of the “Muslim community” was willing to work with federal authorities to apprehend Ferdaus.

9. Depiction by the authorities

Representative John Mica, Chairman of the House Transportation and Infrastructure Committee, suggested that excessive regulation of the model plane market would not help matters, when he “said recent advances in model airplane technology could make them [model planes] more attractive to terrorists. But he said the answer is better intelligence, not trying to regulate hobbyists and their toys.”⁸⁵

Representative Peter King, Chairman of the House Homeland Security Committee, noted Ferdaus’ background when he stated that ““The fact that Ferdaus is a very well-educated physicist should serve as a reminder to us that that the threat of Islamic terrorism transcends socioeconomics and does not only emanate from the poor and underprivileged.”⁸⁶

10. Coverage by the media

Media coverage tended to be uniform, and almost invariably based their accounts on the FBI press release. In addition to the initial reports covering the arrest of Ferdaus and the FBI release, follow-up reports were generally limited to the sentencing of Ferdaus. A few accounts explored the ramifications of Ferdaus’ activity, as well as his potential of success, but in a fairly limited way. By and large, these accounts were neither antagonistic (to Ferdaus’ intentions) nor sympathetic (to Ferdaus’ possibility of mental illness) but rather repeated the facts as presented in the FBI press release. Coverage of the event was particularly high in Boston, Massachusetts, but national media outlets also covered the event.

11. Policing costs

In addition to the undercover employees, the “FBI also conducted physical surveillance and obtained Ferdaus’ phone and e-mail records, which documented [his] efforts to procure components for his attack plans.”⁸⁷ Taking into account that the operation ran from January right up until September, 2011, the policing costs must have been significant. Maintaining Ferdaus under constant surveillance most likely would have been a significant drag on FBI resources. Furthermore, the “FBI agent in charge of the operation said that more than 30 federal, state and local agencies worked with the FBI’s Joint Terrorism Task Force on this arrest.”⁸⁸ Such coordination and concerted effort would doubtless have increased expenses significantly.

⁸⁵ “Could model airplanes become a terrorist weapon?” CBS News.

⁸⁶ Chris Dolmetsch, “Massachusetts Man Charged With Plotting Airborne Pentagon Attack.”

⁸⁷ Affidavit in Support of Criminal Complaint, 8.

⁸⁸ “The jihadist drummer: Muslim musician held over plot to attack Pentagon with remote-controlled toy plane packed with explosives,” *Daily Mail*, September 29, 2011.

12. Relevance of the internet

Ferdaus was apparently inspired by *jihadist* videos and webpages that he browsed on the internet.⁸⁹ Additionally, Ferdaus used the internet to search for sellers of remote controlled planes, at one point using an internet café in New York.⁹⁰ Ferdaus also planned to use Google Earth to locate the correct target coordinates to put into the GPSs he intended to use to guide the planes.⁹¹

13. Are we safer?

There are three separate elements to consider when looking at Ferdaus' activity and the dangers it posed. Firstly, in terms of the attempted aerial assault it seems that his chances of inflicting human damage were low. Certainly he may have damaged the Pentagon and Capitol building, but as addressed above, the likelihood of Ferdaus actually harming or even killing anybody with the remote controlled planes was negligible.

Secondly, with regard to his intended ground assault, it is plausible that Ferdaus could have done some damage, possibly killing a number of people (obviously only if he had not unwittingly ended up working with the FBI). If he *had* managed to get together six willing and capable individuals from either al-Qaeda or (more unlikely) from amongst similarly-minded acquaintances, armed them with AK-47s and grenades, and coordinated such an attack, he may have inflicted significant damage. The extent of this damage would have been greater had the aerial assault gone off effectively (by pushing people out of the Pentagon, towards his ground team). Regardless of the success of the aerial assault, he may have been able to at least take some lives. All of that being said, it is still probable that Pentagon security personnel would have neutralized such a threat *extremely* quickly. While Ferdaus could have taken some lives, it is hard to imagine that casualties would have been very high before he and his cohorts were either apprehended or (as is more likely) killed. That said, the probability of Ferdaus being able to actually pull together six people *and* get the team armed *and* create the diversion using the model planes is *extremely* low.

Finally, the detonator devices that Ferdaus built presented a real and substantial threat, not by themselves, but certainly when combined with the other required components of an IED. As described above, FBI experts working on the cellphone detonators determined that they could have been combined with other components to trigger IEDs.⁹² On this level, lives could definitely have been saved through the actions of the FBI.

However, all three of the above-presented threats would still have required Ferdaus' cooperation with al-Qaeda (or other terrorist) elements. He required financing in order to get the remote controlled planes and the explosives. He needed help to get the AK-47s and required an additional five people to join him in the ground assault. He would have needed a contact in the Middle East to whom he could "safely" send the detonator devices. This requirement of

⁸⁹ "Rezwan Ferdaus admits US model plane explosives plot," BBC News.

⁹⁰ Affidavit in Support of Criminal Complaint, 16.

⁹¹ Affidavit in Support of Criminal Complaint, 21.

⁹² Affidavit in Support of Criminal Complaint, 6-7.

assistance or cooperation meant that Ferdaus would have encountered significant difficulties in realizing his aims. Indeed, this obstacle was the exact issue that enabled the FBI to conduct their sting operation.

All of that said... yes, we are safer. However inept Ferdaus may have been, he still posed a threat to the safety of American citizens in the continental USA (through his model plane plot) and Americans serving in the armed services abroad (through his detonator devices). Even if Ferdaus had been unable to put together his ambitious, almost fantastical, scheme, all the evidence about his state of mind suggests that Ferdaus was so committed to the idea of *jihad* that he would have committed some other, possibly far more realistic, act of terrorism. Taking into account the possibility of his mental illness only entrenches this notion, since any mental instability may have only propelled him further down the path of violence. Regardless of whether or not he should be in a mental institution, for the time being, the US is safer.

Having received a rather light sentence of only 17 years (reached via plea bargain) the next question is what Ferdaus will be like upon emerging from incarceration. Whether he will continue to harbor a certain hatred for the US, or whether his time in incarceration will rehabilitate him... only time will tell. Indeed, it is probable that upon his release, federal authorities will continue to keep an eye on him, “just in case.” For the meantime however, he is not in a position to hurt anybody (except at the prison).

14. Conclusions

The Ferdaus story reveals a couple of insights into the threat posed by domestic terrorists, as well as the steps taken by federal authorities to prevent domestic acts of terrorism. Domestic “would-be” terrorists face a number of problems in implementing their plans, all of which emanate from the same basic source: it is very difficult to implement large-scale destruction without assistance.

It would have been relatively straightforward and easy for Ferdaus to purchase a firearm and kill a few people like the Fort Hood shooter. However, Ferdaus didn’t just simply want to kill people but to send a message. As he himself put it, he wanted to have a “psychological” impact on the US citizenry. He thus created a rather grandiose plan (in this case perhaps *too* grandiose). Indeed, any such grand scheme of destruction is thus going to require an element of sophistication which is difficult for the average man on the street to achieve alone. Ferdaus needed plastic explosives, money to purchase the remote controlled planes, contacts to whom he could send his detonator devices, and accomplices with whom he could perform his “ground assault.”

This problem for Ferdaus – namely, how to get in contact with likeminded people who could help him with the project – created an opportunity for the FBI to take control of the situation. The manner in which they did so is also illuminating. The FBI operation was not limited to gathering evidence about Ferdaus’ intentions, but rather was conducted over a period of seven months and involved the undercover agents actually helping to facilitate Ferdaus’ plans. They did this through the acquisition of weapons and explosives, as well as giving Ferdaus money with which to purchase at least one remote controlled plane.

Indeed, without such assistance it is doubtful Ferdaus would have been able to even come close to implementing his plan.

This method of gathering evidence, while tantalizingly close to entrapment (at least subjectively, if not legally), is understandable in light of the government's pursuit of as much information as possible about terrorist plans, capabilities and connections. The need for assistance with such grand plans was exploited in this case, and has been consistently exploited by the authorities in bringing a stop to terrorist activities. Indeed, almost all al-Qaeda "operatives" in the US since 9/11 appear to have been FBI operatives.

Finally, it is worth noting the ambiguities over Ferdaus mental state of mind, and the fact that while he may have suffered from certain significant mental problems he will now be spending up to the next seventeen years in prison, where any assistance with his possible mental problems will be significantly limited. It is in some sense a sad outcome, that a young man with a college degree and an ostensibly stable family life, should firstly have so rabidly pursued these nefarious ends, and secondly, will now be spending significant time in prison. This is not to suggest that the District Court got it wrong, or that society is not safer with Ferdaus behind bars. However it is still unfortunate that these events should have occurred at all. Indeed, the victims of fundamentalist terrorism may not be limited to the intended targets, the American public, but can include the mediums through whom the fundamentalists mean violence to be created: namely those naïve, twistedly idealistic individuals who choose to pursue acts of terrorism.

Case 47: Iran and Scarface

John Mueller

March 15, 2014

In one of the strangest cases in this book, Manssor Arbabsiar, a 66-year-old Iranian-American with little ideological bent (he was mainly interested in expensive cars, alcohol, and women, notes Zachary Zaerr), found himself at the center of a bizarre Iran-inspired conspiracy to assassinate the Saudi Arabian ambassador in a Washington, DC, restaurant.

Arbabasiar, who earned the name “Scarface” after he was knifed in the face in a Texas barroom brawl 30 years earlier, was quite possibly the least likely participant in a conspiracy. A repeated failure in business, he was friendly, but hopelessly unreliable and absent-minded according to people who knew him. “His socks would not match. He was always losing his keys and cellphone.”

He did, however, have a cousin who was a General in Iran and who offered the failed Texas businessman \$1.5 million to arrange for the violent death of the Saudi ambassador. The idea was to hire gangsters in a Mexican drug cartel to carry out the deed. Arbabsiar asked a woman he had once sold a car to whether she knew anyone who knew about explosives, and she referred him to one of her relatives, a member of such a cartel who also happened, as it turned out, to be an informant for the US Drug Enforcement Agency.

They plotted for a while, and Arbabsiar was able to get \$100,000 wired to the presumed assassin as earnest money. Arrested in 2011, Arbabsiar cooperated with US authorities, ultimately receiving a sentence of 25 years.

It remains unknown how far up, if at all, the plot went in the Iranian hierarchy, and Arbabsiar’s apparent co-conspirators remain at large, and quiet, in Iran. Without them, concludes Zaerr, Arbabsiar would likely have been “content to live out his life bouncing from business to business and from woman to woman.”

Case 47: Iran and Scarface

Zachary Zaerr

March 15, 2014

1. Overview

On September 29, 2011, Manssor Arbabsiar was arrested at JFK International Airport in New York following denial of entry into Mexico. Per Mexican law, those who are refused entry into Mexico must be returned to their last point of departure. During the return flight to New York he realized, “[He] was finished.”¹ Upon landing he was arrested, and soon after waived his Miranda rights. During nearly two weeks of interrogation without an attorney present, Arbabsiar admitted to his part in the plot.² Throughout the time he was interrogated he repeatedly signed statements waiving his Miranda rights.³

Arbabsiar’s role in the terrorism scheme for which he as arrested began when he was courted by a cousin of his—Iranian Quds Force official Abdul Reza Shahlai—to facilitate the kidnapping of the Saudi Arabian Ambassador to the United States.⁴ At some point in the planning stage the kidnapping plan morphed into an assassination plot. Arbabsiar made several trips to Iran throughout 2010 and early 2011. After one such trip in the spring of 2011, he traveled to Mexico at least four times between May and July of 2011. During these trips to Mexico he was hosted by someone who he took to be an associate of the Los Zetas drug cartel. In actuality this man was an informant working for the Drug Enforcement Administration. On July 14, 2011, he and Arbabsiar agreed to a deal that included 1.5 million dollars in exchange for the assassination of the Saudi Ambassador. Final discussions of the plan concluded with the decision to kill Adel Al-Jubeir by bombing a Washington, DC, restaurant that both he and a multitude of American senior government officials frequented. When told by the informant about the potential of significant civilian casualties, Arbabsiar responded with, “They want that guy done, if the hundred go with him f**k ‘em.”⁵ As a down payment, he facilitated the wiring of approximately \$100,000 to the DEA informant before the attack by way of a non-Iranian foreign bank.

On October 17, 2012, slightly more than a year after his arrest, Arbabsiar pleaded guilty to three separate counts: one for conspiracy to commit an act of terrorism transcending national boundaries, one for murder-for-hire, and one for conspiracy to commit murder-for-hire.⁶ Gholam Shakuri—an Iranian Quds Force

¹ Vytenis Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador,” abcnews.com, October 22, 2012.

² Department of Justice, “Two Men Charged in Alleged Plot to Assassinate Saudi Arabian Ambassador to the United States,” DOJ.com, October 11, 2011.

³ Benjamin Weiser, “Questions Over Whether Terror Suspects’ Aid in Inquiries Was Voluntary,” NYTimes.com, November 24, 2011.

⁴ Benjamin Weiser, “Man Sentenced in Plot to Kill Saudi Ambassador,” NYTimes.com, May 30, 2013.

⁵ Department of Justice, “Manssor Arbabsiar Sentenced in New York City Federal Court to 25 Years in Prison for Conspiring with Iranian Military Officials to Assassinate the Saudi Arabian Ambassador to the United States,” DOJ.com, May 30, 2013.

⁶ Department of Justice, “Manssor Arbabsiar Sentenced.”

Colonel and co-conspirator—was also charged, but remains at large and is presumed to be in Iran. In May 2013 Arbabsiar was sentenced by a New York City federal court to 25 years in prison for his role in the plot.⁷

2. Nature of the adversary

Manssor Arbabsiar was born in Iran in 1955, immigrated to the United States in the late 1970s, and attended Texas A&I University in Kingsville in the early 1980s.⁸ It can be reasonably assumed that he immigrated alone, but it is unclear. While enrolled in college he was attacked outside of a bar by men who were angry at him for allegedly flirting with their girlfriends. He was stabbed multiple times in the face and body, leaving him with his nickname, “Scarface.”⁹ The attack left him severely injured and hospitalized for many weeks. Shortly after the attack Arbabsiar married his first wife, which gained him citizenship. They divorced in 1987, only a few years after their wedding day. Although seemingly traumatic, neither the incident that left his face mildly disfigured nor his short lived marriage seemingly had any impact on his future decision to engage in terrorist activity.

In 2001 he was arrested in connection to the illegal sale of an establishment, although the charges were later dropped due to lack of evidence.¹⁰ This incident was out of character for the normally smooth Arbabsiar. A devoutly entrepreneurial man, he was known around the area where he lived for his many started and failed businesses. From the late 1980s until 2010 he muddled through a string of failed businesses, including selling Kebobs and Gyros, running convenience stores, and owning or operating a multitude of used car lots.¹¹ He was known in the Corpus Christi area for his fondness for Jack Daniels whiskey and drove a Porsche 911 and a Mercedes.¹² In 2010 he returned to Iran after running into financial problems with more failed business. While in Iran he was recruited by his cousin, Quds Force General Abdul Reza Shahlai, to initiate a connection with a Mexican Drug Cartel that could assassinate the Saudi Ambassador. In return he was set to receive five million dollars for his role as the US-based facilitator of the plot.¹³

There is no evidence of any connection by Arbabsiar to Islamic terror. While his patron happened to be a high ranking member of the Iranian military, Arbabsiar was no zealot. He was a lover of expensive cars, alcohol, and women. While speaking with a jailhouse psychiatrist, he went so far as to say, “I have had so many girls... So many that you couldn’t count them. I never had one girl more than once.”¹⁴ The twice-married man had a history of marital infidelity, one such

⁷ Department of Justice, “Manssor Arbabsiar Sentenced.”

⁸ Robert Worth and Laura Tillman, “Unlikely Turn for a Suspect in a Terror Plot,” NYTimes.com, October 12, 2011.

⁹ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

¹⁰ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

¹¹ Joseph Straw, “Manssor Arbabsiar, Charged in Iranian Plot to Kill Saudi Diplomat, Was Used Car Salesman: Report,” nydailynews.com, October 12, 2011.

¹² Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador”

¹³ US Department of the Treasury, “Treasury Sanctions Five Individuals.

¹⁴ Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador”

instance resulting in his now ex-wife chasing him out of the house with a shotgun.¹⁵ A deli owner in Corpus Christi stressed that Arbabsiar was not a radical, saying, “He was a businessman, and people with money always want to make more money.”¹⁶ A neighbor of Arbabsiar stated that her family considered his house to be “the scary house,” and that some in the community thought there to be drug deals going on due to a large number of people coming and going from the house.¹⁷ The case against Arbabsiar lacks any mention of anything fishy happening at his home, though. Although he was clearly overly self-confident, he appeared to be fully mentally competent throughout both the plot and the ensuing trial.

The patron of this foiled plot, Quds Force General Abdul Reza Shahlai, is a notorious Iranian adversary of the United States. In 2007 he was identified as the highest ranking Iranian authority responsible for the training of notorious Iraqi Cleric Moqtada al-Sadr’s militia, just one of his many purported transgressions due to his work as a Quds Force member.¹⁸ While discussing Abdul Shahlai in conversations with the DEA informant, Arbabsiar stated, “... [He] works in outside, in other countries for the Iranian government,” in addition to stating that he was wanted in America and had been “on the CNN.”¹⁹ The Quds Force—which translates literally to Jerusalem Force—is the Iranian Special Forces unit responsible for “extraterritorial actions.”²⁰ It is unclear whether this was a “lone wolf” plan by Shahlai, or if he was simply acting on behalf of his higher-ups in the Quds Force. During Arbabsiar’s trial and sentencing the United States asserted the latter. During the course of interrogation it was verified via scripted telephone conversations that Ali Gholam Shakuri, Shahlai’s deputy, was involved in both the planning and transaction of funds for the plot. Gholam Shakuri was charged along with Arbabsiar, but his whereabouts remain unknown. Shahlai was not charged—the evidence in the case implicated Shakuri—but did receive sanction from the Department of the Treasury.²¹

3. Motivation

As the highest ranking Iranian official officially known to be involved in the case, Shahlai set the course of action for the other two to follow. He would have to approve the funding and be the final say for every move that was made. It can be reasonably assumed that the implicated members of the Iranian military are involved for either the advancement of their personal position in the Quds Force or, more broadly, for Iran. Although US Attorney General Eric Holder, and

¹⁵ Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador”

¹⁶ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

¹⁷ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

¹⁸ Peter Finn, “Notorious Iranian Militant Has a Connection to Alleged Assassination Plot Against Saudi Envoy,” *WashingtonPost.com*, October 14, 2011.

¹⁹ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar and Gholam Shakuri*, US District Court for the Southern District of New York, Case num. 11 MAG 2617, October 11, 2011.

²⁰ Amy Zalman, “Iran’s Revolutionary Guards: How Iran Trains Foreign Terrorists,” *terrorism.about.com*.

²¹ US Department of the Treasury, “Treasury Sanctions Five Individuals.”

therefore the US government, takes the position that multiple “factions” of the Iranian government played a role in the plot, it is unclear how far up the ladder knowledge of the plot went.²² It could be that this was an attempt by Shahlai to impress his superiors and prove his worth in what would amount to a very low risk, high reward move on his part. If that were the case, Shahlai would have essentially used his cousin Manssor Arbabsiar as a pawn in an attempt to gain personal recognition. Another viable option would be that Shahlai was simply in charge of carrying out a Quds Force mission against Iran’s main geopolitical enemy in the Middle East. As expected in the aftermath of a failed attack, Iranian officials denounced US accusations of Iranian meddling. In the Iranian response to US allegations, the Iranian Ambassador to the UN said, “The Islamic Republic of Iran strongly and categorically rejects these fabricated and baseless allegations, based on the suspicious claims by an individual” (the letter can be found in the appendix).

From all gathered information it would appear that Arbabsiar was actually a proponent of the United States and held a negative view of terrorist activities. He did not seem to want to harm the USA or even American citizens, but in recorded phone conversations with the DEA informant he mentioned multiple times that it is better to only kill the Ambassador, but if bystanders had to be killed to achieve the goal of killing the Saudi Ambassador it would be an unfortunate necessity.²³ Former coworker and friend Dan Keetch recalled that Arbabsiar’s response to 9/11 was one of sorrow; Arbabsiar even sought to assure Mr. Keetch that not all Middle Easterners were like those who had committed such heinous terrorist activities.²⁴ A radical jihadist would be extremely unlikely to be deeply troubled by the events of 9/11.

4. Goals

When attempting to identify the goals of this failed plot, we must first identify which actor the goal originated from. The main actors in the plot are Manssor Arbabsiar, Quds Force General Abdul Reza Shahlai, and Shahlai’s deputy, Colonel Gholam Shakuri. While the three main actors involved in the attempted bombing were working with one another, the goals of the Iranian military members are very different than that of the American citizen, Arbabsiar.

The overarching goal for the plot was to kill the Saudi Arabian Ambassador to the United States, Adel Al-Jubeir. Adel is one of Saudi King Abdullah’s most trusted advisors, and the only non-member of the royal family to hold an ambassadorship. Any attack on a Saudi Ambassador is viewed by Saudi officials as an attack on the King himself. In addition to the primary target, the Iranian military would view the instillation of fear into the American and Saudi public as a victory. Some allege that the plot was an attempt to get back at the

²² Chris Boyette, “Iranian-American gets 25 years in plot to kill Saudi ambassador,” *cnn.com*, June 2, 2013.

²³ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

²⁴ BBC News, “Friends’ shock at ‘Iran plot’ suspect Manssor Arbabsiar.”

Saudi King for sending troops to Bahrain in 2010.²⁵ More generally it could simply be viewed as an Iranian attempt to attack a well-known, prominent Saudi, interfering with the affairs of their competitor for Middle East supremacy. Because Arbabsiar was simply acting as the middleman for his Iranian connections, there was never a trial with the Iranians to test their goals outside of the death of Al-Jubeir.

Describing the goals of Arbabsiar is a far simpler exercise. His clear-cut motivation was the five million dollars he was set to receive for facilitating the operation.²⁶ Manssor was a man dedicated to a few things: the endless pursuit of business success and the pursuit of women. A handful of failed businesses had landed him in hot water, and the prospect of a hefty payday for making what he seemed to regard as a few business transactions must have seemed very welcoming for the experienced used car salesman.

5. Plans for violence

The plan that Shakuri and Arbabsiar believed they were setting in motion was sending a team from the Los Zetas drug cartel in Mexico to kill the Saudi Ambassador in a Washington, DC, restaurant that he frequented--approximately 2 visits per week, according to the intelligence provided to Arbabsiar by the DEA informant.²⁷ The precise details of the attack were left by Arbabsiar to those who he expected to actually carry it out; although the details of the attack were finalized between him and the informant. He described the feelings of Shahlai in a discussion with the DEA informant, saying, "He wants you to kill this guy...doesn't matter how you do it. I mean, if you do it by himself, kill is better, but sometime, you know, you have no choice, is that right?"²⁸ Arbabsiar goes on to state that the manner of death doesn't matter, so long as the cartel is able to take care of the Saudi Ambassador, agreeing that either death by shooting or bombing is acceptable. As far as the Iranian players and Arbabsiar were concerned, the plot was ready to be carried out. Arbabsiar was arrested on his attempt to get into Mexico to serve as human collateral for the attack, after which the remaining 1.4 million owed to the man he took to be an associate of the Los Zetas cartel would be paid. However, he was denied entry into Mexico and sent back to New York where he was detained.

The plot was destined to fail from the moment that Arbabsiar become involved. While the Quds Force is known for well thought out attacks around the world, this plan was uncharacteristically flawed. The selection of a man who had failed in business many times over seems odd, particularly when many of his acquaintances first reaction to hearing about his involvement is that he was always far too absent minded to carry out such a plot. According to Tom Hosseini, a college roommate and friend of Arbabsiar, "His socks would not match. He was always losing his keys and cellphone. He was not capable of

²⁵ Babak Dehghanpisheh, "Iran's Shadowy Assassins," Newsweek, Volume 158 Issue 17, October 24, 2011.

²⁶ US Department of the Treasury, "Treasury Sanctions Five Individuals."

²⁷ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

²⁸ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

carrying out this plan.” Others quipped that he was “hopelessly unreliable,” friendly but utterly careless, and even a social pariah in the area where he lived.²⁹ It seems almost unbelievable that an organization known for its tact would select such an unlikely partner for a plot with such a high profile target. Arbabsiar had no training in any military style activities or tactics, and likewise no intention of participating in the plot outside of functioning as the middleman between his Iranian patrons and who he thought was a Los Zetas cartel associate.

Arbabsiar flew to Mexico from New York on September 28, 2011. He was denied entry into Mexico by Mexican customs officials, and was sent to New York by the cooperating Mexican officials. Federal authorities arrested him on September 29, 2011 upon his arrival at JFK International Airport in New York. They interrogated him from the time of his arrest until October 10, 2011.³⁰ Arbabsiar repeatedly waived his right to an attorney. He also confessed to his part in the plot after he was played voice recordings of his conversations with the DEA informant that he took to be a Los Zetas associate. During a session with a government retained psychiatrist he said, “I know about making deals – I have done that all my life in the car business. Hell, if you want information, I will give your information. If you want addresses, I will give you addresses.”³¹

On October 17, 2012, he pleaded guilty to one count of murder-for-hire, one count of conspiracy to commit murder-for-hire, and one count of conspiracy to commit an act of terrorism transcending national boundaries.³² On Thursday, May 30, 2013 Arbabsiar was sentenced to 25 years in prison for his crimes. Gholam Shakuri was also charged in the case but remains at large.

6. Role of informants

Throughout the plot Arbabsiar routinely meets with a man he took to be an associate of the Los Zetas drug cartel. Rather than being a drug cartel member, this man was a confidential DEA informant who was working with the DEA after being faced with drug charges himself.³³ Arbabsiar contacted a woman to whom he had previously sold a car asking if she knew anyone who knew about explosives. She referred him to the DEA informant—who happened to be her relative—by happenstance.³⁴

It is unclear how the informant was rewarded for his cooperation; whether the informant was paid in cash or simply in a reduction in his own sentencing we do not know. The informant prodded Arbabsiar for specifics, although he certainly did not force Arbabsiar into any changes of plans. Throughout multiple recorded exchanges the informant voices concerns over endangering innocent bystanders, to which Arbabsiar returns a rather uncaring attitude.³⁵ Consistent

²⁹ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

³⁰ Gregory B. Saathoff, Forensic Psychiatric Evaluation, Re: United States v. Manssor Arbabsiar, 11 Cr. 897 (JFK), October 3, 2012.

³¹ Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador.”

³² Department of Justice, “Manssor Arbabsiar Sentenced.”

³³ Devlin Barrett and Evan Perez, “Drugs and Terror Mix in Case,” *wsj.com*, October 14, 2011.

³⁴ Mark Hosenball and Tabassum Zakaria, “Iran suspect met DEA informant through acquaintance,” *Reuters.com*, October 13, 2011.

³⁵ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

with his view of himself as a businessman, Arbabsiar routinely agrees with any specifics the informant proposes, sticking to his original opinion that the manner of attack and death do not matter, so long as the ambassador is dead when the dust settles.³⁶ Although the original plan from the Iranian side of things was focused on kidnapping, it is presumed that either the Iranian actors or Arbabsiar himself changed the plot's focus to assassination—he did, after all, meet the informant after asking for someone who knew about explosives. His first conversation with the informant occurred on May 24, 2011, where Arbabsiar questioned if the informant was knowledgeable in use of explosives.³⁷ The identity of DEA informant remains confidential, presumably for his safety from retribution from either the Iranian Quds Force or from members of Los Zetas.

7. Connections

Manssor Arbabsiar had no connection to any Islamic extremist groups outside of the Quds Force. Even as such, he is only connected by way that he was recruited by his cousin, General Shahlai, to help facilitate the terror plot. The Council on Foreign Relations described a brief history of the Quds Force this way:

“Military analysts say the Guards began deploying fighters abroad during the Iran-Iraq War (1980-1988), ‘exporting the ideals of the revolution throughout the Middle East.’ The Quds Force, a paramilitary arm of the Revolutionary Guard with 10,000 to 15,000 personnel (as of 2013), emerged as the de facto external affairs branch.... Its mandate was to conduct foreign policy missions--beginning in Iraq's Kurdish region--and forge relationships with Shiite and Kurdish groups. The Quds force has since supported terrorist activities and armed pro-Iranian militant groups across the Mideast and beyond, including in Lebanon--most notably Hezbollah--the Palestinian territories, Iraq, Afghanistan, the Gulf states, and several others, according to the State Department.”³⁸

As far as the activities in the United States and Mexico go, there was no link by Arbabsiar to any terror groups outside of the Quds Force; nor was anyone else in the United States involved. Arbabsiar was not operating as part of a terrorist network, nor did he have any desire to found or join one. His desire to enter into the plot was purely for economic reasons, rather than ideological or political ones.

8. Relation to the Muslim Community

Neither Islam nor the Muslim community played a substantial role in the terrorist activities of Arbabsiar. The information presented on Arbabsiar's life reflects on a man with very little or no religious reverence. During a jailhouse

³⁶ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

³⁷ Sentencing Memorandum of The United States of America, *United States of America v. Manssor Arbabsiar*, US District Court of Southern New York, 11 Cr. 897 (JFK), May 2, 2013.

³⁸ Greg Bruno, Jayshree Bajoria, and Jonathan Masters, “Iran's Revolutionary Guards,” CFR.org, June 14, 2013.

interview he stated, “Girls love money and cars...That was my weakness.”³⁹ Mosque attendance, or any other sort of religious devotion, was not observed in his life. Former associates noted that he was neither religious nor political, but seemed to be always in pursuit of money.⁴⁰ Despite the support from the Iranian Quds Force, Arbabsiar performed his actions absent any domestic support. His connections in the plot came only from the Iranian military.

9. Depiction by the authorities

Federal authorities managed to put out a competent and reasonable depiction of the plot and Arbabsiar’s role in it. Collaboration between the DEA and FBI on an international terror plot aimed at the assassination of a major US ally’s most important diplomat would seem to elicit a strong response by federal authorities, and it did. The use of terror over international borders is a serious crime, not to mention the charges of murder-for-hire and the desire to kill a possibly large amount of civilians, amongst others.⁴¹ The original Department of Justice press release included the following:

“The criminal complaint unsealed today exposes a deadly plot directed by factions of the Iranian government to assassinate a foreign Ambassador on U.S. soil with explosives...through the diligent and coordinated efforts of our law enforcement and intelligence agencies, we were able to disrupt this plot before anyone was harmed. We will continue to investigate this matter vigorously and bring those who have violated any laws to justice... The investigation leading to today’s charges illustrates both the challenges and complexities of the international threat environment, and our increased ability today to bring together the intelligence and law enforcement resources necessary to better identify and disrupt those threats, regardless of their origin...The disruption of this plot is a significant milestone that stems from months of hard work by our law enforcement and intelligence professionals...I applaud the many agents, analysts and prosecutors who helped bring about today’s case...As alleged, these defendants were part of a well-funded and pernicious plot that had, as its first priority, the assassination of the Saudi Ambassador to the United States, without care or concern for the mass casualties that would result from their planned attack...”⁴²

The press release put out by the Department of Justice following the sentencing of Arbabsiar included pointed wording as well, but no more than should be expected. Naturally the May 2013 press release by the DOJ included a lot of back-patting for the agencies involved, but mostly resulted in a summary of the results of the case. The quote that sticks out the most about a reaction to the sentencing is from US Attorney Bharara, who said, “Manssor Arbabsiar was an enemy among us – the key conduit for, and facilitator of, a nefarious international plot concocted by members of the Iranian military...” Although nothing explicitly

³⁹ Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador”

⁴⁰ BBC News, “Friends' shock at 'Iran plot' suspect Manssor Arbabsiar.”

⁴¹ Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

⁴² Department of Justice, “Manssor Arbabsiar Sentenced.”

alarming was stated, calling Arbabsiar an “enemy among us” may be too severe. It appears that he was controlled by his cousin Shahlai, on whom the DOJ wanted to gather more information than Arbabsiar was willing to pursue while under interrogation, claiming he feared for his family’s safety. Federal authorities did claim, however, that Arbabsiar’s pre-coded conversations with his Iranian contacts provided some valuable intelligence.⁴³ Ironically enough, these phone calls revealed the code name that the Iranians and Arbabsiar called the plot: Chevrolet. During the calls Shakuri told Arbabsiar to buy the Chevrolet, their code word for the assassination.⁴⁴

10. Coverage by the media

When news of Arbabsiar’s arrest broke, the media was inundated with updates on the story. The first flood of news came simply from the information released by the US authorities from both the Department of the Treasury and the Department of Justice. Shortly after knowledge of the plot went public Texan media immediately got to work on Arbabsiar’s biographical information. Within days the media had largely accurate reporting on some important specifics of the case, including a telling profile with interviews from former associates and friends.⁴⁵ The national media heavily focused on the Iranian involvement after Arbabsiar’s interrogation and those who knew him portrayed him as incompetent and essentially a puppet. Liberal media website Media Matters collected assorted statements from mostly conservative commentators and contributors who advocated for action against Iran—and they had quite a few to collect.⁴⁶ There was much debate in the media over whether Arbabsiar’s actions constituted an act of war by Iran, and this filled much of the national media’s air time over the case. In time discussions moved to be more focused on the Iran-Saudi Arabia-United States relationships and the tensions amongst Saudi Arabia and the United States vs. Iran. The media responded appropriately to a very important plot with far reaching political impacts beyond the threat to loss of life. Media content at the end of the trial seemed to identify slightly more with Arbabsiar. A good example of this is a piece by Benjamin Weiser for the *New York Times*, which seems to identify Arbabsiar’s lack of competency displayed throughout his entire life.⁴⁷

11. Policing costs

The cost of policing is impossible to determine; the DEA informant remains a confidential source and so many different agencies were involved. It would appear that hundreds of thousands of hours were put in by at least dozens of agents from the Department of Justice/DEA Houston office, the DEA informant himself, the FBI, and Mexican authorities. The cost of such an elaborate investigation and operation would certainly find itself somewhere in the

⁴³ Didziulis, “Behind Manssor Arbabsiar’s Plot to Kill the Saudi U.S. Ambassador”

⁴⁴ Fox News Insider, “Manssor Arbabsiar Used 'Chevrolet' as Code for 'Assassination,’” foxnewsinsider.com, October 12, 2011.

⁴⁵ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

⁴⁶ Leslie Rosenberg, “Right-Wing Media React To Alleged Assassination Plot: “Bomb Iran Now,” mediamatters.org, October 14, 2011.

⁴⁷ Weiser, “Man Sentenced in Plot to Kill Saudi Ambassador.”

tens of millions of dollars in manpower and more. The original interrogation lasted approximately two weeks, while trial and sentencing lasted less than two years—from arrest on September 28, 2011 to his sentencing on May 30, 2013. The case moved rather smoothly for an international terrorism case, as Arbabsiar was mostly cooperative.

12. Relevance of the internet

The internet did not play a significant factor in this case. Arbabsiar and Shakuri conducted their meetings either face to face in Iran or via telephone. The only semblance of relevance the internet played was the tracking of funds to the DEA informant that Arbabsiar facilitated. Through this action the US Treasury was able to designate Arbabsiar, Shakuri, Shahlai, Hamed Abdollahi, and Qasem Soleimani as persons with whom Americans are prohibited from engaging in transactions with (Shahlai reports to Abdollahi and Soleimani).⁴⁸ Outside of US Treasury action, no vital communication or planning was aided by use of the internet.

13. Are we safer?

The American public is undeniably safer following the arrest and prosecution of Arbabsiar. The intelligence gleaned from his interaction with his Iranian handlers was extremely useful—it led to the US Department of Treasury being able to take meaningful financial action against five Iranian military members identified by the case (freezing assets and prohibiting US persons from transacting with those identified).⁴⁹ Further, the investigation allowed for intelligence to be gathered on the way the very secretive Quds Force operates. If Arbabsiar had somehow managed to strike a deal with an actual member of Los Zetas, we could be looking at a very different situation. The organization is extremely brutal and effective at killing. Had Arbabsiar himself contacted an actual member of the Los Zetas cartel, rather than a DEA informant, it is of my opinion that he would be more likely to be executed than strike a deal for the ambassador's assassination. A more politically connected or criminally respected middleman, however, could pose a threat to US security. The case is a microcosm for a threat of potentially great magnitude facing the US: the threat of cooperation between the powerful drug cartels of South America and terror groups from the Middle East. It has been exceptionally hard for an enemy to “bring the fight” to the American homeland, as the United States is so conveniently situated geographically. Hopefully this case will result in more cooperation between the Department of Homeland Security, DEA, FBI, and CIA, as they face new materializations of terror in our increasingly globalized world.

Arbabsiar, on the other hand, posed no real threat outside of his status as a middleman. If not recruited by Shahlai, he would have likely been content to live out his life bouncing from business to business and from woman to woman. He is no radical ideologue, yet somehow managed to convince himself that his actions were far different from the egregious acts of 9/11, which he unequivocally

⁴⁸ US Department of the Treasury, “Treasury Sanctions Five Individuals.”

⁴⁹ US Department of the Treasury, “Treasury Sanctions Five Individuals.”

expressed distaste for. Arbabsiar personally is of far more interest as an example of cognitive dissonance than as a terror threat. When examining this case, one is left wondering how someone who is in no way a radical terrorist could willingly contribute to such a sinister plot; one that had the potential to leave hundreds wounded or dead.

14. Conclusions

While much reporting on terrorist activities focuses on the impact on the secondary targets—those directly impacted—instead of the primary target—those who the attackers wish to influence—this case illustrates the far reaching implications of the actions of a few players. The impact of this case is stunning, as it is one of the first concrete examples of a dangerous foreign military unit using the strength of non-governmental paramilitary cartels of northern Mexico as a base to launch attacks in the US. While this case illustrates the guns-for-hire type of relationship that may form between terror cells and drug cartels, other types of cooperation must be examined as well. Ecuadorian and Columbian authorities occasionally find what are known as “narco subs,” and some are worried that these subs could be used in the future to ferry either small or large groups of terrorists into the United States undetected.⁵⁰

As for Arbabsiar, it becomes increasingly more difficult to regard him as a serious threat as more information becomes available. Described as unable to even do so much as match his socks, it appears clear that he was a pawn in the game of chess that Shahlai was playing.⁵¹ Shahlai was able to recruit a “nobody” in the world of politics to attempt a plot that was likely to fail. By using a middleman who appears to be such a foolish choice, the Iranians who were involved were able to maintain—in CIA terms—plausible deniability, which the government did its best to claim in its letter to the UN. This would have been the expected response by the Iranians no matter if this went up the entire chain of command or if it was a rogue agent. Arbabsiar, who outside of this event was largely normal, will now spend 25 years behind bars for his actions, while Shahlai is likely to receive a promotion. In addition, I am highly amazed at Arbabsiar’s ability to exhibit distaste for militant Islam, yet so willingly contribute to a potentially large scale terror attack, despite his lack of political or religious motivation. Tony Randall once said, “Sooner or later, we sell out for money.” Arbabsiar may well be the textbook definition of that, as he sold out his personal enmity towards terror for a hefty sum of cash.

While very apparent that at least some members of the Quds Force were involved in this plot, I also believe that some higher forces in the Iranian military were at play. During one of the recorded phone calls while Arbabsiar was being interrogated Shakuri responded to an Arbabsiar request for more money by saying he would “...discuss it to see what they say.”⁵² In my opinion, a publically known official like Shahlai would either have enough autonomy to initiate this plan with

⁵⁰ John Reed, “New Generation of Narco Subs Could Carry Terrorists,” *defensetech.org*, February 8, 2011.

⁵¹ Worth and Tillman, “Unlikely Turn for a Suspect in a Terror Plot.”

⁵² Sealed Amended Complaint, *United States of America v. Manssor Arbabsiar*.

the implied consent of the Iranian government, or he would have the explicit permission—either way I think it is fair to assume that some Iranians even higher than Shahali were involved.

Those who initiated this plan were able to achieve some minor achievements without facing significant risk to their persons or Iran's respectability around the world (or lack thereof). The Iranians essentially made a very low risk, high reward gamble. Ideally they would have liked for the assassination of the ambassador to be successful, but the failed plot achieved two main results for the Iranians. First, they were able to cause the United States and Saudi Arabia to devote precious time and money to something they themselves had very little invested in. Second, they were able to take a shot at their biggest geopolitical rival, Saudi Arabia, without committing an overt act of war. Ambassador Adel Al-Jubeir will be forced to be extremely cautious throughout his extensive traveling. The plot, although seemingly failed, could certainly be viewed as a success from the Iranian point of view.

Appendix: Iranian Response to UN Secretary General Ban Ki-moon

*H.E. Mr. Ban Ki-moon Secretary General United Nations, New York
In the name of God, the Compassionate, the Merciful No. 1110 11 October 2011*

Excellency,

I am writing to you to express our outrage regarding the allegations leveled by the United States officials against the Islamic Republic of Iran on the involvement of my country in an assassination plot targeting a foreign diplomat in Washington.

The Islamic Republic of Iran strongly and categorically rejects these fabricated and baseless allegations, based on the suspicious claims by an individual. Any country could accuse other countries through fabrication of such stories. However, this would set dangerous precedents in the relations among States.

Iran has always condemned terrorism in all its forms and manifestations. Iran has been a victim of terrorism, a clear recent example of which is the assassination of a number of Iranian nuclear scientists in the past two years carried out by the Zionist regime and supported by the United States.

The Iranian nation seeks a world free from terrorism and considers the current US warmongering and propaganda machine against Iran as a threat not just against itself but to the peace and stability in the Persian Gulf region. The Islamic Republic of Iran warns against the implications of this horrible scenario and submits that the continuation of such divide-and-rule policies could have detrimental effects on peace and security.

The US allegation is, obviously, a politically-motivated move and a showcase of its long-standing animosity towards the Iranian nation. The Islamic Republic of Iran categorically and in the strongest terms condemns this shameful allegation by the United States authorities and deplors it as a well-thought evil plot in line with

their anti-Iranian policy to divert attention from the current economic and social problems at home and the popular revolutions and protests against United States long supported dictatorial regimes abroad.

The Islamic Republic of Iran underlines its determination to maintain its friendly relations with all regional countries, particularly with its Muslim neighbors, and invites all to be vigilant against the vicious campaigns targeting stability and peace and friendly relations among States in our region.

As the Secretary-General of the United Nations you have an important responsibility in enlightening the international public opinion about the dangerous consequences of warmongering policies of the United States Government on international peace and security.

I am sending identical letters to the President of the Security Council and the President of the General Assembly. It would be appreciated if this letter could be circulated as a document of the General Assembly under the agenda item 83 and of the Security Council.

Please accept, Excellency, the assurance of my highest consideration.

Mohammad Khazaei Ambassador Permanent Representative

Case 48: Pimentel's Pipe Bomb

John Mueller

April 12, 2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

²¹ Criminal Complaint.

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

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

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

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

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

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

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

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

²⁵ Klarevas, "Idiot Jihadist Next Door."

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

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

²⁸ Klarevas, "Idiot Jihadist Next Door."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case 49: Tampa

John Mueller

March 16, 2014

In 2011, Sami Osmakac, 25 years of age and a naturalized citizen of Albanian descent from Kosovo, went in to a Tampa, Florida, store shopping for al-Qaeda flags. Suspicious of this bizarre request, the Muslim owner hired Osmakac so that he and the authorities could keep an eye on him. When Osmakac later asked about purchasing weapons, the owner put him on to an FBI agent who played responsive to requests for such items as an AK-47 machine gun, a Uzi submachine gun, high capacity magazines, grenades, an explosive belt, and three car bombs, though demurring a bit on the last by saying he would only be able to supply one car bomb.

A disturbed and angry hyper-Muslim hothead who had been kicked out of two local mosques and had head-butted an infidel outside a Lady Gaga concert, Osmakac was scarcely quiet about his radical views though, as Nicole Spaetzel observes, no one reported him to the authorities until he sought to buy his al-Qaeda flag.

Osmakac was arrested in early 2012 when he purchased and took possession of some of his FBI-supplied weapons. By that time, he had posted a video online in which he said he planned to “bring terror to his victim’s hearts” and to “crush the whole economy” by attacking a large crowd, taking hostages, demanding ransom, and then dying “the Muslim way.” Eventually, he thought he could bomb nightclubs, the Sheriff’s Office, and several businesses, as well as six connecting bridges thereby cutting off Tampa residents from their food supply and from access to their jobs. He also told the FBI operative that he wanted to attack an Army base, but decided that, unlike his other targets, that would be too difficult. During his hostage-taking exercise he planned to make demands of the “disbelievers of Islam,” although, notes Spaetzel, he never revealed what it was he planned to demand.

Osmakac was a “lone wolf” in that he had no real accomplices, but a true lone wolf would not communicate with anybody about his plans and would certainly not publicize them and his outrage on the internet—or for that matter seek to purchase an al-Qaeda flag. Spaetzel notes that he “was highly motivated to carry out an attack” and speculates that “if he had made contact with a legitimate weapons dealer, he might have been successful.” However, that task is not an easy one. As Trevor Aaronson has pointed out, “there has not been a single would-be terrorist in the United States who has become operational through a chance meeting with someone able to provide the means for a terrorist attack.”¹

¹ Trevor Aaronson, *The Terror Factory*. Brooklyn, NY: Ig Publishing, 2013, 206-07; also 29-30, 55.

Case 49: Tampa

Nicole Spaetzel

March 16, 2014

1. Overview

Police arrested a 25-year-old naturalized American citizen on January 7, 2012, after he bought explosive devices and firearms from an undercover federal agent.¹ The man, Sami Osmakac, was born in Kosovo, and lived there until his family immigrated to the United States in 2000.² He was raised Muslim but, according to his family, did not become “deeply religious” and radicalized until his early twenties.³ Osmakac planned to use the weapons to attack Americans at various locations around Tampa, Florida. His self-proclaimed motive, which he revealed in an eight-minute long online video, was to “bring terror to victim’s hearts.”⁴

Osmakac came to the attention of federal authorities in September of 2011 after a local Muslim storeowner in Tampa reported to them that Osmakac had visited his store looking for al-Qaeda flags. The storeowner hired Osmakac as an employee so authorities could observe Osmakac with audio and video tape. At some point during his employment, Osmakac became comfortable with the storeowner, and approached the storeowner for help acquiring firearms and explosives for an attack. The storeowner put him in contact with an undercover FBI agent. In December of 2011, Osmakac met with the undercover agent for the first time and told him that he wanted to buy an AK-47 style machine gun, Uzi submachine guns, high capacity magazines, grenades and an explosive belt.⁵

In a second meeting, Osmakac gave the agent five hundred dollars as a down payment for the weapons and also asked for car bombs for three different vehicles that could be detonated remotely. Later, on January 1, 2012, he told the undercover agent that he planned to bomb nightclubs, an operations center for the Hillsborough County Sheriff’s Officer, and another unidentified business in Tampa.⁶

Police arrested Sami Osmakac on January 7, 2012 after he received the weapons from the undercover agent and placed them in his car. He was charged with one count of attempted use of a weapon of mass destruction.⁷ If convicted he could face life in prison. Osmakac was scheduled to face trial beginning on October 21, 2013. However, the trial was delayed so Osmakac can undergo an independent psychiatric assessment to determine if he is competent to stand trial.⁸

¹ Tamara Lush, “Feds Uncover Tampa Terrorism Plot,” WOKV.com, January 9, 2012.

² Nebi Qena, and Tamara Lush, “Suspected Tampa Terror Suspect Sami Osmakac Met Radical Islamists in Kosovo,” WPTV.com, January 11, 2012.

³ Qena and Lush, “Suspected Tampa Terror Suspect.”

⁴ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁵ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁶ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁷ “Florida Resident Charged with Plotting to Bomb Locations in Tampa,” FBI.gov, January 9, 2012.

⁸ Patty Ryan, “Osmakac Terrorism Trial Delayed over Competency Question,” TampaBay.com, October 8, 2013.

2. Nature of the adversary

Sami Osmakac was born in the village of Lubizde, Kosovo, in the former Yugoslavia, located near the Cursed Mountains that divide Kosovo from Albania. In Kosovo, he lived in a house with his immediate family and the families of his two uncles.⁹ The families were not very wealthy and suffered from ethnic intolerance in the country as well as the ongoing war. Osmakac and his family fled to present-day Croatia and Bosnia and then to Germany.¹⁰ In 2000, when Sami Osmakac was thirteen, his family immigrated to the United States.¹¹

The family moved to Pinellas Park, Florida, opening a bakery in St. Petersburg called Balkan Food Store and Bakery.¹² The family still lives in the same house and operates the bakery. Osmakac attended at least two different Tampa-area high schools, but it is unclear if he graduated.¹³ At Pinellas Park High School, he got into a fight with other students and ended up punching a teacher who was trying to separate the students. Osmakac was charged with battery on a school board official.¹⁴ There is no record whether the school followed through with the charges. Classmates and high school acquaintances say that he mostly kept to himself. They also remembered that he enjoyed rap music and would rap songs about bombs and killing people in songs he made with a friend.¹⁵ A classmate at Lakewood High School, Alan Stoking, recalled Osmakac as, “one of those government rebel types. All of our conversations consisted of him talking about how stupid everybody at the school was. Not just the students, but the teachers, the people who financed institutions like it.”¹⁶

Osmakac’s aunt described him as a “quiet and fun boy” when he was a child,¹⁷ observing that he came from a “very good family.”¹⁸ His aunt still lives in Kosovo.¹⁹ She said his parents regularly sent money from the United States to their relatives who had returned to Kosovo after the 1999 war ended.²⁰ Osmakac and his immediate family also made summer trips to Kosovo after the country declared its independence from Serbia in 2008.²¹ She said the allegations against her nephew shocked her: “It felt very strange to hear what he was being accused of. I don’t believe he did what they accuse him of doing. There was no better kid around here.”²²

⁹ “Terror Plot Suspect Was a Loner Who Made up Rap Songs about Bombs and Grew More Radical as He Got Older,” *Mail Online*. Dailymail.co.uk, January 15, 2012.

¹⁰ “Terror Plot Suspect Was a Loner.”

¹¹ Lush, “Feds Uncover Tampa Terrorism Plot.”

¹² Steven Hoffer, “Florida Terrorism Plot: Feds Charge Ex-Kosovo Man Sami Osmakac For Attempted Terror Plan,” *TheHuffingtonPost.com*, January 9, 2012.

¹³ Qena and Lush, “Suspected Tampa Terror Suspect.”

¹⁴ Qena and Lush, “Suspected Tampa Terror Suspect.”

¹⁵ “Terror Plot Suspect Was a Loner.”

¹⁶ “Terror Plot Suspect Was a Loner.”

¹⁷ “Terror Plot Suspect Was a Loner.”

¹⁸ “Family: Tampa Terror Suspect ‘Quiet and Fun,’” *CBSNews.com*, January 10, 2012.

¹⁹ Qena and Lush, “Suspected Tampa Terror Suspect.”

²⁰ “Terror Plot Suspect Was a Loner.”

²¹ “Terror Plot Suspect Was a Loner.”

²² “Family: Tampa Terror Suspect ‘Quiet and Fun.’”

Osmakac was raised Muslim, but his aunt noted that he did not grow deeply religious until his early twenties. He had grown a beard, donned religious garments and met with two devout Muslims from Albania and Bosnia on his visits.²³ His aunt also said Osmakac had visited Kosovo in October of 2011, but she did not know he was there and he did not visit or contact her. She only learned he was there from neighbors.²⁴

Back in the United States, Osmakac had started worshipping at a local mosque. However, he was quickly banned from the two local mosques at which he participated. He was banned from the first mosque in November of 2010 after he and another man engaged in a heated discussion at the mosque. The other man was an American convert to Islam and Osmakac was questioning his devotion. The American convert claimed that Osmakac was the one that approached him, initiated the argument and “radicalized things.”²⁵

Osmakac ostracized himself from the other local mosque and local Muslims in general when he approached the executive director of the Council on American-Islamic Relations in Tampa in the summer of 2011 and called the organization an “infidel organization.” The director said that, “It was very clear he was very disturbed very angry and very misguided about the Islamic faith. He was very, very ignorant of Islam. He didn't know Arabic or anything about basic Islamic teachings about promoting peace.”²⁶ He also added that Osmakac did not appear to be a member of any other local mosque. Lastly, the director said that he received numerous calls from members of the local Islamic community that were concerned with Osmakac’s radical views and behavior, and he advised them to contact the police. However, no one contacted the police until the storeowner that contacted the authorities after Osmakac entered his store looking for al-Qaeda flags.

Radical behavior that the Tampa-area Islamic community cited as alarming included an argument that Osmakac started outside of a Lady Gaga concert in downtown Tampa. The police report said that anti-gay Christian protestors outside the concert saw Osmakac drive by in a truck and he stood out to them because he was wearing what appeared to be traditional Middle-eastern attire with a small cloth on his head. The protestors said after they watched the man drive his truck past them multiple times, they began to criticize the Islamic faith. The protestors then said that the man parked his car, approached them and began to insult the protestors back. However, Osmakac did not stop at verbally attacking the protestors. He head butted one of the men leaving the protestor with a bloody mouth. Osmakac was charged with battery. The case has not been resolved.²⁷

Shortly after that altercation in April of 2011 with the protestors, Osmakac posted a video online entitled, “Convert to Islam NOW! To all Atheist Christian

²³ “Terror Plot Suspect Was a Loner.”

²⁴ Qena and Lush, “Suspected Tampa Terror Suspect.”

²⁵ Qena and Lush, “Suspected Tampa Terror Suspect.”

²⁶ Hoffer, “Florida Terrorism Plot.”

²⁷ Hoffer, “Florida Terrorism Plot.”

(Non-Muslims).”²⁸ The video, as the name suggests, looked to convince non-Muslims to convert to the Islamic faith. Osmakac threatened unspecified consequences if they did not.

Osmakac appears in a number of other online videos.²⁹ The videos, all filmed before his arrest, show him speaking out against Christians, Jews, and other non-believers of Islam. He also uses the videos to warn Muslims not to follow the example of non-believers. In these videos, he seems highly motivated to convert non-believers to Islam and to encourage Muslims to stay true to Allah.

3. Motivation

Osmakac expressed his motivation for his planned terror attacks in an eight-minute long video that he posted online before he was arrested. The video is unavailable online to the public, but authorities described the video in detail. According to authorities, in the video, Osmakac described his motive was to “bring terror to his victim’s hearts.”³⁰ The video shows him sitting on the floor with a pistol in his hand and an AK-47 behind him. He says that Muslim blood was more valuable than that of people who do not believe in Islam, and he wanted payback for the wrong that was done to Muslims. He never identifies a specific event or “wrong” that he is looking to avenge.

There does not appear to be any particular event that set Osmakac off. Instead, he seemed to be gradually radicalized after exposure to Islamic extremists in Kosovo. He appears to have been extremely self-motivated as well. Aside from approaching the undercover agent for weapons, Osmakac planned his terror plots on his own and intended to carry them out by himself.

4. Goals

Osmakac came to the attention of federal authorities in September of 2011 after a local Muslim storeowner in Tampa reported to them that Osmakac had visited his store looking for al-Qaeda flags. The storeowner hired Osmakac as an employee so authorities could observe Osmakac with audio and video tape. At some point during his employment, Osmakac became comfortable with the storeowner, and approached the storeowner for help acquiring firearms and explosives for an attack. The storeowner put him in contact with an undercover FBI agent.³¹ In December of 2011, Osmakac met with the undercover agent for the first time and revealed the goals and means of his terror plot to the agent.

His long-term goal was to bring justice to non-Muslims and Americans because he believed they had harmed Muslims. His immediate goal was to bring justice by causing destruction around the Tampa area. He planned to bomb nightclubs, an operations center for the Hillsborough County Sheriff’s Office, and other unspecified businesses. He planned to detonate car bombs with a remote

²⁸ “Moment Terror Suspect, 25, Arrested over ‘bomb Plot’ in Florida Was Caught on Camera Brawling with Christian Protesters,” *Dailymail.co.uk*, January 10, 2012.

²⁹ Gregg Burrage, “Police Say Terror Suspect Sami Osmakac Appears in Online Video,” *WFTS*, January 9, 2012.

³⁰ Lush, “Feds Uncover Tampa Terrorism Plot.”

³¹ Lush, “Feds Uncover Tampa Terrorism Plot.”

control, and also planned to wear an explosive belt and take hostages during the aftermath of the car bombs. He would use the hostages and explosive belt to demand something from the “disbelievers of Islam.” There is no indication of what exactly he planned to demand. He also wanted to “crush the whole economy.”³² He wanted to blow up the bridges that connect the city of Tampa to the connecting counties. There are six major bridges in the Tampa area, but Osmakac never specified which bridges or how many bridges he planned to bomb.

5. Plans for violence

Sami Osmakac envisioned large-scale destruction when he planned his terror plot. He planned to “crush the whole economy,”³³ attack a large crowd,³⁴ take hostages, demand ransom, and then “die the Muslim way.”³⁵ There is no account of whether he was planning his terror plot already when he entered the store in Tampa in September 2011 looking for al-Qaeda flags. After this visit, the storeowner hired Osmakac so that federal officials could monitor Osmakac’s conversations. During his conversations with the storeowner, Osmakac revealed he was thinking of a plan to avenge the wrong done to Muslims and asked that the storeowner put him in contact with someone that would be able to supply him with firearms and explosives for his attack. The storeowner gave him the name of an undercover FBI agent posing as a weapons dealer.³⁶

On December 21, 2011, Osmakac met with the undercover agent and asked to buy an AK-47 style machine gun, Uzi submachine gun, high capacity magazines, grenades, and an explosive belt. He also asked the undercover agent to supply him with car bombs for three different vehicles. The undercover agent told him that he could only supply him with one car bomb. In their next meeting, Osmakac gave the undercover agent a down payment of five hundred dollars for the weapons.³⁷

On January 1, 2012, Osmakac revealed to the undercover agent in a meeting that he planned to bomb nightclubs, an operations center for the Hillsborough County Sheriff’s Office and another unspecified business in Tampa. He planned to detonate the car bombs outside of his targeted buildings with a remote control. In the aftermath of the explosions, Osmakac planned to use the other weapons for a further attack and take hostages while wearing the explosive belt. He planned to use the hostages to demand something from the “disbelievers of Islam,” although he never revealed what exactly he planned to demand. He told the undercover agent that he initially wanted to attack the Army but knew it would be too difficult to get past the security at the bases.³⁸

³² Lush, “Feds Uncover Tampa Terrorism Plot.”

³³ Lush, “Feds Uncover Tampa Terrorism Plot.”

³⁴ Carol Cratty, and Alan Duke, “Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say,” CNN.com, Cable News Network, January 9, 2012.

³⁵ Lush, “Feds Uncover Tampa Terrorism Plot.”

³⁶ Lush, “Feds Uncover Tampa Terrorism Plot.”

³⁷ Lush, “Feds Uncover Tampa Terrorism Plot.”

³⁸ Lush, “Feds Uncover Tampa Terrorism Plot.”

Along with the car bombs placed at the selected buildings, Osmakac also wanted to “crush the whole economy,” by blowing up the bridges that connect Tampa to the surrounding counties. There are six major bridges connecting the Tampa area to the surrounding counties, but Osmakac never specified which bridges or how many bridges he planned to bomb. He believed that by blowing up the bridges, there would be no way for the people to get food and no one would be able to travel to their jobs. During the last meeting before his arrest, the undercover agent suggested that there was still time for Osmakac to change his mind and abandon his plans. His response was, “We all have to die, so why not die the Islamic way?”³⁹

On January 7, 2012, the police arrested Osmakac after he took the weapons from the undercover agent and placed them in his car.⁴⁰ Officials believed he planned to use the weapons that night. Since the weapons he obtained from the undercover agent were inoperable, Osmakac would have failed in carrying out his attack. The police also believed that he had narrowed the scope of his attack to an Irish bar in South Tampa.⁴¹ They also believed that he planned to set off the car bomb, return to a local hotel room for the other weapons, and then begin the second part of his plan to take hostages.⁴²

Earlier in the day, before his arrest, Osmakac had posted a video online. In the video, he detailed his motivations and plans for violence. The video shows Osmakac sitting on the floor with a pistol in his hand and an AK-47 behind him. He tells the camera that he wishes to “bring terror to his victim’s hearts.”⁴³ He says that Muslim blood was more valuable than that of people who do not believe in Islam and he wanted payback for the unspecified “wrongs” that were done to Muslims. Osmakac planned to die a Muslim once he had obtained what he wanted in exchange for the hostages. He told the undercover agent, “Once I have this...they can take me away in five million pieces.”⁴⁴ Osmakac was highly motivated to carry out an attack, and if he had made contact with a legitimate weapons dealer, he might have been successful.

Osmakac was charged with one count of attempted use of a weapon of mass destruction.⁴⁵ If convicted he could face life in prison. He was scheduled to face trial beginning on October 21, 2013. However, the trial was delayed so Osmakac could undergo an independent psychiatric assessment to determine if he is competent to stand trial.⁴⁶ A court-appointed psychiatrist had already determined that Osmakac was fit to stand trial, but the defense argued for a

³⁹ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁴⁰ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁴¹ Cratty and Duke, “Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say.”

⁴² Cratty and Duke, “Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say.”

⁴³ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁴⁴ Mike Levine, “Suspected Islamic Extremist Arrested in Alleged Florida Bomb Plot,” *Fox News*, Foxnews.com, January 9, 2012.

⁴⁵ “Florida Resident Charged with Plotting to Bomb Locations in Tampa.”

⁴⁶ Ryan, “Osmakac Terrorism Trial Delayed over Competency Question.”

private analysis.⁴⁷ As of the beginning of October 2013, Osmakac was on his eighth attorney.

6. Role of informants

Police gave the majority of the credit for Osmakac's arrest and prevention of his terror attack to the Tampa area Muslim community. The head of the FBI's office in Tampa called their help "very significant."⁴⁸ The investigation started when the store owner, a member of the Muslim community, went to the police concerned with Osmakac's behavior after Osmakac visited his store looking for al-Qaeda flags.⁴⁹ The storeowner was not the first Muslim community member to become concerned with Osmakac, but he was the first to go to the police with concern. Several members of the Tampa-area Islamic community had approached the executive director of the Council on American-Islamic Relations with concern about Osmakac's extreme views.⁵⁰ They felt Osmakac was out of touch with the true meaning of Islam. The director encouraged all the concerned Muslims to talk to the police.⁵¹ However, they did not heed the director's advice.

All it took was one member of the community to speak up to the police for the investigation to begin. The police encouraged the Muslim storeowner to help them observe Osmakac by hiring Osmakac as an employee. The police used the storeowner as a confidential informant. With the help of the storeowner, police were able to listen to Osmakac's conversations with the storeowner on audio tape as well as watch his behavior on video tape starting from the date of his employment in the store in September 2011. There are no records of the storeowner contributing to Osmakac's terror plot through suggestions or encouragement. However, Osmakac clearly trusted the storeowner enough because at some point during his employment, Osmakac asked the storeowner if he could help him obtain weapons and explosives for his terror plot.⁵²

Under the direction of federal investigators, the storeowner put Osmakac in contact with an undercover FBI agent acting as a weapons dealer to whom Osmakac detailed his weapons demands and his various schemes. During the last meeting before his arrest, the undercover agent suggested that there was still time to change his mind and abandon his plans. In response, Osmakac told the undercover agent, "We all have to die, so why not die the Islamic way?"⁵³ The undercover agent most likely asked Osmakac this question as evidence that Osmakac was not being entrapped by the police but instead self-motivated. There is no evidence that the undercover agent contributed to the plot. Osmakac formed the attack on his own and intended to carry out the attack by himself.

Based on conversations with the storeowner and the undercover agent, and Osmakac's possession of the weapons in his car, police were able to charge

⁴⁷ "Sami Osmakac, Accused of Terrorism, Fit to Stand Trial," *WFTS*. Abcactionnews.com, February 21, 2013.

⁴⁸ Cratty and Duke, "Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say."

⁴⁹ Lush, "Feds Uncover Tampa Terrorism Plot."

⁵⁰ Hoffer, "Florida Terrorism Plot."

⁵¹ Hoffer, "Florida Terrorism Plot."

⁵² Lush, "Feds Uncover Tampa Terrorism Plot."

⁵³ Lush, "Feds Uncover Tampa Terrorism Plot."

Osmakac with one count of attempted use of a weapon of mass destruction.⁵⁴ Without the two informants, Osmakac might have never come to the attention of investigators until after he had committed his acts of violence. The storeowner was the key component in the prevention of Osmakac's attack. Without the storeowner, not only would police have had no warning, but also Osmakac might have encountered a weapons dealer that would have supplied him with all the weapons he wanted. Under those circumstances, it is likely that Osmakac would have successfully set off some degree of attack, although, it is doubtful he would have succeeded in accomplishing all his goals by himself.

The testimony of the undercover agent is an important part of the trial and evidence against Osmakac. His defense attorneys plan to prove that federal authorities entrapped Osmakac by setting him up with the weapons. They said they plan to focus on "the bureau's efforts to target people who are young, financially destitute, radical Islamists," and whether the undercover agent involved has "a history of taking to these people and convincing them to go ahead with their bombing and providing the materials."⁵⁵

The prosecution has asked that a number of precautions be taken to protect the identity of the undercover agent who is involved in a series of on-going investigations that could not be disclosed.⁵⁶ One of these precautions is a closed courtroom during the agent's testimony. The testimony would be completely off limits to spectators and media. Osmakac's family would be allowed to listen in from another room but would not be able to see the face of the agent. The defense claims that an open courtroom during the agent's testimony is important. They claim that the jurors need to be able to observe the demeanor of the agent for cues that he is lying about not entrapping Osmakac. Additionally, the defense argues that taking special precautions would give the illusion to the jurors that the agent is a special witness because he deserves special treatment. This special treatment might incline the jurors to believe the agent more.⁵⁷

7. Connections

After Osmakac's arrest, police announced that they were not able to identify ties to al-Qaeda or any other terrorist networks.⁵⁸ Police classified him as extremely "self-radicalized."⁵⁹ Based on conversations with the undercover agent who was acting as Osmakac's weapon dealer, police were able to determine that Osmakac was acting alone and intended to carry out the attacks on his own. Osmakac also insinuated that he planned to die a martyr. His language suggesting his martyrdom in the name of Islam speaks to Osmakac's extremist views and self-radicalization.

Although Osmakac had no concrete connections to terrorist cells of networks, investigators were able to trace his radicalization to meetings with

⁵⁴ "Florida Resident Charged with Plotting to Bomb Locations in Tampa."

⁵⁵ Elaine Silvestrini, "Secrecy Sought for FBI Agent in Tampa Terrorism Trial," TBO.com, Tampa Tribune, September 30, 2013.

⁵⁶ Silvestrini, "Secrecy Sought for FBI Agent in Tampa Terrorism Trial."

⁵⁷ Silvestrini, "Secrecy Sought for FBI Agent in Tampa Terrorism Trial."

⁵⁸ Cratty and Duke, "Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say."

⁵⁹ Cratty and Duke, "Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say."

Islamic extremists during his trips to Kosovo.⁶⁰ Kosovo authorities had been alerted by international agencies that Osmakac was linked to Islamist extremists and had discussed “issues in support of radical elements” with these individuals.⁶¹ There is no record of when Osmakac first met these individuals but his family did not begin visiting Kosovo until the summer of 2008.⁶² His last trip to Kosovo to meet with his extremist contacts was in October 2011.⁶³ There is no indication that these extremists planned to help him plan or carry out his attack.

8. Relation to the Muslim community

Osmakac was an outcast within the Tampa-area Muslim community. He was banned from two local mosques⁶⁴ and there is no indication that he was connected to any others.⁶⁵ The first banning stemmed from the altercation with an American-Muslim at the mosque.⁶⁶ Muslims viewed Osmakac’s views of Islam as extremist and incorrect. They expressed concerns about his views amongst themselves. Police identified Osmakac as a risk only after the store owner, a member of the Muslim community, stepped forward and reported Osmakac’s behavior as suspicious. The Muslim community’s alertness and negative experiences with Osmakac helped investigators to prevent a terror attack.

9. Depiction by the authorities

Authorities waited until two days after Osmakac’s arrest to alert the media of the terror plot. In those two days, authorities were able to eliminate the possibility that Osmakac was working with others. Authorities were able to avoid an alarmist press conference by verifying Osmakac was a lone wolf. At their press conference, authorities were able to tell the media that the threat was over and because they had been watching Osmakac, and were involved, they had the situation under control the whole time. The U.S. attorney for the Middle District of Florida said, “There was no real danger to the community once we got involved, because we knew we could handle the situation.”⁶⁷

Although authorities claimed that they had the situation under control, they did not pretend that there was no real threat of violence. The U.S. attorney said during the press conference, ““Was it real? It was very real.” The U.S. attorney also said that had the storeowner not contacted the police about Osmakac there would have been significant bloodshed because Osmakac might have acquired working weapons elsewhere.⁶⁸ During the press conference, authorities also outlined Osmakac’s plan to bomb a nightclub and then use his other weapons to take hostages.

⁶⁰ Qena and Lush, “Suspected Tampa Terror Suspect.”

⁶¹ Qena and Lush, “Suspected Tampa Terror Suspect.”

⁶² “Terror Plot Suspect Was a Loner.”

⁶³ Qena and Lush, “Suspected Tampa Terror Suspect.”

⁶⁴ Qena and Lush, “Suspected Tampa Terror Suspect.”

⁶⁵ Hoffer, “Florida Terrorism Plot.”

⁶⁶ Hoffer, “Florida Terrorism Plot.”

⁶⁷ Cratty, “Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say.”

⁶⁸ Cratty, “Kosovo Native Plotted Bombings, Bloodshed in Tampa, Feds Say.”

10. Coverage by the media

The media was unaware of any danger Osmakac posed until days after his arrest. Osmakac was arrested on a Saturday night and the police did not hold a press conference to alert the media until two days later on Monday. Because of the delayed information, most news sources had the same information delivered by law enforcement. Some news agencies interviewed family⁶⁹ and friends of Osmakac.⁷⁰ Other news outlets focused on his relationship to the Muslim community, which revealed he was an outcast.⁷¹

11. Policing costs

Surveillance of Sami Osmakac was extensive, but only lasted a few months. Starting in September of 2011, police observed Osmakac with audio and video tape with the help of a confidential informant—the store owner.⁷² There is no record of how the storeowner was paid for his role or if he was paid at all.

Starting in December of 2011 police involved a second informant. The second informant was an undercover employee of the FBI. There is no record of how much the undercover employee was paid but because he was named an employee, it can be inferred that he was being paid for his role.⁷³ The undercover agent supplied Osmakac with an AK-47 style machine gun, an Uzi submachine gun, a car bomb and an explosive belt.⁷⁴ The FBI had to obtain all these weapons and render them inoperable.

Osmakac was arrested in the beginning of January of 2012.⁷⁵ His arrest ended the investigation time, which lasted four months. Since the arrest, he has been incarcerated awaiting trial, which has been delayed twice. The most recent delay came in the beginning of October 2013 when the judge granted the defense a delay so Osmakac could undergo a private psychological analysis to determine if he is fit to stand trial.⁷⁶ If convicted, Osmakac faces life in prison.⁷⁷

12. Relevance of the internet

There is no indication that Osmakac used the internet to gain information to plan his attack. There is no evidence to suggest he was radicalized on the internet either. He did post videos online in which he warned people to convert to Islam and where he posted his video the day of his arrest that outlined his plans and motivations.⁷⁸ There is no indication however, that Osmakac commented or participated on other videos or websites.

⁶⁹ “Family: Tampa Terror Suspect ‘Quiet and Fun.’”

⁷⁰ “Terror Plot Suspect Was a Loner.”

⁷¹ Hoffer, “Florida Terrorism Plot.”

⁷² Lush, “Feds Uncover Tampa Terrorism Plot.”

⁷³ Silvestrini, “Secrecy Sought for FBI Agent in Tampa Terrorism Trial.”

⁷⁴ Lush, “Feds Uncover Tampa Terrorism Plot.”

⁷⁵ “Florida Resident Charged with Plotting to Bomb Locations in Tampa.”

⁷⁶ Ryan, “Osmakac Terrorism Trial Delayed over Competency Question.”

⁷⁷ “Florida Resident Charged with Plotting to Bomb Locations in Tampa.”

⁷⁸ Lush, “Feds Uncover Tampa Terrorism Plot.”

13. Are we safer?

If Sami Osmakac had visited a different store his name might have appeared in headlines that included the number of victims he had killed. A different storeowner might not have gone to the police with his concerns. Without the police watching Osmakac, he might have met with a weapons dealer willing to sell him all the car bombs, firearms, and explosives that he wanted. We are safer because the police were able to stop him but we are also safer because citizens are more alert to suspicious activity and willing to report behavior to the police.

Osmakac was a lone wolf terrorist in the sense that, although he sought help acquiring weapons, he was planning to use the weapons on his own. He had no connections to terrorist cells or networks. It is difficult for law enforcement to track down lone wolf terrorists because they are self-motivated and do not work within the known terrorist networks that authorities are already tracking. The case is a perfect example of how one citizen can prevent the injuries and deaths of countless other citizens at the hands of such terrorists.

14. Conclusions

The main question during Osmakac's trial will be whether the FBI entrapped him. Osmakac's defense attorneys plan to prove that federal authorities entrapped him by setting him up with the weapons. They said they plan to focus on "the bureau's efforts to target people who are young, financially destitute, radical Islamists," and whether the undercover agent involved has "a history of taking to these people and convincing them to go ahead with their bombing and providing the materials."⁷⁹ It is hard to believe that authorities targeted Osmakac: they were not involved until after the storeowner expressed his concerns with Osmakac's known extremist Islamic views. Further, authorities only monitored Osmakac's conversations and behavior. He initiated the search for weapons and his plans for terror. Only after he had his plan plotted in his head did the undercover agent come into contact with him. There are no records that the undercover agent pushed Osmakac to complete the plot. The undercover agent gave Osmakac a clear opportunity to back out of the plan and change his mind. He refused and insisted he wanted to die the "Islamic way."⁸⁰

Osmakac seemed intent on killing people with or without the help of the storeowner and undercover agent. If the undercover agent had not supplied the weapons he might have kept looking until he found the help and weapons he needed. He was convinced that he needed to avenge wrongs done to Muslims. Anyone that was not a Muslim was his target and had been the targets of his earlier attacks. These included not only the Christian protestor that he head butted and the audience to his online videos threatening people to convert to Islam.⁸¹ All the people in the Tampa-area were his targets because they were not Muslims. Osmakac said that the blood of non-believers was less valuable than that of Muslims.⁸²

⁷⁹ Silvestrini, "Secrecy Sought for FBI Agent in Tampa Terrorism Trial."

⁸⁰ Lush, "Feds Uncover Tampa Terrorism Plot."

⁸¹ "Moment Terror Suspect."

⁸² Lush, "Feds Uncover Tampa Terrorism Plot."

Osmakac also targeted fellow Muslims and sought to radicalize their views. He seemed to think that as an extremist, he was a better Muslim than others were, and he wanted Muslims to be more radical. Osmakac clearly believed violence to avenge the wrongs against Muslims and dying a martyr for this cause was the correct practice of Islam. Osmakac was prepared to die for his personal practice of Islam. He did not need the help of the undercover FBI agent, despite the claim from his ninth defense attorney, and he did not need the support from local Muslims.

Despite Osmakac's commitment to carrying out his attacks, one alert citizen ultimately stopped him. The case speaks volumes about the impact that citizens can have on the prevention of terrorist attacks. When citizens are alert and willing to come forward, they can prevent tragedy that law enforcement would otherwise have no way of tracking.

There was no media coverage of the storeowner because he acted as a confidential informant. However, we know that he and Osmakac shared a religion and that both were from the Tampa area. They presumably saw each other as neighbors. The storeowner might know Osmakac's family. Yet, he was still willing to go to the police and help them monitor Osmakac because he felt it was right and necessary. Hearing about his bravery and actions can inspire other citizens to remain alert and take suspicions to the police. This case highlights that when it comes to lone wolf terrorists, the involvement of brave citizens is as important as the involvement of law enforcement.

Case 50: Capitol Bomber

John Mueller

March 16, 2014

Since 9/11, no suicide bombings have been successfully carried out by Muslim extremists in the United States. Some plotters seriously considered the prospect while doing their planning (for example, Cases 49 and 52), and quite a few were aware that they might be, or were likely to be, killed in their terrorist effort (for example, Cases 17, 44, and 45). But in only six cases have plotters explicitly sought to carry out what al-Qaeda characterizes as “martyrdom operations.” Three of these, the failed shoe and underwear bombing attempts at airliners and the disrupted London plot to set off liquid explosives on transatlantic planes (Cases 1, 20, and 33) were actually plotted abroad, and none of the participants were Americans. The fourth is the disrupted plot, mainly concocted abroad, by three Americans to fabricate bombs and to die when they set them off on New York subway trains (Case 28). And the fifth is a planned suicide bombing at the Topeka airport (Case 55).

The sixth is the Capitol bomber, a 29-year-old Moroccan who had overstayed his visitor’s visa by 12 years, worked at various jobs, mostly rather menial, had been evicted from his apartment in Virginia, and seemed to see terrorism, as Zachary Karabatak suggests, as something of a method for “wiping away his past sins.” It was, however, his repeated exclamations on Facebook and in public that the war on terror was actually a war on Muslims that roused the attention of the FBI.

Two FBI operatives worked their way into his confidence, and provided him with money to live on and to pay off his overdue rent. Although his early schemes to commit terrorism (setting off bombs at military installations and at restaurants frequented by military personnel) did not include suicide, in January 2012 he proclaimed that he now wanted to take down the whole dome of the Capitol Building in Washington, DC, with a bomb that he would wear on his person. He was unwilling to carry out this deed, however, unless his supposed co-conspirators agreed to send “martyrdom payments” of \$1000 a month after he was dead to his destitute parents who had gone back to Morocco, leaving him behind in the US when he was 16. The operatives agreed. It seems unlikely, as Karabatak concludes, that the preposterous suicidal effort to take down a large building with a small bomb would ever have been undertaken without the promise of the payments to the parents.

Karabatak also suggests, however, that, if the Moroccan had never been contacted and recruited by the FBI operatives, “he would have joined whatever armed extremist group that he might have found.” This seems plausible. The problem is that running into such collaborators in the United States seems to be exceedingly difficult. As Trevor Aaronson notes, the idea probably makes sense for many drug stings—eventually those conned would likely have been able buy or sell drugs on their own. However, his investigations and the cases in this book suggest that this pattern does not hold for terrorism: “there has not been a single would-be terrorist in the United States who has become operational through a

chance meeting with someone able to provide the means for a terrorist attack.”¹ Only the police have been able to provide that service.

Because the suicide was never consummated, the FBI presumably does not feel obligated to send the agreed-upon payments to the parents. However, one of the operatives is reported to have wept when he drove to the Capitol with his Moroccan friend who was so determined to end his life in a symbolic terrorist explosion.²

Scheduled to be released in 2042, when he will be 59, the would-be suicide will then be forced, at long length, to go back to Morocco.

¹ Trevor Aaronson, *The Terror Factory*. Brooklyn, NY: Ig Publishing, 2013, 206-07; also 29-30, 55.

² Del Quentin Wilber, “Inside an FBI anti-terrorist sting operation,” *Washington Post*, November 25, 2012.

Case 50: Capitol Bomber

Zachary Karabatak

March 14, 2014

1. Overview

On June 27, 1999, Sidi Mohamed Amine El Khalifi, aged 16, came to the United States from Morocco with his parents on a trip to Orlando, Florida. He never left.¹ Khalifi overstayed his tourist visa and remained in the country illegally for over 12 years, moving from Florida to the greater Washington, D.C., area.

Although Khalifi had some minor legal infractions along the way, including a marijuana charge, traffic infractions, and a misdemeanor assault charge, he originally really came to U.S. authorities' attention in 2010, when he answered a Facebook post seeking to recruit Muslim holy warriors to fight in Afghanistan, asking the writer of the post to contact him.² A confidential informant tipped off the FBI about the post.³ The next significant event to catch the FBI's attention occurred on the night of January 11, 2011, at an apartment in Arlington, Virginia, when an alleged acquaintance⁴ of Khalifi quietly informed the FBI's Counter Terrorism Division that he witnessed Khalifi, 28 years old at this point, listen and agree with a man who said, "The war on terror is a war on Muslims."⁵ Khalifi replied, "the group needed to be ready for war."⁶

There were two key informants involved in this case. Khalifi met a man he knew as "Hussein" during the summer of 2011.⁷ While Khalifi believed that Hussein was part of an Islamic extremist organization, Hussein was actually an undercover law enforcement officer.⁸ Around December 1, 2011, Khalifi went with Hussein to Baltimore and met a man introduced as "Yusuf."⁹ As was the case with Hussein, Khalifi was under the impression that Yusuf was part of an Islamic extremist organization, while he was actually an undercover law enforcement officer.¹⁰ At this meeting, Khalifi discussed his desire to commit terrorism.¹¹

Khalifi's terrorist plans changed several times over the next two months, but on January 15, 2012, he finally settled on the Capitol building as his target.¹²

¹ John Miller, "Inside the plans of Capitol bomb suspect," cbsnews.com, February 18, 2012.

² "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot," nydailynews.com, September 14, 2012.

³ FBI, "Virginia Man Sentenced to 30 Years in Prison for Plot to Carry Out Suicide Bomb Attack on U.S. Capitol," Press Release, September 14, 2012.

⁴ See Matthew Aid, "Another Terrorist Wannabe Bites the Dust," matthewaid.com, February 18, 2012. I was unable to find corroborating reports for the identity of the informant, but it seems likely that this person is someone El Khalifi knew well and trusted.

⁵ Miller, "Inside the plans of Capitol bomb suspect."

⁶ "Authorities Thwart Attempted Suicide Bombing at the Capitol," adl.org, February 22, 2012.

⁷ U.S. v. El-Khalifi, (E.D. Virginia), No. 1:12-CR-37, Statement of Facts, Filed June 22, 2012.

⁸ U.S. v. El-Khalifi, Statement of Facts.

⁹ U.S. v. El-Khalifi, Statement of Facts.

¹⁰ U.S. v. El-Khalifi, Statement of Facts.

¹¹ U.S. v. El-Khalifi, Statement of Facts.

¹² Miller, "Inside the plans of Capitol bomb suspect."

Unlike his first few plans, however, he planned to attack this target not by remote detonation, but by becoming the first suicide bomber on U.S. soil.¹³ On February 17, 2012, he was dropped off in a parking garage near the Capitol building and began to walk away from the vehicle towards the Capitol wearing what he thought was an explosive vest.¹⁴ He was arrested before he could leave the parking garage.¹⁵ The explosives and firearm provided to Khalifi for the operation were also inoperable, and “posed no threat to the public.”¹⁶

The hundreds of hours of FBI audio and video surveillance tapes made it very difficult to mount a defense and, four months after being arrested, Khalifi pled guilty to attempted use of a weapon of mass destruction.¹⁷ In September 2012, he was sentenced to 30 years in prison, the maximum sentence allowed under the plea deal he struck.¹⁸ After his sentence is served, he will be deported to Morocco.¹⁹

2. Nature of the adversary

Amine El Khalifi was born in Morocco, coming to the Orlando, Florida on a B2 Visa (authorizing tourism travel) in 1999, when he was only sixteen.²⁰ This trip to the United States was allegedly for vacation, and included his parents.²¹ While it is unclear why his parents left and he remained, Khalifi subsequently overstayed his visitor visa, which expired in 1999, living in the country illegally for over a decade.²²

Over the subsequent years he moved from Kissimmee, Florida to Northern Virginia, working at odd jobs.²³ These jobs included being a cook, busboy, and salesman.²⁴ He also worked in retail for several years in the Georgetown neighborhood in D.C. and produced club music.²⁵ According to FBI agents involved in the investigation, “he was a fixture on the D.C. club scene” for his music mixing and production.²⁶

¹³ Fred Kaplan, “Why Suicide Bombers Haven’t Struck American Subways,” *Slate.com*, March 30, 2010. However, some consider the 9/11 attacks to be instances of suicide bombings (with the airplanes being the “bombs”).

¹⁴ Matthew Barakat, “Capitol Bomb Plot Suspect Amine El-Khalifi Promised ‘Martyrdom Payments,’ Court Papers Say,” *huffingtonpost.com*, September 10, 2012.

¹⁵ Department of Justice, “Virginia Man Accused of Attempting to Bomb U.S. Capitol in Suicide Attack,” Press Release, February 17, 2012.

¹⁶ Department of Justice, “Virginia Man Accused of Attempting to Bomb U.S. Capitol.”

¹⁷ The Federal Bureau of Investigation, “Stopping a Suicide Bomber,” Press Release, January 4, 2013.

¹⁸ FBI, “Stopping a Suicide Bomber.”

¹⁹ “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot.”

²⁰ “The Man Behind The Capitol Bomb Plot,” *wbur.org*, February 18, 2012.

²¹ Miller, “Inside the plans of Capitol bomb suspect.”

²² “The Man Behind The Capitol Bomb Plot,” February 18, 2012.

²³ Miller, “Inside the plans of Capitol bomb suspect.”

²⁴ Del Quentin Wilber, “Inside an FBI anti-terrorist sting operation,” *Washington Post*, November 25, 2012.

²⁵ Barakat, “Capitol Bomb Plot Suspect.”

²⁶ Wilber, “Inside an FBI anti-terrorist sting operation.”

At some point during his time as a young adult on the D.C. club scene, Khalifi began taking illegal drugs, leading to a marijuana charge in 2007.²⁷ That same year, he was convicted of misdemeanor assault after an argument in a club and received a five-day sentence.²⁸ The conviction deeply affected Khalifi and caused him to reexamine his life and priorities, eventually heeding his mother's advice to "embrace the Quran."²⁹ He subsequently embarked on a "largely self-taught indoctrination" into extreme interpretations of Islam.³⁰ On the internet he found videos and religious propaganda—particularly material produced by American-born cleric Anwar al-Awlaki—that solidified his extreme views.³¹

According to his former landlord in Arlington, Virginia, Khalifi was a very suspicious character.³² When he moved to Arlington, he originally rented an apartment with a Bulgarian woman who claimed to be married to him.³³ After the Bulgarian woman mysteriously disappeared, Khalifi had at least one other man move in with him and claimed that he and his roommate/s ran a luggage business from his apartment.³⁴ The landlord, however, never saw any luggage and apparently thought that Khalifi was making bombs.³⁵ When the landlord came to tell him to leave, Khalifi threatened to "beat him up."³⁶ In early 2010, after he failed to pay rent again, the landlord took Khalifi to court in order to enforce his eviction.³⁷

From his actions, it is apparent that Khalifi did not believe the FBI would find or target him in any sort of capacity. Both on social media and among other people, he made his extremist views well known. First, he responded to a Facebook post in 2010, which sought to recruit Muslim holy warriors to fight in Afghanistan.³⁸ A confidential informant brought this very public indication of Khalifi's interest to the FBI's attention.³⁹ Second, Khalifi's extremist views were also no secret to his acquaintances, and he frequently discussed his desire to carry out a martyrdom attack to wipe away past sins.⁴⁰ In fact, it appears that it was actually one of his friends who informed the FBI about what Khalifi said in a group meeting during January 2011.⁴¹

He seems to have placed a very high priority on fulfilling his perceived religious obligations. One of these obligations was repaying financial debt, which Khalifi

²⁷ Barakat, "Capitol Bomb Plot Suspect."

²⁸ Barakat, "Capitol Bomb Plot Suspect."

²⁹ Barakat, "Capitol Bomb Plot Suspect."

³⁰ Barakat, "Capitol Bomb Plot Suspect."

³¹ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

³² "Feds arrest man heading to US Capitol for suicide mission," *nypost.com*, February 17, 2012.

³³ "Feds arrest man heading to US Capitol for suicide mission."

³⁴ Nedra Pickler and Eric Tucker, "Amine El Khalifi Arrested: Capitol Suicide Bombing Attempt Halted," *huffingtonpost.com*, February 17, 2012.

³⁵ Pickler and Tucker, "Amine El Khalifi Arrested: Capitol Suicide Bombing Attempt Halted."

³⁶ Pickler and Tucker, "Amine El Khalifi Arrested: Capitol Suicide Bombing Attempt Halted."

³⁷ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

³⁸ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

³⁹ FBI, "Virginia Man Sentenced to 30 Years."

⁴⁰ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

⁴¹ Aid, "Another Terrorist Wannabe Bites the Dust."

insisted he had to pay back before he died.⁴² Hussein and Yusuf, the undercover agents who were involved in the FBI's sting operations against Khalifi, agreed to give him \$4,300 to satisfy his overdue rent. Another obligation, and perhaps a motivating factor behind Khalifi's planned martyrdom, was his mother and father's economic situation. Khalifi believed that one of his most important religious obligations was to take care of his parents, or he would meet God's disapproval.⁴³ He took this obligation so seriously that he was reportedly unwilling to go through with the attack unless Hussein and Yusuf agreed to provide financially for his parents after his death.⁴⁴ During its sting operation against Khalifi, the FBI promised him that, after his suicide bombing, each of his parents would receive "martyrdom payments" of \$500 a month for an indefinite period of time.⁴⁵ The payments would have been sent to Khalifi's parents in Morocco who were in fairly dire financial straits after closing their store in a bazaar in Casablanca, which was their primary source of income.⁴⁶

After studying Khalifi for many months, the Joint Terrorism Task Force determined that he was acting alone.⁴⁷ He was not connected to any wider terrorist network or any overseas group. While he actively sought to be associated with an Islamist extremist group, he was ultimately only recruited by a man he knew as "Hussein," an undercover law enforcement officer.⁴⁸ Khalifi was under the impression that both Hussein and the man he later met, Yusuf, were members of al-Qaeda. The general consensus is that if he had not been contacted and recruited by Hussein, he would have joined whatever armed extremist group that he might have found.⁴⁹

In terms of group dynamics, all open-source information appears to support the theory that Khalifi was the driving force behind any move that the group made. Khalifi chose the targets, starting off with a plan to bomb an office building, only later choosing to target a synagogue, then a restaurant, and finally the U.S. Capitol.⁵⁰ He also chose the medium of attack, beginning with a remote detonation of a caster booster for the first few targets and finally settling on a suicide attack for his final target.

3. Motivation

Most of Khalifi's motivation seems to be deeply religious and personal. When Khalifi talked to his acquaintances about his desire to carry out a martyrdom attack, which he did quite often, he frequently cited his belief that such an attack would wipe away his past sins.⁵¹ It appears that Khalifi also believed that any other sort of jihad against the west, which he held responsible

⁴² "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

⁴³ Barakat, "Capitol Bomb Plot Suspect."

⁴⁴ Barakat, "Capitol Bomb Plot Suspect."

⁴⁵ Barakat, "Capitol Bomb Plot Suspect."

⁴⁶ Barakat, "Capitol Bomb Plot Suspect."

⁴⁷ Miller, "Inside the plans of Capitol bomb suspect."

⁴⁸ Department of Justice, "Virginia Man Accused of Attempting to Bomb U.S. Capitol."

⁴⁹ U.S. v. El-Khalifi, Statement of Facts.

⁵⁰ U.S. v. El-Khalifi, Statement of Facts.

⁵¹ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

for the war on terror (which he considered to be a “war on Muslims”), including joining the fight against the Americans in Afghanistan, would also serve to wipe away sins.⁵² He seemed obsessed with the amount of sin that he believed he committed, including his years doing drugs, living a club-lifestyle, and his assault charge in 2007.⁵³

As part of his religious motivation for the attack, Khalifi also believed that one of his core obligations was to care for his mother and father. His parents were having financial troubles during the FBI’s sting operation, after having to close down a bazaar in Casablanca that had been their primary source of income. The undercover agents motivated Khalifi by promising “martyrdom payments” to his parents of up to \$1,000 a month if he completed the suicide attack. It appears that he would not have gone through with the suicide attack without these promised payments.⁵⁴

4. Goals

The goal of Khalifi’s plot, other than a cleansing of his sins, is rather unclear. His only other expressed goal was a certain body count. On numerous occasions during his discussions with Hussein and Yusuf, Khalifi indicated, “he would be happy if the attacked killed 30 people.” In fact, he was very disappointed after he witnessed a test bomb detonation at a West Virginia quarry simply because he did not think the explosion would be big enough to kill 30 people.⁵⁵

5. Plans for violence

In 2010, Khalifi responded on Facebook to a post seeking to recruit Muslim holy warriors to fight in Afghanistan.⁵⁶ In his response, which was brought to the FBI’s attention by a confidential informant, Khalifi asked the author of the post to contact him.⁵⁷ On January 11, 2011, he met with a group of people at a residence in Arlington, Virginia.⁵⁸ At this meeting was a confidential informant for the FBI’s Counter Terrorism Division, who informed his handlers that he witnessed Khalifi, 28 years old at this point, listen and agree with a man who said, “The war on terror is a war on Muslims.”⁵⁹ Khalifi then said, “the group needed to be ready for war.”⁶⁰ The man he was talking to then pulled out an AK-47 and two fully loaded revolvers, subsequently discussing with Khalifi and the other members of the group what they needed to do to fight back.⁶¹ It is unclear

⁵² “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot.”

⁵³ “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot.”

⁵⁴ Barakat, “Capitol Bomb Plot Suspect.”

⁵⁵ See “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot” and “Would-Be Capitol Suicide Bomber Amine El Khalifi Waives Right To Hearing,” cbslocal.com, February 22, 2012.

⁵⁶ “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot.”

⁵⁷ “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot.”

⁵⁸ Department of Justice, “Virginia Man Accused of Attempting to Bomb U.S. Capitol in Suicide Attack.”

⁵⁹ Miller, “Inside the plans of Capitol bomb suspect.”

⁶⁰ “Authorities Thwart Attempted Suicide Bombing at the Capitol.”

⁶¹ Miller, “Inside the plans of Capitol bomb suspect.”

who this man was or what happened to him, but the FBI was clear aware that the meeting took place.

After monitoring Khalifi's activities for some time, the FBI decided that he posed a significant enough threat to dispatch undercover agents. FBI agents discovered that Khalifi was brokering car sales online and looking to buy a Toyota Prius, and an FBI undercover agent, who Khalifi would know as "Hussein," posted an advertisement online that he was selling a Prius. Khalifi and Hussein met in person in September 2011 and hit off a relationship that began as a business partnership and turned into a more personal relationship. Khalifi felt comfortable talking to Hussein about his desire to commit an act of terrorism and Hussein quietly went along with whatever Khalifi had to say, and led him to believe that Hussein was part of an Islamic extremist organization.⁶²

Around December 1, 2011, Hussein took Khalifi to Baltimore to meet a man introduced as "Yusuf."⁶³ Although Khalifi was under the impression that Yusuf was part of an armed Islamic extremist organization, he actually was an undercover law enforcement officer.⁶⁴ During this meeting, Khalifi asked to be part of Yusuf's armed organization and told Yusuf of his plans to commit an act of terrorism.⁶⁵

Khalifi considered a number of targets before finally settling on the Capitol building.⁶⁶ He first planned to remotely detonate a bomb at an office building in Alexandria, believing that this building housed a number of U.S. military offices.⁶⁷ Within a week of informing Hussein and Yusuf of this plot, he changed his mind and indicated that he wanted to remotely detonate a bomb at Aria Pizzeria, a restaurant in the District of Columbia, believing that U.S. military officials frequented the restaurant.⁶⁸ Unlike his first target, he went to the step of surveilling the restaurant, planning to detonate the bomb at the restaurant's busiest time to ensure maximum casualties.⁶⁹ As late as January 7, 2012, he was still set on bombing a restaurant, followed by a second attack on a military installation.⁷⁰ On the same day, Hussein and Yusuf informed El-Khalifi that they were al-Qaeda operatives.⁷¹

On January 15, 2012, Khalifi informed Hussein and Yusuf that he wanted to change his target to the Capitol Building and his method of attack to a suicide bombing.⁷² This latter transition is significant, as all of his previous plans involved setting a bomb at a particular location and remotely detonating it. Khalifi also set February 17 to be the date of the attack. While it is unclear why he made

⁶² Wilber, "Inside an FBI anti-terrorist sting operation."

⁶³ U.S. v. El-Khalifi, Statement of Facts.

⁶⁴ U.S. v. El-Khalifi, Statement of Facts.

⁶⁵ U.S. v. El-Khalifi, Statement of Facts.

⁶⁶ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

⁶⁷ U.S. v. El-Khalifi, (E.D. Virginia), No. 1:12-CR-37, "Position of the United States with Respect to Sentencing", Filed September 7, 2012.

⁶⁸ U.S. v. El-Khalifi, "Position of the United States with Respect to Sentencing."

⁶⁹ U.S. v. El-Khalifi, "Position of the United States with Respect to Sentencing."

⁷⁰ FBI, "Virginia Man Sentenced to 30 Years."

⁷¹ FBI, "Virginia Man Sentenced to 30 Years."

⁷² Sari Horwitz, William Wan, and Del Quentin Wilber, "Federal agents arrest Amine El Khalifi; he allegedly planned to bomb Capitol," *Washington Post*, February 17, 2012.

this dramatic shift in his plans, his suicide-bombing plan was clearly facilitated by Hussein and Yusuf who agreed to send “martyrdom payments” of \$1000 per month to Khalifi’s parents after his death.⁷³ On the same day, Khalifi traveled with Yusuf and Hussein to a quarry in West Virginia, where he carried out a test-bombing of caster boosters using a cellphone detonation device.⁷⁴ He also appeared to be rather naïve about the power of an explosive device that he could easily carry on his person. During the quarry testing, he expressed a desire to create a large enough explosion to bring down the whole dome of the Capitol building.⁷⁵

Over the month between the practice detonation and the proposed attack, Khalifi regularly traveled to the Capitol building to conduct surveillance, including choosing a spot where he would be dropped off, the exact time for the attack, and the methods he planned to use to avoid law enforcement.⁷⁶ After seeing a number of police officers during his surveillance, he asked for a gun so that he could shoot any law enforcement officers who might try to stop him from entering the Capitol building.⁷⁷ In fact, realizing that he might be captured or impeded before he could detonate his bomb, Khalifi explicitly asked Hussein to remotely detonate the bomb he would be wearing on the day of the attack if he had any problems with security officers.⁷⁸ It is unclear where Hussein would be to know if Khalifi’s attack had been successful or not.

On February 17, 2012, the proposed day of the attack, Hussein and Yusuf picked up Khalifi in a van, gave him an inoperative Mac-10 submachine gun, and helped him get into what Khalifi thought was an explosive coat.⁷⁹ They traveled to a parking garage close to the Capitol building, where Khalifi got out of the car and was swarmed by FBI agents before he could leave the garage.⁸⁰ One of his associates, who was present at the January 2011 meeting, was also arrested on the same day; he was not arrested as part of the terror conspiracy, but for living in the United States illegally.⁸¹

From meetings with undercover officers, it appears that Khalifi had every intention of killing people some way, somehow. During a number of these meetings, he handled an AK-47 and vocally indicated that he wanted to plan an operation “in which he would use a gun to kill people face-to-face.”⁸² According to agents involved in the investigation at the JTTF, he was also aware that his proposed attack would lead to his death.⁸³ One special agent said, “He totally

⁷³ Barakat, “Capitol Bomb Plot Suspect.” Barakat also suggests that Khalifi would not have gone through with a suicide bombing without the promise of these payments.

⁷⁴ Horwitz et al., “Federal agents arrest Amine El Khalifi.”

⁷⁵ Horwitz et al., “Federal agents arrest Amine El Khalifi.”

⁷⁶ FBI, “Virginia Man Sentenced to 30 Years.”

⁷⁷ U.S. v. El-Khalifi, “Position of the United States with Respect to Sentencing.”

⁷⁸ FBI, “Virginia Man Sentenced to 30 Years.”

⁷⁹ Wilber, “Inside an FBI anti-terrorist sting operation.”

⁸⁰ Department of Justice, “Virginia Man Accused of Attempting to Bomb U.S. Capitol.”

⁸¹ Pickler and Tucker, “Amine El Khalifi Arrested: Capitol Suicide Bombing Attempt Halted.”

⁸² FBI, “Virginia Man Sentenced to 30 Years.”

⁸³ FBI, “Stopping a Suicide Bomber.”

believed he was going to die in the attack, and he seemed very much at peace with it” and that “the day of the attack, he was happy.”⁸⁴

Khalifi exercised less discretion in target selection as the sting operation progressed. Initially, his targets were places primarily belonging to or frequented by military personnel (especially generals).⁸⁵ On December 8, 2011, after Hussein questioned his justification for targeting any civilians, Khalifi suggested that he should target an army general instead, indicating that he would research where Army generals live and frequent.⁸⁶ It is unclear why Khalifi appeared to stop caring about whether his targets were related to the military, but he apparently didn’t have any specific targets in mind during the proposed attack on the Capitol building; he just wanted to blow himself up in a crowded enough area to kill 30 people.⁸⁷

On June 22, 2012, as part of a plea agreement struck with the prosecution, El-Khalifi pled guilty to attempting to use a weapon of mass destruction.⁸⁸ The terms of this agreement were relatively steep. In addition to agreeing to a minimum sentence of 25 years, El Khalifi was forced to waive most of his rights, including any protection from removal or deportation after his sentence is served.⁸⁹ He was also forced to claim that he had “no present fear of torture in Morocco,” which removes any protection he might have had under Article 3 of the United Nations Convention Against Torture.⁹⁰ Given Morocco’s poor human rights record with regards to torturing suspected terrorists deported back to the country, this part of the agreement seems rather harsh.⁹¹ On September 14, 2012, Khalifi was sentenced to 30 years in prison.⁹²

6. Role of informants

Informants played key roles in the sting operation against Khalifi. Initially, a confidential informant reported to the FBI that Khalifi had responded to a Facebook post soliciting interest in joining mujahedeen to fight in Afghanistan, asking the person who wrote the post to contact him.⁹³ The two key informants involved in the plot went by the names of Hussein and Yusuf.⁹⁴ It is unclear what motivated the informants or what happened to the informants after Khalifi’s arrest was made.

⁸⁴ FBI, “Stopping a Suicide Bomber.”

⁸⁵ U.S. v. El-Khalifi, Statement of Facts.

⁸⁶ U.S. v. El-Khalifi, Statement of Facts.

⁸⁷ See “Amine El-Khalifi sentenced to 30 years in Capitol bomb plot.” Presumably most, if not all, the people killed would be innocent civilians and not military personnel

⁸⁸ FBI, “Virginia Man Sentenced to 30 Years.”

⁸⁹ U.S. v. El-Khalifi, (E.D. Virginia), No. 1:12-CR-37, Plea Agreement, Filed June 22, 2012.

⁹⁰ U.S. v. El-Khalifi, (E.D. Virginia), Plea Agreement.

⁹¹ See “Just Sign Here: Unfair Trials Based on Confessions to the Policy in Morocco,” *Human Rights Watch*, June 21, 2013. This lengthy report includes a detailed description of the use of torture and ill treatment to obtain statements in trials of persons accused of plotting terrorism in Morocco and abroad.

⁹² FBI, “Virginia Man Sentenced to 30 Years.”

⁹³ FBI, “Virginia Man Sentenced to 30 Years.”

⁹⁴ Barakat, “Capitol Bomb Plot Suspect.”

There is a possibility that the role of the informants in this case constituted entrapment, but this classification appears unwarranted. During the sting operation, Hussein and Yusuf provided Khalifi with almost \$6,000 to cover his living expenses. Some argue that the incentives and support (financial and otherwise) provided constitute entrapment. In this sense, the undercover agents really acted as enablers, providing Khalifi material support, including promised material support (like martyrdom payments), to go through with ideas that he already had in mind. However, even Khalifi's defense lawyers conceded that they did not believe the FBI actions constituted entrapment. Nonetheless, during discussions with the judge, the defense attorneys argued that El-Khalifi might have acted differently if the undercover agents had not so completely isolated him. Every step of the way, Hussein and Yusuf urged Khalifi not to discuss the plot or his views with anyone else. It is quite possible that Khalifi would have acted differently if he were instead encouraged to "validate his beliefs with outsiders--for example, with an imam at his mosque or a family member."⁹⁵

It is important to remember, however, that Khalifi led every step of the way: he expressed interest, he chose the targets, and he chose the method of attack. Khalifi also went by himself to buy component pieces for the improvised explosive device that he later tested.⁹⁶ Additionally, at almost every meeting Khalifi had with them, Hussein and Yusuf would ask him whether there might be a more peaceful way to launch his jihad than the murder of innocent people.⁹⁷ In fact, at one point, El Khalifi became so annoyed by this line of questioning that he told both Hussein and Yusuf to "stop asking him if he wanted to do this."⁹⁸ If Khalifi had not met and trusted Hussein and Yusuf in 2011, it appears that he would have taken any opportunity to commit terrorism.

7. Connections

While Khalifi was under the impression that his handlers were members of al-Qaeda, they were both undercover law enforcement officers and not tied to al-Qaeda or any of its affiliates. After Khalifi's January 2011 meeting, in which he discussed with a group how to be "fight back" against the war on terror, FBI agents, detectives from the U.S. Capitol Police, and other investigators from the Joint Terrorism Task Force (JTTF) closely tracked him to find out if he was part of a wider network.⁹⁹ The JTTF ultimately determined that Khalifi was acting alone and that moving on him would not make the JTTF miss people in the shadows who might strike later.¹⁰⁰

⁹⁵ "Amine El-Khalifi, Man in Capitol Bomb Plot, Sentenced to 30 Years," huffingtonpost.com, September 14, 2012.

⁹⁶ Fantis, "Amine El Khalifi of Alexandria, Va., Planned Suicide Attack on Capitol, FBI Says."

⁹⁷ See Wilber, "Inside an FBI anti-terrorist sting operation." According to Wilber, in past sting operations against suspected terrorists, suspects have simply walked away from plots at this point and never been charged.

⁹⁸ Wilber, "Inside an FBI anti-terrorist sting operation."

⁹⁹ Miller, "Inside the plans of Capitol bomb suspect."

¹⁰⁰ Miller, "Inside the plans of Capitol bomb suspect."

8. Relation to the Muslim community

The case had little to no relation to the wider Muslim community. Khalifi's extremist views were allegedly self-taught and his undercover accomplices urged him not to discuss his plans or views with anyone. According to FBI reports, Khalifi was also not a regular attendee of any mosque.¹⁰¹ One of the few exceptions to this absenteeism is that he reportedly went to Dar al-Hijrah, a Northern Virginia mosque, to pray on the day of his planned attack.¹⁰² The fact that this attendance was the exception rather than the rule for him was lost on many media sources.¹⁰³ Dar al-Hijrah has gained some notoriety in the past for having had anti-American cleric Anwar Al-Awlaki serve as the mosque's imam in 2001 and having Nidal Hasan, responsible of the 2009 Fort Hood massacre, worship at the mosque for a short time during 2001.¹⁰⁴

These FBI reports are contradicted, however, by testimony of an unidentified acquaintance of Khalifi, who said that Khalifi was well known to worshippers at Dar al-Hijrah.¹⁰⁵ Khalifi allegedly stood out at the mosque because of his Mohawk haircut and tattoos, as well as a white towel that he regularly carried for "sweaty palms."¹⁰⁶ While it is unclear which narrative is true, mosque attendance and the wider Muslim community do not seem to have played a significant role in Khalifi's radicalization or the Capitol bomb plot.

9. Depiction by the authorities

After the plot came to light, there were two narratives that the authorities attempted to get across. First, they were interested in calming down the public about the immediate threat posed by Khalifi, portraying him as harmless, pointing out that both his weapon and explosive were inoperable, and saying that he "never posed a threat to the public."¹⁰⁷ Second, in a narrative that became dominant soon after the immediate aftermath of the arrest, authorities depicted Khalifi as the "real deal," a terrorist committed to killing Americans someday, somehow.¹⁰⁸ The authorities used this narrative to reinforce the notion that the U.S. remains under a "continuing threat" from so-called "homegrown terrorism."¹⁰⁹

This contention appeared extensively (understandably so) during Khalifi's subsequent trial and sentencing. Prosecutor sought to portray the "zeal" with which Khalifi went about planning to kill people and the uniqueness of Khalifi's

¹⁰¹ Horwitz et al., "Federal agents arrest Amine El Khalifi."

¹⁰² Horwitz et al., "Federal agents arrest Amine El Khalifi."

¹⁰³ See "Feds arrest man heading to US Capitol for suicide mission."

¹⁰⁴ "Falls Church Mosque Praises Would-Be Bomber's Arrest," nbcwashington.com, February 19, 2012.

¹⁰⁵ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot" and "Would-Be Capitol Suicide Bomber Amine El Khalifi Waives Right To Hearing."

¹⁰⁶ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot" and "Would-Be Capitol Suicide Bomber Amine El Khalifi Waives Right To Hearing."

¹⁰⁷ Horwitz et al., "Federal agents arrest Amine El Khalifi."

¹⁰⁸ Horwitz et al., "Federal agents arrest Amine El Khalifi."

¹⁰⁹ See Manny Fantis, "Amine El Khalifi Of Alexandria, Va., Planned Suicide Attack On Capitol, FBI Says," wusa9.com, February 18, 2012. These were the words specifically used by the Assistant Attorney General for National Security, Lisa Monaco.

target and mode of attack.¹¹⁰ Specifically, the national significance of the plot's target and Khalifi's intention to be the first suicide bomber on U.S. soil were used during Khalifi's trial in support of the harshest allowable sentencing.¹¹¹ During El Khalifi's trial, the authorities used El-Khalifi's criminal past, including his illegal drug use and his assault charge, to depict him as a troublemaker, and this depiction was used to support an effort to obtain the longest allowable sentence under Khalifi's plea agreement.¹¹²

10. Coverage by the media

While media coverage of any event, let alone a potential terrorist attack, is usually alarmist and exaggerated, the coverage of the Capitol bomb plot was rather responsible and controlled. The FBI informed media sources of the sting operation shortly after Khalifi's arrest. And on the day of the attack, it was almost immediately known that both the suicide vest and gun that Khalifi had were rendered inoperable by authorities.¹¹³

The only detail that was not entirely apparent in the early stories was how long the FBI had been following Khalifi. When the story initially broke, media sources indicated that he had only been on law enforcement's radar screen since early December 2011, which was over a year later than the reported date that law enforcement had been tipped off about his response to the terrorist-recruiting Facebook post.¹¹⁴

One of the rather irresponsible narratives in the media coverage was the unqualified revelation that Khalifi "had been praying at a mosque in the Washington area" shortly before his arrest."¹¹⁵ What this coverage failed to mention was that Khalifi's mosque attendance on the day of his proposed attack was the exception rather than the rule. According to FBI sources, Khalifi was not a regular attendee of any mosque.¹¹⁶ More importantly, Khalifi did not become radicalized from the mosque he attended that day, nor did anyone at the mosque have any idea what Khalifi had planned.¹¹⁷

¹¹⁰ Wilber, "Inside an FBI anti-terrorist sting operation."

¹¹¹ U.S. v. El-Khalifi, "Position of the United States with Respect to Sentencing." The view that Khalifi's attack would constitute the first suicide bombing on U.S. soil comes directly from this court document. See Kaplan, "Why Suicide Bombers Haven't Struck American Subways" for a more in-depth discussion of why previous attacks on U.S. soil likely do not constitute suicide bombings.

¹¹² U.S. v. El-Khalifi, "Position of the United States with Respect to Sentencing."

¹¹³ Horwitz et al., "Federal agents arrest Amine El Khalifi."

¹¹⁴ Mike Levine, "Feds arrest man allegedly heading to U.S. Capitol for suicide mission after sting investigation," foxnews.com, February 17, 2012.

¹¹⁵ See "Feds arrest man heading to US Capitol for suicide mission," "Amine El Khalifi, U.S. Capitol bomb sting, waives rights," wjla.com, February 22, 2012, Charlie Savage, "F.B.I. Arrests Man in a Suspected Terrorist Plot Near the U.S. Capitol," *The New York Times*, February 17, 2012, and Levine, "Feds arrest man allegedly heading to U.S. Capitol for suicide mission after sting investigation." None of these sources took the time to indicate that Khalifi was not a regular attendee of any mosque or that almost no one at the mosque had any clue about Khalifi's extremist leanings. Most other sources also indicate that El Khalifi had no connection to the particular mosque he visited that day beyond his one visit.

¹¹⁶ Horwitz et al., "Federal agents arrest Amine El Khalifi."

¹¹⁷ Horwitz et al., "Federal agents arrest Amine El Khalifi."

11. Policing costs

Policing costs seem to have been fairly high during the sting operation. Prosecutors indicated that the FBI had been tracking Khalifi since 2010, when he answered the Facebook post seeking to recruit Muslim holy warriors to fight in Afghanistan.¹¹⁸ Within a month of being informed of a January 2011 meeting, in which Khalifi agreed with his friends that they should be ready for battle, the FBI began to tap his phones, monitor his internet usage, and track his physical movements with teams of surveillance agents.¹¹⁹ The FBI allegedly had El-Khalifi under surveillance around the clock for several weeks.¹²⁰

In addition to the surveillance, authorities also had to pay Hussein and Yusuf. While it is not clear how much either of these undercover agents were paid, it is clear that everything provided or shown to Khalifi by the agents happened on the authorities' dime. These costs included the money provided to Khalifi to cover his living expenses, cars provided by Hussein during their initial business dealings, numerous firearms (such as an AK-47 and the inoperable Mac-10 provided for the plot), multiple cast boosters (stable explosives), and detonation sources.¹²¹

The case was in the courts for seven months even though a plea bargain was agreed to after only four months.¹²²

12. Relevance of the internet

The internet played a key role in tipping off authorities about Khalifi's religious leanings and intention to commit violence. In 2010, Khalifi answered the Facebook post seeking to recruit Muslims holy warriors to fight in Afghanistan, which the FBI later found out about.¹²³ After deciding that Khalifi might pose a real threat, the FBI monitored his internet usage, ultimately confirming that he wanted to participate in what he considered a holy war.¹²⁴

The internet also played a role in connecting the undercover agent known as Hussein to Khalifi. When FBI agents discovered that Khalifi had been looking for a car to buy on the internet, and that he was interested in buying a Toyota Prius, Hussein posted an online advertisement that he was selling one.¹²⁵ Khalifi subsequently contacted Hussein over the internet and set up a time to meet in person.¹²⁶

Like many of the terrorists arrested since 9/11 on U.S. soil, Khalifi was also radicalized online and used the internet to learn how build bombs.¹²⁷

¹¹⁸ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

¹¹⁹ Wilber, "Inside an FBI anti-terrorist sting operation."

¹²⁰ Pickler et al, "Amine El Khalifi Arrested: Capitol Suicide Bombing Attempt Halted."

¹²¹ U.S. v. El-Khalifi, Statement of Facts.

¹²² FBI, "Virginia Man Sentenced to 30 Years."

¹²³ "Amine El-Khalifi sentenced to 30 years in Capitol bomb plot."

¹²⁴ Wilber, "Inside an FBI anti-terrorist sting operation."

¹²⁵ Wilber, "Inside an FBI anti-terrorist sting operation."

¹²⁶ Wilber, "Inside an FBI anti-terrorist sting operation."

¹²⁷ Levine, "Feds arrest man allegedly heading to U.S. Capitol for suicide mission after sting investigation."

Ironically, Khalifi did not use this newfound knowledge from the internet to build the “bomb” for the Capitol plot. If he had, the explosives that were in his vest on the day of the attack might not have been inert. The online aspect of Khalifi’s radicalization is not uncommon. Al-Qaeda has become quite adept at identifying a small group of clerics whose messages of radicalization resonate better than those of the actual al-Qaeda leaders.¹²⁸ The most prominent of these clerics is the American-born Anwar al-Awlaki, who was quite prolific in his posting of videos on YouTube. While some of his messages were rather harmless, discussing mundane topics like health, diet and exercise, most of his material focused on his view of Jihad and the obligation that all young men had to fight against the United States.¹²⁹

13. Are we safer?

While public safety has certainly been improved by the arrest of a man hell-bent on killing a substantial number of people on U.S. soil, it is also important to recognize that, according to some listings, Khalifi’s attempted attack marks the 45th known attempted terrorist attack on U.S. soil since 9/11 and the sixth attempted terrorist attack targeting the District of Columbia.¹³⁰ Though the FBI caught Khalifi early on—and was thus able to render him harmless—it is quite disconcerting to think about how many people like Amine Khalifi are out there that the FBI does not know about.

14. Conclusions

The Capitol Bomb plot stands out from other cases of so-called “homegrown terrorism” in that Khalifi chose such a high-profile target and because he planned on killing himself as part of the operation, which would have made him the first suicide bomber in the United States. Despite this, however, Khalifi wanted to die in relative obscurity. For example, he told Hussein and Yusuf that he had chosen not to make a martyrdom video because he did not want people to know who conducted the attack on the Capitol building. Also, when Hussein informed Khalifi that Ayman al-Zawahiri planned to release a statement about Khalifi’s attack after it was completed, Khalifi’s response was that he wished to “be referred to in the statement only as ‘al maghrabi’ (meaning the Moroccan).”¹³¹

Khalifi made two critical mistakes in handling the plot which led to his ultimate arrest. First, he was too open about his desire to commit an act of terrorism, openly bragging about the fact that he intended to retaliate against what he called America’s “war on Muslims.” Second, he never tried to verify the identities of his “al-Qaeda operative” assistants. At the very least, he could have tried to be put in contact with higher al-Qaeda authorities or to trace Hussein and Yusuf’s backgrounds. He told Hussein and Yusuf everything he planned and

¹²⁸ Miller, “Inside the plans of Capitol bomb suspect.”

¹²⁹ Miller, “Inside the plans of Capitol bomb suspect.”

¹³⁰ Jessica Zuckerman, “Forty-fifth Attempted Terrorist Plot: U.S. Must Resist Complacency,” heritage.org, February 17, 2012.

¹³¹ U.S. v. El-Khalifi, Statement of Facts.

allowed them to take control of crucial parts of his plot like making the bomb and supplying his gun. Perhaps he could at least have tested the gun supplied to him or tried to help with the crafting of the bomb.

The sting operation against Khalifi exemplified successful interagency cooperation. There appears to have been a very high level of communication between the FBI and the Capitol Police, with substantial interagency intelligence sharing long before Khalifi was arrested.¹³² When Khalifi finally arrived in the parking garage on February 17, 2012, swarms of FBI agents and Capitol police were there to meet him.

One of the most befuddling aspects of the case is how Khalifi's immigration status remained unknown for so long. He was able to hold several jobs, be guilty of assault and receive a jail sentence, and be taken to court for an eviction by his landlord without anyone checking the legality of his presence in the United States. While being in the United States illegally is obviously not Khalifi's most heinous crime, catching him sooner and deporting him back to Morocco would have saved the FBI and the Capitol Police a great deal of resources. It is possible that authorities did indeed check Khalifi's immigration status—particularly after first being tipped off about his Facebook post in 2010 and/or his January 2011 meeting—but decided to wait and see what, if any, connection he might have had to other potential terrorists in the United States and abroad. It is also possible that authorities deemed him too dangerous to remain free, even abroad, and sought to find a reason to incarcerate him out of an abundance of caution.

¹³² Zuckerman, "Forty-Fifth Attempted Terrorist Plot."

Case 51: Chicago Bar

John Mueller

March 14, 2014

In 2011, Adel Daoud, aged 17 at the time, started sending out messages and posts to the world from his middle class suburban Chicago home defending Osama bin Laden for “wanting to destroy America” and expressing outrage that the American “superpower” had “killed millions of people.” He said he would like to go to Yemen to fight the United States there, but would also “love to do something to hurt it from the inside.” Attracting the attention of the FBI, he waxed ever more volubly to undercover employees who began communicating with him in the middle of 2012 claiming to be from al-Qaeda. To them he expressed his “personal opinion” that “since you cannot kill ALL Americans” you should “only target good targets that will hurt america as a whole.” He also said he wanted “something that’s...massive” and that’s “gonna make it in the news like tonight.” “Look how scared they’ll be,” he mused, “they’ll think, oh terrorism...it’ll be like frantic” all the while sending a message to Americans that they “should stop abusing people overseas.”¹

Daoud actually met with only one of his FBI handlers in person. After some discussion, the bogus al-Qaeda operative helpfully said he could come up with a car bomb that Daoud could detonate. Now the only task was to pick the target. Saying “I want to get the most evil place,” Daoud conducted a wide search, and eventually came up with 29 “good targets.” By August he had settled on a bar that played music in downtown Chicago. It was, he exulted, the “perfect place.” Making use of “the street view of Google,” he noticed that there was a “liquor store right next to it.” Therefore, “It’s a bar, it’s a liquor store, it’s a concert. All in one bundle.” The place would be filled with “the evilest people.”²

At first, Daoud thought about craftily diverting the police to look southward: “If we put a whole bunch of stuff in there that suggested the terrorists from Alabama...You know, yeah, be smart. Put a whole bunch of stuff . . . You know but you could put somethin’ like in the glove compartment.” But in the end, he decided it best to go fully public, asking his FBI handler to have an al-Qaeda leader announce that “we are responsible for this attack,” and that if the United States “does not stop killing [Muslims]...more attacks will come.”³

On September 15, 2012, Daoud and his bogus accomplice parked the supposed car bomb at the designated target. When Daoud eagerly tripped the detonator from a nearby ally he was arrested.⁴

On hand for the occasion were around 15 undercover agents wearing earpieces—a bartender thought they were doing a “regular sting on underage drinkers.” Told that the bar had been selected by Daoud because it would be filled with “the evilest of people,” the bar’s owner laughed and said, “The evilest of the

¹ Criminal Complaint, United States of America v. Adel Daoud, US District Court, Northern District of Illinois, Eastern Division, September 15, 2012, 7, 13, 15, 19-21.

² Criminal Complaint, 19, 21, 28.

³ Criminal Complaint, 22, 33.

⁴ Criminal Complaint, 34.

evil? He's maybe the most ignorant of the ignorant." At least one worshipper at Daoud's mosque strongly agreed, noting that Daoud "seemed a lot younger than 18," characterizing him as sweet, easily-led, and retarded, and expressing a willingness to bet his life that the teen-ager could never have built a bomb without the FBI's help.⁵

Less "easily-led," or gullible, was a man, called "Individual C" in court documents, who apparently joined Daoud for a while in the plot. However, he became suspicious that the guy they were talking to was a spy. Then, when he and Daoud were yelled at for their jihadist ramblings by mosque leaders, C dropped out of the plot, saying he didn't want to kill "random" Americans, but only those in the military.⁶

By contrast, Daoud seems to have been taken in by the informant to the end. At one point, however, Daoud did say he would "kill" a person who is a spy and that he didn't "take this...lightly." The operative, ever accommodating, replied that "anybody who spies must be killed."⁷ Daoud's arrest, like the lectures from his father and from mosque leaders, did not change his mind about his terrorist efforts. And, as Rachel Cohen documents, he apparently continued to believe in killing spies: while in jail he apparently tried to find someone on the outside to murder the operative who had put him there.

⁵ Kim Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says," *suntimes.com*, September 16, 2012.

⁶ Criminal Complaint, 28.

⁷ Criminal Complaint, 27.

Case 51: Chicago Bar

Rachel Cohen

March 14, 2014

1. Overview

On September 15, 2012, an 18-year-old man named Adel Daoud was arrested for a foiled attempt to detonate a car bomb outside a Chicago bar.¹ He was originally supplied with what he believed to be a bomb by an undercover FBI agent.² After it failed to detonate, he was taken into custody. On August 29, 2013, Daoud was charged with attempting to have an undercover FBI agent killed while Daoud himself was imprisoned.³ Additional delays have emerged as a result of surveillance concerns brought on his behalf. The prosecution and defense are locked in a battle over whether the government needs to disclose the methods of surveillance it used in order to initially flag Daoud as a security risk. After Senator Diane Feinstein's December 2012 reference to the case on the Senate floor, as well as the media attention given to the NSA's expanded surveillance techniques in light of Edward Snowden's May 2013 leaks, the defense argued that they had a right to know if these programs had been used to track Daoud.⁴ The prosecution countered and argued that since no evidence used in their case against him was directly derived from expanded surveillance, they were not obligated to disclose how he was observed.⁵ On August 28, 2013, Judge Sharon Johnson Coleman denied the defense's motion.⁶ However, on September 3, 2013, Judge Coleman vacated her own ruling, leaving the case in limbo as of October 1, 2013.⁷

2. Nature of the adversary

Adel Daoud is an interesting man to study because he has been portrayed strikingly differently by different people. He was raised in a middle-class suburb of Chicago, with his family intact.⁸ In initial news articles, next door neighbors were quoted as calling him "a good kid."⁹ His brother, Amr, has called him "peaceful," referencing a time that Adel Daoud was hit in school and did not retaliate.¹⁰ Amr also referenced his brother's devout nature as evidence of

¹ Michael Schwartz and Marc Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago," *nytimes.com*, September 15, 2012.

² Michael Tarm and Jason Keyser, "Teen Charged with Trying to Blow Up Chicago Bar," *ap.org*, September 15, 2012.

³ Staff, "Adel Daoud, Ill. Teen terror suspect, also charged with plotting to kill undercover FBI agent, prosecutors say," *cbsnews.com*, August 30, 2013.

⁴ Associated Press, "Judge reverses key ruling on surveillance evidence in Adel Daoud Wrigleyville case," *abclocal.go.com*, September 3, 2013.

⁵ Associated Press, "Judge reverses key ruling on surveillance evidence."

⁶ Chuck Goudie, "Government wins major spy ruling in Chicago terror case," *abclocal.go.com*, August 28, 2013.

⁷ Associated Press, "Judge reverses key ruling on surveillance evidence."

⁸ Michael Tarm, "Teen Charged With Chicago Bomb Plot Appears in Court," *nbcchicago.com*, September 17, 2012.

⁹ Tarm and Keyser, "Teen Charged with Trying to Blow Up Chicago Bar."

¹⁰ Schwartz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

peacefulness, saying that he would wake up at 4 a.m. to pray with their father at the mosque.¹¹ Daoud's attorney, Thomas Durkin, has called his client "immature," and in public statements focuses on his client's youth and the fact that he is "socially awkward."¹² The idea that Daoud, in his youthfulness and naiveté, may have been unreasonably influenced by the FBI agents who provided him with the faux car bomb is one that has been at the core of Durkin's public defense.¹³

The idea of peacefulness, though perhaps not the idea of naiveté, runs contrary not only to Daoud's actions on September 15, 2012, but also to many of his online interactions that were made public after his arrest. Daoud sent out e-mails over the summer of 2012 containing PowerPoints defending the actions of Osama bin Laden and advocating violent jihad, which initially attracted the attention of the FBI.¹⁴ Additionally, he clashed several times with imams at his mosque over the idea of violent jihad as a legitimate course of action.¹⁵ Daoud advocated for the use of violence, again running contrary to the peaceful nature the defense has portrayed, and was told not to do so in the mosque.¹⁶

Another theme running throughout many of the statements given to the media by people who knew Daoud was that of a lower mental capacity, going hand in hand with the idea that he was easily to manipulate. Neighbors have referred to him as "a little kid," and stressed the idea that he was "brainwashed" or led astray by others.¹⁷ A less complimentary member of his mosque called him "intellectually challenged" and stated that he would never have had the capacity to build a bomb without the assistance of the FBI.¹⁸

3. Motivation

To question Daoud's capacity to perform an act of terrorism without FBI assistance necessitates also questioning his motivation. It is evident from many of Daoud's behaviors that what attracted the FBI to him in the first place was that he was interested in attempting violent jihad; he was initially targeted for increased observation due to his email solicitation of assistance in killing Americans through jihad in the summer of 2012.¹⁹ Daoud held general anti-American sentiments, and an FBI affidavit stated that he felt that America was at war with Islam and Muslims.²⁰

¹¹ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

¹² Staff, "Adel Daoud, Ill. Teen terror suspect."

¹³ Tarm, "Teen Charged With Chicago Bomb Plot Appears in Court."

¹⁴ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

¹⁵ Kim Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says," *suntimes.com*, September 16, 2012.

¹⁶ Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says."

¹⁷ Alex Perez and Matthew Jaffe, "Neighbor Says Accused Chicago Bomb Plotter 'A Very Nice Guy,'" *abcnews.go.com*, September 17, 2012.

¹⁸ Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says."

¹⁹ Staff, "Teenage 'jihadist' held without bond after being charged with terror plot to detonate car bomb outside Chicago bar," *dailymail.co.uk*, September 21, 2012.

²⁰ Ryan Haggerty, Dawn Rhodes, and Annie Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar," *chicagotribune.com*, September 16, 2012.

However, his motivation for committing terrorism is much hazier. The FBI told Daoud that foreign imams wanted him to engage in terrorism, something that his domestic imams had warned him against several times.²¹ And the question then becomes—would Daoud have been motivated to move from verbally advocating for violent jihad to attempting to perform it without the FBI’s intervention?

The defense in the case says no, understandably. Durkin’s main argument hinges on the idea that Daoud was impressionable and talked into performing a terrorist act because of his belief that doing so was the desire of foreign imams.²² From this point of view, Daoud’s motivation came at least in part from external sources.

While it seems possible that Daoud was influenced somewhat by the FBI and their invented imams, it is also important to remember that Daoud himself took the first step—and many more steps—by attempting to use the internet to facilitate violent jihad. He took the initiative to provide a list of potential targets that would have the largest and most newsworthy impact. The exact contents of Daoud’s list have not been publicly disclosed, but an official statement reads that it featured “military recruiting centers, bars, malls, and other tourist attractions in the Chicago area.”²³ And he repeatedly expressed interest in violent jihad to members and leaders of his mosque. According to the FBI, Daoud spoke of “brainwashing” others to convince them to also join in violent jihad.²⁴ Though it is impossible to know whether Daoud would have attempted violence without the avenue provided by the FBI, it is unrealistic to pretend that his inclinations toward violence stemmed from the FBI’s intervention. Daoud was religiously motivated to commit acts of terrorism before the FBI ever contacted him, but the act itself may have been at least partially motivated by outside influences.

4. Goals

Daoud’s goals fall in line with his motivations. He wanted to kill Americans because he believed in violent jihad, and he wanted to kill as many of them as possible. He provided an FBI informant with a list of 29 targets in Chicago that he believed would have the greatest impact and lead to the largest possible loss of life.²⁵ He also considered the types of people that would be at these locations. Daoud eventually settled on the Cactus Bar & Grill as a target.²⁶ He targeted the bar in part because, according to him, it was going to be filled with “kuffars,” or non-believers, and combined a bar, liquor store, and concert venue into one setting.²⁷

Daoud expressed to the FBI informant his desire that the casualties of the bombing be as high as possible. He allegedly stated that he “wanted something . .

²¹ Staff, “Teenage ‘jihadist’ held without bond.”

²² Tarm, “Teen Charged With Chicago Bomb Plot Appears in Court.”

²³ Schwirtz and Santora, “Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago.”

²⁴ Haggerty, Rhodes, and Sweeney, “Teen held in ‘jihad’ terrorist plot to bomb Chicago bar.”

²⁵ Tarm and Keyser, “Teen Charged with Trying to Blow Up Chicago Bar.”

²⁶ Annie Sweeney, “Hillside teen arraigned in bar-bombing plot,” *chicagotribune.com*, October 11, 2012.

²⁷ Tarm and Keyser, “Teen Charged with Trying to Blow Up Chicago Bar.”

. that's gonna make it in the news like tonight."²⁸ He also expressed a desire that it be clear to the public that the bombing was an act of terrorism.²⁹ Again, this falls in line with his goals of striking back for the perceived American war on Islam, because one of his desires was that Americans understand why the attack was happening.

5. Plans for violence

Daoud initially planned to target an unnamed Chicago nightclub alongside an unidentified partner, but abandoned these plans after his imam and his father learned of them and convinced the partner to back down.³⁰ Daoud was not swayed, and over the course of May and June 2012, he used the internet to seek advice about whether to commit an attack and assistance in doing so.³¹ Two undercover FBI agents contacted Daoud online, and provided him with contact information for a third FBI agent, who supplied Daoud with a Jeep full of what Daoud believed to be explosives.³² Daoud drove the Jeep to the bar, parked, and hit what he believed to be a trigger mechanism as he walked away.³³

6. Role of informants

FBI informants played an extremely large role in this case. After Daoud drew the attention of the FBI through his pro-jihad and pro-Osama bin Laden e-mails, agents reached out to him online in the early summer of 2012.³⁴ Two of them exchanged virtual messages with Daoud in which, according to an FBI affidavit, Daoud advocated for violent jihad.³⁵ After communicating with the agents online, Daoud was introduced to another FBI agent who posed as a terrorist who was living in New York and was the only informant Daoud met with in person.³⁶ Daoud and the third agent met in person six times in Villa Park, a Chicago suburb, during the summer of 2012, and the agent eventually provided Daoud with what Daoud believed to be a car bomb, a Jeep filled with a fake explosive.³⁷ When Daoud attempted to detonate the bomb, the FBI took him into custody.

Daoud's defense attorney would—and does—argue that the role of informants was large enough that the line between informing and entrapping may have been blurred. Without the FBI providing Daoud with access to what he believed to be explosives, Daoud's actions might have been radically different. Although Daoud held strong anti-American beliefs and verbally supported the idea of violent jihad, he was an 18-year-old suburban Chicago resident, and

²⁸ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

²⁹ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

³⁰ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

³¹ Staff, "Teen terror suspect who tried to 'detonate bomb' outside Chicago bar appears in court as lawyer claims he is just an 'immature kid,'" *dailymail.co.uk*, September 17, 2012.

³² Staff, "Teen terror suspect who tried to 'detonate bomb' outside Chicago bar."

³³ Tarm, "Teen Charged With Chicago Bomb Plot Appears in Court."

³⁴ Staff, "Teenage 'jihadist' held without bond."

³⁵ Tarm and Keyser, "Teen Charged with Trying to Blow Up Chicago Bar."

³⁶ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

³⁷ Tarm and Keyser, "Teen Charged with Trying to Blow Up Chicago Bar."

individuals who knew him have voiced doubts to the media that he would have had the ability to act upon any of his radical beliefs without the assistance of the FBI.³⁸ Durkin has also stated that the attack itself was not Daoud's idea, suggesting that the FBI drew Daoud into the plot by playing off his immaturity and religiosity.³⁹

The FBI argues that their informant gave Daoud multiple chances to change his mind about the use of violence and made it clear that he did not have to follow through with the plan to detonate the bomb.⁴⁰ Daoud instead allegedly told the informant that he was "totally fine" with the attack, and led him in prayer that it would be successful.⁴¹ Additionally, Daoud began his online support of anti-American sentiment before the FBI ever contacted him, and he also provided the original list of targets. It is essentially impossible to divine what might have happened had the FBI never contacted Daoud, but when given the opportunity to commit an act of terrorism, Daoud signed on.

The pivotal role of informants in this case led to one of its unique features. On August 29, 2013, Adel Daoud was charged with solicitation of murder of a federal agent, murder-for-hire, and obstruction of justice because he allegedly solicited the murder of the FBI informant who supplied him with the fake car bomb.⁴² The prosecution's statement alleged that Daoud solicited someone "to murder the undercover agent" while he was imprisoned, and the charge of obstruction of justice stems from the prosecution's argument that Daoud did so in order to prevent the informant from testifying.⁴³

The charges stem from the testimony of another inmate in Kankakee County Jail, where Daoud is being held as of October 1, 2013.⁴⁴ The prosecution alleges that an inmate gang leader approached Daoud in his cell, and Daoud expressed a desire to have the FBI informant killed.⁴⁵ Durkin called the allegations "absurd," and implied that the testimony was unreliable.⁴⁶

Regardless of whether Daoud is found guilty or acquitted of these charges, they highlight how important the informants were to this case. Daoud communicated with them extensively, exchanging e-mails throughout the summer of 2012, and met with one of them a sufficient number of times to know identifying features and allegedly to know enough about his role in the investigation to attempt to have him killed.

³⁸ Janssen, "Chicago terror bomber targeted my bar, co-owner of Cal's says."

³⁹ Sweeney, "Hillside teen arraigned in bar-bombing plot."

⁴⁰ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

⁴¹ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

⁴² Jason Meisner, "Feds: Teen arrested in bar bombing plot solicited murder of FBI agent," *chicagotribune.com*, August 30, 2013.

⁴³ Staff, "Adel Daoud, Ill. Teen terror suspect."

⁴⁴ Ron Magers, "Adel Daoud, teen terror suspect, in court on FBI murder attempt," *abclocal.go.com*, September 6, 2013.

⁴⁵ Magers, "Adel Daoud, teen terror suspect, in court on FBI murder attempt."

⁴⁶ Magers, "Adel Daoud, teen terror suspect, in court on FBI murder attempt."

7. Connections

Daoud had no formal connections to terrorist groups, but his admiration for Osama bin Laden and his terrorist acts played a role in his advocacy for violent jihad, as evidenced by his distribution of pro-bin Laden materials via e-mail.⁴⁷ Additionally, the defense alleges that the FBI told Daoud that his plans for terrorism were supported by foreign imams.⁴⁸ Thus, although Daoud had no ties to terrorist groups either foreign or domestic, it is worth noting that his motivation to commit violence was influenced at least in part by the existence of terrorist groups and by his desire to follow in the footsteps of jihadists around the world.

8. Relation to the Muslim community

Daoud was very connected to the local Muslim community, but did not receive support for his actions from local Muslims. He attended the Islamic Foundation School in Villa Park, a Chicago suburb.⁴⁹ Daoud's older brother described him as extremely devout, saying that he would go to mosque for prayers every day at 4am. and expressed interest in going to Canada to go to school to be a sheik.⁵⁰

As discussed above, Daoud's imam opposed the idea of violent jihad, and attempted to talk Daoud down, as did his father. Other attendees of Daoud's mosque expressed to the media their surprise about and opposition to Daoud's actions. Even Daoud's unnamed partner backed down from his plans for violent jihad due to the opposition of the local Muslim community to the idea of terrorism. Although Daoud's views may have been shaped by his extreme religious beliefs, they were not supported by the community as a whole, and were actively rejected by those in leadership roles.

9. Depiction by the authorities

Because Daoud's attempted bombing occurred entirely under the supervision of the FBI, the government had the ability to shape the story very effectively. The U.S. Attorney's office has been careful to stress that the public was never in any danger, because the bomb the FBI supplied Daoud was a fake.⁵¹ The government has arguably also attempted to portray Daoud himself in a particular way; the defense repeatedly has claimed that the government has tried to ignore Daoud's youth and immaturity to portray him as an "international terrorist."⁵² This seems to be an exaggerated charge, but one with definite basis in truth. Daoud was not a particularly smart young man, and his youthfulness and social problems are not referenced in official depictions of him. However, Daoud plotted to commit violence before the FBI ever reached out to him, and so a portrayal of him as a terrorist does seem valid.

⁴⁷ Schwirtz and Santora, "Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago."

⁴⁸ Staff, "Teenage 'jihadist' held without bond."

⁴⁹ Perez and Jaffe, "Neighbor Says Accused Chicago Bomb Plotter 'A Very Nice Guy,'"

⁵⁰ Haggerty, Rhodes, and Sweeney, "Teen held in 'jihad' terrorist plot to bomb Chicago bar."

⁵¹ Staff, "Teenage 'jihadist' held without bond."

⁵² Staff, "Adel Daoud, III. Teen terror suspect."

10. Coverage by the media

The media's coverage of the attempted bombing itself has focused extensively—though by no means exclusively—on sympathetic characterizations of Adel Daoud. Daoud's defense has done an excellent job of focusing on his youth, immaturity, or intellectual inferiority which serves to make him seem less culpable. The media has picked up many of those statements and used them in their portrayals of Daoud, offering up articles citing his neighbors' positive impressions of him, his counselor's views of him as socially inept, or mosque attendees' beliefs that he was not particularly intelligent.

Additionally, because the public was never in immediate danger, the media has not been particularly alarmist in their discussion of the attempted bombing. The plan was under FBI control and thwarted before journalists ever knew it existed, making it easier to report facts in a clear and level-headed way. Many news sources provided longer articles that were both thorough and relatively objective, due to the completeness of the narrative when it was revealed to the public following Daoud's arrest.⁵³

The media's coverage of the continuing developments of the Daoud case, such as his murder-for-hire charges and the revelation that expanded surveillance techniques may have been used in his case, has been understandably somewhat less thorough, bearing the hallmarks of breaking news. The articles have been shorter and more sensationalized; many of them appear only on Chicago-area news sources, while initial coverage was national.⁵⁴

11. Policing costs

Because the surveillance used in the case is still classified, it is difficult to estimate policing costs. The three informants were all FBI agents, meaning that they were on FBI payroll, but it is unlikely that they worked entirely on the Daoud case for the majority of the summer of 2012. These agents were probably paid normally to work on a variety of projects, and Daoud was one of them.

12. Relevance of the internet

The internet played a vital role in the Daoud case. Without the internet and internet surveillance, it is highly unlikely that the FBI would have ever found out about Daoud's anti-American sentiment, as he communicated via emails that were allegedly tracked using expanded surveillance techniques. If the FBI had not been tracking Daoud's online activity and found his pro-violence and pro-Osama bin Laden email exchanges, they would not have ever made contact with him. Many of the correspondences upon which the Daoud case hinges took place via the internet, and even the in-person meetings between Daoud and the informant posing as a New York based terrorist were facilitated over the internet.

⁵³ I found several articles to be extremely useful in this regard while I was compiling this case study, due to their completeness. The two articles that I looked to most frequently for facts of the case were Michael Schwirtz and Marc Santora's article in the *New York Times*, "'Man Is Accused of Jihadist Plot to Bomb a Bar in Chicago,'" and Michael Tarm and Jason Keyser's article for the Associated Press, "Teen Charged with Trying to Blow Up Chicago Bar."

⁵⁴ For continued coverage, Chuck Goudie's work for the Chicago-area ABC affiliate was extremely helpful. His coverage of the expanded surveillance controversy was particularly useful.

It is also questionable whether Daoud would have had the mechanisms to find out about and fixate upon the idea of violent jihad without internet access. The influential people physically present in Daoud's life, such as his father and his imam, did not support his views about violent jihad, and even his one-time partner backed down due to pressure from the community. Without having the support of the internet to turn to, it is possible that Daoud might have backed down also: he needed to contact the FBI in order to obtain the resources and support to construct a bomb. Since the internet is a fact of life in the modern era, it is not relevant to Daoud's defense or character what he might have done without this resource, but the idea is worth considering for the reminder it provides—today, anyone can access devastating information online.

13. Are we safer?

At first glance, it might seem obvious that the public interest was served by monitoring, setting up, and arresting Adel Daoud after he attempted to detonate a bomb in one of America's largest cities. Indeed, on a superficial level, the public is safer with Daoud behind bars. Regardless of whether the defense's arguments of entrapment are valid, Daoud was willing to trigger a car bomb in downtown Chicago. Whether doing so was entirely his idea or at least in part a product of the FBI's coercion, it seems worthwhile to put someone who is either extremely inclined toward violence and/or easy to convince to participate in violence behind bars.

On a deeper level, the Adel Daoud case raises many other more complicated questions about safety in a post-September 11, 2001 America. The Daoud case highlights the great lengths to which the U.S. government is willing to go in order to prevent acts of terrorism, but it also highlights potentially questionable decisions made in order to do so. Until the case is decided, there is no way to definitively declare whether or not Daoud was a victim of entrapment, but the willingness of the FBI to blur the line between investigation and entrapment is worrisome, and not necessarily in the public interest. It also leaves open the potential for profiling and the violation of individual rights. The government would argue that the benefits to the public outweigh the perhaps unwarranted concerns about individual rights, and they might be correct, but the possible conflict is there and worth being cognizant of.

14. Conclusions

Although Daoud acted independently of any foreign organization, his case holds significant implications for United States surveillance policy and national security. It is primarily for this reason that, despite the fact that he was arrested in September 2012, he has yet to stand trial as of October 1, 2013.

On December 27, 2012, Senator Diane Feinstein spoke on the Senate floor to advocate for the reauthorization of the Foreign Intelligence Surveillance Act Amendments Act.⁵⁵ During her speech, she referenced a case involving “a

⁵⁵ The Foreign Intelligence Surveillance Act (FISA), originally passed in 1978, has been amended several times since the events of September 11, 2001, notably by the PATRIOT Act under George W. Bush, and the FISA Amendments Act of 2008 (FAA), which Sen. Feinstein successfully

plot to bomb a downtown Chicago bar” as one in which NSA surveillance had prevented terrorist acts.⁵⁶ Up to this point, Daoud’s defense was unaware that NSA surveillance programs might have been used in order to flag him as a potential threat, and it had no access to any documentation resulting from this type of surveillance.⁵⁷ The government has never shared documentation with the subjects of NSA surveillance, but on June 21, 2013, Durkin filed a motion requesting the defense be granted access to all NSA surveillance-related documents relevant to the Daoud case.⁵⁸ The prosecution has fought Durkin’s motion on the grounds that the information is classified and that no evidence derived directly from expanded surveillance carries out by the NSA will be used in their case against Daoud.⁵⁹

On August 28, 2013, Judge Sharon Johnson Coleman sided with the prosecution and denied Durkin’s motion.⁶⁰ Only six days later, on September 3, 2013, Judge Coleman vacated her own ruling after Durkin argued that it was premature.⁶¹ As of October 1, 2013, Judge Coleman had not released a final decision.

Regardless of which way Judge Coleman decides, the implications for the NSA’s expanded surveillance programs will be significant. Cases like Daoud’s are essentially without precedent, because typically the targets of expanded surveillance methods are never aware that such methods were used. Even in Daoud’s case, the revelation that expanded surveillance was used was a fluke of sorts; only Sen. Feinstein’s speech gave any indication that Daoud was under surveillance that was more stringent than usual.⁶² However, if a precedent of greater transparency is set in this case by Judge Coleman granting the defense’s motion, future cases regarding the targets of expanded surveillance could be affected. As stated, the government has never revealed in the past whether defendants were under expanded surveillance, but the heightened attention placed on the NSA’s surveillance techniques following Edward Snowden’s May 2013 leaks, coupled with a precedent from the Daoud case, could make subpoenaing such documents the norm in terrorism cases.⁶³

sought to renew. The FAA allows for the surveillance of American citizens without a traditional warrant. The full text of the act can be found at <http://www.intelligence.senate.gov/laws/pl110261.pdf>.

⁵⁶ Chuck Goudie, “Teen terror suspect says feds must admit spying on him, Americans,” abclocal.go.com, June 21, 2013.

⁵⁷ Staff, “Adel Daoud, III. Teen terror suspect.”

⁵⁸ Associated Press, “Terror case lawyer asks Senate committee for info,” chicagopublicradio.org, August 27, 2013.

⁵⁹ Goudie, “Government wins major spy ruling in Chicago terror case.”

⁶⁰ Goudie, “Government wins major spy ruling in Chicago terror case.”

⁶¹ Associated Press, “Judge reverses key ruling on surveillance evidence.”

⁶² Ryan Gallagher, “Government Internet Surveillance in Chicago Bomb-Plot Case Can Remain Secret, Judge Rules,” slate.com, August 29, 2013.

⁶³ Edward Snowden was a computer programmer employed by Booz Allen Hamilton, an NSA contractor, who leaked evidence of expanded surveillance techniques used by the NSA to gather telephone data in the U.S. and Europe and track online activities. On June 14, 2013, he was charged with espionage and theft of government property. He was granted political asylum by the Russian government in July 2013. An excellent collection of articles on Snowden can be found at <http://www.theguardian.com/world/edward-snowden>.

Although it seems highly probable that Daoud will be convicted of some or all of the criminal charges against him, it is difficult to predict how some of the most interesting features of the case will work out including Judge Coleman's decision about the defense's motion for access to expanded surveillance documentation. Judge Coleman herself seems less than sure of her course of action on the motion, demonstrated most strikingly by her decision to vacate her own initial ruling.

However, it is fair to say Adel Daoud did in fact push the triggering device of what he believed to be a bomb. Studying Daoud as an individual provides a case study of what a domestic terrorist may look like and from where his or her motivations may stem. Daoud's motivations supposedly resulted from his perceived grievances with American interactions with Islam as a religion. The degree to which his youthfulness and his interactions with the FBI shaped his decisions will be contested by the opposing forces in the case. In court, lawyers will argue how these factors affect his culpability, but for the purposes of this case study, this is much less important than simply understanding that these factors can and did play a role in the decision-making processes of Adel Daoud.

The last conclusion to reiterate is the negative reaction of the Chicago Muslim community to Daoud's actions. At this point in American history, Islamophobia is an unfortunate feature of everyday life.⁶⁴ Fearing an entire religious group because of the actions done by extremists is divisive and reactionary, and overlooks the fact that Islam and extremist Islam are two very different things. All the Muslim leaders in Daoud's community and life opposed his plan for jihad, and attempted to prevent him from advocating for or committing acts of violence. Although these leaders apparently did not report Daoud to authorities, they consistently advocated against his actions and believed they had talked him down. Of all of the takeaways from this case study, particularly prior to Judge Coleman ruling on implications for expanded surveillance, this is perhaps the most important.

⁶⁴ Support for this statement could be found many places, but Reuters published an excellent article on September 21, 2010 with various polls, written by Mark Egan, and titled "Fears rise over growing anti-Muslim feeling in U.S." The one that I found most striking was a 2010 Pew poll reporting that only 30 percent of Americans had a favorable view of Muslims. In 2005, 41 percent of Americans had a favorable view of Muslims. The fact that this number dropped so drastically so long after the events of September 11, 2001, which are often credited with increasing the strong anti-Muslim sentiment in the U.S., speaks to the gravity of the problem.

Case 52: Bombing the Federal Reserve Bank

John Mueller

March 14, 2014

Many of the would-be terrorists who populate these case studies can be characterized as “losers.” However, Quazi Mohammad Rezwanul Ahsan Nafis, aged 22 when he was arrested in 2012 for plotting to explode a FBI-supplied 1000-pound bomb at the Federal Reserve Bank in New York, may be the most impressive example—though Jose Pimentel (Case 48) may give him reasonable competition for the distinction.

Nafis sent an autobiographical letter to the Judge in his trial (appended to this case study) filled with self-deprecating remorse, and most of the independent evidence on the case suggests that he had his self-analysis just about right. He spent his whole life “trying to be someone,” he says, but this effort was “totally void of any success.” A failure from college in Bangladesh, he was sent by his parents with their last savings to the United States where he continued to flunk out.

What Nafis most exhibited, concludes Todd Ives, was a “craving for acceptance.” Becoming more desperate after being jilted by a girlfriend in Bangladesh, he espoused radical jihadist views and caught the attention of some FBI agents. They represented themselves as al-Qaeda and, suggests Ives, Nafis seems to have “just wanted to prove himself capable in the eyes” of the organization—it seems he had finally found a cult that would accept him. He was soon plotting to do “something big. Something very big. Very very very very big, that will shake the whole country... that will make us one step closer to run the whole world.” Seeking “to destroy America,” he decided that “targeting America’s economy” was the “most efficient way to draw the path of obliteration.”

He said he was willing to die in the attack. However, according to the Criminal Complaint, in that event he wanted to go back to Bangladesh “to see his family one last time and to set his affairs in order.”¹ In his letter, Nafis says the trip was “to see whether I find some hope from my family for living on this earth.” His fellow cultists were able to contain their enthusiasm for that idea, and Nafis says the agent “said he was going to cut me off,” something that Nafis said “really hurt.” He was told that the al-Qaeda higher-ups disapproved of such a trip but did authorize a remote controlled bombing after which Nafis could return home. He eagerly agreed with this brilliant idea.

In his letter to the Judge, Nafis ruefully notes that his father had “lost his job because of me” while expressing great pleasure with his court-appointed attorney who he found “not only a good lawyer but also a good person” and who “behaves with me like she is my aunt.”

The Judge was not quite so familial. She said that she did not believe Nafis to be a “hardened terrorist” and that she accepted his remorse as “genuine.”

¹ United States of America v. Nafis, Quazi Mohammed Rezwanul Ahsan, Complaint, 13.

But that, she said, “does not change the fact that he knew exactly what he was doing,” and gave him 30 years.² On the other hand, she could have given him a life sentence. If Nafis’ letter made that difference, it would be his first success in life.

² Mosi Secret, “30-Year Prison Sentence in Plot to Bomb U.S. Bank,” *New York Times*, August 9, 2013.

Case 52: Bombing the Federal Reserve Bank

Todd Ives

March 14, 2014

1. Overview

Quazi Mohammad Rezwanul Ahsan Nafis, 22, was arrested in October of 2012 for attempting to blow up the Federal Reserve Bank in New York with what he believed to be a 1,000 pound super-bomb. The bomb was a fake, and Nafis had been under federal surveillance since he began hatching his plan to attack the United States in July of 2012. On August 9, 2013, he was sentenced to 30 years in prison for attempting to use a weapon of mass destruction and for providing material support to a terrorist organization. Nafis came to the United States from Bangladesh in January 2012 on a student visa with the inclination of carrying out a terrorist attack on U.S. soil. The would-be bomber tried to find assistance and camaraderie on the internet but ended up finding an FBI informant instead. The informant in turn notified an undercover agent of the FBI who pursued a sting operation on Nafis lasting only a few months. In October of 2012, Nafis and the undercover FBI agent assembled an inoperable explosive device which Nafis believed to be a bomb capable of extreme destruction. Nafis quickly found out that he was wrong after being escorted out of New York's financial district by FBI agents, the Federal Reserve Bank standing unscathed. Nafis' background and motivation is complex, if not misguided. Intent on declaring jihad, he came to America with instructions on how to make bombs out of household items, as well as an audio recording of Anwar al-Awlaki.¹ A self-described loner, Nafis never fell into the right crowd, a trend that continued in his partnership with undercover FBI agents.

2. Nature of the adversary

The majority of Nafis' life does not paint the picture of a prototypical terrorist suspect. Even his raising in Bangladesh, a Muslim-majority nation of 160 million people, does not immediately set off red flags. Its citizens certainly do not have the same level of global terrorism as Pakistan, with which it once formed a nation before independence in 1971.² Indeed, portraits of Nafi's life according to friends and family reveal conflicting images, but his peers were still universally shocked upon learning of his charges.

During his trial, Nafis penned a five page letter himself, describing his situation and pleading for mercy from District Judge Carol Amon. In his letter, Nafis states that from a young age he was constantly ridiculed for a stammer problem that has plagued him for years. He writes that he had neither real friends nor a good relationship with his parents. Nafis writes of himself: "I have grown up as a loner. I have spend (sic) my whole life trying to be someone. But I could not be anyone but a total disappointment to myself and my family... My life was

¹ Mosi Secret, "30-Year Prison Sentence in Plot to Bomb U.S. Bank," *New York Times*, August 9, 2013.

² Farid Hossain, "Quazi Mohammad Ahsan Nafis: Federal Reserve Terror Plot Shocks Family," *Huffington Post*, October 18, 2012.

totally void of any success.” Of course Nafis writes his letter to gain a lighter sentence from Judge Amon, but still, he offers the most in depth glance of his upbringing. Nafis continues to explain his coming of age saying that he fell into spending time with radical students as he had no other real friends. He explains that being with the radical students in Bangladesh made him misguided in regards to the teachings of Islam.³

To back up Nafis’ own testimony, it is documented that he was, in fact, severely struggling at least academically. Nafis was expelled from North South University in Bangladesh after failing on examinations. After failing his classes, he was given three months to improve his grades, but the university decided to expel him after not hearing from him. A spokesperson from the university reported that Nafis had been absent since December 2011.⁴

After this, Nafis’ persuaded his parents to send him abroad to the United States in what he termed as an attempt to improve his job outlook. Nafis’ father remarked that he had spent all of his savings to send him to America. Nafis ended up in Missouri, studying cybersecurity at Southeast Missouri State University, but he withdrew after one semester for poor grades, transferring to an unspecified school in Brooklyn.⁵ The university would not identify the school to which Nafis ultimately transferred.

During the summer of 2012, Nafis stated he went to Albany, New York, to find a job where his uncle lives, but he was unable to find work. Nafis later moved to Queens, New York, where once he found a job, he was unable to keep it. At this time, he began to feel mentally and physically unable to be successful. He described himself as “falling into a deep depression.” He also spoke of a girl in Bangladesh who had cheated on him, and said he “felt like the whole sky fell down over my head.”⁶ In the end, Nafis described himself as depressed but unable to kill himself because suicide was forbidden by Islamic law. Because of this limitation, Nafis said he “lost the ability to think straight, I went crazy. And that way I justified my killing myself with a jihadist act.”⁷

The difficulty in assessing Nafis’ character stems from the fact that he is the only person to provide an actual account of himself, and this account is biased since it is an attempt to sway a federal judge to hand down a more lenient sentence. Nafis’ identification with radical Islamism becomes difficult to trace as his peers and family never had a clue as to his extremist beliefs. Dion Duncan, a fellow student of Nafis in Missouri and a member of the same Muslim organization that Nafis also participated in noted that “Nafis was a good kid. He showed no traces of anti-Americanism, or death to America, or anything like that.

³ See Quazi Nafis, “Quazi Nafis’s letter to U.S. District Judge Carol Amon,” from *Newsday*, July 31, 2013. <http://www.newsday.com/news/new-york/quazi-nafis-s-letter-to-u-s-district-judge-carol-amon-1.5850943> See also the appendix to this case.

⁴ Dean Nelson, “New York Fed bomb plot: how Quazi Nafis became radicalized,” *Telegraph*, October 18, 2012.

⁵ Colleen Long, “Obama Was Allegedly Considered As A Target In Terrorism Plot,” *Huffington Post*, October 18, 2012.

⁶ Nafis, “Quazi Nafis’s letter,” 2.

⁷ Nafis, “Quazi Nafis’s letter,” 2.

He was a trustworthy honest kid.”⁸ Jim Dow, a 54-year-old Army veteran who rode home from class with Nafis twice a week said of the situation, “I can’t imagine being more shocked about somebody doing something like this.”⁹ He continued, “We talked quite a bit... And this doesn’t seem to be in character.”¹⁰ In fact, what interested Dow the most was that Nafis specifically talked about true Muslims not believing in violence.¹¹ Furthermore, according to family members, Nafis never showed any sign of radicalization when he was in Bangladesh.¹²

As stated, it is difficult to rectify the testimonials of Nafis’ closest peers and family members against his own testimony and even further with his own actions. Nafis is the only person to give an account of his radicalization, and this account must be tempered with the fact that it was intended to gain sympathy and portray him in a better light. It is true, though, that Nafis struggled to succeed in almost everything he did. He failed in the workplace, he failed in school, he had a tenuous relationship with his family, and he struggled to make friends. It is certainly possible that Nafis struggled with mental health after this failure. Thus, it logically flows that his purported depression could lead him to radicalize or fall into the wrong groups.

3. Motivation

As Nafis’ radicalization was so misguided and unexpected, his motivations for attacking the United States are equally difficult to assess. A criminal complaint filed by John Neas provides the most complete answer as to what drove Nafis to commit a terrorist attack on U.S. soil.¹³ Neas is a Special Agent with the Federal Bureau of Investigation who had been employed by the FBI for approximately two years at the time of Nafis’ arrest. He is assigned to the New York Joint Terrorism Task Force (JTTF) which is dedicated to investigating counterterrorism-related matters. In early July 2012 Nafis told a FBI confidential human source (CHS) that he admired Sheikh “O,” whom the CHS understood to be Osama bin Laden.¹⁴ Furthermore, Nafis told the CHS that he admired the magazine starting with “I,” which the CHS understood to be the al-Qaeda-affiliate-sponsored publication *Inspire*.¹⁵ Around the same time, Nafis described the United States to the CHS as “dar al-harb,” which means “land of war” in Arabic.¹⁶ Nafis indicated to the CHS that he believes it permissible to travel to the United States for solely two reasons: for “dawaa,” which means “preaching,” or

⁸ Long, “Obama Was Allegedly Considered.”

⁹ “SEMO classmate is shocked at terror subject’s arrest,” *St. Louis Post-Dispatch*, October 19, 2012.

¹⁰ “SEMO classmate is shocked.”

¹¹ “SEMO classmate is shocked.”

¹² Nelson, “New York Fed bomb plot.”

¹³ See *United States of America v. Nafis, Quazi Mohammed Rezwanul Ahsan*, Complaint, *Investigative Project on Terrorism*, <http://www.investigativeproject.org/case/625>.

¹⁴ *United States of America v. Nafis*, Complaint, 4-5.

¹⁵ *United States of America v. Nafis*, Complaint, 4-5. *Inspire* is an English-language online magazine reported to be published by al-Qaeda in the Arabian Peninsula. The magazine includes recruiting material for al-Qaeda and provides information about how to carry out particular types of terrorist attacks.

¹⁶ *United States of America v. Nafis*, Complaint, 5.

for “J, which the CHS understood to mean “jihad.”¹⁷ Around August of 2012, Nafis told an Undercover FBI agent (UC) that he understood and was committed to al-Qaeda’s ideology.¹⁸ At the time of his attempted attack, he provided the UC with a thumb drive containing an article he had written about his motivations for the attack. In the article, Nafis quoted “[o]ur beloved Sheikh Osama bin Laden,” in justifying the murder of women and children in the attack.¹⁹ Nafis was hopeful that his article would eventually be published by *Inspire* magazine. Of course this was never a possibility.²⁰

Between citing Osama Laden, subscribing to the teachings of al-Qaeda and *Inspire* magazine, and listening to Anwar al-Awlaki, Nafis was clearly influenced by radical Islamic ideology. Interestingly, Nafis really never exhibited grievances toward the United States or U.S. policy. Perhaps Nafis was simply so captivated by these extremist messages. Clearly, Nafis admired *Inspire* magazine and even aspired to be featured in it. It could be the case that Nafis, a failure at everything, just wanted to prove himself capable in the eyes of al-Qaeda, an organization which he increasingly came to identify himself with.

4. Goals

As puzzling as Nafis’ case is, his goal was almost foolishly simple. Nafis was on record telling the UC that he just wanted “something big. Something very big. Very very very very big, that will shake the whole country... that will make us one step closer to run the whole world.”²¹ Nafis’ could not stress the magnitude of his planned attack enough, stating that he wanted to “do something that brothers coming after us can be inspired by us.”²² In August of 2012, Nafis first stated the idea of targeting New York’s financial district, specifically the New York Stock Exchange.²³ He wanted enough explosives to decimate the NYSE building in its entirety. Later Nafis would change his target to the New York Federal Reserve Bank. He also indicated that he was aware that such an attack would result in a large number of civilian casualties.²⁴ Nafis was unclear as to whether mass casualty was the goal, or simply that casualties were permissible.

In the aforementioned thumb drive article that Nafis wrote, he mentioned “all I had in my mind are (sic) how to destroy America... I came up to this conclusion that targeting America’s economy is [the] most efficient way to draw the path of obliteration of America as well as the path of establishment of Khilapha.”²⁵ He indicated that he picked the Federal Reserve Bank of New York because it was the largest by assets, most active by volume, and most influential

¹⁷ United States of America v. Nafis, Complaint, 5.

¹⁸ United States of America v. Nafis, Complaint, 5.

¹⁹ United States of America v. Nafis, Complaint, 16.

²⁰ United States of America v. Nafis, Complaint, 16. The thumb drive currently remains in FBI custody.

²¹ United States of America v. Nafis, Complaint, 8.

²² United States of America v. Nafis, Complaint, 9.

²³ United States of America v. Nafis, Complaint, 9.

²⁴ United States of America v. Nafis, Complaint, 13.

²⁵ United States of America v. Nafis, Complaint, 16.

of all the Federal Reserve Banks.²⁶ His goal was clear—to inflict as much damage on America as possible. He naively believed that he could dent America’s economy through targeting a Federal Reserve Bank. He was keen on making a statement, and he believed attacking New York’s Financial District would best serve this goal.

5. Plans for violence

In early July 2012, Nafis first contacted an FBI confidential human source (CHS) and subsequently attempted to recruit the CHS into a jihadist cell in order to carry out a terror attack on the United States.²⁷ Authorities reported that Nafis reached out to the CHS through the internet, although they never provided any further details regarding the contact. In a call placed to the CHS, Nafis informed the CHS that he was from Bangladesh and said that he came to the U.S. to wage jihad.²⁸ Nafis also mentioned that he was in communication with an individual in the United States, a co-conspirator.²⁹ The accomplice, who lived in San Diego, was later arrested on unrelated child-pornography charges.³⁰ The accomplice, Howard Willie Carter II, was placed under surveillance in San Diego as early as August 2012, but officials waited until after Nafi’s arrest to detain Carter on different charges.³¹ On July 6, 2012, Nafis revealed that he was in New York City and that he wanted to recruit others to join the group. He also discussed the possibility of “martyrdom” during the conversation.³² Between July 6 and 8, Nafis began to communicate via Facebook with the CHS, discussing the possibility of killing a high-ranking government official.³³

Nafis was introduced by the CHS to the undercover agent (UC) in mid-July 2012. Nafis was led to believe that the UC was an affiliate of al-Qaeda, and was eventually convinced that he was working for the terrorist group. Around August 5, Nafis stated that he was considering the New York Stock Exchange as a possible target.³⁴ By August 9, FBI agents conducting surveillance on Nafis observed him in the area of the Stock Exchange, assessing the suitability of the target.³⁵ On September 15, Nafis told the UC that he wanted multiple vehicles involved in the attack as well as the participation of other individuals.³⁶ He also indicated that he intended to kill himself in the attack, but he wanted to return to Bangladesh first to set his affairs in order.³⁷ A few days later, Nafis again met with the UC to identify possible storage spaces where he could assemble and hide

²⁶ United States of America v. Nafis, Complaint, 17.

²⁷ United States of America v. Nafis, Complaint, 4.

²⁸ United States of America v. Nafis, Complaint, 4.

²⁹ United States of America v. Nafis, Complaint, 5.

³⁰ Mosi Secret, “F.B.I. Arrests Second Suspect in Bomb Plot Against Bank,” *New York Times*, October 18, 2012.

³¹ Secret, “F.B.I. Arrests Second Suspect.”

³² United States of America v. Nafis, Complaint, 6.

³³ United States of America v. Nafis, Complaint, 6.

³⁴ United States of America v. Nafis, Complaint, 9.

³⁵ United States of America v. Nafis, Complaint, 9.

³⁶ United States of America v. Nafis, Complaint, 12.

³⁷ United States of America v. Nafis, Complaint, 12-13.

the bomb he was planning to construct.³⁸ Prior to the meeting, Nafis had scouted several potential storage locations, which he directed the UC to examine. Around this time, Nafis had also told the UC that he was considering attacking the New York Federal Reserve Bank, instead of, or addition to, the New York Stock Exchange.³⁹

In a September 27 meeting, the UC explained to Nafis that if he returned home, he risked having his terrorist plot detected by U.S. law enforcement and that al-Qaeda leaders did not authorize a return trip home to Bangladesh, but did authorize Nafis to use a remote-controlled explosive device, rather than a suicide attack so that Nafis could return home after the attack.⁴⁰ Nafis responded excitedly to the new plan to detonate an explosive device remotely because he believed it would allow him to conduct additional attacks on U.S. soil.⁴¹

On October 4, Nafis and the UC traveled to a warehouse in eastern New York that Nafis believed was suitable for storing the explosives.⁴² By this time, Nafis had already gathered numerous items for use in the explosive device, including batteries and other electrical components.⁴³ Nafis and the UC went on to purchase additional components to construct the explosive device. A week later, Nafis met the UC and transported what he believed to be explosive material to the warehouse.⁴⁴ In total, Nafis and the UC unloaded approximately twenty fifty-pound bags of the purported explosive material. The material, unbeknownst to Nafis, was inert and posed no actual threat to the safety of the public.⁴⁵ After this meeting, Nafis informed the UC that he had purchased a second cellphone for detonation of the device.⁴⁶ Nafis had also returned to the financial district another time, once again to scout the site of his upcoming attack.⁴⁷

On October 15, 2012, the UC called Nafis and informed him that they would be ready to proceed with the attack on October 17. Nafis stated that he was eager to proceed with the attack on that day.⁴⁸ On the morning of October 17, Nafis and the UC met and drove to the warehouse in a van the UC had acquired.⁴⁹ The pair drove to the warehouse to assemble what Nafis believed to be a one-thousand pound bomb. Nafis himself assembled the detonation device.⁵⁰ It remained unclear where he developed the skills to make the device. Nafis had also collected the empty bags of the inert explosive material and placed them in the van. He told the UC that he collected the extra bags because he believed there might be residual explosive material in them that could strengthen the bomb.⁵¹

³⁸ United States of America v. Nafis, Complaint, 13.

³⁹ United States of America v. Nafis, Complaint, 13.

⁴⁰ United States of America v. Nafis, Complaint, 14.

⁴¹ United States of America v. Nafis, Complaint, 15.

⁴² United States of America v. Nafis, Complaint, 15.

⁴³ United States of America v. Nafis, Complaint, 15.

⁴⁴ United States of America v. Nafis, Complaint, 16.

⁴⁵ United States of America v. Nafis, Complaint, 16.

⁴⁶ United States of America v. Nafis, Complaint, 17.

⁴⁷ United States of America v. Nafis, Complaint, 17.

⁴⁸ United States of America v. Nafis, Complaint, 17.

⁴⁹ United States of America v. Nafis, Complaint, 17.

⁵⁰ United States of America v. Nafis, Complaint, 18.

⁵¹ United States of America v. Nafis, Complaint, 18-19.

Nafis and the UC then drove the van from the warehouse to the New York Federal Reserve Bank, parked the vehicle, and walked to a nearby hotel. Once inside the hotel room, Nafis requested to film a video statement for the attack. The UC obliged, and in the statement Nafis declared “we will not stop until we attain victory or martyrdom.” Nafis then placed several phone calls to the detonation device. These calls were observed by the UC and also captured by a court-authorized pen register/tap and trace devices placed inside the cellphones used for detonation. To be sure, FBI agents also inspected the van to visually confirm that the detonator had been activated. After confirmation, Nafis was arrested.⁵²

Nafis was eventually indicted on two counts. The first count was the attempt to use a weapon of mass destruction, an explosive bomb, against persons and property within the United States: one or more facilities of interstate and foreign commerce, the New York Federal Reserve.⁵³ The second count was the attempt to provide material support, including communications equipment, explosives, and personnel to a foreign terrorist organization, al-Qaeda.⁵⁴ As noted, Nafis eventually plead guilty and was sentenced to 30 years in prison.

From the very beginning, Nafis was working with FBI agents and never had a chance of actually attacking the United States. Nafis may have come to the U.S. with intent to terrorize, but it is difficult to assess the likelihood that he would have carried out a terrorist attack without the aid of undercover agents. Judge Amon was convinced that Nafis was capable of executing “this plan or something similar, perhaps a less grand one, had he not been discovered.”⁵⁵ Nafis had no formal training, but certainly had the rudimentary ability to construct at least small scale explosives. There is no question that Nafis was committed to his cause, and he actively sought an al-Qaeda connection to facilitate his terrorist plot. It is likely that Nafis would have attempted at least some attack had he not been thwarted by undercover agents. Would the attack have been on the scale of a thousand-pound bomb? Probably not.

6. Role of informants

Informants played a crucial role in discovering, developing, and ultimately thwarting Nafis’ terrorist plot aspirations. At least one confidential source was involved in the sting operation as well as at least one undercover agent. Furthermore, a surveillance team was used and the Joint Terrorism Task Force was involved. The exact logistics of the operation were never released or made explicitly clear, but no insignificant amount of personnel was used in this case. Investigators would not comment as to how Nafis initially came into contact with the informant, and thus little information is available regarding his role.⁵⁶ The undercover agent (UC) was instrumental in Nafis’ arrest. The only name of an

⁵² United States of America v. Nafis, Complaint, 19.

⁵³ United States of America v. Nafis, Quazi Mohammed Rezwanul Ahsan, Indictment. *Investigative Project on Terrorism*, <http://www.investigatveproject.org/case/625>.

⁵⁴ United States of America v. Nafis, Indictment.

⁵⁵ Secret, “30-Year Prison Sentence in Plot to Bomb U.S. Bank.”

⁵⁶ Long, “Obama Was Allegedly Considered.”

individual involved in the operation that was released was John Neas. Aside from this, little information exists regarding informants and undercover agents.

The undercover agents struck an even balance in helping Nafis develop his plot, but not leading him too far. Although suggestions were made from time to time, Nafis by and large took the lead on most of the operation. Entrapment did not seem to be an issue in this case as Nafis intent was unquestionable, and he had been the architect for most of the plot. The largest input that the UC made was telling Nafis that he could not fly home to Bangladesh and that he should use a remote detonation device rather than a suicide bomb. This did not seem to be an issue of entrapment as Nafis was ecstatic at the idea and even remarked that this would allow him to carry out future terrorist attacks. In sum, informants played a huge role in discovering Nafis and facilitating his plot without interfering to the point of entrapment. Without informants, Nafis could have potentially contacted nefarious agents and been potentially dangerous.

It is also of note the extreme trust the agents developed in their relationship with Nafis. In his letter, Nafis states that it is almost unbelievable how nice the agents were to him from day one, and he even said he felt like a “younger brother” to them.⁵⁷ Again, Nafis writes his letter to praise America and gain sympathy, but there is something to be stated of the respect he retains toward the undercover agents even after they turned him in. The agents’ job must be commended in that they saw Nafis’ craving for acceptance, and they played off of it to cement their credibility as al-Qaeda agents in Nafis eyes.

7. Connections

According to federal official, Nafis had no known ties to al-Qaeda.⁵⁸ Although steeped in radical Muslim ideology, Nafis had no connection to terrorist groups either in the United States or Bangladesh. He was entirely self-motivated, and although he tried to reach out to al-Qaeda, he ultimately failed. Nafis did have one connection to a co-conspirator in California but he was not revealed to have any connection to terrorist groups either and was ultimately arrested on charges of child pornography. Certainly a terrorist cell was not operating in this case, but Nafis did have some relation to terrorist organizations in reading publications such as al-Qaeda’s *Inspire*.

8. Relation to the Muslim community

Nafis hailed from a Muslim country and says he began radicalizing after falling on hard times in school. Interestingly, he was involved in a non-radical Muslim organization at Southeast Missouri State. As mentioned, he also told people that Islam was a nonviolent religion. Ultimately, Nafis became swayed enough by the extremist Muslim ideology to attempt a terrorist attack.

Needless to say, the Muslim community, especially the Bangladeshi faction did not react favorably to Nafis’ actions. Bangladeshis rallied a few days after his arrest in Queens, New York, to condemn the actions of the would-be bomber. The Bangladeshi community cautioned against others condemning their

⁵⁷ Nafis, “Quazi Nafis’s letter,” 2.

⁵⁸ Long, “Obama Was Allegedly Considered.”

own community for the actions of one person. About 100 Bangladeshis rallied at the event, demanding swift justice of Nafis. The community was puzzled about Nafis' attempt to commit a terrorist attack against the United States, and Sajda Solaiman, vice president of the Bangladesh Association of America Inc., commented that he had "never heard of anybody from Bangladesh being involved with anything like this."⁵⁹

9. Depiction by the authorities

The authorities largely kept this case under wraps. They chose not to create a big stir about the whole ordeal and only issued a few statements from arrest to sentencing. John Carlin, Acting Assistant Attorney General for National Security simply stated, "With the sentence handed down today, Rezwanul Nafis is being held accountable for his attempt to carry out a terrorist attack on U.S. soil. I applaud my agents, analysts, and prosecutors who ensured that his deadly plans never came to fruition and who are responsible for today's successful outcome."⁶⁰ Most of the authorities' reaction was in praise of their counterterrorism units rather than anything directed at Nafis. U.S. Attorney for the Eastern District of New York, Lorreta E. Lynch stated that Nafis' "extensive efforts to strike at the heart of the nation's financial system were foiled by effective law enforcement. We will use all of the tools at our disposal to stop any such attack before it can occur."⁶¹

The authorities' response to this case was responsible. They tried to keep the case from becoming overblown, and they managed it well from that standpoint. Quite simply, the authorities largely kept the case on the hush. They responded swiftly and effectively to Nafis throughout the entire operation and subsequent trial without causing a stir.

10. Coverage by the media

Because Nafis' bomb plot failed to come to fruition, the media never really went wild with his story. Most of the publications came out either around Nafis arrest or around the time of his sentencing with almost nothing in between. The story was covered by most of the United States' major national news sources and all of New York's major news outlets. The story was also covered by Bangladeshi news outlets such as *Bangla News 24* and *The Daily Star*. Both of these newspapers are among Bangladesh's most prominent English news sources. Most of the news sources covered the story accurately as it developed. Because so little information was released by the authorities, the newspapers only had basic facts to report. The largest source of information came from court documents themselves by large margin.

11. Policing costs

⁵⁹ Igor Kossov, "Bangladeshis condemn Fed bomb plot suspect," *Newsday*, October 21, 2012.

⁶⁰ United States of America v. Nafis, Quazi Mohammed Rezwanul Ahsan, Sentencing Press Release, *Investigative Project on Terrorism*, <http://www.investigativeproject.org/case/625>.

⁶¹ United States of America v. Nafis, Quazi Mohammed Rezwanul Ahsan, Arrest Press Release, *Investigative Project on Terrorism*, <http://www.investigativeproject.org/case/625>.

Nafis case was a sting operation that lasted only several months, and only involved a few agents on the ground. As stated, there was a confidential informant, an undercover agent, and at least one surveillance team that monitored Nafis as he scouted out locations for his bomb. The Joint Terrorism Task Force office was also involved. In total, it is difficult to put a number on the amount of agents used in the operation. Although no figures were released by authorities, the case was relatively open and shut. Policing costs over the several-month sting involved a few undercover agents at least and purchased bomb supplies. There is no telling what dollar amount these costs added up to as the finer details of the case were never revealed. Nafis was arrested in late October 2012 and was sentenced in August of 2013. Thus the case made its way through the courts in less than ten months.

12. Relevance of the internet

The internet was definitely a factor in this case, but the degree to which it was relevant was never reported fully by the authorities. Facebook was mentioned specifically as a communication device between the confidential source and Nafis. It is unreported, though, to what extent social media was used for communication purposes. It was also stated that Nafis had used the internet to contact al-Qaeda, but again authorities never revealed how exactly they came into contact with Nafis. In regards to communication between Nafis and the undercover agent, most of the meetings took place in person, and phone calls were also exchanged. The best that can be said of the relevance of the internet and specifically social media is that it played a role, but the full extent of that role is unknown to the public

13. Are we safer?

U.S. attorney Lynch perhaps best answers the question of are we safer in stating, “Nafis came to the United States radicalized and bent on fighting jihad here in our homeland. He sought to commit mass murder in downtown Manhattan in the name of al-Qaeda. The prospect of widespread death and destruction could not dissuade his deadly plan. Nafis’ goals of martyrdom and carnage were thwarted by the vigilance of law enforcement.”⁶² Lynch articulates Nafis’ case well. It is hard to tell exactly how dangerous he was because he had no real ties to any terrorist organization. Still he was steeped in Islamic radicalism and was determined to attack the United States in some form. At any time Nafis could have backed out of this operation, but instead he chose to increase the magnitude of death and destruction he wished to accomplish.

Nafis came to the United States with instructions and how to build a bomb and only gained momentum from there. There is no doubt that Nafis was a threat to the general public. Even if he was unable to build a thousand-pound super-bomb, he still was capable of inflicting damage on the populace. Law enforcement officials were diligent in pursuing a radical individual bent on attacking the United States, and the country is indeed safer for it.

⁶² US v. Nafis, Sentencing Press Release.

14. Conclusions

Quazi Nafis presents an interesting case in that he grew up a seemingly normal kid in a country that was not well-known for terrorist activity. It seems almost by chance that Nafis fell into a radical Islamic tradition. By his own account, he was just looking for any sort of acceptance, and apparently extremism afforded it to him. Through his college years, Nafis was downtrodden, leaping from failure to failure academically and in the job marketplace. He attests that this series of failures made him depressed, and allowed him to rationalize a jihadist attack on the United States. Ultimately, Nafis did not know what he was getting himself into. An amateur with no connections to terrorist organizations, Nafis fell right into the FBI's hands. When he thought he struck gold with al-Qaeda, Nafis began planning what he thought would be his first success in life, a major terrorist attack on U.S. soil. Little did Nafis know, though, that this would be his swan-song in a long list of failures.

Nafis' case illustrates just how diligent the government must be in assessing potential terrorist suspects. Nafis, by all accounts, was a normal person who did not hold nonviolent beliefs. In a relatively short amount of time though, Nafis shocked his family and peers by being arrested in a bomb-plot. His case reveals what can push a seemingly normal person into a jihadist mentality.

Somewhat unique to Nafis' ordeal is that he offers his own account of his actions, and actually expresses remorse, at least on paper, for what he tried to do. In his letter to Judge Amon pleading for sympathy, Nafis wrote, "I am extremely sorry for what I have tried to do is a terrible thing. The only thing that comforts me now, is nobody was hurt because of my stupidity."⁶³ Nafis even renounces radical ideology stating, "I do not believe in the Radical version of Islam anymore. I hate it from the bottom of my heart... I will always regret for my support for it which partly lead me to a crazy act. My remorse for my actions will never cease until my departure from this earth."⁶⁴ Nafis goes on to blame the misfortunes of his life for his actions. He states that without these misfortunes, he would have never fallen into radical Islam and would never have committed such atrocities.⁶⁵ Nafis' account of his actions is interesting to say the least. Judge Amon remarked that she did not believe Nafis was a hardened terrorist and accepted his remorse as genuine.⁶⁶ Still she believed that this did not change the fact that he knew exactly what he was doing. Regardless of what led Nafis down this path—depression, the search for acceptance, mental instability—Nafis time and time again showed his willingness to kill civilians and attempt to bring down America's economy. From that standpoint, federal officials were right to pursue Nafis as diligently as they did because he was more than willing to inflict damage upon the United States, no matter the scale of the attack that he was capable of.

Appendix: Quazi Nafis's letter to U.S. District Judge Carol Amon

⁶³ Nafis, "Quazi Nafis's letter," 1.

⁶⁴ Nafis, "Quazi Nafis's letter," 1.

⁶⁵ Nafis, "Quazi Nafis's letter," 3.

⁶⁶ Secret, "30-Year Prison Sentence in Plot."

July 31, 2013

The Honorable Carol Bagley Amon
Chief United States District Judge
Eastern District of New York

Dear Judge Amon,

I am Quazi Mohammed Rezwanul Ahsan Nafis. I am extremely sorry for what I have tried to do is a terrible thing. The only thing that comforts me now, is nobody was hurt because of my stupidity.

I do not believe in the Radical version of Islam anymore. I hate it from the bottom of my heart. It is purely evil and inhumane. It is not Islam at all. I will always regret for my support for it which partly lead me to a crazy act. My remorse for my actions will never cease until my departure from this earth.

Please accept from me the following not only as vivid explanation for my present feeling of remorse for my actions but as a clear acceptance of responsibility and understanding for the crime I am being sentenced for committing, as well as a plea for leniency and forgiveness from Your Honor.

My actions are inexcusable and cowardly. After giving a deep thought I truly hate my actions and know that I will never pursue such behavior again that is not only un-Islamic but also destroyed my family and my life. On top of that I am hanging my head low because of the irony of my life story and how I end up in this situation

At a very young age I was a serious stammerer in my serious stammering problem has been going on for years. I had no real friends. I did not have good relation with my parents. I have grown up as a loner. I have spend my whole life trying to be someone. But I could not be anyone but a total disappointment to myself and my family. I was like nothing but a lost project for my parents. All their efforts on me turned out to be fruitless. My life was totally void of any success.

For being a very simple guy I fall for people very easily. At my university in Bangladesh I did not have any real friends. So, when the radical students, who were influential and famous, were being nice to me I fell for them very easily. Being with them and listening to them I was becoming religious but never realized that I was being misguided slowly but surely with the wrong teachings of Islam.

In search of success in my life I came to USA to be able to stand on my own feet not being a burden of my family anymore. I hoped to earn money to support my living cost

and educational expenses in USA. I never managed to achieve either of the courses rather I was causing my parents spend more money on me. In order to save money I transferred poor grades from the university at Bangladesh to South east Missouri State University which resulted in my suspension from the university. I came to Albany, New York for finding a job where my uncle lives at but was not successful finding one. But could not stay over there long because of my aunt's disapproval. Then I came to Jamaica, Queens at Sonia's place who is my distant relative. I found some jobs but could not continue any of those. I started to feel like someone who was physically and mentally disabled to be successful. It is just like I could not cope up with the fast competitive world. I was falling into deep depression.

Furthermore, one day I had a very heated argument with the father of Sonia and he slandered me with the worst words for my simple mistake. After that living at her place started to become impossible for me. Again, there was a girl in Bangladesh I used to care about and with whom I was seeing my future with. I found out that she was cheating on me. I lost the last comfort from my heart when I got to know about that. I felt like the whole sky fell down over my head. I thought that there was no place for me in this earth neither was there anything for me to give a reason to stay alive.

I could not kill myself which is forbidden in Islam. I lost the ability to think straight, I went crazy. And that way I justified my killing myself with a jihadist act. After a while I met the informant and undercover agents and expressed my desire. I went on with my crazy plan. I wanted to go to Bangladesh before my committing jihadist act to see whether I find some hope from my family for living in this earth. But the agent told me that he was going to cut me off. I was really hurt and then I said to myself that if I had hope in Bangladesh I would never even come to America. So, I stayed in America and did whatever I thought was required to be done to leave the earth as early as possible.

After being arrested I had a lot of time to study about Islam. I read the whole Quran which I did not read before being in prison. The more I read the more I realized I was blindly following those radical people and the lecturer I was listening to. I did not find a single verse to support my actions in the Noble Quran. Everyday passes by I thank Allah that I never met any real guy. If the agents had not found me I do not know what would have happened. I thank America for saving me from utter self-destruction.

I started talking to the agents same day I got arrested and went to a proffer meeting within a few days. From the very first day the agents were nice with me which was almost unbelievable to me. I was sharing jokes with them. I remember I told them that my favorite movie was "American Pie," During the proffer meetings they used to treat me like a younger brother. I remember one time I was feeling really cold. One of the agents gave me his own jacket to wear so that I do not feel cold. They used to ask me what kind of food I wanted to have for lunch. After the food was brought we all used to have food like a family. I was thinking again and again that I was being told by the radicals that America hate Muslims but

how nicely I was being treated even though they know I was the one tried to blow up Federal Reserve Bank!

I remember one other time I told them I wanted to have halal chicken. After a while an agent informed me that there was no halal chicken that day and asked me if I wanted halal lamb. I was surprised by the honesty and respect he showed towards me. I feel like America follows more rules of Islam more than that of Muslim countries.

My experience at MDC has helped me a lot to change my complete view towards America. When I was at the SHU, it was some of the worst days in my life. Even though in those hard days I found all kinds of help I needed from the SHU lieutenant. She was kind to me and was sincere advisor. In general population I have been able to communicate with the Americans. At the beginning it was hard to get used to the environment but gradually when inmates here found out my real nature they became friendly with me. The thing I like about MDC is that everybody is being treated fairly and equally. I remember during the Christmas eve MDC provided us "Holiday Package." I was happy and surprised to get that package. Thinking even I, who went against America got the package; they were wishing us "Happy Holidays" while giving the package. After going back to my cell with the package I was sad and felt really sorry for my action. I was asking myself that the America that believes in equality and justice, why I had to go against this nation.

At MDC we, Muslims, can pray congregation prayers. Everybody is very respectful towards religion such as counselors, COs, unit manager, inmates. In this month of fasting COs wake us up around 3:30 AM. Again, MDC provides us with special food for starting and breaking out fast. Furthermore, at MDC I am being provided with such delicious food and different kinds of fruits such as turkey, beef stew, peach, I have never had before.

America has provided me with a free and good lawyer, Heidi C. Cesare. Another sign that I find America to treat people fairly and equally. My lawyer Heidi, is not only a good lawyer but also a good person. During my stay at the SHU, she used to visit me very often. She was the only medium of communication for me with my family when I was at the SHU. She has tried to understand me very much. She behaves with me like she is my aunt.

The MDC is the first place I have been able to discuss radical Islam with people who are not radical. After studying Quran and talking to some knowledgeable Muslims here I am totally convinced at how wrong I was in my actions. In Islam there is no place for it. If I had not been afflicted with the misfortunes of my life I would never have ended up doing such jihadist action because I never really believed in radical Islam from my heart. None of my family members support it. Now I have realized how much radicals misinterpret Islam. It is not America who is the enemy of Islam but it is the radicals who are the enemies of Islam and the Muslims.

I in prison I remember the days I forgot about the good days I had in America that I had totally forgotten while I completely lost hope of living and started supporting radical Islam. I forgot about my life at Cape Girardeau in Missouri. Cape Girardeau is a very beautiful place. People over there are the nicest and the friendliest people on earth to me. I remember one day I along with another Bangladeshi guy was looking for an AIT store. On the way we met an old couple who told us that we had been heading toward wrong direction. We realized that we were very far away from our destination. The old couple offered us to give a ride. They not only took us to the store but also waited until we were done with our business over there and gave us a ride home. They were treating us like we had been their own grandsons.

There was another lady at a pet store, right across to the street where I used to live. She was really nice and kind to me and very respectful toward my religion. She told me that she would help me find a job at the SEMU. Furthermore, I remember another veteran in my physics class who used to give me a ride to my apartment almost everyday after the class had been finished. He gave me a calculator worth of \$100, when he got to know that I did not have one. He was like a friend of mine.

Alas! I miss those days badly. I wish I never got suspended from SEMU. I am such an ill-fated person I have no words to explain to lady at the pet store and the veteran, who used to care about me,, how sony I am for my actions. Woe to me! I will never get back to the love I had from them.

Truly after being in prison, my viewpoint towards America has really changed. I want to say to Your Honor, I love Americans. I wish I had been little bit patient with myself to change my fortune and judge all the Americans with my own judgement not other people's judgment. Now when I look back I hate myself. I cannot imagine what I was going to do. I was totally out of my mind. I am really lucky that the agents got me and saved me from utter self destruction giving me a chance to find a new meaning in my life and did not let me to fall into wrong hands.

In prison I have full right to practice my religion. I am learning Islam, the right Islam here. I have become more religious after being here at MDC. I am memorizing chapters of the Noble Quran. I keep myself busy at MDC by praying, reading books, watching TV, socializing.

Your Honor, I am the only son of my parents. My sister is already married. My father is 63 and my mother is 52 years of age. I have very good communication with my family. My parents love me very much. I never realized how much I love my parents neither and I realize how much they love me before getting arrested. I have found a hope for living again in this earth because of the love my parents have showed me even though I broke their

hearts committing this terrible crime. They have given me new meaning of life filled with love and peace. It feels to me like I have been raised from the dead because I was totally dead inside. I wanted to die more than anything in this world. Now I feel alive again inside my heart. Now I want to live more than anything in this world, specially for my parents because they are everything in my life, without them I am nothing.

I have no idea how much disappointment I am to my parents, still my parents love me. My father has lost his job because of me. My parents are living off their savings and sending me money from that savings too. Almighty God only knows how long they are going to be able to do it. There is none to take care of my old parents. Your Honor, I need to go to them as early as possible. They are the greatest gift from Almighty God to me. I live every day on the hope that I will be able to go back to them one day before their departure from this earth. Please, do not let me lose that hope of living anymore. I request you to forgive me and give me another chance.

Your Honor, I have made a grave mistake. Please have mercy on me. Please consider my life situation before you sentence me. I am a simple, calm and quite person who has ended up doing one of the most violent crimes in the history of human civilization. Your Honor, I sincerely request you to forgive me for my grave crime. I apologize to You and through you to all the people of the whole America especially those who work at and around the Federal Reserve Bank of New York. Your Honor, please give me hope of living again. I beg You to have mercy on me. Forgive me, please.

Most humbly yours,

Nafis
7.1.13

Quazi Mohammed Rezwanul Ahsan Nafis
Reg. No. 81710-053
Metropolitan Detention Center

Case 54: Boston Marathon

John Mueller

March 16, 2014

A most striking difference between the killings at the 2013 Boston Marathon and other cases in this book is that the terrorists, two young Chechen-American brothers, actually were able to assemble and detonate bombs. Many other plotters harbored visions of doing so, and in many cases they were supplied with fantasy-fulfilling, if bogus, bombs by obliging FBI informants. But until Boston, no would-be terrorists in these cases had been able to make and set one off on their own. And, except for four bombs detonated on the London transport system in 2005, neither has any in the United Kingdom. This is impressive in part because most of the hundreds of terrorist incidents in the U.S. in the 1970s, resulting in 72 deaths, were bombings.¹

In many other respects, however, the Boston Marathon bombing is less unusual. In particular, whatever their ability to fabricate and detonate bombs, the terrorists do not seem to have been much more competent than most of the others. For example, they apparently thought they could somehow get away with their deed even though they chose to detonate their bombs at the most-photographed spot on the planet at the time. Moreover, they do not seem to have had anything that could be considered a coherent plan of escape. Also commonly found: an utter inability to consider how killing a few random people would advance their cause.

The Boston perpetrators never ventured much more than a few miles from the bombing location, and they had only limited means of transport and no money. Then, when the police published photographs of them, they mindlessly blew whatever cover they had by killing a campus cop, hijacking a car, stealing money, trying to run a police blockade, and engaging in a brief Hollywood-style car chase and shoot-out. Surveillance imagery did play an important role in identifying the terrorists, but the key breakthrough came when the culprits decided to leave their lair after which the police applied standard killer-on-the-loose methodology.

The scope of the tragedy in Boston should not be minimized—nor should the costs of the several-day manhunt that followed as documented in detail by Chad Chessin. But it should also be noted that, if the terrorists' aim was to kill a large number of people, their homemade bombs, even though detonated in a crowded area, failed miserably (for a discussion of the limited capacities of such bombs, see Case 48). As instances of shootings by non-terrorists sadly demonstrate, far more fatalities have been inflicted by gunmen.

Whether “lone wolves” can logically come in pairs, the Boston perpetrators fit the category. Attacks in which only the perpetrator knows about the plans are obviously more difficult to spot and police than ones involving a great number of talkative people. In fact, previous to the Boston tragedy which resulted in three deaths, some 16 people had been killed by Islamist terrorists in

¹ Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monica, CA: RAND Corporation, 2010, 8-9.

the United States in the years since 2001, and all of these were caused by people who were essentially acting entirely alone (Cases 4, 26, and 32). There are also three cases in which lone wolves carried out an attack but failed to inflict any fatalities (Cases 17, 34, and 43).

Concern about “lone wolf” attacks has grown in recent years, and a 2011 Department of Homeland Security assessment concluded that “lone offenders currently present the greatest threat.”² However, those concerned should keep in mind that, as Max Abrahms has noted, while lone wolves may be difficult to police, they have carried out only two of the 1,900 most deadly terrorist attacks over the last four decades.³

As is typical, the Boston bombers seem to have been primarily motivated by outrage at U.S. foreign policy, seeking to protect co-religionists against what is commonly seen to be a concentrated war upon it in the Middle East.

The case inspired an unusual amount of interest in the public and (therefore) in the media in part, perhaps, because of its venue, the drama of the multiple-day manhunt, and the fact that one of the perpetrators was, as one of his teachers puts out, “gorgeous.” Much of the attention, however, did fade in a few weeks.

Note, April 9, 2015: In the 2014 edition of this book, this case was numbered 53

December 25, 2017: For the full writing in the boat by Dzhokhar Tsarnaev, see Eric Levenson, “Here’s the Note Dzhokhar Tsarnaev Wrote Inside the Boat Where He Was Captured,” *boston.com*, March 10, 2015. A feature film on the case, “Patriots Day,” was released in 2016. Books on the case include Scott Helman and Jenna Russell, *Long Mile Home: Boston under Attack, the City’s Courageous Recovery, and the Epic Hunt for Justice* (New York: Dutton, 2014), and Michelle R. McPhee, *Maximum Harm: The Tsarnaev Brothers, the FBI, and the Road of the Marathon Bombing* (Lebanon, NH: Far Edge, 2017).

² Associated Press, “Suspect in Seattle terror plot intent on attacking a recruiting station to ‘wake the Muslims up’,” June 23, 2011.

³ Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011. See also the Introduction to this book.

Case 54: Boston Marathon

Chad Chessin

March 16, 2014

1. Overview

The running of the Boston Marathon kicked off for the 117th time in Hopkinton, Massachusetts on the morning of April 15, 2013. However, unlike virtually every edition past, the conclusion of the annual race was not marked by jubilation and triumph. In fact, not all runners were even afforded the opportunity to finish, as the race was cut short by tragedy: two explosions—each caused by the detonation of a pressure cooker bomb—resulted in three deaths and 264 injuries.¹

Amid the chaos and confusion, authorities were unable to immediately apprehend the culprits. In fact, the identity of any suspects remained a mystery to the public until Thursday, April 18, when the Federal Bureau of Investigation (FBI) released photos of two men wanted for questioning. These suspects—brothers Tamerlan, 26, and Dzhokhar, 19, Tsarnaev—ultimately turned out to be responsible for the terrorism at the Boston Marathon.² However, over the course of Thursday and Friday, April 18 and 19, the brothers would be responsible for even more crime and bloodshed, murdering an unsuspecting police officer, carjacking a man at gunpoint, and engaging police officers in a standoff that featured not only extensive rounds of gunfire, but also heavier artillery like grenades and—quite ominously—another pressure cooker bomb.³

Older brother Tamerlan was killed in the standoff, but Dzhokhar was able to flee, driving away from the site of the standoff, dumping the stolen vehicle, and continuing on foot. At this point, law enforcement began what would become an all-day search for the younger Tsarnaev, who would not be found and apprehended until late Friday night when authorities were brought to the home of a Watertown man who discovered a man bleeding in his boat in the backyard. Dzhokhar was brought to Beth-Israel Deaconess Medical Center—the same hospital where his brother and partner-in-crime was pronounced dead the day before—and at 8:45pm, Boston Police announced that the Tsarnaevs' reign of terror over Boston had ended.⁴

With one suspect dead and the other in custody, there was no longer an immediate threat to the public, but there were still many gaps to be filled in the case. In the ensuing days, investigators questioned three suspected accomplices—Robel Phillipos, Dias Kadyrbayev, and Azamat Tazhayakov. These interrogations proved integral to the case, as they led authorities to incriminating evidence against one of the Tsarnaev brothers, who, by that point, was inextricably linked

¹ Adam Gabbatt, “Boston Marathon bombing injury toll rises to 264,” *Guardian*, April 23, 2013.

² Greg Botelho, “Timeline: The Boston Marathon bombing, manhunt, and investigation,” *CNN*, May 2, 2013.

³ Mark Arsenault and Sean P. Murphy, “New details on wild shootout with bomb suspects in Watertown; chief says older brother was killed by younger brother’s desperate getaway,” *Boston Globe*, April 21, 2013.

⁴ Paul Cruickshank, Tim Lister, and CNN Staff, “Timeline: The manhunt,” *CNN*, April 26, 2013.

to the other.⁵ All three accomplices were charged with crimes on May 1.⁶ Each has been indicted, entered a non-guilty plea, and currently awaits trial.⁷ The individual role of each of the suspected accomplices will be discussed later in this case study.

Dzhokhar, who had been charged with “using and conspiring to use a weapon of mass destruction resulting in death” on April 22, was formally arraigned on July 10. He pleaded not guilty to all 30 charges brought against him, including 17 that can carry life imprisonment or the death penalty.⁸ His trial date has yet to be scheduled, and his defense team is currently requesting more time to work out a case against the death penalty. Meanwhile, federal prosecutors plan to make a recommendation for the death penalty to U.S. Attorney General Eric Holder, who has the final say in whether to pursue the charge, by October 31.⁹

Much has unfolded in the weeks and months following the acts of terrorism. We learned of Tamerlan’s trip back to Dzhokhar’s and his homeland of Dagestan—a war-torn republic adjacent to Chechnya that is also subjected to Russian control—in which he may or may not have been further radicalized under the doctrine of fanatical Islamism. We were introduced to the mother of the two bombers, a mysterious woman who has come out with virulently anti-American statements, has insisted upon the innocence of both of her sons, and has expressed a desire to bring Dzhokhar back to Dagestan immediately.¹⁰ Finally, we watched before our eyes as Dzhokhar transformed from an individual terrorist suspect and likely culprit into a modern media spectacle due to a widely publicized and extremely controversial article published in *Rolling Stone* magazine that depicted him in the likeness of a “rockstar.”¹¹

As the country heals, Boston continues its gradual return to normalcy, and Dzhokhar awaits trial, we still seek many answers. Only time can tell if we will ever be able to fully understand what drove the Tsarnaevs to terrorism, but we can make some fairly strong guesses with the information at hand. In this case study, I will analyze the nature, motivations, goals, and connections—among many other aspects and characteristics—of the Tsarnaev brothers, hoping to facilitate an understanding of who the perpetrators were and why they did what they did.

2. Nature of the adversary

Violence was engrained in the habitus of Tamerlan and Dzhokhar from day one. Both born in Kyrgyzstan—Tamerlan in 1986 and Dzhokhar in 1993—with Chechen ethnicity, the brothers felt the ugly effects of religious and political discrimination, as well as constant warfare, for nearly all of their childhood. In

⁵ Botelho, “Timeline: The Boston Marathon bombing, manhunt, and investigation.”

⁶ Botelho, “Timeline: The Boston Marathon bombing, manhunt, and investigation.”

⁷ Associated Press, “Friends of Tsarnaev plead not guilty to impeding Boston bombing investigation,” *Guardian*, September 13, 2013.

⁸ Associated Press, “Dzhokhar Tsarnaev pleads not guilty to Boston Marathon bombing,” *ABC WJLA*, July 10, 2013.

⁹ Doug Stanglin, “Tsarnaev lawyers request more time,” *USA Today*, September 23, 2013.

¹⁰ Tim Franks, “Dagestan and the Tsarnaev brothers: The radicalisation risk,” *BBC*, June 23, 2013.

¹¹ Matt Seaton and Rabail Baig, “Is Rolling Stone’s Dzhokhar Tsarnaev ‘rock star’ cover an outrage?” *Guardian*, July 17, 2013.

1994, when Tamerlan was eight years old and Dzhokhar an infant, the First Chechen War broke out. While the Tsarnaev children were hardly affected by this first outbreak of conflict, there is no doubt that it was fresh in their memories when the Second Chechen War, a conflict that would significantly affect them despite never having visited Chechnya, erupted in 1999. In this year, Tamerlan and Dzhokhar watched their father Anzor lose his job in the Kyrgyz government merely for being Chechen, were uprooted from their homeland and forced to move to Dagestan, and despite all the changes and sacrifices they underwent, were still engulfed by turbulence, violence, and bloodshed.¹²

Finally, in spring 2002, Anzor took his wife Zubeidat and youngest son Dzhokhar—eight years old at the time—and immigrated to the United States. Tamerlan, the oldest child, and Ailina and Bella, the two middle children, remained behind in Dagestan until the family was granted political asylum in 2003. In July of that year, the full family was reunited and moved into a small, weathered home in Cambridge, Massachusetts.¹³

There is an important takeaway from this description of the early life of Tamerlan and Dzhokhar. First, Tamerlan was able to fully understand what was happening around him prior to emigration. While Dzhokhar was merely an infant when the first instance of civil war broke out, and he likely still did not fully comprehend the issues at hand when the second conflict came around, Tamerlan would have been able to fully gauge the atrocities, prejudice, and discrimination that enveloped his world in 1999. In fact, it is almost poetic that young Dzhokhar was taken to America in 2002 while Tamerlan—already on the early path to disillusionment—was left behind, as it is symbolic and illustrative of why Tamerlan would eventually take the lead in the Boston Marathon bombings plot, and why Dzhokhar, who idolized his brother,¹⁴ would follow him to the ends of the earth to achieve Tamerlan’s agenda. It is my conclusion that while both brothers are terrorists in their own right, this plot was completely dependent on the resentment and violent tendencies held by Tamerlan.

The brothers had very different upbringings in America, due to their distinct roles in the family and their varying degrees of maturation. To their mother Zubeidat, Tamerlan was a superhero and a rock for the family. On the other hand, Dzhokhar was her “dwog” —meaning “heart” —or her “Jo-Jo.” While Tamerlan was rough, tough, and a defender of the family, Dzhokhar was gentle, lovable, and carefree. While Tamerlan had grown accustomed to his life in Kyrgyzstan and Dagestan and could not easily adjust to this new Western society and culture, Dzhokhar in many respects was not only able, but also willing, to take on a new challenge. Dzhokhar was the talk of the town, and Tamerlan was nearly nowhere to be found. It should be noted that Dzhokhar, despite not coming of age in the North Caucasus region like Tamerlan, was still fiercely nationalistic and proud of his Chechen ethnicity.¹⁵

¹² Janet Reitman, “Jahar’s World,” *Rolling Stone*, July 17, 2013.

¹³ Reitman, “Jahar’s World.”

¹⁴ Reitman, “Jahar’s World.”

¹⁵ Reitman, “Jahar’s World.”

Looking back at Tamerlan's early adulthood, red flags were perhaps all too abundant. He possessed a variety of characteristics that, when held together, form a somewhat perfect storm in terms of being susceptible to the allure of terrorism. First, he was very violent. In 2006, he opted to drop out of school to pursue a career in Olympic boxing.¹⁶ Of course, in and of itself, being a boxer is not indicative of a person who is violent by nature. However, when we look at the full picture of Tamerlan's life, including his 2009 admission to beating his girlfriend,¹⁷ perhaps his choice of boxing over all other sports is more telling than it originally seems. Tamerlan's violence was not restricted to the ring though, where it would have been considered socially acceptable. In 2007, at age 21, he struck a Brazilian teenager who was dating his younger sister in the face. It is inconclusive why he hit the boy, but it was noted that he did not approve of the boy for his sister because he was not Muslim. In 2008, Tamerlan beat up his other sister's husband for supposedly cheating on her and beating her.¹⁸

Another red flag was Tamerlan's obsessive tendencies. When he chose boxing as his life's dream, the sport consumed him to the point where all other things he cared about had to take a backseat. For example, when prom season came around, it was Tamerlan's friends, rather than Tamerlan himself, who sought to find him a date. He trained non-stop, even going so far as to practice punching trees when all other methods were exhausted. So, it is not surprising that around the same time Tamerlan's Olympic boxing dreams came to an end—as the rules were changed in 2010 so that non-citizens of the U.S. could not compete for the title as a U.S. delegate—he picked up a new obsession: religion. Despite coming from a secular Muslim family, Tamerlan became enthralled by Islam between 2009 and 2010. Just as boxing is not indicative of being a violent person, becoming a devout Muslim is not indicative of someone who feels marginalized and resentful. However, again, when we look at the full picture of Tamerlan's life, his conversion to Islam and his obsessive tendencies combined to form a fairly substantial red flag. He would spend hours at a time reading Islamic websites, was prone to believing conspiracy theories about the U.S. government, especially those with undertones of Muslim oppression,¹⁹ and let us not forget, grew up in a region where violence, turbulence, and terror were not out-of-the-ordinary phenomena.

Tamerlan's treatment of his wife is also illustrative of his obsessiveness. Katherine Russell, or Karima Tsarnaeva as she was officially known from the time the couple wed in June 2010 until Tamerlan's death, was forbidden by Tamerlan to continue many of her previous lifestyle choices.²⁰ Not only did he make her change her name, but he also insisted upon a complete change of wardrobe—calling her “slut” and “prostitute” if she did not wear what he wanted. He also dictated her diet. One source familiar with the relationship said:

¹⁶ Reitman, “Jahar’s World.”

¹⁷ Julie Bykowicz, Annie Linskey, and Prashant Gopal, “Tamerlan Tsarnaev’s Family Crumbled Before Boston Bombs,” *Bloomberg*, April 23, 2013.

¹⁸ William Saletan, “The Tortured Tsarnaevs,” *Slate*, April 29, 2013.

¹⁹ Reitman, “Jahar’s World.”

²⁰ Daily Mail Reporter, “Boston bombing suspect began collecting food stamps and welfare shortly after his wife gave birth to their daughter,” *Daily Mail*, April 26, 2013.

“Katherine was completely subservient to him. She cowered around him.”²¹ Investigators have analyzed the possible role of the widow in the attacks, but so far no link has been established. While there was female DNA found on the debris from one of the bombs, it did not match Katherine’s. It has been confirmed that the bombs were built in Tamerlan’s and her home. However, Dzhokhar insists that his sister-in-law knew nothing of the attacks, and as Katherine provided for the family—due to Tamerlan’s unemployment—by working near 80-hour workweeks, it is possible that she was out of the house while the brothers worked.²² Since Tamerlan’s death, Katherine, who has legally changed her name back from Karima Tsarnaeva, has moved in with her parents and largely reverted back to her old life. She still, however, remains a devout Muslim.²³

So we know that Tamerlan had a history of violence—marked not only by his boxing career, but also by physical altercations with a youth, an in-law, and his eventual wife—and obsessive tendencies, was suspicious and resentful of the U.S. government, had recently become a devout Muslim, and, vitally, had a long, personal history dating back to his early childhood of feeling persecuted and wronged. We also know that in 2011, Tamerlan watched his personal hero—his father Anzor—and his number one supporter and admirer—his mother Zubeidat—obtain a mutually-agreed-upon divorce.²⁴ Incidentally, one of the main reasons for the split was that Anzor, who was never attracted by Islamic religiosity, felt “depressed” by Tamerlan’s and Zubeidat’s turn to religion—following in Tamerlan’s footsteps, Zubeidat became a devout Muslim.²⁵ Tamerlan watched as his hero, mentor, and role model moved back to Dagestan after 25 years of marriage. It would be rational for Tamerlan to blame himself for his father’s decision, as Anzor specifically told Zubeidat that the reason for divorce was the sudden turn to religion in the family, and Tamerlan was the largest influence on Zubeidat’s religiosity, as she would cite to her friends and customers at her salon.²⁶

As if the sense of isolation and abandonment was not enough, Tamerlan soon lost contact with his mother, as she, too, returned to Dagestan after getting arrested for attempting to shoplift clothing after which she skipped bail.²⁷ Later in this case study, I will discuss Tamerlan’s 2012 trip to Dagestan where his radicalization most likely occurred.²⁸ But for now, I simply want to demonstrate how things stood: Tamerlan was more alone than he had ever been before, but he still had Dzhokhar, and with both parents on the other side of the world, it would only be intuitive for Dzhokhar, who, despite being of legal age, had always been reliant upon his family, to turn to his older brother and icon for direction.

²¹ Michael Walsh, “Tamerlan Tsarnaev’s widow Katherine Russell rejects strict Muslim rules, family wants her to embrace Christianity: source,” *New York Daily News*, July 6, 2013.

²² Pete Williams and Tracy Connor, “Boston bomb suspect said widow Katherine Russell not involved: official,” *NBC News*, May 8, 2013.

²³ Walsh, “Tamerlan Tsarnaev’s widow Katherine Russell rejects strict Muslim rules.”

²⁴ Bykowiec et al., “Tamerlan Tsarnaev’s Family Crumbled Before Boston Bombs.”

²⁵ Reitman, “Jahar’s World.”

²⁶ Reitman, “Jahar’s World.”

²⁷ Reitman, “Jahar’s World.”

²⁸ Franks, “Dagestan and the Tsarnaev brothers: The radicalisation risk.”

In many senses, Dzhokhar was a complete foil to Tamerlan. He is without doubt the more intriguing of the two suspected perpetrators, because while Tamerlan's nature was congruent with what we might expect of a potential terrorist—demonstratively angry and obsessive—Dzhokhar, at least for most of his life, would not have appeared on anyone's "prospective terrorist" radar. As previously mentioned, Dzhokhar, or "Jahar," as he endearingly became known, was the first Tsarnaev child in America, was the youngest and thus best-suited child for acclimation to a new culture and lifestyle, and had a number of socially desirable characteristics.²⁹ Since the events of the Boston Marathon, his friends have described him as "nice," "compliant," and even "pillow soft." One teacher went so far as to say: "This was the quintessential kid from the war zone, who made total use of everything we offer so that he could remake his life. And he was gorgeous."³⁰

Dzhokhar was involved with drugs and alcohol, but not to an extent that worried anyone. Upon entering high school, he became an avid marijuana-user, and he consumed alcohol fairly often. However, friends recollect that he was always calm and collected whenever trouble was on the horizon, and he was always the friend to talk to the police. In fact, discussing these "flaws" seemed to endear Dzhokhar even more to the people in his past, as they described him as "chill," "smooth," and among the most reliable people in their times of need.³¹

Just like Tamerlan, Dzhokhar was an exceptional boxer—and wrestler, for that matter—but there is an important distinction to be made between the two brothers. Among Dzhokhar's most reiterated characteristics reported by his friends was his ability to refrain from violence. One friend put Jahar's boxing prowess in perspective: "He wasn't violent, though – that's the crazy thing. He was never violent."³² While Tamerlan's violence extended out of the ring, Dzhokhar rarely, if ever, got into physical fights that were not for sport. It is telling of Jahar's nature that he could be perceived so favorably despite participating in two violent sports, smoking an illegal substance, and consuming alcohol underage. It remains a mystery if he actually *did* have a kind disposition or if it was all a façade.

So, were there any red flags with Dzhokhar? To be sure, there were not many prior to his college years. One friend remembers an instance in high school in which Jahar seemed not only to empathize with terrorists, but also to support their cause. The comments came in light of a discussion about Islam and how Jahar hated when people equated it with terrorism. Jahar went on to defend Jihad as a "personal struggle." When prompted about the September 11 attacks of 2001, Dzhokhar, albeit reluctantly, admitted that sometimes he thinks the U.S. deserves what it gets for intervening where it does not need to.³³

In 2011, Dzhokhar graduated from Cambridge Rindge and Latin High School and moved on to study at the University of Massachusetts at Dartmouth.

²⁹ Reitman, "Jahar's World."

³⁰ Reitman, "Jahar's World."

³¹ Reitman, "Jahar's World."

³² Reitman, "Jahar's World."

³³ Reitman, "Jahar's World."

He received a merit-based scholarship based on his high school performance, but things began to take a turn for the worse at this point. According to a college transcript obtained by the *New York Times*,³⁴ Jahar failed seven classes in his freshman year.³⁵ Without doubt, this sudden change in Dzhokhar's performance was not fully attributable to the rigor of his college courses. During his freshman year, his beloved parents divorced, his mother got arrested, and both parents ended up back in Dagestan. With this support system gone, Dzhokhar would intuitively turn to his brother Tamerlan—a man he used to revere, but from whom Jahar distanced himself to a degree since Tamerlan's sudden development of religious zeal. To be sure, this distancing was not because of the religiosity of Tamerlan, as Dzhokhar was, in fact, a proud Muslim despite not being very active, but rather due to Tamerlan's strictness.³⁶ It is likely that the brothers became closer than they had ever been in reaction to the recent tribulations.

In analyzing the respective natures of Tamerlan and Dzhokhar Tsarnaev, we must begin with their roots. The two men were born in Kyrgyzstan, where they felt the effects of the Chechen Wars. Despite the fact that they were not devoutly religious at the time, their people were persecuted merely because of their set of beliefs. Furthermore, turbulence and violence seemed inescapable and inevitable, as war followed the family to Dagestan, where Zubeidat had grown up. Eventually, the family decided to start a new life in America. For Dzhokhar, this transition was much easier due to his youth and relative lack of painful experience. Tamerlan, on the other hand, had grown up in a far different culture and was already molded from his experiences. As a result, he was far less able to acclimate to American society. Either as a result of this distinction, or perhaps as simply an unrelated additive, Dzhokhar was perceived as non-violent, composed, and gentle, while Tamerlan was known for his violent tendencies, obsessiveness, and roughness. In 2011, when the foundation of the Tsarnaev family faltered and the parents divorced and moved back to Dagestan, I speculate that Dzhokhar likely turned back to Tamerlan for support, in the process becoming further indoctrinated by Tamerlan into radical Islam.

3. Motivation

The motivations for the Tsarnaevs' terrorism are far less cryptic, and to gain a general understanding, one has to look no further than Dzhokhar's message written on the inside of the boat in which he hid before being apprehended by law enforcement agents. In a loaded message that eliminated whatever doubt remained about the Tsarnaevs' guilt, Dzhokhar wrote: "the U.S. government is killing our civilians. I can't stand to see such evil go unpunished... We Muslims are one body, you hurt one, you hurt us all."³⁷ He goes on to dispel the possible

³⁴ Erica Goode and Serge F. Kovaleski, "Boy at Home in U.S., Swayed by One who Wasn't, *New York Times*, April 19, 2013.

³⁵ Chris Kirk and Heather Brady, "From Wrestling Captain to Terrorism Suspect," *Slate*, April 23, 2013.

³⁶ Reitman, "Jahar's World."

³⁷ Reitman, "Jahar's World."

notion that he alone—not Tamerlan—held these sentiments with a message that states that Tamerlan is a martyr who happily laid down his life for the cause.

Thus, we are certain that the brothers were motivated by a desire to punish the U.S. for its foreign policy and intervention in notable Muslim-majority countries like Afghanistan and Iraq. However, the question remains, if the Tsarnaevs' resentment stems from persecution of Muslims in the North Caucasus, why choose to punish the U.S. and not Russia, the perceived aggressor in the region? Sure, Dzhokhar made it clear that a violation against any Muslim is a violation against him, but would it not make more sense to punish the country that uprooted the ethnic Chechen population and that forced the Tsarnaevs into the Chechen diaspora in the first place?

Perhaps the most simplistic explanation is laid out by Tom Neer of the Soufan Group—an organization that provides governments with security intelligence services. He speculates that Tamerlan and Dzhokhar targeted the most convenient target, which in this case was the U.S. According to Neer, the brothers were in a state of flux and projected the blame onto the nearest scapegoat. In other words, for the Tsarnaev brothers, the need for action in light of their perceived unfavorable circumstances superseded the need for justification. Contributing to this crisis and angst were the divorce of the parents, Jahar's falling into extreme debt to the university, and Tamerlan's and his wife Karima Tsarnaeva's loss of housing subsidy, which was the result of decreased welfare benefits beginning in late 2012.³⁸

While Neer's contention almost certainly has a degree of validity and relevance, an even more important factor was the Tsarnaevs' subscription to "far-enemy" targeting. At first, Tamerlan was interested in joining the fight in Dagestan against the local police and Russian forces. However, soon after, his cousin dissuaded him from fighting this "near-enemy," saying that this was not a fight for someone who had lived so far away for so long. In fact, this cousin urged Tamerlan to embrace non-violence, but as we know, Tamerlan had other objectives in mind.³⁹ It seems odd that the U.S. would be considered a "far-enemy" when it was the current home of the terrorists when the attack took place, but from a lens of global Jihad, home is the site of the larger Muslim population. Thus, the U.S. and the West are the overarching "far-enemies" that support secular "near-enemies" in the Muslim-majority area. So, instead of attacking the "near-enemy" Russian forces—which incidentally are a rare "near-enemy" because of the country's large amount of influence and international stature—Tamerlan and Dzhokhar opted to go after the perceived "bigger problem." Additionally, while Dzhokhar was able to obtain U.S. citizenship, Tamerlan's lack of citizenship served as a constant reminder that his only true identity was with Islam.⁴⁰

³⁸ Reitman, "Jahar's World."

³⁹ Reitman, "Jahar's World."

⁴⁰ Reitman, "Jahar's World."

4. Goals

As is the case in almost every instance of terrorism, the paramount goal of the Boston Marathon bombings was to cause destruction, and often death, for a political purpose. It is always difficult to ascertain whether an individual terrorist truly believes that his/her actions will lead to policy concessions and change. The background of Tamerlan and Dzhokhar—being two intelligent, albeit radicalized, individuals—makes me think that they did not truly believe that killing a mass amount of Americans would lead to short-term, United States withdrawal from Muslim-majority countries. However, I do believe that the Tsarnaevs hoped to contribute to a dampening of the American spirit. Not only did they want to scare the Bostonian population into submission, but they also wanted people to become fed up with the war effort in countries such as Afghanistan. Maybe they believed that next time we would think twice before entering a war in a Muslim country. It should be noted that terrorists often misperceive how the public will respond to the act of terrorism. As was the case in Boston, I think the public's unification against the attack contributed to a sense of patriotism and nationalism that, in fact, superseded the created fear. Finally, it is likely that a goal of the Tsarnaevs was merely to obtain a voice.

5. Plans of violence

Tamerlan's trip to Dagestan in January 2012, in all likelihood, is where he was radicalized to the necessary degree to execute the acts he and Dzhokhar would eventually perform. A year earlier, Russia, worried about the prospect of a terrorist attack on their soil, asked the FBI to investigate the Tsarnaevs, because Russia had gathered intelligence that Tamerlan was an Islamist who continued to grow more radical and was planning on visiting Dagestan. The FBI heeded this request, but found no evidence of any wrongdoing. Tamerlan carried on with his trip as planned, leaving in January 2012 and returning in July of the same year.⁴¹

As has been argued, Tamerlan was likely on the path to radicalization before this trip to Dagestan. However, his actions in the immediate aftermath of the trip demonstrate that this six-week period is likely when terrorism entered his realm of possibility. Tamerlan's cousin urged him not only to turn away from the civil war in Dagestan, but also to abstain from violence altogether. However, this guidance fell upon deaf ears. When Tamerlan returned to the U.S. in July 2012, his main focus was global Jihad. He interrupted services at the local mosque to contradict favorable messages about Thanksgiving and Martin Luther King Jr. Day, and he filled his YouTube page with Jihadist recruitment videos, specifically those related to Chechnya.⁴² His influence extended onto Jahar, who was both vulnerable to Tamerlan's virulent teachings because of their parents' recent divorce and excited to see his brother after so long. Soon, both brothers were radicalized in Jihadist doctrine and well on their way to committing terrorism.

What we know of the immediate plans of violence is limited, but definitely pertinent. In all likelihood, the Tsarnaevs had decided to at least consider performing a terrorist attack in February 2013, when Tamerlan

⁴¹ CNN Staff, "Timeline: A look at Tamerlan Tsarnaev's past," *CNN*, April 22, 2013.

⁴² Reitman, "Jahar's World."

purchased mortars with explosive powder, and Dzhokhar downloaded the infamous issue of al-Qaeda's *Inspire* magazine that detailed how to make pressure cooker bombs. Approximately a month later, in late March, Jahar came to stay with Tamerlan over spring break. On April 7, Jahar sent out the following tweet: "If you have the knowledge and the inspiration all that's left is to take action."⁴³

At approximately 2:50pm local time on Monday, April 15, the first of two explosions set off by a pressure cooker bomb interrupted the running of the Boston Marathon. Ten seconds later, the second bomb exploded about 550 feet from the site of the first.⁴⁴ In total, 264 were injured and three people would ultimately die from the explosions.⁴⁵ Dzhokhar has revealed since his capture that the brothers initially planned on attacking on July 4, 2013, because of its symbolic value and potential for large casualties, but the bombs were ready far earlier than expected. It has been speculated, but not confirmed, that the Tsarnaevs may have chosen the Boston Pops Fireworks Spectacular, which hosts approximately 500,000 people, as the venue for attack if not for the early completion of the bombs.⁴⁶ Without doubt, the Boston Marathon was chosen as the attack site because of its proximity to the Tsarnaevs, the large number of spectators, and the fame of the event.

However, the Tsarnaevs' violence was not limited to the running of the Marathon. At approximately 10:30pm on Thursday, April 18, three days after the first attack, Massachusetts Institute of Technology Police Officer Sean Collier, 27, was found severely wounded in his police cruiser on campus in Cambridge. He was immediately taken to Massachusetts General Hospital, where he was pronounced dead.⁴⁷ According to his Police Chief John DiFava, who had ramped up campus security in light of the bombings from just three days prior, Collier had been working the 3:00 PM-11:15pm shift to which he was regularly assigned when he sustained five gunshot wounds, two to the head. Later obtained surveillance video showed the same tandem suspected of responsibility for the Boston Marathon bombings sneaking up behind the car, firing the shots that killed Collier, and attempting to take his gun, which ultimately they could not unlock from the advanced holster.⁴⁸

The date of this murder and subsequent manhunt is significant, as it was the same day that the two brothers were revealed as suspects. Police identified the pair via video camera footage at the Marathon. It seems likely that the Tsarnaevs—realizing that capture was imminent—wanted to cause as much damage as possible. Obviously, in order to do so, they needed a weapon. Their objective in killing Collier was merely to obtain his firearm, which they were not

⁴³ Reitman, "Jahar's World."

⁴⁴ "Site of the Explosions at the Boston Marathon," *New York Times*, April 15, 2013.

⁴⁵ Gabbatt, "Boston Marathon bombing injury toll rises to 264."

⁴⁶ Almasy, "Sources: Boston bombs built in older Tsarnaev's home, first target was July 4," *CNN*, May 3, 2013.

⁴⁷ Carolyn Y. Johnson, David Abel, and Kay Lazar, "MIT's fallen officer built enduring connections," *Boston Globe*, April 19, 2013.

⁴⁸ Daily Mail Reporter, "The chilling details of how the Boston bombing suspects 'crept up on MIT police officer Sean Collier and fired five bullets into him'," *Daily Mail*, April 29, 2013.

even able to remove from its holster.⁴⁹ The lack of weapon and getaway vehicle, which will be discussed later, shows that this violence was likely spur-of-the-moment and a direct result of being revealed as wanted men.

From there, the Tsarnaevs moved across the Charles River to the southwest to Allston, where Tamerlan carjacked a Mercedes-Benz SUV and held the car's owner at gunpoint. According to the victim, Tamerlan took responsibility for the violence at the Boston Marathon upon entering the car on the passenger side. The older brother's bluntness and choice to use another person's car rather than his own is convincing evidence that he did not anticipate coming out of this affair alive, or at least as a free man. Next, the older Tsarnaev forced the owner to drive around and look for an ATM. The Tsarnaevs' lack of money is further illustrative of the spontaneity of this attack. Dzhokhar followed the SUV in his green Honda Civic. At this point, Tamerlan took over as driver of the SUV, and the victim sat in the passenger seat. The trio went to Cambridge, back across the river, where a short time ago, the brothers had murdered Collier. There, the car, running low on gas, was stopped at a Shell gas station. The driver escaped out of the passenger-side door while both brothers were out of the car, and soon after, he alerted law enforcement as to what had happened.⁵⁰ Had the car not been running low on gas, the Tsarnaevs planned to drive it to Times Square in New York City and perform another attack.⁵¹

Fortuitously, the owner of the Mercedes left his cellphone behind in the carjacked SUV. As a result, police were able to track the whereabouts of the car to Watertown, a suburb of Boston due west of Cambridge, where investigators believe the brothers planned on ditching the SUV, moving explosives into the Honda Civic, and escaping.⁵² When found, per a report from a local Watertown officer, Tamerlan and Dzhokhar were driving the two separate cars.⁵³ This officer tailed the suspects until backup arrived, at which time the brothers exited their respective cars, and began a violent standoff. The Tsarnaevs started with gunfire at about 12:50am in the early morning of Friday, April 19, giving rise to what Watertown Police Chief Ed Deveau said was a five-to-ten minute gunfight between the brothers and police which he estimated to include 200 shots.⁵⁴ Then, the brothers moved on to heavier artillery: five grenades that had been in Dzhokhar's car, only three of which exploded, and a pressure cooker bomb which would not be detonated. Deveau said police believed the bomb to be "an exact duplicate" of the two bombs used on April 15 during the Boston Marathon.⁵⁵ If there was any doubt that law enforcement was dealing with the same culprits responsible for the terrorism at the marathon, it was rapidly subsiding.

⁴⁹ Daily Mail Reporter, "The chilling details of how the Boston bombing suspects."

⁵⁰ James Novograd, Tom Winter, and Michael Isikoff, "Green Honda could prove crucial if Tsarnaev charged in MIT officer's killing," *NBC News*, May 1, 2013.

⁵¹ Greg Botelho and Josh Levs, "Boston bombing suspects planned Times Square attack, Bloomberg says," *CNN*, April 26, 2013.

⁵² Novograd, Winter, and Isikoff, "Green Honda could prove crucial."

⁵³ Arsenault and Murphy, "New details on wild shootout."

⁵⁴ Cruickshank, Lister, and CNN Staff, "Timeline: The manhunt."

⁵⁵ Arsenault and Murphy, "New details on wild shootout."

The standoff neared conclusion when Tamerlan began to walk toward police while firing his gun. Several officers tackled him when he ran out of ammunition, but before they could handcuff him, Dzhokhar sped forward in the Mercedes SUV. The officers were forced to dodge the oncoming vehicle, which proceeded to run over Tamerlan, who according to a source was wearing explosives with a trigger.⁵⁶ The older brother would be pronounced dead at Beth-Israel Deaconess Medical Center at 1:35am.⁵⁷

Meanwhile, Dzhokhar was on the loose, having driven a couple of streets away from the site of the standoff, dumping the stolen vehicle, and continuing on foot. At this point, law enforcement began what would become an all-day search for Dzhokhar, who was not found until late that night when authorities were brought to the home of a Watertown man who discovered a blood-covered man in his boat parked in his backyard. Police were able to confirm that the wounded Dzhokhar was alive by using a thermal imaging camera attached to an overhead helicopter to see through the tarp covering the boat. Next, a robotic arm was used to remove the tarp so as not to get too close to the suspect. An FBI negotiator was able to convince Dzhokhar to lift his shirt to reveal that he was not wearing any explosives. Finally, police moved in to apprehend Dzhokhar, who was also brought to Beth-Israel Deaconess Medical Center. At 8:45pm, Boston police took to the social media site Twitter to announce their capture of the suspect.⁵⁸ Five days after Tamerlan and Dzhokhar set off two bombs that killed three and injured 264 at the Boston Marathon, and almost a full day after they murdered a police officer, carjacked an SUV, and began an intensive manhunt featuring an extremely dangerous standoff, the Tsarnaevs' reign of terror over Boston was brought to an end.

The legal battle between federal prosecutors and Dzhokhar's defense team is just beginning. Dzhokhar, who had been charged with "using and conspiring to use a weapon of mass destruction resulting in death" on April 22, 2013, was formally arraigned on July 10. He pleaded not guilty to all 30 charges brought against him, including 17 that can carry life imprisonment or the death penalty.⁵⁹ He caused quite a stir at this arraignment date by supposedly smiling, yawning, and smirking among other inappropriate behaviors, but people who know him have reported that those are his typical, often misperceived, behaviors.⁶⁰

6. Role of Informants

In this case, there were no informants in the traditional sense. However, information provided by three suspected accomplices of Dzhokhar proved pivotal in filling in the gaps of the case and finding incriminating evidence against the Tsarnaevs. Beginning on April 19, investigators questioned three suspected accomplices—Robel Phillipos, Dias Kadyrbayev, and Azamat Tazhayakov—in an effort to paint the whole picture and bring closure to the people of Boston.

⁵⁶ Cruickshank, Lister, and CNN Staff, "Timeline: The manhunt."

⁵⁷ "The Hunt for the Boston Bombing Suspects," *New York Times*, April 19, 2013.

⁵⁸ Cruickshank, Lister, and CNN Staff, "Timeline: The manhunt."

⁵⁹ Associated Press, "Dzhokhar Tsarnaev pleads not guilty to Boston Marathon bombing."

⁶⁰ Reitman, "Jahar's World."

These interrogations ultimately led to the unearthing of key evidence. All three were being held on criminal charges and relayed information only to minimize punishment.

At approximately 9:00pm on Thursday, April 18, when the Tsarnaevs were still at large, the three suspected accomplices entered Dzhokhar's dorm room on the campus of the University of Massachusetts-Dartmouth. When they left around an hour later, they took with them Dzhokhar's laptop and a backpack containing fireworks no longer full of gunpowder. Later, the trio placed these objects in a trash bag, which they deposited in a dumpster outside the apartment shared by Kadyrbayev and Tazhayakov. From the testimony of these three, FBI and local law enforcement agents had all the information they needed to piece together the puzzle. On Sunday, April 21, FBI agents searched Dzhokhar's dorm room and found pyrotechnics, as well as the clothes Dzhokhar wore on the day of the bombing. Five days later, on Friday, April 26, the laptop and backpack were recovered at a local landfill. All three accomplices were charged with crimes on May 1.⁶¹ It is likely that the accomplices acted mostly to protect their friend Dzhokhar, but perhaps also because of resentment against the U.S.

In early August, Kadyrbayev and Tazhayakov were indicted by a federal grand jury for obstruction of justice. The indictment increased their maximum prison sentence from five years to 25 years.⁶² At the time, representatives for Phillipos were attempting to work out a deal. However, by the end of August, he, too, was indicted, but for a different charge. Phillipos faces 16 years in prison for lying to law enforcement authorities concerning his role in the cover-up.⁶³ On September 13, 2013, all three accomplices entered not guilty pleas.⁶⁴

7. Connections

The Tsarnaev brothers—particularly Tamerlan as a result of his 2012 trip—were connected to violent, independence movements in Dagestan and Chechnya because of the strong attitudes and identities they had formed. The actors in these conflicts with whom the brothers will forever be associated—Dagestani and Chechen insurgents fighting against local and Russian police forces—can and should be classified as terrorists due to the violent tactics they employ. Neither brother had lived in Dagestan since 2003, but their increasing observance of Islam came accompanied with stronger emotional connections to their homeland and with its violence-riddled neighbor. Tamerlan had always felt some degree of connection to Dagestan because he was old enough to understand what was happening when the family resided there.

Despite the fact that the Tsarnaev family descended from generations of Chechens, neither Tamerlan nor Dzhokhar—nor their parents for that matter—

⁶¹ Botelho, "Timeline: The Boston Marathon bombing, manhunt, and investigation."

⁶² Maria Sacchetti, "Dzhokhar Tsarnaev's college friends indicted," *Boston Globe*, August 8, 2013.

⁶³ Associated Press, "Dzhokhar Tsarnaev's schoolmate faces 16 years in prison for lying to police when questioned about getting rid of possessions from the suspected terrorist's dorm room," *Daily Mail*, August 29, 2013.

⁶⁴ Associated Press, "Boston bombing suspect's friends plead not guilty," *USA Today*, September 13, 2013.

ever resided in Chechnya. However, especially due to the arduous process of obtaining U.S. citizenship—something Dzhokhar accomplished but never appreciated and something Tamerlan never achieved despite his best efforts—Tamerlan and Dzhokhar did not have concretely established identities. For this very reason, Tamerlan turned to Islam for identity, and prior to returning to Dagestan, he became invested in all the tribulations of the Muslims in the North Caucasus. Of course, the longest standing and most bloody of these conflicts is between the Chechens and Russians.⁶⁵

Finally, although the Tsarnaevs can be classified as lone-wolf operatives, there is still a connection—albeit small—to be stated between them and al-Qaeda, specifically al-Qaeda in the Arabian Peninsula, due to the manner in which the brothers learned to construct the utilized pressure cooker bombs. Dzhokhar downloaded a copy of *Inspire* magazine that outlined the process by which one could “make a bomb in the kitchen of your mom.”⁶⁶

8. Relation to the Muslim community

This case features minor relevancy of the Muslim community. Upon returning from his six-month trip to Dagestan, Tamerlan had two altercations—one on Thanksgiving and one on Martin Luther King Jr. Day—at the Islamic Society of Boston mosque in which he interrupted the service to yell at the imam. In the latter incident, Tamerlan voiced his displeasure when the imam described Martin Luther King Jr. as worthy of emulation, the problem being that he was not Muslim. Tamerlan was kicked out of the service and told he could not return if he would continue to interrupt. He continued to attend Friday night services from then until his death without interrupting.⁶⁷ This warning from the community, which Tamerlan heeded, can be understood as opposition to Tamerlan’s radicalized beliefs and eventual violence.

9. Depiction by the authorities

Authorities waited one day after the bombings to label the attack an “act of terrorism.” Interestingly, the first person to publicly label the bombings as such was not a Boston law enforcement official or FBI agent, but rather President Barack Obama in an address to the nation on April 16.⁶⁸ While he may have jumped the gun based on the amount of evidence, as days passed and more and more information was unearthed, it became even clearer that the attack was terrorist in nature. Due to the magnitude of the attacks, it was inevitable for fear to proliferate throughout the country. The authorities were responsible in limiting what information they released and protecting against public panic.

In fact, Boston locals were so satisfied with the manner in which authorities dealt with the week of turbulence and uncertainty that there was constant speculation that Boston Police Commissioner Edward Davis would move

⁶⁵ Reitman, “Jahar’s World.”

⁶⁶ Reitman, “Jahar’s World.”

⁶⁷ Andrew Tangel and Ashley Powers, “FBI: Boston suspect Tamerlan Tsarnaev followed ‘radical Islam,’” *Los Angeles Times*, April 20, 2013.

⁶⁸ “Obama Calls Boston Bombings ‘An Act Of Terrorism,’” *NPR*, April 16, 2013.

on to a higher profile job. Thus, his September 23rd announcement that he will be moving on to work at Harvard University—from where he will strongly be considered for a job in federal law enforcement—came as no surprise to anyone, and Bostonians felt a strong sense of pride, not abandonment, when he announced his intentions with the same calm and collected demeanor with which he addressed Boston immediately after the Boston Marathon bombings.⁶⁹

10. Coverage by the media

The media played a prominent role in this case in a number of different ways, notably through erroneous initial coverage by television networks and news writers and a high profile, controversial magazine article published in *Rolling Stone*. On Wednesday, April 17—two days after the Boston Marathon—CNN, FOX, the AP, and the *Boston Herald* all jumped on a story that suspects had been arrested in connection with the bombings. As we now know, this story was completely incorrect, as Boston law enforcement released photos of two wanted suspects—the Tsarnaev brothers—on Thursday, April 18, by which time no arrests had been made.⁷⁰ This incorrect report may have been based on the police pursuit of a Saudi Arabian man fleeing from the scene of the Boston Marathon, but as we soon found out, this man was simply running—rationally—from a terrorist attack. There is no doubt that police actions were influenced by racial profiling, but law enforcement agents must make decisions within moments, while the media’s only rush is to be first to report, a race that often leads to harmful misinformation. In defense of the news outlets, perhaps the erroneous information was relayed in an effort to put the people of Boston at ease, but the report was as good as a lie because of the lack of proper sourcing.

However, in the future, when we look back at media reporting related to this case, there is no doubt that one article will stand at the forefront. The piece, entitled “Jahar’s World” and published in *Rolling Stone* magazine two months after the fateful week in April, is, in reality, a literary masterpiece filled with a wealth of pertinent information concerning the Tsarnaev brothers. It comprehensively details their upbringing, personalities, passions, and relevant factors that surely contributed to their ultimate choice to turn to terrorism. Unfortunately, Janet Reitman’s work was overshadowed, and continues to be overshadowed, by an unnecessarily controversial magazine cover, which features a picture of Dzhokhar wearing clothing and a facial expression that led many to believe he was being portrayed as a “rockstar.”⁷¹ With good reason, the representation of a man who was jointly responsible, along with his brother, for the injuries of 264 and the killing of three, one of whom was a child, would be unsettling and infuriating. Some compared this issue with the June 1970 issue that featured serial killer Charles Manson.⁷²

⁶⁹ Maria Cramer, “Boston police leader Edward Davis to resign,” *Boston Globe*, September 22, 2013.

⁷⁰ Rem Rieder, “On Boston bombing, media are wrong – again,” *USA Today*, April 19, 2013.

⁷¹ Seaton and Baig, “Is Rolling Stone’s Dzhokhar Tsarnaev ‘rock star’ cover.”

⁷² Rem Rieder, “Don’t stone ‘Rolling Stone’ over Boston bomber cover,” *USA Today*, July 17, 2013.

Further incensing vocal news pundits and surely many more was the caption for the cover art, which reads: “How a popular, promising student was failed by his family, fell into radical Islam, and became a monster.” Does this tagline excuse—by pushing blame onto his family and away from him—Dzhokhar for his individual choice to build pressure cooker bombs and detonate them with the intent to kill? Sure, if you choose to read it that way. In reality, I believe Reitman was going about her analysis in a different manner. Just as director Hany Abu-Assad attempted to humanize Palestinian suicide terrorists in his film *Paradise Now* which won a Golden Globe and an Academy Award, Reitman sought not to glorify and excuse the actions of the man known affectionately as “Jahar” to his friends and teachers, but to instead demonstrate how such a kind, beloved soul was *transformed* into a monster and *chose* to perform evil. Reitman wanted to illustrate that Dzhokhar was everything *but* a monster for most of his life, and that he was, in fact, a person with whom we can empathize. However, at the same time, anyone who actually *reads* her article, rather than just looking at the cover art, will know that she does not excuse his actions in the slightest.

It is understandable why *Rolling Stone* opted to use such an attention-grabbing cover. The July 2013 issue generated double the sales of the average 2012 issue.⁷³ So, the magazine succeeded in its agenda. It is tremendously unfortunate that Reitman’s brilliant journalism was eclipsed by this cover. Although certainly conveying an interesting message, the “rockstar” imagery simply asked for trouble because of the U.S.’s low tolerance for all things terrorism since 9/11 (and rightly so). The bottom-line analysis is that *Rolling Stone* published a fantastic article with an unnecessarily controversial cover, which succeeded in boosting sales yet also gave the article and its author a bad name. The issue transformed the case from merely a heinous act of terrorism into both a heinous act of terrorism *and* a media spectacle. Without doubt, history will forge a connection between the Boston Marathon bombings and this issue of *Rolling Stone*, but it will not remember Reitman’s responsible, competent reporting, but rather the misplaced, unnecessary cover art of the issue.

11. Policing costs

The policing costs of the bombings and subsequent manhunt were tremendous. Significant charges include overtime payments to police officers in the Boston area—as departments in Middlesex, Norfolk, and Suffolk counties all had many extra hands on deck—equipment purchases like bullet-proof vests for the manhunt, and increased energy usage for surveillance purposes between Monday, when the attack took place, and Friday, when Dzhokhar was apprehended.⁷⁴ An estimate shows that the manhunt, which took place predominantly in Watertown, MA, cost the local police department alone

⁷³ Parija Kavilanz, “Rolling Stone sales double with ‘Boston Bomber’ issue,” *CNN Money*, August 1, 2013.

⁷⁴ Kathy McCabe, “Police tally costs for Marathon bombings, manhunt,” *Boston Globe*, May 30, 2013.

\$250,000.⁷⁵ Boston officials are working with the Federal Emergency Management Agency (FEMA) to reimburse police and law enforcement departments 75% of costs. However, it is still to be decided exactly what costs FEMA will consider to be associated with the bombings and manhunt, so no exact financial figures have been released. The smaller departments—outside Middlesex, Norfolk, and Suffolk—will seek reimbursement through the cities of Boston, Cambridge, and Watertown.⁷⁶ While policing costs are significant and may reach one million dollars, the economic costs of shutting down Boston for a day are even higher, and could potentially reach one billion dollars.⁷⁷

12. Relevance of the internet

The internet enabled the Tsarnaevs to build the pressure cooker bombs which ultimately claimed the lives of three and injured 264—some very seriously. Once in custody, Dzhokhar substantiated what law enforcement agents and counterterrorism experts already suspected: the Tsarnaev brothers learned how to construct the bombs from *Inspire* magazine, an online publication written in English produced by al-Qaeda in the Arabian Peninsula. By proliferating their message over the internet, al-Qaeda has been able to augment the incidence of “lone-wolf” terrorism, whereby individual terrorists unaffiliated with al-Qaeda itself are still able to learn and be influenced by the global terrorism network.

In another way, the internet played a less concrete, but still vital role in bringing the Tsarnaevs to the brink of terrorism. As Tamerlan grew more and more religiously fanatical, he began to seek sources to support his point of view. He became a consistent follower and contributor to Jihadist websites and discussion boards, as well as websites that proliferate conspiracy theories like Alex Jones’ *InfoWars*.⁷⁸ These websites facilitated the radicalization process of Tamerlan, and consequently, his mother Zubeidat and younger brother Dzhokhar, to whom he transmitted these messages, and built up resentment toward the U.S. in all three of them.⁷⁹ Tamerlan and Zubeidat’s subscription to these theories was one factor that caused Anzor to divorce Zubeidat, as he simply had enough of what he perceived as craziness. During one session with a client at her salon, Zubeidat told the client that 9/11 was an inside job by the U.S. to make Americans hate Muslims, that she learned this from her son Tamerlan, and that “you can read on the internet.”⁸⁰ Although less influenced by Tamerlan than was Zubeidat, Dzhokhar also bought in to his brother’s message, writing once: “Idk

⁷⁵ “Boston Marathon bombing events cost Watertown PD \$250K so far,” *Fox Boston*, May 22, 2013.

⁷⁶ McCabe, “Police tally costs for Marathon bombings, manhunt.”

⁷⁷ “Manhunt likely cost Boston hundreds of millions of dollars: experts,” *New York Daily News*, April 20, 2013.

⁷⁸ David Weigal, “Tamerlan Tsarnaev Believed in Basically Every Conspiracy Theory,” *Slate*, April 23, 2013.

⁷⁹ Reitman, “Jahar’s World.”

⁸⁰ Reitman, “Jahar’s World.”

[acronym for “I don’t know] why it’s hard for many of you to accept that 9/11 was an inside job.”⁸¹

Finally, it is important to discuss Dzhokhar’s activity on the social media site Twitter leading up to the bombings. In retrospect, his tweets proved helpful in reducing doubt that he was a perpetrator of the violence and terrorism because they echoed his feelings of resentment toward the U.S. Approximately one-month prior to the attack, he tweeted: “Evil triumphs when good men do nothing.” Then, on the same day of the bombings, but after the fact, he tweeted: “Ain’t no love in the heart of the city, stay safe people” and “There are people that know the truth but stay silent and there are people that speak the truth but we don’t hear them cuz they’re the minority.”⁸²

On July 1, 2013, a Canadian couple was arrested for conspiring to plant pressure cooker bombs near the British Columbia Parliament Buildings in Victoria, Canada. The bombs and attack methodology were modeled after the Boston bombings, and the couple very likely learned how to construct the bombs from *Inspire*.⁸³

13. Are we safer?

Without doubt, we are much safer with the Tsarnaevs off the streets. The more radical brother, Tamerlan, is dead, and Dzhokhar is in custody awaiting a legal battle that is sure to be long and emotional. We can be nearly certain that Tamerlan would have devoted the rest of his life to undermining and harming the U.S., the policy of which he viewed as oppressive and evil, due to the level of radicalization he had undergone. As for the younger brother, we cannot be sure how he would live his life without the aggressive, negative influence that was Tamerlan, but Jahar still had to make his own decisions, and he chose to be a terrorist. Dzhokhar reportedly cried in the hospital upon regaining consciousness on the night of his apprehension, but as Janet Reitman puts it: “no one knows what he was crying about.”⁸⁴

Furthermore, contrary to what his friends might say, I believe that Dzhokhar’s behavior on his arraignment day—smiling, yawning, and smirking—demonstrates that he is not remorseful at all and would have no problem committing another atrocity, or else that he has attempted to rationalize the attack, which he knows was heinous, in his mind. Either way, it is better that this dangerous individual is kept off the streets. In fact, the crux of this case will be whether Dzhokhar is even permitted to live as there is no doubt he will never be a free man again. A striking detail of this case was that causing carnage at the Boston Marathon was not enough for Tamerlan and Dzhokhar. Once revealed as suspects, instead of waiting it out or turning themselves in, they had to do more. In the spur of the moment, they performed cold-blooded murder of an

⁸¹ Laura Donovan, “Dzhokhar Tsarnaev Twitter: 25 Of His Most Disturbing Tweets,” *PolicyMic*, April 2013.

⁸² Donovan, “Dzhokhar Tsarnaev Twitter: 25 Of His Most Disturbing Tweets.”

⁸³ David Trifunov, “Canada Day bomb plot ‘inspired’ by Boston, Al Qaeda or drug abuse?” *Global Post*, July 3, 2013.

⁸⁴ Reitman, “Jahar’s World.”

unsuspecting police officer, and were en route to New York City to carry out more terrorism. In sum, we are much safer because of the efforts of local police officers and federal law enforcement agents.

14. Conclusions

The Boston Marathon bombings and the subsequent murderous acts committed by the Tsarnaev brothers are concerning for a number of reasons. First, we were shown quite plainly and simply the amount of devastation and destruction that can be caused by two fanatics with access to pressure cookers, nails, fireworks, and the internet. Second, we watched firsthand as one of the country's largest metropolitan areas was shut down for a full day and crippled for some time thereafter. Although some may argue that the shutdown of Boston was not necessary, I believe governments should err on the side of caution when it comes to the safety of their citizens. Finally, we heard accurately from lauded former Boston Police Commissioner Edward Davis—who led the charge against the Tsarnaevs and just recently resigned—that there was simply no way to prevent this attack from happening, as “there are not enough police officers in the Commonwealth of Massachusetts to lock down 26.2 miles of a marathon,” and “there is no magic bullet to deal with terrorism.”⁸⁵

All of these concerns—brought to the surface by perhaps the most frightening terrorist attack on U.S. soil since 9/11—are valid and worth consideration. At the end of the day, we must understand that terrorism is not a disappearing phenomenon. As long as there are disillusioned fanatics in the world with the means to obtain or construct weapons, terrorism will be a paramount concern for U.S. and world citizens due to the impression left upon us by devastating attacks like 9/11. However, we should take solace in the fact these attacks, although vividly etched into our memories, are few and far between. In fact, an American has about the same chance of dying from international terrorism as he/she does from a comet or meteor strike.⁸⁶ While the events that took place in Boston in mid-April rightfully put us on alert and pull at our heartstrings, by no means should they scare us into submission. After all, would that not be giving the terrorists exactly what they want?

One of my biggest takeaways from this case is the relativity of deprivation. Tamerlan, despite growing up amid war, conflict, and relative poverty in Dagestan, felt deprived and oppressed in the United States, the supposed “land of opportunity.” While this sentiment likely does not make sense to most Americans who have grown up without continual warfare and bloodshed on our soil, it is vital for each individual to understand that not all of his/her neighbors perceive their surroundings the same way. This application is less relevant to Dzhokhar because of his seemingly easy transition to American society, but his individual habitus was still permanently affected by his early youth, and there should be no doubt in our minds that his roots contributed to his

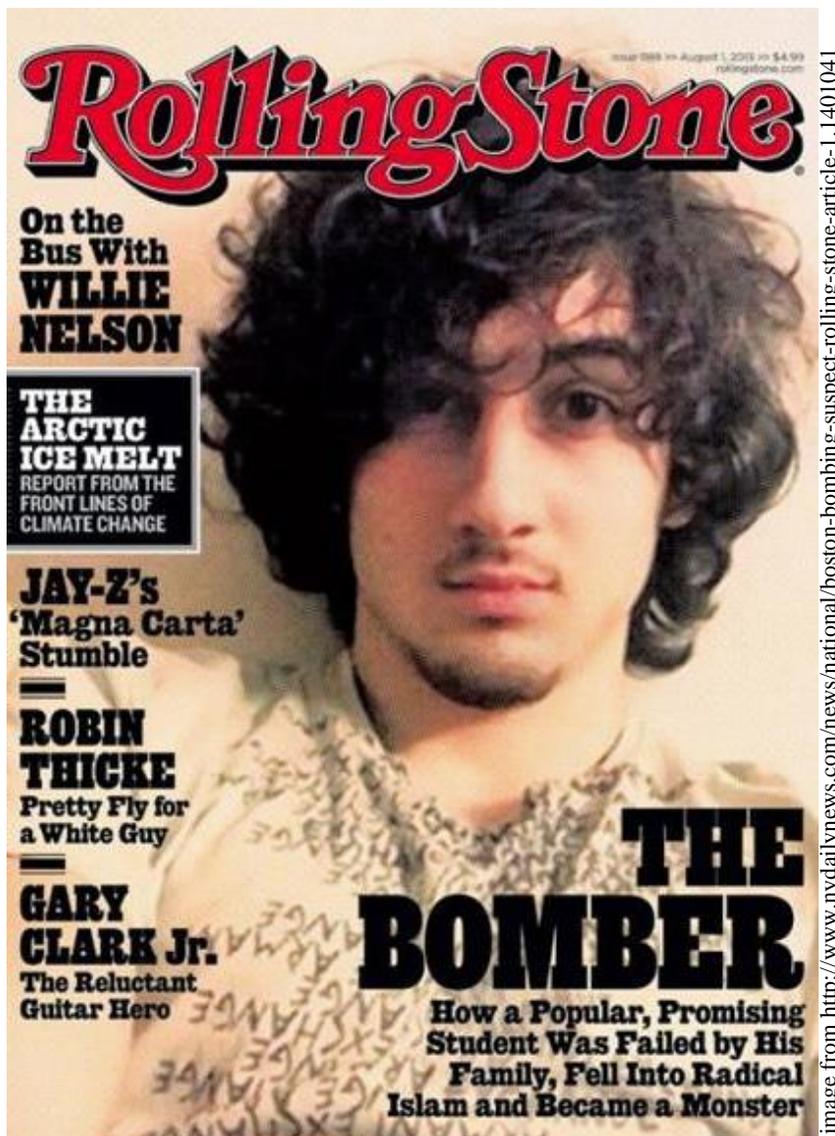
⁸⁵ David Abel, “‘No magic bullet’ to stop terrorism, Davis tells forum,” *Boston Globe*, September 24, 2013.

⁸⁶ John Mueller, “Is there still a terrorist threat? The myth of the omnipresent enemy,” *Foreign Affairs*, September/October 2006.

decision to turn to terrorism. While Dagestan and Chechnya may seem like avoid-at-all-cost conflict zones to some, they are home to others, and the U.S. may not be all it's chalked up to be in the minds of people like Tamerlan and Dzhokhar Tsarnaev.

We can be sure that the Boston Marathon bombings will go down in history as a significant instance of Islamic terrorism in the United States. It will be remembered as a heinous act of cruelty that replaced the expected triumph and jubilation that come with the conclusion of the event. However, without doubt, the terrorism at the Boston Marathon will also be remembered in the context of its aftermath, as local and federal law enforcement authorities succeeded in quickly bringing those responsible to justice and beginning the process of returning Boston to normalcy.

Appendix: *Rolling Stone*, July 2013 issue, "The Bomber"



Case 55: Wichita Airport

John Mueller

December 8, 2017

Terry Lee Loewen lived in Wichita, Kansas, his whole life. He had grown up in a good home with loving parents and appears to have been warmhearted and a good father. Rather improbably, he converted to Islam in 2008 at the age of 53. However, he was, as one reporter characterized him, an “online Muslim only.”¹ He ate, drank, and dressed as he wanted, and he never attended mosque and was completely unknown in the local Muslim community.

He also converted to violent jihad online after he visited an extremist website. He downloaded tens of thousands of pages on the subject, and by 2013, at the age of 58, was ready to die in a martyrdom operation for the cause. As he put it in an email in August of that year to a correspondent he had met at the website, “Brothers like Osama bin Laden and Anwar al-Awlaki are a great inspiration to me, but I must be willing to give up everything (like they did) to truly feel like an obedient slave of Allah.”²

The correspondent, as it happened, was from the FBI. Over the next four months, they concocted a plan together with another FBI operative who, unlike the first, actually met Loewen in person. Loewen was an avionic technician at the Wichita airport and suggested, “Don't you think with my access to the airport that I should put that to good use?” The operatives agreed and together they plotted to blowing up some parked planes and the people in, or boarding, them. Loewen pointed out that “I know nothing about explosives” but was “willing to learn.”³

He also expressed some worry at one point about being set up when he admitted to the first operative, “I'm sorry I can't say I trust you 100%; my greatest fear is not being able to complete an operation because I was set up. I hate this government so much for what they have done to our brothers and sisters, that to spent (sic) the rest of my life in prison without having taken a good slice out of the serpents head is unacceptable to me. If there is anyway of reassuring me, please do.”⁴

The operative was apparently successful at providing the needed assurance and, in the process, the required bomb, letting Loewen contribute to his construction. Loewen became increasingly enthusiastic: “this is like a dream come true for me, and I never expect things this good to occur in my life. I want nothing from this life but to please Allah (swt), and without engaging in jihad for His sake, I can't say that I did anything to please him. And he seems to have bonded with the second operative: “I feel so close to this brother (as you said I would) that going to the end with him seems like the right thing to do.”⁵

¹ Kevin Ryan, “The Unlikely Jihadi from ‘al-Qaeda in Wichita’,” *whowhatwhy.org*, September 24, 2014.

² Stephen Cousineau, *United States of America v. Terry Loewen*, United States District Court for Kansas (Wichita Docket), Criminal Complaint, December 13, 2013, p. 6.

³ Cousineau, p. 10.

⁴ Cousineau, p. 13.

⁵ Cousineau, pp. 13, 17

On December 13, 2013, Loewen and the second operative drove in the operative's car to the airport with their bomb, and, as Loewen attempted to open the gate to the tarmac with his badge, he discovered that he had indeed been "set up."

In his case study, written when he was an intern at the Cato Institute, Niko Pittore, raises the question of whether Loewen would have been able to do much of an attack without the encouragement and participation of the FBI. And, indeed, Loewen does not seem to have been very capable of carrying out an attack on his own.

However, he did have the intent to commit violence and plenty of enthusiasm as well. In a note left for a family member, Loewen said, "By the time you read this I will—if everything went as planned—have been martyred in the path of Allah. There will have been an event at the airport which I am responsible for. The operation was timed to cause maximum carnage + death."⁶ Moreover, unlike most of the American perpetrators discussed in this book, he was fully willing to die in the process.

But he really does seem to have needed fellow conspirators. In particular, he was very enthused about the second "brother" who had been put on the case by the FBI. He found him to be "very inspiring as always" and considered it to be "a great honor" to die with him as brothers in the cause.⁷

Although this case is often seen to have something to do with aviation, it was more nearly an opportunistic attack on a convenient target of congregation. This happened to be an airport because of the occupation of the terrorist, not because he had a peculiar desire to attack aviation. And, of course, any aircraft destroyed or damaged would have been on the ground, not in the air.

In view of his "advanced age and health issues," Loewen was sentenced to 20 years.

⁶ Cousineau, p. 21.

⁷ Cousineau, p. 17.

Case 55: Wichita Airport

Niko Pittore

December 8, 2017

1. Overview

Terry Lee Loewen was an avionic technician at the Wichita, Kansas, Airport.¹ He converted to Islam in 2008 at the age of 53.² Soon, he began viewing the now-defunct Revolution Muslim website and familiarizing himself with Anwar al-Awlaki. During this time, he began to radicalize. An FBI investigator infiltrated the website and made contact with Loewen, pretending to be a fellow radical. Over the course of four months, they plotted a terrorist attack at his place of employment by blowing up airplanes parked at the terminal, seeking to maximize the amount of damage, both economic and psychological. They chose the airport mainly because he had easy access to areas where normal, non-employees did not.³ On December 13, 2013, Loewen and a second FBI employee, who pretended to be a “brother” of al-Qaeda in the Arabian Peninsula (AQAP), drove to the airport to carry out the attack. Loewen was taken into custody after his two attempts to open the gate, using a code that had been disabled by the FBI, failed.⁴

Five days later, Loewen was charged in federal court with one count of attempting to use a weapon of mass destruction, one count of attempting to damage property by means of an explosive, and one count of attempting to provide material support to a designated foreign terrorist organization.⁵ His attorney proposed that Loewen plead guilty to just the first count and receive a sentence of 20 years in prison, lifetime supervised release, no fine or restitution, and a mandatory special assessment of \$100.⁶ On August 31, 2015, he was handed exactly the sentencing he had requested.⁷

To all who knew him, this was all too surprising. Loewen’s family described him as a laid-back, warmhearted guy. He had grown up in a good home with loving parents and he himself was described as a good father.⁸

This attack can be considered an act of terrorism due to political motivation behind it. But the case is rather more complex. Loewen was not a practicing Muslim. In fact, aside from the people he was close with, no one even

¹ Michael Daly, “Terry Lee Loewen, the Mellow Kansas Man Who Allegedly Dreamed of Jihad,” *dailybeast.com*, December 16, 2013.

² *Wichita Eagle*, “Terry Lee Loewen to serve 20 years in failed Wichita airport bomb plot,” *kansas.com*, August 31, 2015.

³ Stephen Cousineau, *United States of America v. Terry Loewen*, United States District Court for Kansas (Wichita Docket), Criminal Complaint, December 13, 2013, pp. 5-18.

⁴ Cousineau, pp. 20-21.

⁵ Barry R. Grissom, “Indictment,” December 18, 2015.

⁶ “Plea Agreement Pursuant to Federal Rule of Criminal Procedure,” *United States of America v. Terry Loewen*, p. 4.

⁷ Monti L. Belot, “Judgment in a Criminal Case,” *United States of America v. Terry Loewen*, August 31, 2015.

⁸ Daly, “Terry Lee Loewen, the Mellow Kansas Man Who Allegedly Dreamed of Jihad.”

knew he was a Muslim. The Muslim community in Wichita had absolutely no clue about him. In a way, he was an online Muslim only.

2. Nature of the adversary

There is not a great deal of detail about his past, but what is known is positive. Terry Lee Loewen, also known as Terry L. Lane,⁹ was born in Wichita, Kansas, on July 18, 1955 and thus was 58 at the time of the thwarted attack.¹⁰ He is a graduate of Heights High School in Wichita.¹¹ His family described him as a laid-back, warmhearted guy. He had grown up in a good home with loving parents and he was said to be a good father. To everyone around him, he was just a regular working stiff who went each day to his job as an avionic technician at Wichita's Mid-Continent Airport (now Dwight D. Eisenhower National Airport) and came back to his house on Funson Street, just up a block from an elementary school and behind the Wichita Mall. There are no indications he ever took illegal drugs or was mentally ill. According to his 24-year old son, Damien, "He's a really good guy. I never thought he would do something like this. He's always a calm and loving man." His brother-in-law, David Reddig, reported Loewen had come to his aid after he was put out of work with an injured eye, helping him with his truck payments and tending to his chickens as well as his house. "A good guy," he said.¹²

He was married to a woman named Debbi. It was unclear how long they had been married before the attack. His attorney, Tim Henry, told the judge at his trial Loewen and Debbi had a "very, very close relationship."¹³ Further, his ex-wife, Sarah, described him as "mellow."¹⁴ The reason they divorced was not made known.

Loewen converted to Islam in 2008 according to his family.¹⁵ What exactly prompted his conversion is unclear. Moreover, none of the area mosques said they ever had any contact with him.¹⁶

At some point, he became radicalized. In particular, he came across the now-defunct "Revolution Muslim" website.¹⁷ It was founded in 2007 by two men, Joseph Leonard Cohen and Jesse Morton, who converted to Islam and changed their names to Yousef al-Khattab and Younes Abdullah Mohammed, respectively.¹⁸ The two men admired Osama bin Laden and said the September 11, 2001, terrorist attacks were justified by U.S. foreign policy which they

⁹ Bill Wilson, "Neighbors describe terrorism suspect Terry Lee Loewen," *kansas.com*, December 13, 2013.

¹⁰ Cousineau, p. 4.

¹¹ Molly McMillin, "Ex-wife of Terry Lee Loewen: 'I would have never ever thought he would do anything this horrible'," *kansascity.com*, December 14, 2013.

¹² Daly, "Terry Lee Loewen, the Mellow Kansas Man Who Allegedly Dreamed of Jihad."

¹³ Tara Fowler, "Wichita Man Sentenced to 20 Years for Failed Plot to Blow up Airport," *people.com*, September 1, 2015.

¹⁴ Daly, "Terry Lee Loewen, the Mellow Kansas Man Who Allegedly Dreamed of Jihad."

¹⁵ Wichita Eagle, "Terry Lee Loewen to serve 20 years in failed Wichita airport bomb plot."

¹⁶ Daly, "Terry Lee Loewen, the Mellow Kansas Man Who Allegedly Dreamed of Jihad."

¹⁷ Cousineau, p. 7.

¹⁸ "Revolution Muslim Leader Who Threatened Jews Pleads Guilty," *adl.org*, November 1, 2013.

characterized as “Western Imperialism.” They handed out fliers outside the Islamic Cultural Center of New York, sometimes known as the 96th Street Mosque, on Third Avenue between 96th and 97th streets, advocating for the establishment of a traditional Islamic state. In an interview, they stated the United States will not cease being a target until it changes its ways in the international arena. The website was disbanded after its founders were arrested in 2011 and 2012.¹⁹

3. Motivation

Loewen was motivated not only by the Revolution Muslim website but also by the late notorious American-born cleric Anwar al-Awlaki, including his “44 Ways of Jihad,” an essay that describes dying as a martyr, supporting the mujahideen, and encouraging others to engage in jihad. As other cases in this book have shown, al-Awlaki has tentacles all around the Muslim world, even from the grave. Loewen was also trying to support al-Qaeda in the Arabian Peninsula (AQAP).²⁰ He also read the online magazine, *Inspire*, started by Anwar al-Awlaki, particularly an article about building bombs.²¹

4. Goals

Loewen said he hated the “kaffar” (a derogatory term for non-believers) government of the United States. Thus one of his possible goals was to foment civil discord and opposition toward the United States federal government. And as a fan of the website Revolution Muslim website he likely justified terrorist attacks against the United States for to its so-called imperialist foreign policy and advocated for the establishment of an Islamic State based on Sharia law’.

5. Plans for violence

At some point Loewen sent an email to a fellow visitor to the Revolution Muslim website who he believed was someone like him, someone who wanted to engage in jihad. Unknown to him, the fellow visitor was an undercover FBI agent.²² This agent is described in the complaint as “FBI Employee 1” and will hereafter be referred to as E1.

Over the course of several months, Loewen and E1 made contact several times over email.²³

On August 5, 2013, Loewen sent an email to E1 discussing his feelings: “As time goes on I care less and less about what other people think of me, or my views of Islam... The one thing we are doing wrong is that all 1.5 billion of us don’t rise up against the rest of the world and tell THEM how it’s going to be.

¹⁹ “Revolution Muslim Leader Who Threatened Jews Pleads Guilty.” “Anderson Cooper: 360 Degrees, cnn.com, November 6, 2009.

²⁰ Alice Mannette, “Terry Loewen Pleads Guilty to Attempting Suicide Attack on Kansas Airport,” huffingtonpost.com, June 8, 2016.

²¹ Cousineau, p. 7.

²² Daly, “Terry Lee Loewen, the Mellow Kansas Man Who Allegedly Dreamed of Jihad.”

²³ All quotes in the following are from Cousineau, pp. 6-21. They are presented in more extended form in the Appendix at the end of this study.

Inshallah [God willing], it will happen soon... I believe the Muslim who is labeled “a radical fundamentalist” is closer to Allah (swt).”²⁴

Three days later, E1 electronically introduced Loewen to another agent (E2) who could help him in carrying out violent jihad. Responding to this, Loewen said, “You stated you might be able to put me in contact with someone that might be able to help - not sure what that means.... I very much appreciate your advice and offer of help (I certainly need it), but my love for fellow Muslims is much greater than my love for myself.”

On August 17, 2013, Loewen reported to E1 about his review of al-Qaeda texts: “I have read Anwar Al-Awlaki’s 44 ways of Jihad and like everything I’ve ever read of his, it’s very informative. . . . I have downloaded tens of thousands of pages on the subjects I mentioned earlier [referring to jihad, martyrdom operations and implementation of Sharia law]. Today I printed out something called the Al Qaeda Manual (or Manchester Manual).”

Loewen then began to devise plans for jihad. He outlined them in an email to E1 on August 21, 2013: “...I have numerous ideas of ways I could perform jihad in the path of Allah (swt) but outside du’a [an Arabic term meaning invocation, prayer, or an act of supplication], none of them are legal... I just hate the kaffar government and those who are following it to the Hellfire, and the sooner it and its followers get there, the better.”

On August 26, 2013, he mentioned to E1 that he worked at the airport in Wichita and said he’d be willing to provide a tour of the airport: “Point being, is my having access to airport property the primary reason for the tour - if the answer is ‘no’ then I will not bring it up again.”

On August 27, he clarified his vision of engaging in terrorism: “Now, the work thing is very heavy stuff, because I don’t really know how other brothers would want to handle it - it’s just too big for me to handle on my own, and the more people that get involved, the more chance it has of going south[.] ... I guess I look at myself as the ‘access’ guy at this point - just need more details, if any exist at this point - are we talking explosives, because I know nothing about that?”

While continuing to discuss possible terrorist operations, Loewen stated that he was able to escort people out on the tarmac which leads to airliners and to the control tower. Thus he could bring a vehicle onto the tarmac, which would then have access to the runways. However he said it could not do so until January. Loewen apologized for asking for details before the operation was in the planning stage. He asked E1 to give him some time to decide if this was the right way to go and, if he decided it was, that maybe they could then get others involved in the plot.

In a previous conversation, he had told E1 that their conversations were protected because he did not allow a family member to use or see his computer.

²⁴ SWT is an abbreviation for subhanahu Wa Ta’ala which translated means “Allah is pure of having partners and He is exalted from having a son.” This abbreviation is frequently used when the name of Allah is spoken or used. Cousineau, p. 5. Moreover, all brackets are additions either from the footnotes of the court case itself or from my knowledge of Islamic verbiage through Arabic language and Islamic studies. Sharia by now is well-known in American lexicon so there is no need for further explanation.

On September 2, however, he told E1 that, because he had been having trouble with his computer, he asked a family member to help him figure out the problem. The family member fixed it by deleting or uninstalling a program from the computer. Loewen had assumed that his recklessness had affected his relationship with E1 to the point where their connection was terminated: Loewen believed E1 was upset with him for this breach in communications security and no longer trusted him. To ensure that he did not put himself, E1, or others at risk of exposure due to his recklessness, Loewen indicated that he would cease any further contact with E1.

E1 responded, explaining that they felt Loewen had misinterpreted their comments (his comments are not included in the complaint) and that they should discuss the issue in order to work through their misunderstandings and concerns. On September 3, 2013, Loewen initiated contact with E1 and explained in detail what happened, how it happened, and his assessment of whether or not E1's identity, or Loewen's plans for jihad, had been compromised by the family member's work on his computer. He also reaffirmed his commitment to jihad. Moreover, on September 6, he continued his vision of what his terrorist activities would look like: "I have some rough ideas, but I know nothing about explosives. Don't you think with my access to the airport that I should put that to good use?"

On October 3, E1 reported to Loewen that he just returned from an overseas trip to visit and train with AQAP. The "brothers" seemed very interested in learning more about Loewen's plan. So E1 asked Loewen if he could "scout for potential targets, collect information on security measures in place, and take photos of security access points."

On October 5, E1 asked Loewen if he was ready to engage in a martyrdom operation and pointed out that, if Loewen wanted to back out, he could do so because no one knew his identity. Loewen said he had to wait and think it over. Six days later, he was ready to go, and between October 6 and 11, they communicated several more times. They conversed about Loewen's computer problems and his excitement about the operation. E1 told Loewen they could provide him with a new computer if Loewen did not have the money to buy a new one.

Between October 18 and 19, E1 contacted Loewen not only about providing him with the laptop but also about E2, someone who Loewen would believe is a "brother" from AQAP. Loewen met E2 in person on October 25. Loewen reiterated his desire to help E2 with a mission to blow up a plane with numerous people on board. Loewen explained he had access to the airport, but that he could not drive a vehicle onto the airport property until January 2014 when his badge was scheduled to be renewed. In a second physical meeting on November 8, Loewen mentioned he wanted to engage in a martyrdom operation, but that he needed a legitimate cause to be a martyr. He further emphasized that he would not pull the trigger to kill E2. They discussed taking a vehicle-borne improvised explosive device (VBIED) to the terminal. Loewen suggested that another individual could come in to the terminal with a suicide vest and detonate that to coincide with the VBIED outside causing maximum damage. They planned to carry out the attack near Christmas to cause the maximum economic

and psychological damage. Moreover, a code word was created when discussing the mission: rental property.

On November 15, E1 reported electronically to Loewen that one of their brothers had been arrested by the FBI and insisted they keep a very low profile to avoid meeting the same fate. Four days later, Loewen met again with E2 in person and insisted on his desire to engage in martyrdom. E2 told Loewen that he could be the navigator to the terminal. Due to his position at the airport, Loewen would be able to provide E2 with the best time to execute the attack based on the number of people boarding planes at one time combined with the number who would be located on the terminals. He gave E2 the location where a vehicle armed with explosives would cause the most damage. Loewen also provided a diagram of the terminal and tarmac, including distances between the gate areas. Loewen would buy the detonator, but they would need other items to complete the bomb. Loewen agreed to obtain those items from his workplace and said he could wire the explosive device, since he did wiring as part of his employment. They agreed on a final plan. Once Loewen acquired gate access, they would drive to the terminal in the early morning hours, and detonate the device between the terminals for maximum impact.

They met again on November 21, and Loewen provided E2 with the components of the explosive device he had requested from the airport. Further, he said he would try to renew his badge but, to avoid unwanted attention, not until 30 days before it expired in January.

On December 3, Loewen again met with E2 in person, and Loewen provided containers that were to be used for the explosive material. They discussed how the device would be constructed, and Loewen reiterated his desire to wire the device to flip the switch when it came time for that. Loewen also provided E2 with another diagram of the terminal, marked an "X" to indicate the best place to park the vehicle to cause the most damage, provided time schedules for departures at the airport, and confirmed that very early morning would be the best time to execute the plan. It was agreed that both men would die in the operation.

On December 6, Loewen was able to renew his badge and was told that he now had gate access pursuant to his request. Three days later, he used his renewed badge to verify that he indeed did have gate access to the tarmac.

Five days later, Loewen assisted E2 in assembling the rest of the bomb. Loewen did the wiring and provided the components for the bomb, but the device itself was presumably created by the FBI, and any explosive elements were, of course, inert. They agreed that December 13, 2013, was the perfect date: it was a Friday morning and the airport would be quite busy even in the early hours with people going on a vacation or coming back from a business trip.

On that day, E2 picked up Loewen from a local hotel, and they drove to where the bomb was stored at 4:45am. At 5:19, they departed for the airport, arriving at 5:40 at the same gate where Loewen had tested his badge just days before. Loewen exited the vehicle and attempted to use his badge twice on the card reader access panel in order to gain entry to the tarmac. Unknown to him, E2

had disabled the gate before they arrived on scene. Loewen was then taken into custody.

Loewen left a letter dated December 11 for an unnamed family member describing his intent to conduct a martyrdom operation. It said:

By the time you read this I will - if everything went as planned - have been martyred in the path of Allah. There will have been an event at the airport which I am responsible for. The operation was timed to cause maximum carnage + death.. . . My only explanation is that I believe in jihad for the sake of Allah + for the sake of my Muslim brothers + sisters.. . . Fact is, most Muslims in this country will condemn what I have done.. . . I expect to be called a terrorist (which I am), a psychopath, and a homicidal maniac.

U.S. Magistrate Judge Karen M. Humphreys issued an arrest warrant to bring Loewen before her right after he was taken into custody.²⁵ He was then placed at the Sedgwick County jail.²⁶ Five days later, he was charged in federal court with one count of attempting to use a weapon of mass destruction (Count 1), one count of attempting to damage property by means of an explosive (Count 2), and one count of attempting to provide material support to a designated foreign terrorist organization (Count 3).²⁷ He faced life imprisonment and a \$250,000 fine.²⁸

Before his plea, Loewen's team argued that the government's actions were tantamount to entrapment and asked for the case to be thrown out before it went to a jury. The court dismissed the motion.²⁹

On June 8, 2015, a year and a half after the aborted attack, Loewen pled guilty to all counts on the advice of his lawyer, Timothy J. Henry.³⁰ Henry proposed a sentence of 20 years in prison, lifetime supervised release, no fine or restitution, and a mandatory special assessment of \$100.³¹ A special assessment fee is simply an added restitution fee which is used to fund the Crime Victims Fund.³² On August 31, 2015, Loewen received exactly the sentencing that had been requested. In view of his "advanced age and health issues," prosecutors agreed, and he was sentenced by U.S. District Judge Monti L. Belot.³³ Counts 2 and 3 were dismissed as part of the plea bargain.³⁴ After the sentencing, District Attorney, Barry Grissom said in a press release: "Here in the heartland, terrorism will never shake our faith in the things this country stands for — freedom,

²⁵ Karen M. Humphreys, Arrest Warrant, United States District Court for the Court of Kansas, December 13, 2013.

²⁶ Wichita Eagle, "Terry Lee Loewen to serve 20 years in failed Wichita airport bomb plot."

²⁷ Barry R. Grissom, "Indictment."

²⁸ "Plea Agreement Pursuant to Federal Rule of Criminal Procedure," United States of America v. Terry Loewen, June 8, 2015, p.1.

²⁹ Wichita Eagle, "Terry Lee Loewen to serve 20 years in failed Wichita airport bomb plot."

³⁰ "Petition to Enter Plea of Guilty and Order Entering Plea," United States of America v. Terry Loewen, June 8, 2015.

³¹ "Plea Agreement Pursuant to Federal Rule of Criminal Procedure."

³² U.S. Code Title 18, Legal Information Institute, Cornell Law School..

³³ Wichita Eagle, "Terry Lee Loewen to serve 20 years in failed Wichita airport bomb plot."

³⁴ Monti L. Belot, "Judgment in a Criminal Case," United States of America v. Terry Loewen.

fairness and opportunity. “We won’t give way to those who would inflict violence on their fellow citizens.”³⁵

During the hearing, his attorney, Henry asked that Loewen be placed in the federal prison with the lowest security-level possible nearest to Wichita so he could continue to have visitors. He characterized Loewen as a “model inmate” during his stay at the Sedgwick County Jail and did not need to be incarcerated in a maximum-security prison.³⁶ I could not find whether that motion was granted or not.

FBI Evidence Response Teams executed search warrants related to the case.³⁷ However, the results of the search were not revealed.

6. Role of informants

Informants were central to this case. Without the two FBI agents performing an undercover sting operation against Loewen, it is unclear if the attack would have taken place. He definitely planned to kill innocent civilians, and he brought up his airport access to E1. This suggests that he had possibly been planning jihad at his place of employment for some time. If (a big if) he had been able to use his access to get onto the tarmac with explosives working properly when the airport was full of people, dozens might have been killed. However, he was not the most able “lone wolf” before the initial electronic meeting, and, during the conversations, he seemed to lack the knowhow of how to commit jihad. Therefore, it might be argued, he most likely would not have been able to carry out an attack like this on his own.

The undercover operation lasted for over four months. The first contact was made on August 5, 2013, and the attack was thwarted on December 13. During those four months, Loewen relayed every layer of his plan to the FBI agents, including his motivations, his goals, his ultimate desire to be a martyr, and his somewhat opaque plans for carrying out the attack. From what we know from his family, co-workers, and neighbors, he was a laid-back individual who, on the outside, harbored no ill feelings toward anyone. But clearly, there was a monster within.

7. Connections

Investigations found no direct connections with any foreign terrorist organization. Of course, he *thought* he had made a connection when he believed the FBI agents who told him they were members of al-Qaeda in the Arabian Peninsula.

8. Relation to the Muslim community

Loewen’s relationship with the Muslim community can be described in succinct terms: there was none. As Hussam Madi, a spokesman for the Islamic

³⁵ Associated Press, “US man sentenced to 20 years for airport bomb plot,” newsinfo.inquirer.net, September 1, 2015.

³⁶ Wichita Eagle, “Terry Lee Loewen to serve 20 years in failed Wichita airport bomb plot.”

³⁷ Office of Public Affairs at US Department of Justice, “Kansas Man Charged in Plot to Explode Car Bomb at Airport,” December 13, 2013.

Society of Wichita, put it, “We don’t even know who he is at all. We haven’t seen him here. This is the first time that we’ve heard of him.” Madi also said the society checked with mosques around the city and none of them knew of Loewen. He also reported they hadn’t faced any backlash from the community as a result of Loewen’s attack.³⁸

9. Depiction by authorities

From the beginning, authorities treated this as an outright terrorist attack. As they had two FBI agents working undercover to carry out an act of jihad, they already knew about the attempted attack and were treating him as a self-radicalized terrorist. Banded together on the case were the FBI Wichita Joint Terrorism Task Force, which includes members from the FBI, from the Sedgwick County, Kansas, Sheriff’s Office, and from the Kansas Highway Patrol.

Loewen was mistakenly called a lone wolf by Special Agent in Charge Michael Kaste who said, “Lone wolves - home grown violent extremists remain a very serious threat to our nation’s security. Today’s arrest emphasizes the continual need for the public to remain vigilant as law enforcement relies on the public’s assistance.”³⁹ Despite the fact he was self-radicalized, however, this cannot qualify as a lone wolf attack because he had (very considerable) aid from two other individuals who happened to be FBI undercover agents.

Assistant Attorney General for the District of Kansas John P. Carlin said, “Terry Loewen utilized his privileged airport access to attempt a terrorist attack in Wichita. Detecting, disrupting and holding accountable those who wish to harm Americans remains our highest priority.” And U.S. Attorney General for the District of Kansas, Barry Grissom said, “Protecting the American people from terrorism is our primary mission. It is vital that we disrupt attacks against our homeland and bring terrorists to justice.”⁴⁰

10. Coverage by the media

Heritage Foundation, a conservative think tank based in Washington, D.C., treated this as a terrorist attack and used it to further emphasis a point they have been making since the 9/11 attacks in which Islamic terrorism is seen to be a continuing and evolving homeland security threat for the United States.⁴¹

However, in surveying the articles on this attack, I find that the diction used to describe Loewen was neutral. Generally speaking, they did not outright call him a terrorist. None of the articles I surveyed referred to him as an outright terrorist. Some called him “the Wichita resident,” “Wichita man,” “Kansas man,” and the like. One article called him an “airport bomb attack plotter,” but that’s as

³⁸ Tim Potter and Roy Wenzl, “Terry Lee Loewen charged in planned suicide bombing at Wichita airport,” kansas.com, December 13, 2013.

³⁹ Office of Public Affairs, US Department of Justice, “Kansas Man Charged in Plot to Explode Car Bomb at Airport,” justice.gov, June 8, 2015.

⁴⁰ Office of Public Affairs, US Department of Justice, “Kansas Man Pleads Guilty.”

⁴¹ Cassandra Lucaccioni, “61st Terrorist Plot against the U.S.: Terry Lee Loewen Plot to Attack Wichita Airport,” heritage.org, December 18, 2013.

close as it got to referring to him directly as a terrorist.⁴² Interestingly enough, as noted, Loewen had no connections with any foreign terrorist organization nor did he (rather surprisingly) have any connections with any Muslim organizations in Wichita or elsewhere. In the words of one reporter, apparently he was a Muslim online only.⁴³

11. Policing costs

This was a relatively expensive policing operation before the attack. Federal investigators watched Loewen over the span of four months and inserted two employees into his plotting. On top of acquiring all the “materials” needed for the bomb they were planning to use on the airport terminal, they had to keep a constant eye on him to ensure he did not back off, discover their true identities, or drift off into the shadows where they couldn’t find him. Moreover, there was a whole legal process in this situation, with investigators taking him to court and working out a plea bargain. However, due to the fact he pleaded guilty, there was no trial costs.

12. Relevance of the internet

The internet was essential. Self-radicalization has become easier to accomplish with the advent of the internet, especially high-speed highly-globalized internet. Without the Revolution Muslim website, it is difficult to say whether Loewen would ever have become radicalized. His family said he converted to Islam several years earlier, but did not engage in the archetypal activities of a Muslim, such as donning the dress code, attending mosque, or adhering to any sort of dietary restrictions. Without any sort of Islamic influence in his life, it might have been that, without the internet, he would never have self-radicalized.

On the flip side, it was the internet that enabled FBI employees to track Loewen down and to bait, or assist, him in this thwarted attack.

13. Are we safer?

Some say that the security of the United States is more at risk because of the advancement of the internet and therefore of the ease at which individuals are able to radicalize without any direct connection to a foreign terrorist organization and also because of an ostensibly creeping influence of Islam on Western culture. Others say that this has nothing to do with Islam, that the internet did not cause this man to radicalize, and that investigators apprehended him before he was able to pull off his plan, and hence that we shouldn’t jump to further conclusions. Meeting in the middle, the case undeniably involved Islam (albeit not of the mainstream variety). He searched radical Islamic websites, found radical Islamic lectures, and from there, was persuaded to radicalize.

⁴² For the “airport bomb attack plotter” quote, see Vishakha Sonawane, “Who Is Terry Lee Loewen? Kansas’ Wichita Airport Bomb Attack Plotter Sentenced to 20 Years in Jail,” *ibtimes.com*, September 1, 2015.

⁴³ Kevin Ryan, “The Unlikely Jihadi from ‘al-Qaeda in Wichita,’” *whowhatwhy.org*, September 24, 2014.

The internet is a capricious friend to radicals. Although it also increases the ability that individuals like Loewen will find extremist materials, it also set up the means by which federal investigators were able to track him. However, what happens when federal investigators cannot track would-be terrorists? That concern may be balanced by the fact that new technology and gadgetry enable investigators to track individuals who are potentially at risk for radicalization.

14. Conclusion

Was this terrorism? There is no question this was politically motivated. He aimed to kill innocent civilians for the purpose of pushing forward a political Islamist agenda.

There is a caveat however. He converted to Islam several years earlier but, according to those who knew him, he never acted in accordance with any of the tenets of Islam. He did not engage in the archetypal activities of a Muslim, such as donning the dress code, attending mosque, or adhering to any sort of dietary restrictions. Usually, when individuals are radicalized by Islamism, they immerse themselves in the Muslim community, at least attending mosque. So, it's peculiar that absolutely no one in the Muslim community knew him or even heard his name prior to the attacks. In a way, he was an "online Muslim only." This does not reverse the conclusion of him committing a terrorist attack, but it adds of a layer of complexity when studying cases of terrorism.

The phenomenon in which individuals are radicalized via the internet has raised a constitutional question. In order to prevent this from happening, should we censor the internet? Donald Trump once proposed during so.⁴⁴ Senator Rand Paul (R-KY), arguably the only true constitutional conservative and most libertarian-leaning of all the candidates, fought back during a debate with, "Like they do in North Korea? Like they do in China?...The constitution says otherwise."⁴⁵ As in happens, there is a law which, as unconstitutional as it is, would give Trump power to do so now that he is president. Section 606 of the Communications Act of 1934 provides emergency powers to seize control of communications facilities if the president declares there is a "war or threat of war" or "a state of public peril."⁴⁶ Moreover, Timothy Edgar, the academic director of law and policy at Brown University's Executive Master in Cybersecurity program, notes, "In 2010, a Senate report concluded that section 606 gives the President the authority to take over wire communications in the United States and, if the President so chooses, shut a network down."⁴⁷ Moreover, he adds, "If Trump wants to close that internet up," all he would need is to get an opinion from his Attorney General that section 606 gives him authority to do so

⁴⁴ He proposed this during a speech in Mount Pleasant, South Carolina, in 2015 when he suggested he would talk to people like Microsoft founder Bill Gates about "closing" the Internet "in certain areas." See Stephanie Condon, "In Republican debate, Donald Trump tries to clarify 'closing the internet'," *cbsnews.com*, December 15, 2015.

⁴⁵ Rand Paul, "Republican Presidential Debate," Las Vegas, Nevada, December 15, 2015.

⁴⁶ The Communications Act of 1934, US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *it.ojp.gov*, last updated: November 27, 2013.

⁴⁷ Timothy Edgar, "Donald Trump's troubling internet," *esmonitor.com*, November 17, 2016.

and to declare that the threat of terrorism is compelling enough to override any First Amendment concerns.”⁴⁸

But then, what defines a national security threat and how do we describe a “public peril”? There is no doubt terrorism is a threat. But the yearly chances of dying in the hands of a terrorist in the United States are 1 in 3.5 million while the chances of dying in a traffic accident are 1 in 8,200.⁴⁹ Should I stop walking to work even though the chances are 10975 times higher? No, that’s absurd. But because of the shock value associated with terrorism, the calculus changes and irrationality begins to take hold.

The problem is that, with every attack similar to Terry Loewen’s thwarted one, there are calls to make Americans safer by restricting Muslim immigration or otherwise limiting our civil liberties in hopes that decreasing liberty will increase our security. But, as Benjamin Franklin pointed out (he was actually talking about taxes but the sentiment still applies to homeland security), “Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.”

One last point concerns US foreign policy. We frequently discover that US foreign policy plays a role in attacks like this, and plenty of scholars pointed to a correlation between Islamic terrorism and US foreign policy in the Middle East.⁵⁰ For example, Osama bin Laden and al-Qaeda attacked the United States on 9/11 in large part because of its foreign policy in the Middle East: stationing troops in the Arabian Peninsula as well as unconditional support for Israel.⁵¹ Loewen did not harp on this issue, but his inspirations certainly did. The founders of Revolution Muslim said they were initially inspired by the imperialistic style of United States foreign policy. And Anwar al-Awlaki, another influence on Loewen, called for jihad against the United States in part because of U.S. Middle East foreign policy, saying: “With the American invasion of Iraq and continued U.S. aggression against Muslims, I could not reconcile between living in the U.S. and being a Muslim, and I eventually came to the conclusion that jihad against America is binding upon myself just as it is binding on every other Muslim.”⁵² The odds that Revolution Muslim would have been founded and that Anwar al-Awlaki would have become as popular as he did without the primacist U.S.

⁴⁸ Timothy Edgar, “Trump’s Internet and How to Stop It,” lawfareblog.com, November 21, 2016.

⁴⁹ John Mueller and Mark G. Stewart, “Responsible Counterterrorism Policy,” CATO Policy Analysis, No. 755, September 10, 2014.

⁵⁰ John Mueller, Robert Pape, Stephen Walt, John Mearsheimer, as well as CATO Institute foreign and defense policy scholars and other international security scholars have written about this.

⁵¹ For the motives of bin Laden: Osama bin Laden, “Letter to America,” guardian.com, November 24, 2002; Osama bin Laden, “Attacks on U.S. to Go on as Long as It Supports Israel,” haaretz.com, January 24, 2010; Osama bin Laden, “Full transcript of bin Ladin’s speech,” aljazeera.com, November 1, 2004; Michael Rubin, “Sanctions on Iraq: A Valid Anti-American Grievance?” *Middle East Review of International Affairs*, December 2001; Osama bin Laden, “Jihad Against Jews and Crusaders,” fas.org, February 23, 1998; Rahimullah Yusufzai, “Face to face with Osama,” web.archive.org, September 26, 2001.

⁵² Paula Newton, “Purported al-Awlaki message calls for jihad against U.S.,” cnn.com, March 17, 2010.

foreign policy is likely significantly lower.⁵³ Without Revolution Muslim and al-Awlaki, it's difficult to say if Loewen would have been radicalized. Thus, U.S. foreign policy does have a connection, if indirectly, to this case.

Appendix

Full quotes from Loewen to E1 and E2 as discussed in Section 5. All come from the Criminal Complaint (Cousineau, pp. 5-18) and are from 2013.

August 5: As time goes on I care less and less about what other people think of me, or my views of Islam. I have been studying subjects like jihad, martyrdom operations, and Sharia law. I don't understand how you can read the Qur'an and the Sunnah of the Prophet (saw) and not understand that jihad and the implementation of Sharia is absolutely demanded of all the Muslim Ummah. I feel so guilt-ridden sometimes for knowing what's required of me but yet doing little or nothing to make it happen. I love my Muslim brothers and sisters, whether they agree with me or not, it's just hard to deal with the denial that some of them appear to be going through. I was texting a sister on line a week or two ago, and she insisted that jihad was wrong, that any pain Muslims were suffering was their own fault for not having enough iman, and that the Prophet never said apostates should be put to death. I do agree on one thing; the one thing we are doing wrong is that all 1.5 billion of us don't rise up against the rest of the world and tell THEM how it's going to be. Inshallah, it will happen soon.

August 8: Brothers like Osama bin Laden and Anwar al-Awlaki are a great inspiration to me, but I must be willing to give up everything (like they did) to truly feel like an obedient slave of Allah (swt). You stated you might be able to put me in contact with someone that might be able to help - not sure what that means, and I can't ask any direct questions, but with what I stated above, plus whatever I can impart to you in future correspondents [sic], perhaps you can better judge what it is I need. I in no way want to put you or any other brother in harm's way - and that is a great concern of mine, so please be careful. I realize we don't know each other very well, and neither one of us knows who could be listening in, so please use caution. I very much appreciate your advice and offer of help (I certainly need it), but my love for fellow Muslims is much greater than my love for myself.

August 17: I have read Anwar Al-Awlaki's 44 ways of Jihad and like everything I've ever read of his, it's very informative. . . . I have downloaded tens of thousands of pages on the subjects I mentioned earlier [referring to jihad,

⁵³ For more on primacy, see A. Trevor Thrall, "Primed Against Primacy: The Restraint Constituency and U.S. Foreign Policy," warontherocks.com, September 15, 2016.

martyrdom operations and implementation of Sharia law]. Today I printed out something called the Al Qaeda Manual (or Manchester Manual).

August 21: Let me get to the bottom line without being too revealing - I have numerous ideas of ways I could perform jihad in the path of Allah (swt) but outside du'a, none of them are legal. I'm 58 years old and spending my remaining years behind bars for a good reason is not out of the question for me. I have considered supporting some of our brothers and sisters in prison, and have been sending money to the family of Younnus Abdullah Muhammad, one of the founder [sic] of the Revolution Muslim website, which is the first website that really helped me understand what obedience to Allah (swt) was. He is doing eleven and a half years over the whole South Park fiasco; isn't democracy great? I still need to do more however. If by any chance you know of someone who is active in jihad and could use an occasional influx of "help", please let me know. Short of that, nothing I am doing now is enough. If the subject is too hot to handle, by all means let it go. I only want to help my brothers, not lead them to a destination they feel isn't for them. I just hate the kaffar government and those who are following it to the Hellfire, and the sooner it and its followers get there, the better.

August 26: Let me preface the bottom line by saying I have become "radicalized" in the strongest sense of the word, and I don't feel Allah(swt) wants me any other way - I MUST be active in some kind of (dare I say it) jihad to feel I'm doing something proactive for the Ummah - giving money to those who fight for the Tawheed is one that I'm definitely [sic] interested in, but direct jihad against a civilian [sic] target is not out of the question. Point being, is my having access to airport property the primary reason for the tour - if the answer is "no" then I will not bring it up again.

August 27: Aiding the mujahideen [sic] is pretty low stress for me ; it's always something I've wanted to do but you just can't walk up to any Muslim and ask - I don't know that even they wouldn't [sic] turn me in. Now, the work thing is very heavy stuff, because I don't really know how other brothers would want to handle it - it's just too big for me to handle on my own, and the more people that get involved, the more chance it has of going south[.] ... I guess I look at myself as the "access" guy at this point - just need more details, if any exist at this point - are we talking explosives, because I know nothing about that? It's all very surreal at this point, exciting, yet scary.

September 2: I just spent an hour responding to your emai (sic) and dumped it before I sent itl (sic) - I don't think I have the will power to repeat it. It explained a great deal about what has happened the last couple of days and why I believe my "reckless endangerment" of myself and others has to come to an end. I understand how upset you are about this and I won't let it happen again, and I think the only way I can assure that is by isolating myself and any action I come up with, will have to be done alone. I'm not able to keep things in order, therefore

causing an unsafe environment (sic) for myself and others, and the worse thing I can think of is someone else going down for my stupidity. I really don't see me living through any thing I have in mind, assuming I can even pull (sic) it off. Again I apologize for this fucking mess, and will miss the wonderful conversations we had. Peace be with you my brother.

September 6: I believe the potential for me doing more is staggering. I have some rough ideas, but I know nothing about explosives. Don't you think with my access to the airport that I should put that to good use? I'm sure I am not as ready as I think I am, but by next year - who knows. Understand I have NO experience [sic] in things like this, but I'm willing to learn...Anyway, I'm just talking right now but still feel I'm being led in this direction.

September 9: I'm spending my spare time thinking over my options for "operations" and believe I'm moving way too fast for obvious reasons - trying to make up for lost time mostly...I'm going to stick with donating money to "needy Muslims" for a while. When ever [sic] it's convenient, please send me that info again. I want to transfer it to my thumb drive, but I will probably need help - that's why I deleted it last time. . . . Know a good place to hide it when I'm done?

September 13: Reading about the actions of the mujahideen [sic] and actually carrying them out is two different things. If not for my family, I would have already carried out some sort of operation - but that's my fault for putting others before Allah (swt) which I know better than to do.

September 21: As far as the birds go, I don't know what they were for sure - they were there less than an hour and left. I think there is an airshow somewhere close, but [don't?] know for sure. All they stopped for was fuel. The ones I sent pics of the other day actually stayed overnight. We have had numerous Apache's [sic] land and stay overnight - it's all going on next to where I work, but we have no involvement with them (at least not YET). They drop in, but I have no way of knowing when. I don't see anyway an operation could be planned in advance. It would have been possible today for me to have walked over there, shot both pilots(I don't know if they are armed or not), slapped some C4 on both fuel trucks and set them off before anyone even called TSA. Talks REAL cheap, however, so what I think I can do and what I actually can do are probably two different things. Next year I intend to get a ramp pass so I can drive my vehicle on the ramp. As far as what you tell the brothers - as long as my name isn't used I'm good with it. Like I said, I have the access, but unless someone thinks I'm teachable, that's about all I have to offer - but don't get me wrong; I certainly have the desire to learn how to perform an ' operation like this. I just haven't been given the "green light" by, Allah (swt) yet - at least not that I'm aware of.

October 3: Wow! That's some heavy stuff you just laid down. Am I interested? Yes. I still need time to think about it, but I can't imagine anything short of arrest stopping me. But as you keep reminding me, I need to let Allah(swt) Bide me. It's

very hard for me to comprehend the fact that I could be part of such a massive operation. I'm just Allah's slave, and not a very good one at that. I have one question: How do you really know who I am or what my agenda really is? I pray to Allah(swt) every night that I'm not being misled, and if I am, that He will make it very apparent (sic) to me. I trust you but part of me wants to trust ANYBODY who says they believe what I do because those kind of people are SO rare, and I thirst for that. I'm sorry I can't say I trust you 100%; my greatest fear is not being able to complete an operation because I was set up. I hate this government so much for what they have done to our brothers and sisters, that to spend (sic) the rest of my life in prison without having taken a good slice out of the serpents head is unacceptable to me. If there is anyway of reassuring me, please do. As I said, I pray for guidance but God doesn't speak to me like He does others. I hope I haven't offended you, but this is like a dream come true for me, and I never expect things this good to occur in my life. I want nothing from this life but to please Allah (swt), and without engaging in jihad for His sake, I can't say that I did anything to please him. Peace be upon you and all my brothers and sisters in Islam.

October 4: I have some questions about that - if what I ask is not a "need to know" at this time, tell me. Am I only involved as far as "prepping" for this is concerned, and just watching the rest unfold? And is it a martyrdom operation? if so am I going to be part of that? I'm asking for a week to give myself time to process all this an (sic) give you an answer. As I've stated before, I won't be able to access the ramp with a vehicle until next year - so driving on to airport property with a van full of C4 is out of the question - after the first of the year, we could drive a city bus out there. It used to be vehicle access was an option, if that's changed I'm not aware of it.

October 5: Thank you for not getting anybody's (sic) hopes up too high in case I back out - to those on the front line I'm sure it would appear very cowardly of me. And they would probably be right. But it puts less pressure on me to do an operation, even if I would rather not. I have about 50 questions, but I realise (sic) despression (sic) is of the utmost importance (sic). As far as things I would not want to engage in; you have said they are looking at a time close to the holidays; I can't see myself doing anything that involves killing children, unless I know everything is being done to minimize that. I understand it's a war, and some of these brothers may have had their children killed by this country, but in light of what the Prophet(saw) said concerning (sic) this, I just need to be sure it can be kept to an absolute minimum. And to address my wish for martyrdom (sic), I need to make sure I only desire it to please Allah(swt) . To kill numerous people and then trying to face anyone I know (including "moderate Muslims") is a fate worse than death to me. And I doubt I would last 5 minutes under torture - I would much rather die than roll over on a brother, even at this stage of the game. You are the only person I have any contact with on the jihad issue, but I would rather die than even give the authorities your name.

October 11: Thought I would run what I tried to send yesterday by you again. I will be unable to get gate access until next year (1/11/14) which is the date my badge expires. As far as airport terminal access, I will take a drive down that way soon, but I believe with a vehicle with company logo it would be no problem. If you like I can get a close up of the logo so a vehicle other than ours could be painted to match, there by (sic) allowing more time to modify said vehicle for an operation, and then driven through the gate. Just a thought; I'm sure the brothers already have that figured out. I stated last week that I would decide by today if I'm in or out - count me in for the duration.

October 11-16: All is good with me. Inshallah, this operation will be huge. Just to be a part of any operation with these brothers is a great honor for me, but of (sic) it can instill and great financial loss to the tagoot who run this country, then I will truly feel blessed. I pray the peace of Allah(swt) will be upon you and the other brothers. May this mission, inshallah, be fruitful for all of us.

October 18-19: I will only bring a weapon if the brother thinks it to be advisable. The only reason I would see the need for one is if law enforcement were to show their ugly self's (sic), at which point I would start shooting to give the brother time to flee.

November 11: I am well and the brother was very inspiring as always. We did look over the rental property, and I explained how we could accomplish the deed with the least resistance. I always think of things I would like to discuss further with him after we have parted company - so I may relay those questions and comments to you and you can get them to him, if thats (sic) possible. He asked me if I would like to take the ride all the way with him and I said yes, although he said he would ask the other brothers if it was possible for me to leave the country afterwards. I started thinking this would put other brothers in harms (sic) way, so I probably won't go that route. I told him I would go all the way with him to save other brothers much more valuable than me to the Ummah, from making that sacrifice. As I have told you before, I would consider that a great honor. I feel so close to this brother (as you said I would) that going to the end with him seems like the right thing to do. I haven't mentioned this to you because I only found out when I went to security inquiring about my badge: the airport is being renovated - whether thst (sic) is effecting (sic) the area the aircraft park in I don't know. I've been using Google maps to survey the area, but things may have changed I will try to find an excuse to go down that way and scope it out, or check with one of the fuelers about it. I assume because of air traffic that area can't be blocked, but I will make sure....

November 13: Just finished checking the photos from the air of the renovation of said property - all improvements are taking place west of our rental properties. Haven't found the completion date yet, but it shouldn't take too much digging to discover. When complete, it will render our rental units useless. But even at that, it wouldn't change the overall strategy of our project, just add a little more

distance to the normal drive. The brother asked me to check times on traffic going in and out, so I hope to have some fairly in-depth details for him. It may require me to pay a visit inside of the property, but most of the info is on the website, mashallah.... Did you notice the brother who got busted trying to fly to Syria to aid Al Qaeda in fighting the taghoot government - guess he 77 posted a large amount of radical information on Facebook and the FBI set him up. I keep a pretty low profile on Facebook anymore - | have more ' important things to attend to....

November 15: You understood correctly concerning the renovations. I am compiling (sic) information for the brother concerning times - a first glance it appears early morning will work best - right around sunrise actually. At that time, there would be about 3 properties ready to be inspected - a lot depends on the size of the vehicle and how many supplies it's carrying, although he didn't really think that would be an issue. He called yesterday and said he would call again Tuesday (sic) for a meeting Wednesday (sic) - said we need to go shopping for supplies (carpet and such). Let you know what we pick up, so we can decide how much more we need to get the properties ready to show.

Case 57: Killings in Seattle and New Jersey

John Mueller

November 28, 2016

During two months in 2014, a 29-year-old African-American with an extensive criminal record murdered four people in Seattle and New Jersey with a 9mm handgun stolen or borrowed from his girlfriend. After being caught, he justified his actions as “vengeance” for the millions of innocent Muslim lives “being taken every single day” by the United States in Iraq, Syria, and Afghanistan: “So a life for a life.”

Although he called himself a “strict” Muslim, there is no proof, as Alex Iammarino reports, that he ever attended mosque or practiced the religion or had much connection with other Muslims. He also had no connection to any terrorist group, though he may have been something of a supporter of ISIS, then just emerging as a force in the Middle East. And his selection of victims, all adult males, was somewhat bizarre and inconsistent. The first was apparently selected at random, the second and third were killed execution-style after being lured through a gay dating app, and the fourth was murdered as part of a bungled robbery attempt. None had any connection to the hated American military.

He seems, then, not only to be a “self-styled jihadist” as one press report put it, but also something of a self-styled Muslim, and his outpourings about injustice in the Middle East may have been more nearly a convenient and trendy excuse for his killings than a motivation.

Since prosecutors had him on multiple criminal charges including murder, there was no particular reason, notes Iammarino, to also prosecute him as a terrorist. However, he also observes that once terrorism charges were made public, “the media began covering his story more frequently.”

Case 57: Killings in Seattle and New Jersey

Alex Iammarino

November 27, 2016

1. Overview

Between April 27 and June 25, 2014, Ali Muhammad Brown, a 29-year-old African-American and a U.S. citizen, went on a murder spree, killing a total of four people. The first victim, Leroy Henderson, selected apparently at random, was shot 10 times in the Skyway neighborhood in Seattle, Washington. The next two victims, Ahmed Said and Dwone Anderson-Young, were lured by Brown through Grindr, a gay dating app, and were shot execution-style in front of Anderson-Young's house in Seattle.¹ With a warrant out for his arrest, Brown fled, ending up in New Jersey where he allegedly had family. The final victim was a college student, Brendan Tevlin. As he was driving back to his home from a friend's house near midnight, Tevlin was approached while stopped at a stoplight by three men, one of them, Brown. A planned armed robbery turned homicidal as Brown fired ten shots through the passenger-side window, hitting Tevlin eight times and killing him. While the other men ran away, Brown entered the car, moved Tevlin's body to the passenger side floor, and drove to a nearby apartment complex, where he stole personal items from the victim.²

Brown then committed a series of robberies and on July 18 was caught by police at a makeshift campsite in New Jersey.³ He was found with a diary detailing his desire to be trained by jihadists. Upon capture, he told authorities that his crimes were justified because his mission was "vengeance" for the "millions of lives" lost in Iraq, Syria, Afghanistan, "where innocent lives are being taken every single day...by America, by this government. So a life for a life."⁴

Brown was placed on trial for four counts of first-degree aggravated murder as well as aggravated robbery, and was sentenced to 36 years in prison for the robbery alone. Before he was convicted for the four counts of murder, the prosecutor brought Brown's diary into consideration. Its explanation for why he committed the crimes was used as evidence to convict him for terrorism under a statute that had been passed in New Jersey following September 11 and had never before been applied.⁵ There was no concern that he would be released from prison in his lifetime, so it is possible that the prosecutor only brought these charges up for personal glory. Brown is currently in prison in New Jersey and will stay there for the remainder of his life.

¹ Nicole Hensley, "Seattle fugitive suspected of killing two gay men nabbed in New Jersey," nydailynews.com, July 19, 2014.

² "Ali Muhammad Brown," wikipedia.com, November 16, 2016.

³ "Ali Muhammad Brown," wikipedia.com, November 16, 2016.

⁴ Q13 Fox News Staff, "Cops: Self-styled jihadist admits to killing 4 people, calls it 'vengeance' for U.S. actions in Mideast," q13fox.com, August 20, 2014.

⁵ Darren Boyle, "Muslim accused of killing four people in protest against US foreign policy was an 'ISIS supporter on a one-man jihad' who featured on a 'terrorism watch list'," dailymail.co.uk, January 21, 2016.

2. Nature of the adversary

Ali Muhammad Brown was born in New Jersey in 1985. He has a long history of crime. At the young age of 17, he became involved in a banking scheme led by his barber, Ruben Shumpert, that essentially consisted of depositing faulty checks to Bank of America, Washington Mutual, and Wells Fargo, and withdrawing money before the checks bounced. As Shumpert fled the country to Somalia (he pledged allegiance to, and fought for, Al-Shabaab), Brown was caught by authorities, convicted of bank fraud, and imprisoned. They were unable to prove that Brown was directly involved with fundraising for Al-Shabaab, so he was not charged with that specific crime. The prosecutor in the case said that Brown was on a federal watch list but did not elaborate, and Dave Joly, a spokesman for the FBI's Terrorist Screening Center, said that the agency does not publicly confirm or deny whether an individual is on its terror screening or no-fly lists.⁶

Brown's drifted from white-collar to more serious personal crimes. In 2012, he pleaded guilty to "communication with a minor for immoral purposes." When he was released from prison for this crime in 2013, he failed to register as a sex offender and warrants were put out for his arrest.⁷ By 2014, his crimes escalated, and his murder spree began at the end of April. The escalation of his crimes may have been partially provoked by his time in prison, but there is no evidence to back this theory.

Brown is an African-American, U.S.-born citizen, who identified as a Muslim. He took his religion to an extreme and claimed the murders were done in the name of Islam. There is no information regarding Brown's childhood or family. In fact, even his exact birthdate is unknown. It is reasonable to assume, however, that his education did not reach the university level, and it is likely he did not graduate from high school since his life of crime began at such a young age. His economic status is also unclear, but with his crimes ranging from bank fraud to armed robbery, it is likely that he was struggling economically throughout his life. He had a girlfriend and used her car for the murders in Washington and her legally-purchased 9mm handgun for all four murders. It is unclear if he was straight or gay but he did use a gay dating app to lure two of his victims.

3. Motivation

Upon capture, Brown reportedly told authorities exactly why he murdered the four men: "My mission is vengeance. For the lives, millions of lives are lost every day. Iraq, Syria, Afghanistan, all these places where innocent lives are being taken every single day ...All these lives are taken every single day by America, by this government. So a life for a life." He stated his acts were just, explaining he only targeted adult males. He also claimed to be a "strict" Muslim which could possibly help explain why he targeted two gay men.⁸ However, the

⁶ Boyle, "Muslim accused of killing four."

⁷ Wire Report, "Transient man charged for double murder at gay bar in Seattle," watermarkonline.com, July 7, 2014.

⁸ Q13 Fox News Staff, "Cops: Self-styled jihadist."

only evidence to suggest he is a strict Muslim is his own word—there is no proof he ever attended mosque or practiced the religion. No specific event triggered Brown into killing his victims, but instead he was motivated by concern about the general U.S. and Western occupation in the Middle East.

4. Goals

Based on Brown's own testimony in which he claimed his acts were just because the same acts are being committed by the U.S. against Muslims in the Middle East, it is safe to assume his goals were to continue his lone-wolf jihadist murder spree until he got caught. He did not go to extensive measures to cover his tracks though: his fingerprints were found on a wallet he left behind after a robbery as well as all over the crime scenes.⁹

His diary contained entries explaining the best ways to evade police, such as through the use of fake identification and camouflage, as well as plans to eventually be trained in jihadism.¹⁰ However, it contained no explicit dates about when he wanted to travel abroad or receive the training, and he was in no apparent contact with anyone to assist or expedite this process. Because of the randomness of his acts, there is no telling if he was in the midst of planning an additional murder. It can be speculated that if he was planning to continue his spree, he would have done so at a similarly random schedule.

5. Plans for violence

It is unclear just how long Brown planned his acts of violence. Based on the nature of the crime, it seems as if the murder of Leroy Henderson was random. Brown made contact with Said and Anderson-Young on the gay dating app, Grindr, and met them outside of a gay club.¹¹ They were shot execution-style in front of Anderson-Young's house in Seattle. It is unclear when the initial contact occurred, though it is speculated that his religious fanaticism drove him in the murders since the victims were gay.

When Brown was in New Jersey, he met Eric Williams and Jeremy Villagran. There is no evidence that points to a specific date as to when they planned to commit robbery. However, based on the nature of this crime, it is evident that, at least to some degree, the crime was premeditated. Because Williams and Villagran were not involved with the actual murder of Brendan Tevlin, they were cleared of all charges.¹²

Just a few days after murdering Tevlin, Brown attempted an armed carjacking, but fled when he was unable to drive the car since it had a manual transmission. He was seen on a security camera at a convenience store the same day changing clothes, and then disappeared. On July 18, 2014, he was found by police in a makeshift campsite in the Watchung Mountains in New Jersey. Eight

⁹ Christine Clarridge, "Defendant calls four slayings justified, charging papers say," *Seattle Times*, August 20, 2014.

¹⁰ Ali Muhammad Brown, counterextremism.com, November 16, 2016.

¹¹ Hensley, "Seattle fugitive," *nydailynews.com*, July 19, 2014.

¹² Dan Ivers, "Brendan Tevlin's accused killers: Charges dropped against 2, third indicted on terrorism," *nj.com*, July 4, 2015.

days before capture, he robbed a man near his campsite and put him in his trunk. He left the victim's wallet at the scene of the crime with his fingerprints all over it, and the victim was found shortly after by passersby.¹³

He pleaded not guilty to murdering Tevlin when he was taken to court in New Jersey. However, by August 20, he was charged with three cases of aggravated murder in the first degree in Washington state. On January 21, 2016, he was sentenced to 36 years for armed robbery.¹⁴ Because of his apparent desire to be a jihadist and possible sympathies with ISIS and Al-Shabaab, he was also put on trial for terrorism, making him the first person to stand trial in New Jersey since its anti-terrorism statute that was put into place after September 11.

Based on the fact that Brown had a diary in which he allegedly wrote that he planned on joining ISIS one day, and his testimony that his acts of violence were vengeance for the acts that the U.S. Military commits against the Islamic world, it is justifiable to assume that he had been planning on killing American men for some time.¹⁵ Nonetheless, the specific instances of his crimes have no logical pattern in terms of when they were committed or why he chose his victims as targets.

6. Role of informants

There were no informants or police operatives involved in this case.

7. Connections

Because Brown was involved in a check kiting scheme with his barber, Ruben Shumpert, who then fled the United States in order to fight for Al-Shabaab, it is possible that he may have pledged allegiance to the Somalian terror organization, but this was never proven. Additionally, his journal revealed that "he was interested in receiving jihadist training" according to prosecutors.¹⁶ Though it is not confirmed whether or not he was directly interested in receiving this training from ISIS, court prosecutors made the claim against him that he was an "ISIS supporter on a one-man jihad."¹⁷ It is important to note that ISIS did not begin its offensive in Iraq until June 5, 2014, after the first three murders, and did not declare itself a caliphate until June 29, which was after the fourth and final murder.¹⁸

8. Relation to the Muslim community

Potentially because of the low coverage of his attacks in the media, there were seemingly no reactions or denunciations by Muslim leaders across the country in response to his crimes. Similarly, no terror group took credit for his attacks or praised them in any public way. The mayor of Seattle, Ed Murray, released a statement regarding the three murders that occurred in his city,

¹³ "Ali Muhammad Brown," wikipedia.com, November 16, 2016.

¹⁴ Boyle, "Muslim accused of killing four."

¹⁵ Boyle, "Muslim accused of killing four."

¹⁶ Ali Muhammad Brown, counterextremism.com, November 16, 2016.

¹⁷ Boyle, "Muslim accused of killing four."

¹⁸ 2014, wikipedia.com, November 16, 2016.

explaining that “While Brown invoked his faith, we must be clear that Brown’s views and his actions do not reflect the values of Muslims,” and condemned any retaliations against Muslims for his actions.¹⁹ There is no evidence that he attended mosque or had any connections to other Muslims throughout his spree.

9. Depiction by the authorities

As of July 4, 2015, he was indicted on terrorism charges in New Jersey, becoming the first person ever to be indicted under the state’s terrorism statute for a murder case.²⁰ It should be noted that the exact details regarding this indictment have not been released to the public, and it can be argued that Brown’s murder spree was not terrorism. This raises questions about the accuracy of the authorities’ depiction of Brown and his crimes, and suggests that he may have been charged with terrorism to fill some other agenda, such as a resume builder for a future political office run. This is speculation, though I believe this theory carries weight and is definitely a possibility.

10. Coverage by the media

The case surprisingly did not receive a lot of media coverage. When Brown was a fugitive, there was no talk about terrorism, which can be attributed to the facts that very little was known about him and that the police did not know of his diary describing his desire to be trained in jihadism. Additionally, even after he was caught, the authorities and media still had very little information about him, including such common things as his birthdate, family, and economic status.

After Brendan Tevlin’s murder, the media became more intrigued. This was seemingly an incredibly random murder, occurring at a stoplight with no apparent ties between victim and murderer. Tevlin also was a wealthy, suburban, white college student, and there was noticeably more media coverage over his murder than over the others. The large majority of the articles about Brown were from Seattle or New Jersey news companies.

Once the courts opened up the possibility that Brown would be charged with terrorism, and subsequently after his indictment, the media began covering his story more frequently. However, many discrepancies still remain in the news media about the exact details of his court cases and decisions and about his. For example, though authorities suspected he was sympathetic to terror groups in Somalia, namely Al-Shabaab, the *Daily Mail* of London headlined an article describing him as “an ISIS supporter.”²¹ A discrepancy also existed about the terrorism statute in New Jersey, and whether or not it was the first time the statute was used for a murder or just in general. Finally, one website mentioned that he was convicted on charges of assault in Washington in 2008, though no other sources mention this conviction.²²

¹⁹ Q13 Fox News Staff, “Cops: Self-styled jihadist,” q13fox.com, August 20, 2014.

²⁰ Ivers, “Brendan Tevlin’s accused killers” nj.com, July 4, 2015.

²¹ Boyle, “Muslim accused of killing four.”

²² Ali Muhammad Brown, counterextremism.com.

11. Policing costs

No police were injured or killed during his spree or during his capture. There is no information regarding the estimated monetary costs involved with his capture.

12. Relevance to the internet

The only connection to Brown's murders and the internet was his use of the gay dating app Grindr to lure Said and Anderson-Young at the Seattle nightclub.

13. Are we safer?

It is highly likely that had the police not caught Brown, he would have continued his murder spree targeting adult males. Brown did have a history with Shumpert who eventually joined al-Shabaab. And he allegedly was placed on an FBI watch list.²³ If that is true, it is possible that intelligence agencies could use this case as a lesson to keep a closer eye on those placed on the list. At the very least, that piece of evidence could have potentially been used against him in his court cases prior to 2014.

An important question to consider is whether or not this was actually terrorism. Brown was arrested and put on trial for armed robbery and four murders and accordingly was already set to be locked away for the rest of his life. By turning his trial into a terrorism case, authorities risked many effects that often happen after a domestic terrorist attack: increases in Islamophobia and retaliation against the Muslim community.

Essentially, it is safe to claim that we are safer by locking up a murderous criminal. However, claiming we are safer from terrorism is at best overreactive and at worst naive and dangerous.

14. Conclusions

Ali Muhammad Brown spent most of his life committing crimes. At the age of 17, he became involved in a fraudulent banking scheme, and his crimes became ever more depraved and violent. By 2014, he began to kill. His targets were American adult men, and his justification was the continued presence of the United States in the Middle East and actions committed by the military against the people there. In addition to homicide, Brown committed many robberies throughout 2014, leaving fingerprints and other clues that led to his eventual arrest. By the end of his murderous campaign, four innocent men had lost their lives, spreading from Washington to New Jersey.

Brown had no ties to any terror organizations with the exception that his barber, the leader of the banking scheme, fled the U.S. to fight with Al-Shabaab in Somalia. However, authorities were unable to connect Brown to Al-Shabaab or any other terror organization, and it can be concluded he was not in contact with any at the time of his arrest.

While Brown stood trial for the robberies and murders, his journal, which detailed his hope to someday be trained in jihadism, was used as evidence to

²³ Boyle, "Muslim accused of killing four."

convict him under a terrorism statute. Because of the several life sentences he was going to receive from his other crimes, the terrorism indictment was not intended to ensure his imprisonment. Instead, I speculate there must have been some other agenda the prosecutor had in which he stood to gain glory or strengthen his reputation by locking up a “terrorist.” No terror organization claimed responsibility for his crimes, and the only proof that convicted him was his diary entries and his claim that his murders were just and in response to the killings by the United States of people in the Middle East. It is also possible that he only used that as an excuse for his crimes and that in reality he was just a criminal, not a terrorist. It can be concluded that, although he is currently considered a terrorist and is therefore included in this book, this characterization rests on a naive assumption and sets a potentially dangerous precedent for convicting Muslims of terror crimes in the future.

Case 59: Cincinnati

John Mueller

December 14, 2016

Raised in a suburb of Cincinnati, Ohio, Christopher Cornell converted to Islam in high school and was soon plotting to defend his religion against what he called “the continued American aggression against our people” by planting pipe bombs in the US Capitol building and then shooting government officials as they fled the building.

Although there is no indication that he ever prayed at a mosque or had interactions with any local Muslims, he did link up with an FBI informant who had been working with the bureau because of unrelated criminal charges and who was put on the case when he told the Bureau that Cornell was voicing support for violent jihad on Twitter. When Cornell legally purchased ammunition and a couple of semi-automatic rifles at a gun shop for the deed, he was arrested.

Cornell was diagnosed with adjustment and personality disorders and was something of a loner—his family described him as a “momma’s boy” and said that his best friend was Mikey, his “kitty cat.” He seems to have had no connection or communication with any terrorist group. However, he claimed otherwise and came to identify with ISIS, insisting in a post-arrest interview that “We’re here in Ohio. We’re in every state. We’re more organized than you think.” He said he would do whatever ISIS asked of him, including beheading Americans, and predicted “there will be many, many attacks.” Asked what he would have done had he not been arrested, he said that, since American troops were “coming to our land, stealing our resources and killing our people, raping our women,” he would have put one of his guns “to Obama’s head” and then “pulled the trigger.” Then he “would unleash more bullets on the Senate and House of Representative members, and I would have attacked the Israeli embassy and various other buildings.”¹

Although Cornell’s plans were “unrealistic and irrational” and although the likelihood he would be “capable of actually carrying out his plan on his own is quite low,” notes Cassandra Dula, he did have “a defined mission of revenge and he made it very clear that, had he not been arrested, he would have made every attempt to fulfill that mission.”

Arrested on January 14, 2015, Cornell showed signs of change in 2016. In jailhouse letters to his family he said, “At the start of this...I thought it was fun and cool because of all the attention I was receiving” and “I’m not a terrorist, a criminal or a bad person, I’m just a kid who suffered from problems, that made some bad decisions and stupid mistakes” and “Those stupid terrorist(s) and their ideologies are twisted. They are out killing innocent people and ruining families. They are brainwashing innocent...kids with hate filled propaganda.”² He cried at his sentencing hearing and was deeply apologetic. The judge dismissed his

¹ “Ohio terrorism suspect says he would have shot President Obama,” Associated Press, March 6, 2015.

² Kevin Grasha, “Man in terror plot lived ‘fantasy life behind a computer screen,’” *cincinnati.com*, December 4, 2016.

protestations as “gallows remorse,” and sentenced him to 30 years as recommended by the prosecution. Cornell’s response was, “Fucking bullshit.”³

³ Kevin Grasha, “Man in terror plot: ‘Allah’s in control, not the judge’,” cincinnati.com, December 5, 2016.

Case 59: Cincinnati

Cassandra Dula

December 12, 2016

1. Overview

Around noon on Wednesday January 14, 2015, Christopher Lee Cornell, a 20-year-old Cincinnati native, was arrested on charges of attempting to kill a United States official. His plans included planting pipe bombs in the US Capitol building and then opening fire with two newly purchased M-15 assault rifles on any government officials attempting to flee the building.¹ While the plotting of his attack occurred over several months, Cornell's apparent accomplice was actually an FBI informant who had gotten in touch with the government agency after Cornell reached out to him via social media. Cornell allegedly came to his accomplice with the idea of committing terrorist attacks in the United States in the name of jihad and ISIS.²

Cornell first got on FBI radar when he began tweeting under the alias of Raheel Mahrus Ubaydah about committing violent jihad in support of the Islamic State in Iraq and Syria (ISIS). An FBI informant contacted the bureau about an individual who was posting information to Twitter about violent jihad and support for radical Islam. On August 29, 2014, the FBI informant and Cornell made contact with one another about teaming up for an attack.³ There is media discrepancy about whether or not Cornell made the first contact, although the majority of sources claim he did. Cornell claimed that he had been in touch with ISIS members overseas and that he had fully aligned himself with ISIS. Cornell encouraged his accomplice to meet up in order to make their own group and carry out jihad.⁴ As the two grew closer, they met twice in person—two days in October and two days in November of 2014—and each time Cornell revealed more and more of his plan.

During the first meetings on October 17-18, 2014, Cornell's plans were vague, although his accomplice did state that he had videos of jihadists and instructions for pipe bombs prepared for their meeting.⁵ Cornell said that his plan was to move in December and that their targets would be government buildings in Washington, DC. Cornell was also saving up money during this time period in order to purchase weapons and ammunition.⁶ In a later meeting it was revealed that Cornell was planning on attacking the Capitol building during President Barack Obama's State of the Union address.⁷

¹ Pierre Thomas, Jack Date, Mike Levine, and Jack Cloherty, "Ohio Man Arrested for Alleged ISIS-Inspired Plot on US Capitol, FBI Says," ABC News, January 14, 2015.

² Ben Brumfield, Pamela Brown, and Dana Ford, "FBI says plot to attack U.S. Capitol was ready to go," CNN, January 15, 2015.

³ U.S. v. Christopher Lee Cornell, Criminal Complaint, January 14, 2015.

⁴ Brumfield, Brown, and Ford, "FBI says plot to attack U.S. Capitol was ready to go."

⁵ U.S. v. Christopher Lee Cornell, Criminal Complaint.

⁶ Lindsey Bever, "Christopher Lee Cornell: The man who allegedly plotted to attack U.S. Capitol 'fulfilling the directives of violent jihadists,'" *Washington Post*, January 15, 2015.

⁷ "Ohio ISIS supporter allegedly planned State of the Union attack," CBS News, August 1, 2016.

During the second meetings on November 10 and 11, 2014, Cornell informed his accomplice that he considered members of the Congress his enemies and that their target of attack was going to be the US Capitol building. His plan was to travel to Washington with his accomplice, gather information on the security of the building, and then execute the plan. Cornell also had additional videos jihad, information on pipe bomb building, and information on Washington buildings on his computer to share with his accomplice during these meetings.⁸ However, at this time he had no weapons, no supplies to create a pipe bomb, and his plans were unrealistic and irrational. He was lacking in resources and it seems as if he had reached out to the informant in the hopes that having someone to work with would increase the legitimacy of his plan as well as the likelihood of its success.

Prior to Cornell's purchase of the weapons, his accomplice had informed the FBI that Cornell viewed the weapons as one of the "final steps" before the attack could be carried out, and the FBI informed the Point Blank Range and Gun Shop of the purchase days before it occurred.⁹ The store's employees had been told by the FBI to allow Cornell to purchase the weapons, although the store's employees did run a background check on him before the purchase that showed no problems.¹⁰ That being said, there is no evidence that Cornell had already obtained the supplies to create a pipe bomb, and no completed bombs were found within his residence, which would mean that this was not the last step, only one of many final steps.

On Wednesday January 14, Cornell entered the Gun Shop and purchased the two M-15 rifles along with 600 rounds of ammunition. Immediately after leaving the store he was arrested by the Joint Terrorism Task Force. He was charged with attempting to kill a US government official and possession of firearms in furtherance of an attempted crime of violence. Later he was also charged with trying to provide support to a terrorist organization.

In August 2016 Cornell pled guilty to three counts, his plea was placed under the condition that the later added charge of attempting to support a terrorist organization be dropped.¹¹ Although he showed signs of remorse in 2016, he was sentenced to 30 years in December.¹²

2. Nature of the adversary

Christopher Lee Cornell, also known as Raheel Mahrus Ubaydah, was born in Cincinnati, Ohio, to John Cornell Sr. and Angela Carmen.¹³ Information

⁸ U.S. v. Christopher Lee Cornell, Criminal Complaint.

⁹ Jason Silverstein, "FBI arrests Ohio man for plotting ISIS-inspired bombing," *Daily News*, January 14, 2015.

¹⁰ Patrick Brennan, "Father: Terror plot suspect was a 'momma's boy,'" *cincinnati.com*, January 23, 2015.

¹¹ Kevin Grasha, "Plea: Green Twp. Man planned terror attack during '15 Obama speech," *cincinnati.com*, August 1, 2016.

¹² Kevin Grasha, "Man in terror plot: 'Allah's in control, not the judge'," *cincinnati.com*, December 5, 2016.

¹³ "Dad Accuses FBI of Setting Up 'Mommy's Boy' Son in Bomb Plot," CBS News, January 15, 2015.

on his birth date, actual birth location, and early life is very limited. His parents said that he had a normal childhood and was a normal student, albeit a quiet one. His family has described him as a “momma’s boy” and said that his best friend was his “kitty cat” Mikey.¹⁴ Neither of his parents appears to have any ties to Islam, radicalism, or jihadism.

He graduated from Oak Hills High School in 2012¹⁵ and was a wrestler as a student there.¹⁶ He was described as being a loner and spent a lot of his time playing video games. It is unclear whether or not he was employed at the time of his arrest, with some sources saying that he was unemployed¹⁷ and his father stating that he had a part time job.¹⁸ A former schoolmate said that Cornell’s change began senior year of high school, and said that he began to say strange things about the government and anarchy. He said that his friend’s views began to become very extreme and radical.¹⁹

While the actual timeframe is unclear, at some point after graduating from high school, Cornell moved out of his parent’s home. However, he did keep a room at their Cincinnati residence and his father stated that he visited the family every day.²⁰ His father said that Cornell had always been tolerant of other people’s religions and that he had commented on the persecution of Muslims around the world. He had recently converted to Islam and his father had noticed him starting to pray about two months prior to his arrest. It was also noted that he had “found peace in religion” after converting.²¹

It is unclear what may have actually influenced him to convert to Islam, although he did not take to social media under the name of Raheel Mahrus Ubaydah until the summer before his arrest. He has multiple times referenced Anwar al Awlaki, an American born al-Qaeda leader in Yemen, saying that he had already given the “thumbs up” to lone wolf jihadists.²² Similarly, while the content he posted on Twitter clearly shows that he was fully aligned with radical Islamists, it is also clear that he received no formal support from any groups in the Middle East or elsewhere.

Cornell had no police interactions prior to his arrest in January 2015, and although his hearing has not yet occurred, his interactions with other prisoners and the courts have been very telling in his opinion on law enforcement and the government. In March 2015 Cornell was permitted to give an interview for a radio station, WXIX-TV in Cincinnati from his prison cell in Kentucky. In the interview he told the station that if he hadn’t been arrested he would have taken his gun and “put it to Obama’s head,” also killing “Senate and House of Representatives members.” He also mentioned attacking the Israeli Embassy and

¹⁴ Bever, “Christopher Lee Cornell: The man who allegedly plotted.”

¹⁵ “Cornell case: Here’s what we know; don’t know,” cincinnati.com, January 15, 2015.

¹⁶ “Dad Accuses FBI of Setting Up ‘Mommy’s Boy’ Son in Bomb Plot.”

¹⁷ “Cornell case: Here’s what we know; don’t know.”

¹⁸ “Dad Accuses FBI of Setting Up ‘Mommy’s Boy’ Son in Bomb Plot.”

¹⁹ Alex Johnson and Shamar Walters, “Stunned Dad: Capitol Bomb Suspect Christopher Cornell Was Coerced FBI ‘Snitch,’” NBC News, January 16, 2015.

²⁰ “Cornell case: Here’s what we know; don’t know.”

²¹ Bever, “Christopher Lee Cornell: The man who allegedly plotted.”

²² Bever, “Christopher Lee Cornell: The man who allegedly plotted.”

other buildings in Washington, DC. At this point he had pled not guilty and was continuing to voice his support for ISIS.²³ These interview comments in particular emphasize his irrational and violent nature, serving as concrete examples of just how radical his views were and just how absurd his plans for violence were.

In November 2015, the federal judge appointed to Cornell's case ruled that he had to undergo a mental evaluation in order to determine whether or not he was competent enough to stand trial. This order occurred after Cornell's attorneys filed a motion saying that there was reason to believe that he may be suffering from some kind of mental disease.²⁴ However, by April 2016, a psychologist had seen Cornell four times, and, while he diagnosed Cornell with adjustment and personality disorders, the judge did find that Cornell was competent to stand trial.²⁵

Around the same time that the judge ruled on Cornell's competency, there was a shift in Cornell's appearance and the way in which he identified. He shaved his long beard, cut his hair, and began referring to himself as "Chris" again.²⁶ In August 2016 Cornell and his attorneys changed the plea to guilty of three charges; attempted killing of a US government officer, possession of firearm in furtherance of attempted crimes of violence, and offering material support to a foreign terrorist organization. A fourth charge of solicitation to commit a crime of violence was dropped in the plea bargain.²⁷ It is unclear whether or not the identity and appearance change was due to a genuine change in mindset on Cornell's behalf, or if it was a decision made by his legal team before entering the guilty plea.²⁸

3. Motivation

Cornell's radicalization reasons remain unknown, although some have suggested that it may have to do with the fact that he was a quiet loner in high school who spent his time searching for his place and never really found it.²⁹ It has been shown that he was educated about radical Islam and the doctrines of ISIS and al-Qaeda through social media, primarily Twitter, and while he had always been sensitive to Muslims in the Middle East and their struggle, after he converted to Islam it appeared that he rapidly became more radical in his views.³⁰ This sensitivity to Muslims in the Middle East may be what directed him to more radical sources of information in the first place, seeing as that clearly came before his plans for violence in the name of jihad and his religious conversion.

²³ "Ohio terrorism suspect says he would have shot President Obama," Associated Press, March 6, 2015.

²⁴ Dan Sewell, "Mental evaluation ordered for suspect in U.S. Capitol attack plot," *Washington Times*, November 10, 2015.

²⁵ Kevin Grasha, "Dramatic change in terror suspect's appearance," *cincinnati.com*, April 19, 2016.

²⁶ Grasha, "Dramatic change in terror suspect's appearance."

²⁷ "US Capitol attack plot suspect pleads guilty to 3 counts in Ohio," Fox News U.S., August 1, 2016.

²⁸ Dan Sewell, "Cincinnati man pleads guilty in plot to attack U.S. Capitol," *Dayton Daily News*, August 1, 2016.

²⁹ Johnson and Walters, "Stunned Dad."

³⁰ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

During his interview with the Cincinnati radio station, Cornell also made it clear that he would do whatever he needed in order to assist in ISIS' jihad. He referred to himself as being in the same community as Muslims in the Middle East and he wanted to carry out his attacks because of the war waged on the Islamic State by the US government and specifically Obama. It was clear that he was very disturbed by the intervention of America in Syria and Iraq and accused US soldiers of "coming to [his] land, stealing [his] resources, and killing [his] people, raping [his] women."³¹

In planning his attacks, it seems he may have been in contact with other radical Islamists and did extensive research on buildings in Washington and on bomb making. It does not seem that there was any hesitation in this plan, and by the time Cornell had contacted his accomplice, he had already formulated the plan in his head. There is no indication of whether or not he had any other attacks that he was planning, although he did stress in his radio interview that ISIS was operating all over the US and that "there will be many, many attacks." He made it clear that he believed "We're here in Ohio. We're in every state. We're more organized than you think."³²

Additionally, Cornell had told his accomplice that he was following the rhetoric of Anwar al Awlaki and had decided to take his personal jihad into his own hands, planning and executing attacks on his own.³³ In the end, it would appear that Cornell's solitary nature combined with his later developed interest in radical political thought led him to radical Islamist rhetoric on social media in later years. Through interactions with other radical Islamist propaganda online, and according to him, interactions with other radical Islamists, and his conversion to Islam in the months leading up to his interactions with his accomplice, he was able to formulate a plan meant to retaliate against US aggressions towards Muslim communities in the Middle East.

4. Goals

While the primary goal of Cornell's attack is unknown, it is clear that Cornell was aiming to kill individuals that he viewed as responsible for the persecution of Muslims in the Middle East. Additionally, he believed that by executing attacks such as the one planned on the US Capitol building he would be able to continue the progress of ISIS and al-Qaeda on United States soil. Cornell claimed that he was committing the attack in order to stop the "continued American aggression" against Muslims on their soil, implying that he believed recurrent attacks against Americans on US soil would put an end to American involvement in the Middle East.³⁴

5. Plans for violence

While there were clear plots that included violence, Cornell was never able to actually execute his plans. In the original plot reported on by the FBI

³¹ "Ohio terrorism suspect says he would have shot President Obama."

³² "Ohio terrorism suspect says he would have shot President Obama."

³³ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

³⁴ "Ohio ISIS supporter allegedly planned State of the Union attack."

informant, Cornell was planning on waging jihad against US officials on his own and in the name of ISIS. His plan was to detonate a pipe bomb outside of the US Capitol Building and then shoot government officials as they exited the building.³⁵ He had been planning on taking a trip to Washington, DC, in order to get a sense of the Capitol layout, and had made it clear in his meetings with the FBI informant that he had been proactively researching ways to create pipe bombs.

The day of his arrest, Cornell went out to purchase the guns for his attack. He purchased two M-15 rifles, presumably one for himself and one for the informant, and 600 rounds of ammunition for the attack. While the informant had made the FBI aware of this purchase in advance and they had contacted the gun shop to warn them about the arrest that was about to be made, the owner of the gun store said that he ran a background check on Cornell that came out fine, and he had proceeded with the sale as normal, per the FBI's requests.³⁶

In his interview with the Cincinnati radio station, Cornell also made additional threats of violence against government officials and the President. When asked what he would have done if he hadn't been arrested in January, Cornell said that he would have used the guns that he purchased to shoot the President in the head, and then attack the Senate, the House of Representatives, the Israeli embassy, and other buildings. He also stated that he would be willing to do "whatever ISIS asked of him," a statement that included the beheading of Americans.³⁷ That being said, aside from his plans to attack the Capitol, there were no additional concrete plans for violence.

Cornell did not have any experience in working with explosives or weapons, however he was clearly determined to execute his plans and did carry out the purchase of ammunition and assault rifles. That being said, while he had taken the steps to go to the gun shop, purchase two semi-automatic rifles and ammunition, there is no evidence of him purchasing the materials required to build a pipe bomb, and there is no evidence that he had attempted to build a pipe bomb in the final days before his arrest. It was also clear that Cornell was capable of planning a reasonable attack on his own, seeing as the FBI informant did not seem to play a large role in the actual organization of the plan. He was capable of purchasing the weapons necessary, he had planned on figuring out the logistics of the building, and he had coordinated everything well in advance. Although in this scenario the FBI had been watching Cornell for months and was in control of the situation, it would appear that had they not been keeping an eye on him that there would have been an immediate threat of violence.

Although he showed signs of remorse in 2016, he was sentenced to 30 years in December of that year.³⁸

6. Role of informants

³⁵ "Ohio terrorism suspect says he would have shot President Obama."

³⁶ Grasha, "Plea: Green Twp. Man planned terror attack."

³⁷ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

³⁸ Kevin Grasha, "Man in terror plot: 'Allah's in control, not the judge'," *cincinnati.com*, December 5, 2016.

The role of informants was particularly important in this case. The reason that the FBI noticed Cornell initially was because an FBI informant who had been working with the bureau due to unrelated criminal charges told them that Cornell was “voicing support” for violent jihad on Twitter. Information on the nature of the informant’s contact with Cornell has been severely lacking. It is unclear in the criminal complaint who made contact with who first, however the media has implied that Cornell made the initial contact. It is possible that because of the use of social media, the two could have had an interaction that did not involve actual discussion—such as “retweeting” one another or “favoriting” each other’s tweets—prior to the actual conversations about meeting up. It is clear however that the initial contact was made on Twitter, most likely in through direct messages with one another, and then later moved to a separate instant messaging account.³⁹

The informant then met with Cornell in Cincinnati twice before his arrest, two days in October and two days in November. There is no information regarding the location of the meetings, other than that they were in Cincinnati near where Cornell lived. It was during the second meeting that Cornell informed his “accomplice” of his plans for violence in Washington, DC, as well as his views that members of Congress and other government employees were enemies of Islam and therefore his own enemies as well.⁴⁰ All of these meetings were recorded by the FBI using video surveillance, and later used by the Joint Terrorism Task Force in order to better understand the kinds of information Cornell was using to plan his attack.

Unfortunately the identity of the informant remains unknown, presumably because of his criminal background, and very few details have been released by the FBI about his specific role in their investigation.

Additionally, there was speculation—especially in the earlier stages of Cornell’s case—by his father that the FBI had done more than just monitor his son’s behavior. He claimed that there was no way his son could have come up with the attack on his own, and that during the meetings with the informant the FBI was “filling his head” with ideas of jihad and violence against the government. He believed that his son was in a “vulnerable” state and that Cornell was manipulated by the FBI informant to plan the attack and to purchase the guns and ammunition.⁴¹ He said that the FBI informant was only trying to “better his own legal situation” and that his son did not have the mental capacity to come up with the plan on his own.⁴²

Cornell’s father also claimed that his son did not have enough money in his account to have made the purchase of guns on his own, that he only had \$1,200 in his bank accounts before making the purchase at the gun store while the guns and ammunition should have cost over \$2,000.⁴³ That being said, neither the government nor Cornell’s legal team have made any comments regarding the

³⁹ U.S. v. Christopher Lee Cornell, Criminal Complaint.

⁴⁰ “Dad Accuses FBI of Setting Up ‘Mommy’s Boy’ Son in Bomb Plot.”

⁴¹ Johnson and Walters, “Stunned Dad.”

⁴² “Ohio terrorism suspect says he would have shot President Obama.”

⁴³ “Dad Accuses FBI of Setting Up ‘Mommy’s Boy’ Son in Bomb Plot.”

validity of this claim, and it would seem possible that if Cornell was already keeping this much from his parents he would have been capable of hiding exactly how much money he had saved up.

However, since Cornell was already voicing support for jihad when the FBI began monitoring his social media and actions, it is highly unlikely that entrapment could have been used as a viable legal defense. Cornell was also the one to show the plan to the FBI informant in their meeting, and he had been the one with information on how to make a pipe bomb, where in DC to strike, and when the attack should be carried out.⁴⁴

It is unknown whether or not there was an additional monetary incentive for the FBI informant working in this case, and it is unknown what happened to the informant after the arrest and the plea were made. In all official documents the informant was referred to as a Confidential Human Source (CHS).⁴⁵

7. Connections

As far as the media has reported, there have been no actual connections between Cornell and terrorist organizations abroad. Neither ISIS nor al-Qaeda have taken responsibility for his attempted actions, and he was not working with anyone else who may have had connections overseas. The FBI investigation thus far has also shown no indications that Cornell ever communicated with anyone in a terrorist organization.

However, Cornell has stated otherwise in an interview, claiming to be in contact with terrorist organization leaders from around the world including members of ISIS. As far as he was concerned, he was waging jihad on behalf of ISIS, and had been told by his “brothers overseas” that his role was to wage war against nonbelievers in the west.⁴⁶ Although he identifies with the Islamic State, he also says he believed he was to wage jihad under his own orders, making it unclear whether he was acting on his own behalf in the name of ISIS or acting under direct orders from someone he communicated with.

8. Relation to the Muslim community

Cornell had little relation to the Muslim community in Cincinnati or elsewhere. While he did express respect for persecuted Muslims in the Middle East and eventually did convert to Islam a few months before he was arrested, there is no indication that he ever prayed at a mosque or had interactions with any local Muslims in his community. This implies that the Muslim community played no role in Cornell’s radicalization and had no knowledge of his planning to attack on behalf of other Muslims.⁴⁷

A representative with the Cincinnati Council on American-Islamic Relations stated that Cornell was not a part of their community and that members of the Muslim community in Cincinnati were not aware of his plans or conversion

⁴⁴ Bever, “Christopher Lee Cornell: The man who allegedly plotted.”

⁴⁵ U.S. v. Christopher Lee Cornell, Criminal Complaint.

⁴⁶ Tricia Macke and Jody Barr, “Terror suspect Christopher Cornell: ‘I’m so dedicated that I risked my whole life’,” Fox19 News, March 9, 2015.

⁴⁷ “Local Muslim community reacts to Cornell interview,” Fox19 News, March 9, 2015.

to Islam. The representative said that the radical view of Islam that Cornell had was misinformed and most likely came from the internet.⁴⁸

9. Depiction by the authorities

The general depiction of Cornell's plot by the authorities was responsible and competent. It does not appear that the danger Cornell presented to the public was exaggerated at any point during the arrest of the proceeding, and the authorities presented a very straightforward, factual image of Cornell's plot and radicalization. In the Department of Justice's press release on Cornell's arrest it was made clear that "the public was not in danger during this investigation."⁴⁹

While it was made clear that the FBI took Cornell "very seriously," all statements from members of the Joint Terrorist Task Force emphasized the risk that home-grown terrorists pose and the impact that specialized task forces can make on investigations like Cornell's. Mark Denny, the Police Chief of Colerain Township, near where Cornell resided, stated that, "Frankly, it has seemed unreal that this could happen here... This kind of incident on our doorstep should be a great reminder of the hard work our officers do and for everyone to remain vigilant."⁵⁰

Neither the FBI, nor any other authorities have opted to release a response to the media publications that have arisen in the wake of this case. However, this is not particularly unusual as the court transcripts have not been released and the case itself has not been closed.

The combination of efforts between the JTTF, the Colerain Police Department, the Cincinnati Police Department, Green Township Police Department, and the U.S. Capitol Police was also emphasized in both the Department of Justice's press release and multiple interviews with members of the police departments in Ohio.⁵¹ The role of the FBI informant has also been acknowledged by the FBI, albeit also downplayed quite a bit, which is not surprising seeing as he was working for them because of other criminal charges and did not have his identity released to the public.

10. Coverage by the media

The media in this situation was very quick to highlight the successes of the Joint Terrorism Task Force and local law enforcement agencies.⁵² Early media lacked details because of the small amount of information being released by agencies working on the investigation, but as more material was given to the media, the emphasis switched more to Cornell's history and the actual events leading up to his arrest.

While the use of an FBI informant would normally raise questions of entrapment and coercion, in this case it was very clear that Cornell had been the

⁴⁸ "Local Muslim community reacts to Cornell interview."

⁴⁹ "Cincinnati-Area Man Arrested for Plot to Attack U.S. Government Officers," Department of Justice Press Release, January 14, 2015.

⁵⁰ Jennie Key, "FBI task force included Colerain officer," Cincinnati.com, January 15, 2015.

⁵¹ "Cincinnati-Area Man Arrested for Plot to Attack U.S. Government Officers."

⁵² Breaking News Staff, "Plea change likely for Cincinnati man in terror plot," WHIO, August 12, 2016.

one to make the initial plans for violence. It has also been implied in media reports that Cornell was the individual who reached out to the FBI's confidential human source, and he was the one who held back his plan until the informant had gained his trust. It was also clear that Cornell had been radicalized prior to his interactions with the FBI informant, and so this was not an issue that could have credibly been raised by the media.⁵³

Aside from the media's appreciation of the federal and local government's role in the investigation, there was a large emphasis on Cornell's past, the way in which his parents were reacting to the arrest, and, later, his actions in the jail in which he was being held. Many of the early media articles included various statements from Cornell's mother and father, which described his personality and how they viewed his transition to radical Islam.⁵⁴ While there was reporting done on Cornell's father's views that the FBI had coerced his son, there was no overt bias by the media on whether or not they viewed this accusation as legitimate.⁵⁵ Claims that Cornell did not have the money to purchase the guns and ammunition on his own were raised in opposition to the FBI's use of an informant, but these claims have not been taken seriously enough to be investigated and were portrayed more as a father trying to justify his son's actions.

As the investigation continued and as Cornell prepared for trial, the media played a large role in synthesizing what was occurring in Cornell's hearings. They were eager to report on the interview Cornell gave while in jail, and utilized the violence and eagerness in his words to show just how serious the threat was had the FBI not caught onto him prior to the execution of his attack.⁵⁶ They also chose to follow very closely the psychological examination that Cornell had to undergo, comparing the results reported with the traits that his parents had talked about earlier in the investigation.⁵⁷ The general consensus of these reports was that the psychological examination report should be taken at face value, seeing as it was really the only indication of Cornell's personality, aside from his parents and one interview of a classmate.

Recently, there has been a plethora of reporting done on Cornell's physical change, as well as his reversion back to his given name. When Cornell decided to plead guilty to all charges, he cut his hair, shaved his beard, and began referring to himself as "Chris" again.⁵⁸ The media emphasized interviews with Cornell's legal team and his parents, discussing possible reasons for the change and what effect this might have on his sentencing.⁵⁹

One of the major limitations in analyzing media coverage in this case was that the government was at no time obliged to respond to any reporting done on Cornell and the investigation. It is unclear whether this was because the media was doing a good job of reporting the facts or because the government didn't view the media as a legitimate threat to the integrity of the investigation. It appears that

⁵³ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

⁵⁴ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

⁵⁵ Johnson and Walters, "Stunned Dad."

⁵⁶ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

⁵⁷ Grasha, "Dramatic change in terror suspect's appearance."

⁵⁸ Grasha, "Dramatic change in terror suspect's appearance."

⁵⁹ Sewell, "Cincinnati man pleads guilty."

the media was fairly unbiased and chose to focus on the good investigating done and emphasize the emergence of homegrown, radical Islamic terrorists. It was stressed in various articles that in the past, terrorism was something seen as only possible overseas in areas that were near conflict, but since 9/11 terrorism has continued to move closer to home. Instances such as Cornell, a young adult from Ohio who never before traveled abroad and had no connections to radical Islamist groups, are becoming more and more common.⁶⁰

11. Policing costs

The total costs of policing and detaining Cornell have not been explicitly discussed or estimated anywhere. However, there was some collaboration required by this case, and multiple departments offered up officers and agents in order to apprehend Cornell.⁶¹ This collaboration was emphasized in police reports and the Department of Justice press release, but how much certain offices, such as the US Capitol Police, contributed to the investigation does not seem to be much.

While the FBI has not overtly stated that their informant was getting paid, this is a topic that Cornell's lawyers brought up in court and could add to the potential total cost of the case.⁶² Additionally there has been mention of video surveillance that was used during the meetings between Cornell and the informant.

The JTTF, run by the FBI and supplemented by various state and federal law enforcement agencies, was the supervising agency in this investigation. As mentioned previously, the task force also coordinated with the Colerain Police Department, the Cincinnati Police Department, Green Township Police Department, and the U.S. Capitol Police, meaning that resources had to have been allotted from those agencies as well in order to communicate with the JTTF and keep tabs on the investigation, which would have driven up the total policing costs.⁶³

There were two US Attorneys on the case, Acting US Attorney Benjamin C. Glassman and Assistant US Attorney Timothy Mangan. While there have been several hearings to determine Cornell's competency and to receive his pleas, Cornell eventually pled guilty to three charges, part of his plea deal being that a fourth charge was dropped, suggesting that the actual trial costs should remain somewhat low.⁶⁴

12. Relevance of the internet

In this case, Christopher Cornell used the internet to read jihadist literature, watch radical political media, and potentially talk to other radical Islamists. In his meetings with the informant, he also had information on how to create a pipe bomb and on the jihadist mission he believed to be taking.⁶⁵

⁶⁰ Key, "FBI task force included Colerain officer."

⁶¹ "Cincinnati-Area Man Arrested for Plot to Attack U.S. Government Officers."

⁶² Grasha, "Plea: Green Twp. Man planned terror attack."

⁶³ "Cincinnati-Area Man Arrested for Plot to Attack U.S. Government Officers."

⁶⁴ "US Capitol attack plot suspect pleads guilty to 3 counts in Ohio."

⁶⁵ U.S. v. Christopher Lee Cornell, Criminal Complaint.

The internet was also where Cornell first made contact with his supposed accomplice, the FBI informant. Cornell had been active on Twitter from August 2014 to January 2015, and his Twitter account had been used specifically to discuss radical Islamic rhetoric and ideology. Cornell used this Twitter account to communicate with his potential accomplice and to set up the meetings between them that occurred in November and December of 2014.⁶⁶ Cornell's Twitter account was how the FBI found him in the first place, and while it facilitated his radicalization to some extent, it is also what prevented him from taking action in the end.

Additionally, Cornell has alleged that he used secure communications on the internet in order to send and receive messages to and from leadership in ISIS and other terrorist organizations abroad. This has not been confirmed by law enforcement and it appears that he did not actually communicate with any international terrorist organizations, but it is another possible way in which the internet might have influenced the plot.⁶⁷

13. Are we safer?

There are multiple considerations as to whether or not the arrest of Christopher Cornell has made the public safer. He had no criminal background, had not been violent in the past, and had only recently been radicalized. Additionally, he was heavily reliant on his parents for resources, only maintained a part time job—if that—and was mentally unstable. However, his thoughts and opinions on violence and Islam were extreme, and warranted caution. By high school he had become interested in radical political ideology and sometime in the summer of 2014 had converted to Islam. Soon after converting, Cornell became radicalized, most likely through online sources and social media propaganda that played on his preexisting sympathy for Muslims in the Middle East being subjected to violence.⁶⁸ His radicalization was quick and severe, causing him to immediately take to social media in an attempt to connect with other radical Islamists. Specifically, he had sought out radical propaganda that emphasized jihad and violent acts against the US and the west.

While his father may have tried to convince the public and the media that Cornell's plan was really created by the FBI, all evidence suggests that Cornell was completely capable of concocting the plan of attack on his own. It is also possible that he would have connected with another radical Islamist had the FBI accomplice not been the person he reached out to. He had found resources online that contained radical rhetoric, he had located instructions on how to create a pipe bomb, and he had been the one to describe his plan to the FBI informant.⁶⁹ Not only do these actions suggest that he was not coerced, but he had also stated in his interview from jail that he was willing to give up his life for Allah and Islam. He had a defined mission of revenge and he made it very clear that, had he not been arrested, he would have made every attempt to fulfill that mission.

⁶⁶ Bever, "Christopher Lee Cornell: The man who allegedly plotted."

⁶⁷ Macke and Barr, "Terror suspect Christopher Cornell: 'I'm so dedicated'."

⁶⁸ Johnson and Walters, "Stunned Dad."

⁶⁹ Johnson and Walters, "Stunned Dad."

Cornell's violent statements from his interview alone suggest that the American public is safer after his arrest. While he may not have been as successful in his plan as he had envisioned, it was very clear that he was willing to go to great lengths in order to harm American government officials. He was able to overcome the fact that he would most likely lose his own life in his attempt to retaliate against the US government for their actions in the Middle East, and had taken it upon himself to sacrifice the lives of others in the name of his own higher cause. That being said, he was severely lacking in resources, and the likelihood of him being capable of actually carrying out his plan on his own is quite low.

14. Conclusions

While there has not been a large amount of academic research done on the topic, the role that social media plays in terrorism, especially in recruitment and radicalization of new terrorists, has been growing. Social media and other online methods of communication have made it easier for terrorists to spread their messages and their fear to more potential recruits and more potential victims. "An entire generation of Muslim youth has been and continues to be radicalized online by violent images and incitements to murder," stated a *Forbes* opinion piece from 2015.⁷⁰ This can be especially important where lone actor terrorists are involved, because it allows for individuals, like Christopher Cornell, who have never before been to the Middle East to become radicalized just by turning on their computer. In this case in particular, social media also played a critical role in catching Cornell before he was able to act, and this is something to take into consideration when examining how terrorists utilize social media and how law enforcement can exploit this usage to track terrorists before they act.

This can beg the questions, how do we draw the line between free speech and terrorism prevention and how can we reign in the spread of radical rhetoric online? It has long been up for discussion whether or not posting online about violence in the name of radical Islam is protected by the Constitution—in the case of US run social media companies—and how to best combat the use by terrorists of social media. Perhaps this is something that more resources should be devoted to in the future especially as social media usage seems to be one of the Islamic State's specialties.

In his article, "A Staircase to Terrorism," Fathali Moghaddam discusses the process by which individuals join terrorist organizations and how this process makes it difficult for individuals to leave the organizations they join.⁷¹ While this was written in response to individuals who formally join terrorist organizations, it could be argued that the same analogy can be used for individuals who decide to act alone. In the case of Cornell, he can be seen taking the same progression of steps in order to decide that violence in the name of terrorist organizations was the only logical next step. He perceived the injustices around him and in the Middle

⁷⁰ Yigal Carmon and Steven Stalinsky, "Terrorist Use of U.S. Social Media Is A National Security Threat," *Forbes*, January 30, 2015.

⁷¹ Fathali Moghaddam, "A Staircase to Terrorism," *American Psychologist*, February-March, 2005.

East, he believed that only radical actions could stop these injustices, he was inclined to use violence because it was the example set by others who had perceived those injustices similarly, and he distanced himself both emotionally and psychologically from the people he was planning on harming.

Perhaps one does not need to formally connect with a terrorist organization in order to take these steps, and this could imply that the same prevention methods suggested by Moghaddam may be applicable to lone actor terrorists. Moghaddam suggests improvement of initial conditions, the increased usage of procedural justice, the education against traditional terrorist thinking, and the promotion of dialogue between the public and those who may be inclined to turn to terrorism.⁷²

Finally, it cannot be ignored that Christopher Cornell's life was by no means an indicator that he would grow up to become a terrorist. Two parents in the suburbs of Cincinnati raised him, neither of his parents were ever involved in any radical Islam or radical political groups, and he had no history of violence. While he was a quite student and son, there are plenty of introverted individuals who go on to lead very normal lives with no desire to join radical terrorist organizations. This can further emphasize the role that social media plays in the radicalization of "home grown" terrorists and the ways in which this may change the typical characteristics of domestic terrorists. It is important to take into consideration the fact that even though good parents raised Cornell, he had a high school education, and he was never exposed in real life to any terrorist organizations, or terrorists for that matter, he was still radicalized and identified strongly with the rhetoric of radical Islam.

While it is definitely possible that Cornell's "normalcy" was overemphasized and that he was in fact a much more radical thinker than his parents have made him out to be, it should still be noted that the propaganda directed at vulnerable westerners who already sympathized with Muslims in the Middle East managed to radicalize him to the point that he was willing to give up his life and identify with a group of people whom he had never before been in contact with. The power of this kind of propaganda should be noted, as should the demographic of people it is targeting in the West. There are millions of Americans who sympathize with the Muslims in the Middle East who are subjected to violence, and the internet is a tool that can reach almost all of them. Assuming that Christopher Cornell was as normal as his peers and parents made him out to be, this case illustrates the power of propaganda on social media and the internet in the modern day.

⁷² Moghaddam, "A Staircase to Terrorism."

Case 60: Ohio Returnee from Syria

John Mueller

December 12, 2016

Ever since 9/11, there has been concern about Americans who go abroad to train with terrorist groups and then return to the United States to commit mayhem. For the most part, this concern has been overwrought: few have returned and even fewer have launched terrorist acts, facts that hold for Western Europe as well.¹ Among the cases in this book, there have been three in which Americans might have returned but were arrested overseas before they could do so (Cases 6, 7, 24), and only two where those trained abroad actually did return—only to fail miserably at their mission (Cases 28, 34; see also Case 5).

Concerns about potential returnees escalated in 2011 with the onset of a chaotic civil war in Syria in which foreign adventurers variously joined groups fighting to depose Syria's president Bashar al-Assad, and then even more so in 2014 with the rise of ISIS, an especially vicious group that actively recruits foreign fighters.

Thus far, however, only one American since 2011 has actually gone to the Middle East, received training, and then returned while apparently harboring thoughts about committing terrorism in the United States.

He is a Somali-American citizen, aged 23 at the time of his arrest, from Columbus, Ohio. Although under watch by the FBI because of some inflammatory and provocative Facebook postings, he bought a one-way air ticket to Greece in April 2014, abandoned the flight in Turkey during a layover, and made his way to Syria to join his much-admired older brother in the ranks of al-Nusra, a rebel group affiliated with al-Qaeda that was at the time fighting against ISIS as well as against the Syrian regime.² A few days after his brother was killed in action in early June, he returned to the United States.

Before, during, and after the trip, he was in communication with two friends who say he told them that, urged by a cleric in al-Nusra, he was planning to commit terrorism in the United States by attacking a military facility and perhaps a prison and also by killing three or four American soldiers at a military base in Texas execution style. He may have been seeking to recruit at least one of the friends to participate in the effort.³

Interviewed by the FBI upon his return, he told them he had not gone to Syria, but had remained in Turkey during the two months he was in the Middle East. In September 2014, he called attention to himself by teaching two other men

¹ Daniel Byman and Jeremy Shapiro, "Be Afraid. Be a Little Afraid. The Threat of Terrorism from Foreign Fighters in Syria and Iraq," Washington, DC: Brookings Institution, Policy Paper 34, November 2014; see also Peter Bergen, *United States of Jihad: Investigating America's Homegrown Terrorists* (New York: Crown, 2016), pp. 258-61. For a broad consideration, see Thomas Hegghammer, "Should I Stay or Should I Go? Explaining Variation in Western Jihadists' Choice between Domestic and Foreign Fighting," *American Political Science Review*, February 2013.

² Fawaz A. Gerges, *ISIS: A History* (Princeton, NJ: Princeton University Press, 2016), ch. 6.

³ *United States vs. Abdirahman Sheik Mohamud*, Indictment, United State District Court, Southern District of Ohio, Eastern Division, April 16, 2015, 8.

how to fire a semi-automatic pistol at a local shooting range.⁴ The owner of the gun range found this suspicious and notified the authorities.⁵ In November, he skipped out of a restaurant without paying his bill of \$15.33 and was charged with misdemeanor theft. When he failed to appear for sentencing in February 2015, he was arrested, then released, and then re-arrested by the FBI and charged with providing support for terrorism while being held on \$2.5 million bail.⁶ The theft charge, none too surprisingly, was dropped.⁷

At around this time, his two friends either “came forward,” as Maria Chabali puts it, or were enticed to do so by the FBI as they investigated further. Together with evidence gathered in searches of his home and Facebook postings, the friends provided information from his online and face-to-face communications with them that allowed federal prosecutors to escalate and give greater depth to the charges in April 2015.

He did make one unexplained trip to Texas for a few weeks in early 2015.⁸ However, as Chabali notes, “he was never found to have any weapons or specific plans aside from those he had talked about with his friends.”

⁴ Kathy Lynn Gray, “Documents reveal details about Columbus man accused of helping terrorists,” *dispatch.com*, April 21, 2015.

⁵ Ted Hart, “Terror Suspect Visited Local Gun Range,” *nbc4i.com*, April 22, 2015.

⁶ John Fuddy, “\$2.5 million bail sought for Columbus terrorism suspect; court appearance today,” *dispatch.com*, February 25, 2015.

⁷ Gray, “Documents reveal details about Columbus man.”

⁸ Fuddy, “\$2.5 million bail sought for Columbus terrorism suspect,”

Case 60: Ohio Returnee from Syria

Maria Chabali

November 30, 2016

1. Overview

In April of 2015, a 23-year-old resident of Columbus, Ohio, Abdirahman Sheik Mohamud, was charged with offering material support to a designated terrorist group. He was a naturalized citizen of the United States who had emigrated from Somalia with his family as a toddler. After his older brother had traveled to Syria to fight for the al-Nusra front, Mohamud became interested and followed, and the two communicated online frequently to plan the trip. Once there, he received training from al-Nusra, an al-Qaeda affiliated terrorist organization, from April to June of 2014, and upon his return, he aspired, as urged by a cleric in that organization, to commit acts of terrorism in the United States. More specifically, he wanted to attack anyone in uniform, including police officers, and to kill soldiers at a military base in Texas execution style. Mohamud was arrested before going through with his plans, or even obtaining weapons, and has been incarcerated since then, failing to work out a plea deal. The case is significant because it is the “first publicly-acknowledged case of an American going to Syria for jihadist training and returning home to commit terrorism.”¹

2. Nature of the adversary

Abdirahman Sheik Mohamud was a 23-year-old resident of Columbus, Ohio.² He was born in Somalia, but had been naturalized as an American citizen.³ His family moved to Columbus in 1998, and he had only lived in Somalia as a baby.⁴ There is no evidence that Mohamud was much of a practicing Muslim. He graduated from Whitehall Yearling high school.⁵ After that, he worked in a warehouse and had a few other jobs.⁶ He had been arrested once before for a minor theft charge.⁷

His lawyer, Sam Shamansky, claimed he wasn't violent, had no criminal record (aside from the minor theft charge), and “knew more about basketball than bombs.”⁸ He said that Mohamud has been “respectful, helpful, and engaged.”⁹ He had a brother, Abdifatah Aden, fighting for al-Nusra in

¹ Ryan Mauro, “Ohio Arrest Shows Threat to U.S. From Al-Qaeda in Syria,” *Clarion Project*, April 19, 2015.

² “Columbus, Ohio Man Charged with Providing Material Support to Terrorists,” United States Department of Justice, April 16, 2015.

³ Tracy Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’: Lawyer,” *NBC News*, April 17, 2015.

⁴ Scott Shane, “Ohio Man Trained in Syria Is Charged With Planning Terrorism in U.S.,” *New York Times*, April 16, 2015.

⁵ Kathy Lynn Gray, “Columbus Man Indicted on Terrorism Charges by Federal Grand Jury,” *Columbus Dispatch*, April 16, 2015.

⁶ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁷ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁸ Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

⁹ Gray, “Columbus Man Indicted on Terrorism Charges by Federal Grand Jury.”

Syria and another brother, Abdiqani Aden, who was also arrested for making a gun-like gesture to a prison guard.¹⁰ Mohamud's lawyer claims that he comes from a great family and also has a sister who attends Columbus State Community College.¹¹ The family had fled Somalia during the country's civil war.¹² Mohamud had friends, some of whom he had told about some of his plans and some from a basketball team he played on.

Mohamud became a naturalized citizen of the U.S. on February 18, 2014, and he applied for a passport a week later.¹³ The FBI questioned him on February 20, 2014 where he lied about his identity and claimed to be his older brother, Aden, who was fighting in Syria with al-Nusra.¹⁴ The FBI challenged his claim and he then admitted his true identity.¹⁵ Yet, just six weeks later, he was allowed to travel abroad where he managed to get to Syria and trained with al-Nusrah, a terrorist organization, from April to June of 2014.¹⁶ After his brother was killed, he returned with instructions to perform terrorist attacks in the U.S. Mohamud was free to travel and train others for eight months before he was arrested at his home in Ohio and never got to go through with his plans.¹⁷

3. Motivation

A large part of Muhamud's motivation seems to have come from his older brother, Aden. Family ties are important in a lot of terrorism cases and Aden definitely influenced his younger brother. In September of 2013, they began talking online about plans to travel to Syria and for Muhamud to financially support Aden.¹⁸ In a conversation with his brother he expressed his desire to "join you in the high ranks as a Mujahid."¹⁹ He also told his brother that shooting a rifle would bring him "closer to Jannah," which is Arabic for "heaven" or "paradise," so it seems that some type of religious motivation was also at play.²⁰ Records of their online communication, "shows their motivations were not frustration with U.S. foreign policy or personal trials. They were inspired by a glorification of those who die in violent jihad and a belief that such 'martyrs' are guaranteed entry into heaven."²¹ They were motivated by a desire to leave this world as fighters and be welcomed into paradise in the afterlife.

¹⁰ Connor, "Abdirahman Sheik Mohamud, Ohio Terror Suspect, a 'Normal Kid'."

¹¹ Connor, "Abdirahman Sheik Mohamud, Ohio Terror Suspect, a 'Normal Kid'."

¹² Connor, "Abdirahman Sheik Mohamud, Ohio Terror Suspect, a 'Normal Kid'."

¹³ Patrick Poole, "Ohio Terror Suspect Was Caught Lying to FBI Two Days After Becoming Naturalized U.S. Citizen," *Counter-Jihad Report*, April 21, 2015.

¹⁴ Poole, "Ohio Terror Suspect Was Caught Lying to FBI."

¹⁵ Poole, "Ohio Terror Suspect Was Caught Lying to FBI."

¹⁶ *United States vs. Abdirahman Sheik Mohamud*, Indictment, United State District Court, Southern District of Ohio, Eastern Division, April 16, 2015, p. 5.

¹⁷ Poole, "Ohio Terror Suspect Was Caught Lying to FBI."

¹⁸ Kevin Landers, "Columbus Man Pleads Not Guilty to Plotting Military Base Attack," *WBNS-10TV Columbus, Ohio*, April, 17, 2015.

¹⁹ *United States vs. Abdirahman Sheik Mohamud*, p. 2.

²⁰ *United States vs. Abdirahman Sheik Mohamud*, p. 2.

²¹ Ryan Mauro, "Ohio Arrest Shows Threat."

4. Goals

Aside from being influenced by his older brother and being inspired by religious motivations, Mohamud came back with some very specific goals. One was to kill Americans, specifically targeting military ones: “armed forces, police officers, or any uniformed individuals.”²² Earlier, he had told his brother that he wanted to join him in the high ranks as a Mujahid, which is a violent jihadist.²³ And he had told a friend that he was going to perform violent acts, join a group overseas, and kill any U.S. allies on the battlefield.²⁴ After his brother’s death, he expressed happiness and a hope that he would be next and join Aden soon.²⁵

After receiving training in Syria and after his brother’s death, he says that a cleric in the group told him to return to the U.S. and perform acts of terrorism.²⁶ His first plan was to attack a military facility with his backup plan being to attack a prison.²⁷ Even more specifically he wanted to attack three or four American soldiers at a military base in Texas.²⁸

5. Plans for violence

Before going abroad, Mohamud shared a lot with two friends who later informed the FBI of what he had told them. Mohamud told one that his brother had gone to Syria to fight and how proud he was of him. He also talked about he himself going overseas to kill Americans on the battlefield and perform violent acts. He said that he would go to Istanbul where he would obtain a visa, take cars to the border, and that “they” would smuggle him into Syria. He said that he wanted to buy an iPad that he could sell in Turkey and that the money would either go to his brother or to buy a gun, a wife, or training. He compared different extremist groups in Syria and was looking for a group that was good at fighting and would teach him Arabic.²⁹

Mohamud used social media, specifically Facebook, to express himself before he traveled to Syria. On March 6, 2013, he posted, “The Sabaha were knights by day and monks at night how will we ever reach there [sic] height while we are in a devastating fright. So oh Syria fight! We will never lose to these pagan alawyits.” On March 10, 2013, Mohamud changed his cover photo to a “silhouette of lined armed fighters with a man in the middle holding...the Black Flag.” This flag is a symbol of ISIL and other terrorist groups to “symbolize offensive war for the establishment of a Caliphate.” On December 17, 2013, he posted an alarming photo to his profile. It is described as, “an artist rendering of a soldier holding a Barrett .50 caliber sniper rifle with bipod and scope, what appears to be the ISIL emblem in the bottom right-hand

²² Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

²³ Landers, “Columbus Man Pleads Not Guilty to Plotting Military Base Attack.”

²⁴ *United States vs. Abdirahman Sheik Mohamud*, p. 3.

²⁵ *United States vs. Abdirahman Sheik Mohamud*, p. 8.

²⁶ *United States vs. Abdirahman Sheik Mohamud*, p. 8.

²⁷ Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

²⁸ Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

²⁹ *United States vs. Abdirahman Sheik Mohamud*, pp. 3, 8.

corner, and text across the top of the image that states, “Among the believers are men who have been true to their covenant with Allah.”³⁰

A lot of Mohamud’s plans were made through online correspondence with his brother, and he was apparently following his older brother there after learning that the extremist groups with the best fighters were there.³¹ In February 2014, the brothers had online communication about how Mohamud could send money to Abdifatah. At the beginning of the month, he messaged his brother saying, “let me know how I can send u money plzzzzz.”³² On February 20, 2014, Aden told Mohamud to call someone who had promised him \$1,000.³³ Sometime between this date and February 26, Mohamud collected the money and Abdifatah wanted him to send the money through an unidentified third party.³⁴ About a month later, Mohamud wanted to send the money, but Abdifatah told him that a bank account would “get ur hands dirty.”³⁵ On April 6, they discussed using an international money service called MoneyGram.³⁶

Later in April, Mohamud used his new U.S. passport to buy a ticket to Greece, but purposely missed his flight to Athens during his layover in Turkey and instead, traveled to Syria as he had arranged in advance.³⁷ Once abroad, he continued his correspondence with friends back home, sending pictures and videos. Included were images of landmarks and videos of himself in Turkey as well as in Syria showing a gun holstered on his hip, while another showed the house where he was staying which had white with a black flag hanging.³⁸ Mohamud also communicated with another friend after arriving in Syria, a “peer and associate” who was living in the U.S.³⁹ Mohamud sent him a video wearing a turban in a sandy area, carrying an AK-47 and mentioning that he had it.⁴⁰

He sent his brother the name of his hotel in Istanbul and he was told to call someone named Nedal who would pick him up the next day in Reyhanli, Turkey, a city that borders Turkey and Syria. In mid-April 2014, someone named Nidal (presumably the same person as Nedal), communicated with another individual named Adnan about transporting Mohamud to Reyhanli. Adnan told Nidal to pick up someone by the name of “Abd-al-Rahman” from the same hotel where Mohamud was staying. A day later Nidal told Adnan that “Abdulrahman is with me” and that they were traveling together to Antioch, a city in southern Turkey about 27 miles from Reyhanli. On April 25, 2014, Nidal told Adnan that Mohamud had entrusted him with \$1,000 for “his

³⁰ *United States vs. Abdirahman Sheik Mohamud*, p. 6.

³¹ Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

³² *United States vs. Abdirahman Sheik Mohamud*. p. 4.

³³ *United States vs. Abdirahman Sheik Mohamud*. p. 4.

³⁴ *United States vs. Abdirahman Sheik Mohamud*. p. 4.

³⁵ *United States vs. Abdirahman Sheik Mohamud*. p. 4.

³⁶ *United States vs. Abdirahman Sheik Mohamud*. p. 4.

³⁷ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

³⁸ *United States vs. Abdirahman Sheik Mohamud*. pp. 6-7.

³⁹ *United States vs. Abdirahman Sheik Mohamud*. p. 7.

⁴⁰ *United States vs. Abdirahman Sheik Mohamud*. p. 7.

brother, Abd-al-Fattah.” Adnan agreed to help with the money transfer and Nidal told him that Mohamud was part of the al-Nusra front at this point. In response to this, Adnan said, “Good, may God facilitate his path,” and Nidal replied saying, “Amen, oh God. He wanted to go to ISIS.”⁴¹

Mohamud’s brother, Aden, was killed during the war in Syria around June 3, 2014, as he fought for the al Qaeda affiliate, al-Nusra.⁴² On June 4, 2014, a few pictures were posted to Aden’s Facebook page. In the first, he is reading a book, and in the second, he looks to be dead and his head is bandaged.⁴³ The photo is accompanied by a caption that implies that he was killed in Syria, and he is referred to as “Abu Hasan.”⁴⁴

Shortly after his brother’s death, Mohamud returned to the U.S. He had been in Syria for about two months. Upon his return, Mohamud told his friends that he had received training in Syria “from a group in various areas, including shooting weapons, breaking into houses, explosives, and hand-to-hand combat” and that he had attended a “military-type training camp” where he was trained physically and guarded the camp at night. All evidence of Mohamud’s training comes from his statements. He also says that a cleric in al-Nusra instructed him to carry out acts of terrorism in the United States which seems to be the reason why he returned to the U.S. Mohamud said that he wanted to “target armed forces, police officers, or any uniformed individuals” and that he would attack a military facility with a prison as his back-up plan. He also told a friend that he wanted to kill American soldiers execution style at a military base in Texas, and the friend he felt that Mohamud was trying to get him to join in on his plans.⁴⁵

He trained with a shooting group in Columbus, Ohio, and then rented a shooting lane where he tried to teach other shooters how to use a semi-automatic pistol. And he was free to travel the U.S. and to train others for eight months before he was arrested at his home in Ohio.⁴⁶ He was never found to have any weapons or specific plans aside from those he had talked about with his friends.

Mohamud was indicted on several counts. The first is knowingly attempting to “provide support and resources...including property, currency, services, and personnel, including himself, knowing or intending that such material support and resources were to be used in preparation for, or in carrying out...conspiracy to kill, kidnap, maim, or injure individuals outside of the United States.”⁴⁷ He was also charged with knowingly “providing material support to a designated terrorist organization.”⁴⁸ Finally, he was charged with a “false statement involving international terrorism” for claiming to the FBI in the Southern District of Ohio that when he was abroad, he did not leave

⁴¹ *United States vs. Abdirahman Sheik Mohamud*, pp. 4-5.

⁴² Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

⁴³ *United States vs. Abdirahman Sheik Mohamud*, p. 7.

⁴⁴ *United States vs. Abdirahman Sheik Mohamud*, p. 7.

⁴⁵ *United States vs. Abdirahman Sheik Mohamud*, pp. 7-8.

⁴⁶ Poole, “Ohio Terror Suspect Was Caught Lying to FBI.”

⁴⁷ *United States vs. Abdirahman Sheik Mohamud*, p. 9.

⁴⁸ *United States vs. Abdirahman Sheik Mohamud*, p. 10.

Istanbul, Turkey.⁴⁹ Mohamud has been incarcerated and was working on a plea deal with prosecutors, but “no agreement was reached and the federal indictment resulted.”⁵⁰

6. Role of informants

In June 2014, Mohamud returned to the U.S. bragging about his training to two friends who later reported their conversations to the FBI.⁵¹ One had known Mohamud for about three years, is a United States resident, and is also Muslim.⁵² Before going abroad, Mohamud told him about his brother, his desire to go abroad and fight, and some of his plans for violence. Once abroad, Mohamud continued his correspondence, sending him pictures and videos of himself containing signs that he was up to no good. He sent images of himself holding a gun and in front of a house with a black flag that is an ISIS symbol.⁵³ Once in Syria, he communicated with the other friend and sent him pictures and videos as well.

These friends of Mohamud’s only came forward after his arrest. They could have helped a lot more had they alerted the FBI or authorities earlier so that Mohamud would never have been approved to travel abroad. It has not been said what has become of the informants since the trial ended.

7. Connections

Mohamud was connected to the terrorist group al-Nusra through his brother who was fighting for them in Syria. He had told his brother of his desire to “join you in the high ranks as a Mujahid” which is a violent jihadist.⁵⁴ He also told his brother how proud he was of him “to be a simple soldier” and that shooting a rifle would bring him “closer to Jannah”—Jannah is Arabic for “heaven” or “paradise.”⁵⁵

As noted, Mohamud traveled to Syria in April of 2014 to fight with foreign terrorists and was trained by the al-Nusra front to shoot weapons, break into homes, use explosives, and be in hand-to-hand combat.⁵⁶ The “Al-Nusra front” or “Jabhat al-Nusra” was deemed a Foreign Terrorist Organization under section 219 of the Immigration and Nationality Act by the U.S. Department of State.⁵⁷ Along with ISIS and al-Nusra, it is possible that the training camp was also affiliated with the Khorasan group, “Qaeda operatives dispatched from Pakistan to Syria with the goal of plotting against

⁴⁹ *United States vs. Abdirahman Sheik Mohamud*. p. 11.

⁵⁰ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁵¹ Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

⁵² *United States vs. Abdirahman Sheik Mohamud*. p. 3.

⁵³ *United States vs. Abdirahman Sheik Mohamud*. p. 7.

⁵⁴ Landers, “Columbus Man Pleads Not Guilty to Plotting Military Base Attack.”

⁵⁵ *United States vs. Abdirahman Sheik Mohamud*. p. 2.

⁵⁶ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁵⁷ *United States vs. Abdirahman Sheik Mohamud*. p. 5.

Western targets.”⁵⁸ However, officials from the Justice department have not been able to confirm this.⁵⁹

Mohamud also stated that he was told by a cleric to come back to the U.S. and perform an act of terrorism.⁶⁰ His statement of this is the only evidence that he was instructed.

8. Relation to the Muslim community

According to the director of the Masjid Ibn Tamiyah Islamic Center, Ahmed Ahmed, Muhamed did not attend mosque, but played against the center’s basketball team. Mohamud and his brother followed Islamic Radicalism, and the cleric who instructed him to return to the U.S. and perform acts of terrorism was a radical Muslim.⁶¹ However, there aren’t any sources that explicitly talk about Mohamud’s relationship to the Muslim community or if he could have been seen as a practicing Muslim at any point in his life.

9. Depiction by the authorities

As noted, Mohamud was questioned by the FBI just days after becoming a naturalized citizen. In this interview, they found him to be lying about his identity. Yet, just days later, he applied for a passport and was permitted to travel to Syria. FBI agent Stephen Flowers said, “When challenged about his truthfulness, he admitted his true identity” as if that made him less suspect.⁶²

After Mohamud’s arrest, Flowers said, “Organizing weapons training is consistent with individuals who previously obtained training from...training camps to, upon return to their homeland, seek to recruit a group of young male adults in order to lead them to be like-minded jihadist believers prepared to fight.”⁶³ This statement suggests that the fact that Mohamud brought groups together to the shooting range to teach them to shoot should have been a red flag. It seems that the authorities are trying to cover up the fact that they were at fault in letting this case escalate and were trying to act as if Mohamud was never a suspect at all.

10. Coverage by the media

Major news sources seemed to highlight how shocking it was that Mohamud did this. For example, NBC News made sure to include that his lawyer, Sam Shamansky, stated that he was “a normal 23-year-old kid with no criminal record or violent tendencies, who knew more about basketball than bombs” and emphasized that Mohamud, “from Somalia, comes here, loses a brother in a war in Syria that has nothing to do with the United States.” He tries hard to make the public have sympathy for Mohamud, yet ignores the fact

⁵⁸ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁵⁹ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁶⁰ “Columbus, Ohio Man Charged with Providing Material Support to Terrorists.”

⁶¹ Mauro, “Ohio Arrest Shows Threat to U.S. From Al-Qaeda in Syria.”

⁶² Poole, “Ohio Terror Suspect Was Caught Lying to FBI.”

⁶³ Poole, “Ohio Terror Suspect Was Caught Lying to FBI.”

that his brother encouraged him to join al-Nusra and that Mohamud had ideas about committing acts of terror in the United States. Shamansky says that the indictment was “designed to scare people” and that Mohamud never had weapons and there was no evidence that he would really attack. Shamansky talked about Mohamud’s “lovely” family, his sister who attended Columbus State Community College, and stressed how tragic it has been for them to already have lost one son. The NBC article also talked to the director of the mosque that he played basketball against who said how shocking it was.⁶⁴

On the other hand, news sources that aren’t as well known highlight the severity of the case. The Counter-Jihad Report goes a very different direction from the major networks and blames the FBI for handling the case very sloppily. They point out that Mohamud was questioned days after becoming a naturalized citizen and was found to be lying about his identity. Yet, he was permitted to obtain a passport just days later, travel to Syria, and then return to the U.S. with plans of terror. Upon return, he was “allowed to roam freely within the U.S. and train others in handling firearms.”⁶⁵

The Clarion Project, another less-known source that works to challenge extremism, focuses on the tangible threat from al-Nusra in the U.S. Their article says that the “cleric’s involvement is an important detail because it threatens to unravel the Obama Administration’s façade that Al-Nusra isn’t a direct threat to America. It also indicates the group is putting an increased emphasis on hitting us at home.”⁶⁶ This article emphasizes the tangible threat that is al-Nusra and says that it is an affiliate of al-Qaeda. Therefore, because we are at war with al-Qaeda, we are also at war with al-Nusra.

11. Policing costs

FBI agents make roughly \$120,000 if they have been an agent for at least a few years.⁶⁷ This is roughly \$330 per day and it sounds like Mohamud was questioned by two agents a few days after he was naturalized, making that questioning cost the FBI about \$660. He was then investigated and indicted by the FBI and Joint Terrorism Task Force which would probably take at least five people to do and maybe a month of investigation before arrest, bringing the cost up to about \$50,000. It is unclear whether or not informants were paid in this case. That brings the policing costs of this case to just over \$50,000.

12. Relevance of the internet

The internet played a huge role in this case as it was Mohamud’s main form of connecting with his brother in Syria. They discussed plans for him to travel abroad, how Mohamud could send him money, and their religious purposes. Mohamud also used social media, specifically Facebook, to express himself before he ever traveled to Syria. He made alarming postings about terrorist groups fighting and violence, even including a picture of ISIS’s

⁶⁴ Connor, “Abdirahman Sheik Mohamud, Ohio Terror Suspect, a ‘Normal Kid’.”

⁶⁵ Poole, “Ohio Terror Suspect Was Caught Lying to FBI.”

⁶⁶ Mauro, “Ohio Arrest Shows Threat.”

⁶⁷ David Hathaway, “How Much Does an FBI Agent Make?” *LewRockwell.com*. March 23, 2015.

symbolic black flag. This along with other pictures accompanied by provoking captions were posted frequently.

It is clear that the internet performed many important functions in this case. It allowed him to communicate with his brother who was abroad and gave him a direct link to a terrorist organization. His use of social media also revealed a lot about his connection to the terrorist group and was evidence of his allegiance to violence.

13. Are we safer?

Mohamud is one of about 200 Americans that the FBI has tracked going to Syria since fighting started there in 2011.⁶⁸ While he had talked about his plans, there was no evidence that he had done anything more than discuss the attack. However, if he had received the training that he claimed he had, it seems he would be capable of going through with the attack with the proper weaponry. Somali-Americans are the largest group of Americans who have been charged with attempting to travel to Syria to fight.⁶⁹ Mohamud seems to be the first American with specific directions to return from Syria and perform attacks inside the U.S.⁷⁰ FBI agent Angela L. Byers said Mohamud's case is a "tangible reminder of the threats we face each day."⁷¹ While he may be off the streets, there are likely still others who went to Syria for the same purpose and plan to return and commit terrorist atrocities. U.S. Representative Mike McCaul who is on the Committee of Homeland Security stated that the "charges highlight the threat posed by Americans joining extremists overseas then returning home."⁷²

Karen Greenberg of Fordham Law School's Center on National Security highlights the impact of "an influential often older person or figure in pushing the radicalization along—extending what might otherwise be a lone-wolf narrative to a slightly larger circle."⁷³ This observation was exhibited with the Tsarnaev brothers in the Boston Marathon bombing and should give the FBI cause to investigate family members of terrorism suspects because there is a chance they are being influenced. While we may be safer from Mohamud, it is likely that he is one of many and that someone else may take his place or try to plan to do something similar.

14. Conclusions

Abdirahman Sheik Mohamud's case is significant because it is the "first publicly-acknowledged case of an American going to Syria for jihadist training and returning home to commit terrorism."⁷⁴ It seems that Mohamud could have been stopped early on before his travels to Syria if the FBI hadn't

⁶⁸ Shane, "Ohio Man Trained in Syria Is Charged With Planning Terrorism in U.S."

⁶⁹ Shane, "Ohio Man Trained in Syria Is Charged With Planning Terrorism in U.S."

⁷⁰ Shane, "Ohio Man Trained in Syria Is Charged With Planning Terrorism in U.S."

⁷¹ Gray, "Columbus Man Indicted on Terrorism Charges by Federal Grand Jury."

⁷² Andrew Welsh-Huggins, "Abdirahman Sheik Mohamud: Ohio Man Accused in Plot to Attack US Military Base, Prison," WCPO, April 17, 2015.

⁷³ Connor, "Abdirahman Sheik Mohamud, Ohio Terror Suspect, a 'Normal Kid'."

⁷⁴ Mauro, "Ohio Arrest Shows Threat."

brushed off the fact that he lied. There has been a lot of research on the importance of family ties in cases of terrorism and this is a prime example of one. Mohamud's lawyer and some in the media try to paint his family as someone the public will sympathize with since they have emigrated to this country, lost a son, and his sister is getting an education. However, Mohamud traveled to Syria to train with a terrorist group and returned intending to terrorize the U.S. It is also important to highlight al-Nusra as many have not heard of this group and do not realize its affiliation with al-Qaeda. It is a threat to the United States and may have more plans to send people over with instructions to perform acts of terrorism.

Case 64: Fort Riley

John Mueller

November 1, 2016

In March 2014, John T. Booker, Jr., of Topeka, Kansas, diagnosed as bipolar but not taking his medication, posted on Facebook that he would “soon be leaving you forever so goodbye! I’m going to wage jihad and hopes that i die,” assuring everyone tuning in that “getting ready to be killed in jihad is a HUGE adrenaline rush!! I am so nervous. NOT because I’m scared to die but I am eager to meet my lord.” When a citizen filed a complaint about the posts, FBI agents interviewed Booker. After waiving his Miranda rights, he told them that he had applied to be in the United States Army and was hoping to commit an insider attack by shooting other soldiers on the firing range or by killing someone in the Army who had power using a small gun or a sword. Although the FBI deemed him to be “no imminent threat to the public,” he was rather understandably denied enlistment into the military.

Unbeknownst to his Methodist father, Booker had converted to Islam a few years earlier when he was in high school, and he came to wish to join ISIS, concluding that that American soldiers were enemies of true Muslims and that the Koran permits one to kill your enemies wherever they may lurk. Except for one Imam with whom he discussed militant Islam, Booker apparently did not know any other Muslims.

A few months after their interview, the FBI enlisted a couple of informants to work the case. Booker was soon enthusing about becoming a martyr (he was impressed about how martyrs look so peaceful after their deaths and about how their bodies don’t decay) and, inspired by a video called “Jihad Joe,” he cooked up a plan to die while exploding a truck bomb at Fort Riley, a nearby military base. The gullible wouldbe terrorist was aided in the pursuit of this terminal task by the informants who recorded him in a couple of videos (“today we will bring the Islamic State straight to your doorstep”) and supplied him with a guideline for creating bombs, a large amount of inert explosive material, a van to transport it all to Fort Riley, a map of the base, and instructions on how to arm the supposed bomb once he got there. He was arrested during the final act of this demented saga.

As Alex Rhodes stresses, Booker was more than willing to believe any information given to him by the undercover operatives, and he lacked all of the resources and skills that would have been necessary to prepare and execute just about any plan.

Case 64: Fort Riley

Alex Rhodes

November 1, 2016

1. Overview

On April 10, 2015, 20-year-old John T. Booker, Jr. was arrested near Fort Riley military base in Kansas while attempting to arm a 1000 pound vehicle-based bomb.¹ Booker planned on entering the base through a utility gate located on its perimeter, wherein he would detonate the explosive, killing as many soldiers as possible.¹ He had no legitimate connections to ISIS or any terrorist organization,² and was unaware that he had been under constant FBI surveillance during the entire planning and attempted execution of the attack.³ Though Booker had a clear intent to commit terrorism, it is doubtful that he would have had the ability without help. Two FBI confidential informants served vital roles in the planning and execution of Booker's attempted bombing.⁴ These informants provided Booker with initial instructions on how to create a bomb, a map of Fort Riley, "a large amount of inert explosive material," a van to bring the material to Fort Riley, and instructions on how to arm the supposed explosive.⁵

The FBI first became aware of Booker in March 2014 after a citizen filed a complaint about two public Facebook posts of his, both mentioning Booker's eagerness to die in jihad.⁶ The day following his second post, Booker was questioned by FBI agents. During questioning, Booker admitted to conspiring to join the Army in order to kill American soldiers.⁷ He was subsequently denied entry to the U.S. military.⁸

From October 2014 until his arrest, Booker was engaged with the first of two FBI informants. This informant served as a confidant with whom Booker communicated various ideas on how to join ISIS and scare the American people.⁹ In March 2015, upon being introduced to a second informant disguised as a high level sheik with ISIS connections, Booker began preparations to execute his plan to detonate a car bomb outside of Fort Riley, a high-profile Kansas military base.¹⁰ On April 10, days after gathering several bomb-making components and being given over 1000 pounds of an inert explosive by the second informant,

¹ Ralph Ellis and Joshua Gaynor, "Ex-Army recruit charged with trying to bomb Kansas military base," *cnn.com*, April 10, 2015.

² United States District Court, District of Kansas, *United States of America v. John T. Booker, Jr.*, April 10, 2015, 6.

³ Jennifer Fenton, "US law enforcement accused of using entrapment to ensnare 'terrorists'," *america.aljazeera.com*, April 23, 2015.

⁴ Justin Wingerter, "In the case of John Booker Jr., entrapment is an unlikely defense," *cjonline.com*, April 14, 2015.

⁵ United States District Court, *U.S. v. Booker*, 10-12.

⁶ Ray Sanchez, "Ex-Army recruit pleads guilty to trying to bomb Fort Riley in Kansas," *cnn.com*, February 4, 2016.

⁷ Sanchez, "Ex-Army recruit pleads guilty."

⁸ Sanchez, "Ex-Army recruit pleads guilty."

⁹ Department of Justice Office of Public Affairs, "Kansas Man Pleads Guilty in Plot to Explode Car Bomb at Fort Riley in Manhattan, Kansas," *www.justice.gov*, February 3, 2016.

¹⁰ DoJ Office of Pub. Affairs, "Kansas Man Pleads Guilty."

Booker and the first informant drove from a location near Junction City, Kansas, to a gate outside of Fort Riley in the van carrying the inert explosive device.¹¹ While Booker was making connections on the explosive device, he was taken into custody by the FBI.¹² During the investigation, it was discovered that Booker had been diagnosed with bipolar disorder, and had reportedly not been taking his medication.¹³ This may have led to his abnormal behavior.

On April 10, 2015, Booker was charged with one count of attempting to use a weapon of mass destruction, one count of attempting to damage property by means of an explosive, and one count of attempting to provide material support to the Islamic State of Iraq and the Levant.¹⁴ He later pled guilty to the charges of attempting to use a WMD and attempting to destroy government property by fire or explosion.¹⁵ Booker has yet to be sentenced, but both prosecutors and Booker's attorneys have recommended he be sentenced to 30 years for the first charge and 20 for the second, with both sentences to run concurrently.¹⁶

2. Nature of the adversary

John T. Booker, Jr. was raised in Topeka, Kansas, the son of Methodist father and a Catholic mother. There is no evidence to suggest Booker had any strong faith or religious ties before his conversion to Islam during his high school years.¹⁷ Classmates of Booker described him as quiet and claimed that he "didn't say anything in class."¹⁸ He was an active member in his high school's JROTC, a program designed for students with an interest in military service after graduation, and was a "straight-laced cadet" according to Alfonzo Gonzalez, a fellow JROTC member. Booker reportedly also had a philanthropic side, and was instrumental in raising money for a JROTC program designed to help underprivileged rural children. Classmates began to express some reservations toward Booker after his conversion into Islam during high school. Gonzalez remarked that Booker's newly discovered faith upset some students, and that "people did give him a hard time."¹⁹ According to his father, Booker had moved out of his family's Topeka

¹¹ John Eligon, "2 Kansas Men Charged in Suicide Attack Plot at Fort Riley," nytimes.com, April 10, 2015.

¹² Eligon, "2 Kansas Men Charged in Suicide Attack Plot."

¹³ CBS/AP, "Kansas man pleads guilty in plot to bomb army post," cbsnews.com, February 3, 2016. Samantha Foster, "Topeka imam on bomb plot suspect: 'Maybe he came to me too late'," cjonline.com April 10, 2015.

¹⁴ Department of Justice Office of Public Affairs, "Topeka, Kansas, Man Charged in Plot to Explode Car Bomb at Military Base," justice.gov, April 10, 2015.

¹⁵ DoJ Office of Pub. Affairs, "Kansas Man Pleads Guilty."

¹⁶ Justin Wingerter, "Alexander Blair pleads guilty to aiding John Booker Jr.'s plot to bomb Fort Riley," cjonline.com, May 23, 2016.

¹⁷ KSN TV, Sharda Gray and The Associated Press, "Topeka man charged with plotting bombing at Fort Riley," ksn.com, April 10, 2015.

¹⁸ WIBW, "Former Classmate Describes John T. Booker As 'Quiet, But Strange'," wibw.com, April 10, 2015.

¹⁹ M. L. Nestel and Ryan Walsh, "What We Know About John Booker, the Man the FBI Thought Might Be a Jihadi," vocativ.com, April 2, 2014.

home after high school graduation.²⁰ At the time of his arrest, Booker was still residing in Topeka.²¹

Many details on how Booker converted to Islam are unknown. Booker's father had no knowledge of his son's newly acquired faith.²² It is possible that Booker was self-recruited through material found on the internet. There is no evidence to suggest the Booker attended any religious institution regularly during or after his conversion to radical Islam. Except for a local Imam, there is no evidence to suggest he personally knew any other Muslim individuals. Within the year before his arrest, he visited a local Islamic Center on several occasions to get counseling from Imam Omar Hazim. By this time, according to Hazim, his radical beliefs "were already deep-rooted." Booker had heard Hazim speak in disapproval of ISIS, and despite Hazim's attempts to show Booker "the straight, wholesome Koran, and how Islam condemns any kind of terrorist activity," Booker spent much of his discussions with Hazim defending militant Islam. During these discussions, Booker also admitted that he had been diagnosed with bipolar disorder. Hazim tried to help Booker take his prescribed medication, yet Hazim still "felt like he hadn't been taking it."²³

Two years before Booker's arrest and then again as on April 5, 2015, just five days before his arrest, Booker met with a Catholic priest, Paul Tessaro. During their two conversations, Tessaro recalls that Booker wished to compare notes on theology. Booker "had mentioned the differences between Islam and Christianity" and "was hoping to build some bridges in that area." Booker brought a 12-14 inch sword to their second encounter, but Tessaro claimed not to notice the sword until Booker was already leaving.²⁴

3. Motivation

It is clear from information gathered by FBI informants that Booker had radical views. Although no source shows what inspired Booker to convert to Islam, his discussion with FBI agents on March 20, 2014 about his two Facebook posts, as well as the online videos that Booker watched and discussed with informants, gave an idea of why he considered committing terrorist acts. During the March 20 meeting with FBI agents, Booker confessed to wanting to join the army to murder a powerful military target.²⁵ He claimed that he was inspired by the actions of Major Nidal Hasan at Fort Hood, Texas.²⁶ Hasan had committed a mass shooting at the Texas military base in 2009, killing 13 individuals and wounding 30 more. Booker claimed that American soldiers were enemies of true

²⁰ Nicholas Clayton, "John Booker Sr.: Glad no one hurt after son arrested at military base," cjonline.com, April 10, 2015.

²¹ United States District Court, *U.S. v. Booker*, 4.

²² Clayton, "John Booker Sr.: Glad no one hurt."

²³ Foster, "Topeka imam on bomb plot suspect."

²⁴ Samantha Foster, "Clay Center pastor recalls encounter with John Booker Jr. in Topeka on Easter," cjonline.com, April 16, 2016.

²⁵ KSN TV, Sharda Gray and The Associated Press, "Topeka man charged."

²⁶ Eligon, "2 Kansas Men Charged in Suicide Attack Plot."

Muslims, and all of the known potential targets of Booker throughout his investigation were members of the military.²⁷

On November 12, 2014, Booker showed a YouTube video about suicide bombing and martyrdom to the first undercover FBI informant that would follow him throughout his case. Booker claimed that he wished to die a Shaheed—a Muslim martyr, or one who has died fulfilling a commandment—and it is likely that Booker was motivated by this video to commit an act of martyrdom himself. He spoke to the informant about how martyrs look peaceful after their deaths, and about how he believed the bodies of martyrs don't decay.²⁸

On February 3, 2015, in a conversation with the first informant, Booker spoke of a video entitled “The Flames of War,” which contains footage of Syrian soldiers getting shot after digging their own graves. He then told to the first informant that he wanted to produce a propaganda video for ISIS. On March 9, he also discussed a video he called “Jihad Joe” with the second confidential informant, a video that served as recruitment material for the Mujahedeen in Syria. In it, a driver drove a truck containing 16 tons of explosives into a Syrian army stronghold. Booker said that he wanted to make and use a truck bomb just like “Jihad Joe.” He aspired to do a suicide bombing, he said, because it removed the risk of being captured, all evidence would be destroyed, and the target would be guaranteed to be hit. When told by the second informant that he could move forward with a suicide bomb plan only if it is being done for the sake of Allah, Booker agreed.²⁹ Though Booker had never actually made contact with ISIS members, both “The Flames of War” and “Jihad Joe” served as strong motivators for Booker to commit an attack in their name.

Booker was also seemingly motivated by the undercover FBI informants assisting him in executing his attack. After the first informant told Booker about a “cousin” of his that knew how to get people overseas, Booker committed to doing anything the first informant may “think is good.” After the informant challenged him by saying that the cousin (actually a second undercover FBI informant) wouldn't take “just anybody” and that Booker would have to prove he was ready to fight, Booker commented that he would follow the guidance of ISIS “without any question.”³⁰ Though Booker did not believe either informant to be a member of ISIS, the second informant was introduced as a sheik planning terrorist attacks in the United States.

4. Goals

Throughout the formulation and planning of the various acts of terrorism that Booker hoped to commit, there was one common target: U.S. military personnel. More specifically, Booker spoke on several occasions of his desire to kill a member of the military with power.³¹ Booker believed that American soldiers were enemies of true Muslims, and that the Koran permits one to kill

²⁷ United States District Court, *U.S. v. Booker*, 4-12.

²⁸ United States District Court, *U.S. v. Booker*, 6.

²⁹ United States District Court, *U.S. v. Booker*, 7-9.

³⁰ United States District Court, *U.S. v. Booker*, 6.

³¹ KSN TV, Sharda Gray and The Associated Press, “Topeka man charged.”

your enemies wherever they may be.³² He wanted not only to scare Americans, but also to frighten members of the military into quitting.³³ Though a significant goal of Booker's was to commit jihad in the name of ISIS, he was particular with the message he wanted to send with his attack.

5. Plans for violence

From his original Facebook posts in March 2014 to his arrest in April 2015, the desired scope and significance of Booker's attack changed drastically. With the help of the informants and a few videos found online, Booker went from wanting to stab or shoot a military leader at close range to wanting to kill as many people as he could on a military base through the use of a 1000 pound weapon of mass destruction.

On Facebook, on March 15, 2014, John Booker Jr. posted: "I will soon be leaving you forever so goodbye! I'm going to wage jihad and hopes that i die." Four days later, on March 19, Booker posted again, saying: "Getting ready to be killed in jihad is a HUGE adrenaline rush!! I am so nervous. NOT because I'm scared to die but I am eager to meet my lord." Booker did not divulge over Facebook how he planned to commit Jihad. The day of Booker's second post, a citizen filed a complaint to the FBI. One day later, on March 20, 2014, FBI agents interviewed Booker at an undisclosed location about his posts. FBI Task Force Officer Mark P. Engholm stated that after waiving his Miranda rights Booker told the agents that "he enlisted in the United States Army with the intent to commit an insider attack against American soldiers like Major Nidal Hasan had done in Fort Hood, Texas." Upon further questioning, Booker admitted to having several ideas of how to commit violent jihad once in the Army. He first remarked how he wished to "fire at other soldiers while at basic training at the firing range or while at his pre-deployment military base." Booker explained to agents that he had no desire to kill "privates;" he would rather kill someone within the Army with power. He then went on to reveal that he intended to use a small gun or a sword to kill his target. Following the FBI's questioning, Booker was denied enlistment into the military.³⁴ In a public statement, he was deemed by the FBI to be "no imminent threat to the public."³⁵ It is possible Booker's unmedicated bipolar disorder played a part in his behavior with FBI agents.

Between Booker's March 20, 2014 meeting with the FBI and his October 8, 2014 engagement with an FBI federal informant, not much is known of Booker's actions or intentions. There is no evidence of any FBI involvement with Booker over this time period. There is also no information about why an FBI source was initially assigned to Booker. Once in contact with the informant, though, Booker quickly began sharing his intention of committing violent jihad for ISIS. On October 10, 2014, in a conversation between Booker and the informant, Booker remarked that he "was in jihad before ... I was captured by

³² United States District Court, *U.S. v. Booker*, 7.

³³ Justin Wingerter, "John Booker Jr. pleads guilty to terrorism charges stemming from 2015 Fort Riley bomb plot," cjonline.com, February 3, 2016.

³⁴ United States District Court, *U.S. v. Booker*, 4-5.

³⁵ Nestel and Walsh, "What We Know About John Booker."

FBI before... because I was with al Qa'ida.” He then showed the informant the first of numerous violent videos, this one consisting of Muslim forces fighting American forces in Iraq. Booker told the first informant that he wanted to join ISIS after hearing about the organization, yet “he didn’t know anyone who could help him do so.”³⁶

Around November 12, 2014, Booker showed the first informant a video about suicide bombers and martyrs, and said that he wanted to die a Shaheed, or martyr. The next month, on or about December 18, 2014, after being told by the first informant about an individual who could help him travel overseas to help ISIS, Booker discussed committing acts of terror. He hoped to travel to help ISIS, and thought that he should commit acts of terror in the United States before he moved. He proposed getting a grenade or gun and going to a local military base (presumably Fort Riley) to kill soldiers. Booker claimed that American soldiers were enemies of true Muslims, and that the Koran permits one to kill your enemies wherever they may be.³⁷

On or about February 3, 2015, after viewing “The Flames of War” video, Booker explained to the first informant his desire to make an ISIS propaganda video outside of an American landmark or military base. He wished to film a video that would inspire individuals to leave the military, and suggested that he and the informant capture and kill a soldier right after filming the video and that they “will be coming after American soldiers in the streets” and “will be picking them off one by one.”³⁸

On or about March 9, 2015, Booker was introduced by the first informant to a second FBI informant. This second informant was introduced as a sheik planning terrorist attacks on American soil. Booker began discussing ideas with this informant that would later develop into his final plan. Booker told both informants that he had been studying suicide bombing and that he was inspired by an American that brought a suicide bomb to a military base in Syria. Later that day, he told the second informant about the “Jihad Joe” video. This is presumably the suicide video Booker spoke of earlier that day, though the relationship is not certain. He now expressed his desire to die by suicide bombing with a truck bomb. At this point, Booker had seemingly moved past his desire to travel to join ISIS. Upon being questioned by the second informant if he had a target in mind for a suicide bombing, Booker, using the nickname of a U.S. Army division stationed at Fort Riley, replied that the “Big Red One” would be a good target.³⁹

On or about March 10, 2015, Booker and both informants travelled to Freedom Park near Fort Riley, where the second informant recorded a video of Booker reading his own ISIS message. He swore allegiance to the leader of ISIS and called for other Muslims to support ISIS however they could. Booker then said that ISIS wanted to deliver a message:

to all the mothers, daughters, fathers, brothers, sisters and friends or loved ones of ... any soldier in the United States military. Get your kids out. Get

³⁶ United States District Court, *U.S. v. Booker*, 5-6.

³⁷ United States District Court, *U.S. v. Booker*, 6-7.

³⁸ United States District Court, *U.S. v. Booker*, 7.

³⁹ United States District Court, *U.S. v. Booker*, 7-8.

your loved ones out of the military. Because, wallahi, Dualah Islam is coming for them. From inside, whether it be in their homes, whether it be on a base like this, whether it be in the recruiting stations, whether it be in the streets ... Wallahi, we are coming for them and we seek their blood because their blood is halal for us to kill them.⁴⁰

On or about March 17, 2015, Booker rented a storage unit to hold “some items” at the request of the second informant. On March 25, 2015, after the first informant told Booker that he had been chosen (not specifying by whom he had been chosen) to accompany him on his suicide mission, the informant gave Booker a list of items needed to construct the bomb to be used in the attack. That day, they went out to several local shops to purchase the supplies that would later be stored at the unit.⁴¹ There is no evidence to suggest whose money was used to purchase the supplies, but Booker needed to borrow \$100 from a friend to rent a storage unit⁴² and it is very possible that funds for bomb-making supplies came from this informant. During the shopping trip, Booker told the informant that he wanted to be the one to detonate the explosives when the time came.⁴³

On or about March 26, 2015, Booker and the two informants met to talk about potential targets. Booker said that he wanted to blow up the bomb in a location that both hurt the military and allowed him to see the fear in the eyes of his victims as they ran for their lives before the detonation. At this meeting, he picked several potential targets around the southeast corner of Fort Riley as well as two potential routes from Topeka to Fort Riley. On or about April 8, 2015, Booker and the first informant moved the bomb components from Booker’s storage unit to a second storage unit where the second informant was waiting with a large amount of inert explosive material to be used in Booker’s car bomb. At this location, Booker was given a map of Fort Riley, and he used it to mark potential targets and routes. Booker spoke about his desire to make sure his debts were paid before he died a Shaheed, but later retracted the thought after a negative response from the second informant. Booker had originally planned to commit acts of terrorism seemingly without an escape plan. It is possible that, from the beginning of his conversion to extremist Islam, he valued ISIS and his Muslim brothers more than his own life. That same day, Booker made a second video in the storage unit. There is no information about who filmed the video, but Booker is recorded saying, among other things:

Today, Inshallah, we are going to build this bomb with 1,000 pounds of Ammonium Nitrate. Inshallah, this will kill many kuffar. This message is to you America. You sit in your homes and you think that this war is just over in Iraq ... Wallahi, we today we will bring the Islamic State straight to your doorstep. You think this is just a game, wallahi when this bomb blows up and kills as many kuffar as possible, maybe then you’ll realize it.

On April 10, 2015, Booker drove with the first informant to meet the second informant at a location outside of Junction City, Kansas. The second informant

⁴⁰ United States District Court, *U.S. v. Booker*, 9.

⁴¹ United States District Court, *U.S. v. Booker*, 10.

⁴² Wingerter, “Alexander Blair pleads guilty.”

⁴³ United States District Court, *U.S. v. Booker*, 11.

explained the explosive device and how to arm it. Booker and the first informant then drove to an area just outside of Fort Riley that Booker believed to be a utility gate they could enter the base through. While Booker was attempting to arm the device, he was arrested by a team of FBI members.⁴⁴

6. Role of informants

Little information has been released regarding the identities of the two FBI informants: their ages, genders, motivations, and involvement after Booker's arrest have not been disclosed. We do know, though, that the informants played a significant role in the orchestration and execution of the plans created by John T. Booker, Jr. The first FBI informant was in contact with him from October 8, 2014, more than six months after his original meeting with the FBI and his subsequent denial from military enlistment. Booker shared numerous ideas with him on how he might commit jihad in the name of ISIS. Knowing the explosive material to be detonated was inert, the first informant made Booker believe he was planning to commit suicide with him as part of the jihad.⁴⁵ An informant planning to die with a suspected terrorist is an unusual characteristic of the case.

When the first informant introduced Booker to the second one who was disguised as a high ranking sheik involved with planning terrorist acts, the involvement of the informants quickly became more significant. Along with helping Booker by filming his speech outside of Freedom Park, the informants provided Booker with all of the necessary resources used in creating and attempting to detonate the car bomb. They provided Booker with initial instructions on how to create a bomb, a map of Fort Riley, "a large amount of inert explosive material," a van to bring the material to Fort Riley, and instructions on how to arm the inert explosive.⁴⁶ Throughout the investigation, the two informants served as confidants and vital resources to Booker.⁴⁷

7. Connections

There is no evidence to suggest that Booker had any legitimate connections with an organized terrorist group such as ISIS. Booker told the first informant in October 2014, that despite his desire to do so, he didn't know anyone who could help him join ISIS.⁴⁸ There is no information to suggest Booker made contact with any terrorist. Booker was largely self-motivated, often drawing inspiration for acts he desired to commit from online videos. Although Booker believed that he was put in contact with a "high ranking sheik planning terrorist attacks in the United States," he merely met an undercover FBI informant introduced to him by another FBI informant.⁴⁹ Booker seems to have been more than willing to believe any information given to him by the informants.

⁴⁴ United States District Court, *U.S. v. Booker*, 12.

⁴⁵ United States District Court, *U.S. v. Booker*, 5, 10.

⁴⁶ United States District Court, *U.S. v. Booker*, 10-12.

⁴⁷ Wingerter, "In the case of John Booker."

⁴⁸ United States District Court, *U.S. v. Booker*, 6.

⁴⁹ United States District Court, *U.S. v. Booker*, 7.

Booker was in contact with a friend named Alexander Blair during the investigation. Though Blair did not play a significant role in the planning or execution of the attempted terrorist attack, he did loan Booker \$100 for the renting of the storage unit used to house bomb-making supplies.⁵⁰

8. Relation to the Muslim Community

There is little evidence that Booker attended any religious institution regularly before or after his conversion to Islam that reportedly took place during high school.⁵¹ During the year prior to his arrest, Booker met with Imam Omar Hazim several times at a Topeka Islamic Center.⁵² According to Hazim, when Booker reached out to the Islamic Center, “his beliefs were already deep-rooted,” and he commented to FBI officials on Booker’s fixation with militant Islam. Although Hazim tried to show Booker how Islam condemns terrorist activities, Booker defended his militant Islamic faith.⁵³ There is no evidence to suggest Booker personally knew any other Muslim individuals, but due to his presence online, it is possible he met extremists through social media sites.

9. Depiction by the authorities

Following Booker’s March 2014 interview with FBI agents, Booker was declared to be “no imminent threat to the public.”⁵⁴ After his April 10, 2015 arrest, though, authorities had contrasting depictions of Booker and his attempted terrorist attacks. While some acknowledged that throughout the investigation there were no significant threats to the safety of Fort Riley personnel, others characterized Booker’s arrest as a hard-fought win for law enforcement. FBI Special Agent in Charge Eric K. Jackson spoke in the public announcement following Booker’s indictment: “I want to assure the public there was never any breach of Fort Riley Military Base, nor was the safety or the security of the base or its personnel ever at risk.” This contrasts with the statement of Assistant Attorney General for National Security John P. Carlin, who stated: “Thanks to the efforts of the law enforcement community, we were able to safely disrupt this threat to the brave men and women who serve our country.”⁵⁵ U.S. Attorney Barry Grissom claimed that if the “defendant would have succeeded, American soldiers would have died.”⁵⁶ There continues to be no clear consensus on the level of threat that Booker truly posed.

10. Coverage by the media

Overall, media coverage of the attempted Fort Riley bombing was accurate and didn’t stray from the facts of the case. Much of the information in reputable news sources refrained from taking an alarmist tone. The Topeka *Capital Journal* covered the case in much more detail than many other acclaimed

⁵⁰ Wingerter, “Alexander Blair pleads guilty.”

⁵¹ Nestel and Walsh, “What We Know About John Booker.”

⁵² Foster, “Topeka imam on bomb plot suspect.”

⁵³ Nestel and Walsh, “What We Know About John Booker.”

⁵⁴ Nestel and Walsh, “What We Know About John Booker.”

⁵⁵ DoJ Office of Pub. Affairs, “Topeka, Kansas, Man Charged.”

⁵⁶ Wingerter, “John Booker Jr. pleads guilty.”

outlets. Regarding major news outlets, waves of stories were released on Booker's case. The first occurred directly after Booker's arrest, and the second came after he pled guilty in court. Most coverage reviewed information covered in the *United States of America v. John T. Booker, Jr.* Topeka court docket. While a few news outlets emphasized Booker's bipolar disorder in their stories, most did not.

Seeing as the FBI informants involved in the case provided Booker with all of the resources he needed to execute his attack, some stories mentioned that law enforcement may have entrapped Booker. Some headlines noted that "US law enforcement accused of using entrapment to ensnare 'terrorists'."⁵⁷ However, news reports also often acknowledged that entrapment was an unlikely defense because Booker was predisposed to commit terrorist attacks before his engagement with the government.⁵⁸

11. Policing costs

The FBI investigation on John Booker Jr. lasted from at least October 8, 2014, the date in which the first FBI informant was in contact with Booker, to April 10, 2015, the date of his arrest.⁵⁹ There is no supporting evidence, but it is possible that the FBI was keeping tabs on Booker between his March 20, 2014, meeting with the FBI agents and October 8. Though no official information has been released on the level or cost of surveillance on Booker, the funds paid to the FBI informants for their involvement in the case may be significant. The cost of the inert explosive and the van used to transport it is also unavailable.

The cost of Booker's trial and containment is also noteworthy. Booker may be spending 30 years or more in prison.⁶⁰ The cost of his imprisonment is likely to be substantial. The individual who loaned him \$100 to rent a storage unit, Alexander Blair, faces up to five years in prison.⁶¹

12. Relevance of the internet

The internet was the primary way through which authorities identified Booker as a potential threat. After Booker's two Facebook posts on March 15, 2014 and March 19, 2014 detailing his excitement to commit jihad, the FBI was alerted to Booker by a citizen's complaint.

Booker also used the internet to access content he used as inspiration to commit acts of terrorism. Videos of Muslims fighting American forces in Iraq, "The Flames of War" and "Jihad Joe," are examples of influential content he found on the internet. Although it is not known how Booker initially adopted extremist views, it is possible that online media played a significant role.

13. Are we safer?

Government officials have said yes. Despite this, questions arise as to whether Booker posed a capable and legitimate threat to American citizens.

⁵⁷ Fenton, "US law enforcement accused."

⁵⁸ Wingerter, "In the case of John Booker."

⁵⁹ United States District Court, *U.S. v. Booker*, 5-12.

⁶⁰ DoJ Office of Pub. Affairs, "Kansas Man Pleads Guilty."

⁶¹ Wingerter, "Alexander Blair pleads guilty."

Though Booker did possess the intent to cause harm to others, he lacked all of the resources (money, connections to terrorist organizations, weaponry, etc.) and skills (knowledge of explosives, tactical expertise, etc.) that would have been necessary to carry out any type of attack. He had no legitimate connections to ISIS or any terrorist organization. Booker had no way to make a bomb, nor did he have access to the materials even if he wished to do so. After being denied entry to the Army, he had no access to the military base he desired to infiltrate. Even the map he would later use to plan his approach of the base was provided by FBI informants.⁶² No evidence suggests that Booker had a vehicle of his own to use as a transportation device for a large homemade explosive.

Booker's original plan consisted of walking through an army base with a gun or sword and firing upon or stabbing an individual with power.⁶³ There is no evidence to suggest he owned a gun prior to his arrest. Even if Booker hadn't been denied entry to the military after his Facebook comments, the chance that Booker would be given the opportunity to walk into a military base with a sword or gun to kill a high-ranking member of the military would be almost nonexistent, especially in the wake of the 2009 Fort Hood attack. Even as his plans developed into more significant acts of terrorism after watching "The Flames of War" and "Jihad Joe," Booker still greatly lacked the competency to prepare and execute any plan. These acts only become possible because of the two confidential informants helping and encouraging him along the way. Booker had a clear intent to commit terrorism, but it is doubtful that he had the ability. We are likely not much safer after his arrest.

14. Conclusions

The case of John T. Booker, Jr. fits well with a recent trend. Frequently, after individuals have been brought to the attention of the FBI as a possible threat to national security, informants are assigned to monitor and assist the suspects in their pursuits of terrorism. It is also often common for the individual being assisted to lack the ability to plan and execute any attack without the guidance and resources of the informants. In Booker's case, it is very unlikely he could have committed any significant attack on American soil for several reasons. Not only did he have unattainable, grandiose plans of attack like walking up to, and then stabbing, a military officer on a military base, but he also lacked the skills required to execute an attack of the caliber he desired. Though Booker was a member of the JROTC, there is no evidence to suggest he owned or had any experience with firearms. With regards to his later plans for violence, Booker also had no experience with creating explosive devices or detonators. He had no access to any member of ISIS, and there is no evidence he had any friends that he could work with to commit terrorist attacks. Similar to numerous other cases, Booker played into the hand dealt to him by FBI informants. Even though he came up the ideas for who, where, and what to attack, the informants were left to figure out the logistics.

⁶² United States District Court, *U.S. v. Booker*, 6, 11.

⁶³ United States District Court, *U.S. v. Booker*, 5.

Booker's mental condition is a significant part of his story. Similar to many cases in this book, the case centered around a man with notable mental illness. Booker admittedly had not been taking medication, and his thoughts and behavior may have suffered because of it. Had he been given proper medical treatment and medication for his condition, his actions throughout might have differed. FBI informants took advantage of Booker's desire to be part of an organization or group bigger than himself, and they helped lead him into the trap he set for himself. Several officials then used Booker's case to tout the heroic actions of law enforcement officers around the United States. Now imprisoned for an extended period of time, Booker's access to proper mental health treatment will probably be limited.

This case also has some unusual characteristics. Booker planned to commit suicide in his attack instead of, for instance, waiting at a safe distance and detonating a remote explosive: in the end, he was ready and willing to offer his life to jihad. Booker had originally planned to commit acts of terrorism seemingly without an escape plan. It is possible that, from the beginning of his conversion to extremist Islam, he valued ISIS and his Muslim brothers more than his own life.

In addition, one of the FBI informants involved with Booker said he would give his life in the attack. Even though the informant knew there was no danger of being killed by the inert vehicle-based IED, it is not common for informants to plan suicide along with suspected terrorist.

Case 65: Shootings at Cartoon Contest in Garland, Texas

John Mueller

February 13, 2016

In the middle of 2014, a new and especially brutal terrorist/insurgent entity emerged in the Middle East. It is most commonly known as the Islamic State of Iraq and Syria, or ISIS.

Unlike other such groups in Iraq, it seeks to hold territory, and its conquest of Iraq's second largest city, Mosul, was especially impressive even though the venture was essentially a fluke. Its idea was to hold part of the city for a while in an effort, it seems, to free some prisoners. The attackers were much outnumbered by the defending Iraqi army, "trained" by the American military at enormous cost to US taxpayers, even though its ranks had been substantially reduced by the popular device in which a soldier is excused from showing up if he gives his commander half his salary. Those who did show up simply fell apart in confusion and disarray, abandoning weaponry, and the city, to the tiny group of seeming invaders.¹

The American public was substantially unmoved by this event, but the American military began to use air attacks against ISIS. In retaliation, two American journalists were beheaded with the executioner declaiming on camera, "just as your missiles continue to strike our people, our knife will continue to strike the necks of your people."² This gruesome event galvanized attention and greatly increased American military involvement.

ISIS has differentiated itself from al-Qaeda in that it does not seek primarily to target the "far enemy," preferring instead to carve out a state in the Middle East for itself, mostly killing fellow Muslims who stand in its way. In the process, it has alienated virtually all outside support and, by holding territory, presents an obvious and clear target to military opponents.

Outrage at the tactics of ISIS is certainly justified, as is concern about the menace it presents in the Middle East. But there is fear as well that it presents a security threat to the United States.

There are two avenues by which, it is commonly argued, ISIS will be able to inflict damage abroad.

The main fear is that foreign militants who had gone to fight with ISIS would be trained and then sent back to do damage in their own countries. However, there has been little of that so far, and essentially none at all in the United States. In part, this is because foreign fighters tend to be killed early (they are common picks for suicide missions), often become disillusioned especially by in-fighting in the ranks, and do not receive much in the way of useful training for terrorist exercises back home. Although there has been a trendy concern about the way ISIS uses social media, the foolish willingness of would-be terrorists to spill

¹ Ned Parker, Isabel Coles, and Raheem Salman. "How Mosul Fell." Special Report, Reuters, 2014. graphics.thomsonreuters.com/14/10/MIDEAST-CRISIS:GHARAWI.pdf

² Peter Bergen, *United States of Jihad: Investigating America's Homegrown Terrorists* (New York: Crown, 2016), 2.

their aspirations and their often childish fantasies on social media has been, on balance, much to the advantage of the police seeking to track them.³

The second avenue involves the possibility that potential homegrown terrorists will become inspired by ISIS's propaganda or example. In a reactive pose that has become routine for it, the group has claimed responsibility for—or, more accurately, boorishly celebrated—such distant ventures.

However, as terrorism specialist Max Abrahms notes, isolated homegrown offenders have carried out just two of the 1,900 most deadly terrorist attacks over the last four decades.⁴ And, as with earlier homegrown terrorists, almost all of those picked up in the United States who seem to have been inspired at least in part by ISIS not only have demonstrated a pathetic absence of capacity but, in many cases, have suffered from mental disease.

The armed attack at an anti-Islamic cartoon contest in Garland, Texas, in May 2015, was the first ISIS-claimed attack on American soil. The two attackers, as discussed by Sam Zacher, an intern at the Cato Institute when he wrote this case, do not seem to have been mental cases. But their capacities were clearly deficient: they were well armed and wore body armor, but they did little damage and were disabled within 15 seconds by a traffic officer armed only with a pistol.

As Zacher stresses, although ISIS lauded the fallen attackers as their “soldiers” and “brothers,” the group did not take credit for directing the attack, and there is no evidence that they did.

December 25, 2017: As it happens, there was an undercover FBI special agent working on this case. Court documents revealed in mid-2016, a year after the attack, that the agent had been communicating with at least one of the terrorists in Arizona and, a few days before the attack, had urged them to “Tear up Texas.” The operative, based in Ohio, even drove to Garland and took a picture of the event. The U.S. government argued that the communication did not amount to incitement. See “Affidavit in Support of an Application for a Criminal Complaint and Arrest Warrant,” Case of Erick Jamal Hendricks, August 3, 2016; Katie Zavadski, “FBI Agent Apparently Egged on ‘Draw Muhammad’ Shooter,” Daily Beast, August 4, 2016; Murtaza Hussain, “FBI Agent Goaded Garland Shooter to ‘Tear Up Texas’,” Intercept, August 9, 2016; John Mueller, “The Cybercoaching of Terrorists: Cause for Alarm?” *CTC Sentinel* 10(9), October 2017, 29-35: [pdf](#). See also “60 Minutes investigates first ISIS-claimed attack in U.S. and what the FBI knew,” CBS News, March 26, 2017.

³ Byman, Daniel, and Jeremy Shapiro. “Be Afraid. Be a Little Afraid. The Threat of Terrorism from Foreign Fighters in Syria and Iraq,” Washington, DC: Brookings Institution, Policy Paper 34, November 2014.

⁴ Max Abrahms, “Fear of ‘Lone Wolf’ Misplaced,” *Baltimore Sun*, January 5, 2011.

Case 65: Shootings at Cartoon Contest in Garland, Texas

Sam Zacher

August 28, 2015

1. Overview

On May 3, 2015, Elton Simpson and Nadir Soofi drove from Phoenix, Arizona, to Garland, Texas, with the presumed intention of killing as many people as possible at the Muhammad Art Exhibition and Cartoon Contest event. The two men had six guns, including automatic weapons, and wore body armor. Upon arriving, they immediately opened fire but were taken down by a traffic officer who was armed only with a handgun, and then killed by the Garland SWAT team. Simpson and Soofi managed to kill no one, and the only injury was of an unarmed security officer who was shot in the ankle.¹

Authorities are still questioning the degree to which Simpson and Soofi were connected with terrorist organizations. Simpson had corresponded at least briefly with a former Brit who joined ISIS, and who had also been a member of Al-Shabaab in Somalia, an affiliate group of al-Qaeda. In 2011, Simpson was arrested for conspiring to travel to Somalia in order to commit violent jihad, presumably by joining Al-Shabaab. Leading up to the Garland attack, Simpson and the members of terrorist organizations whom he knew mentioned the eventual attack via social media, which played a tremendous role in the episode by allowing these men to communicate with each other and with a wider public about the attack.²

Simpson and Soofi had both worshipped at the same mosque in Phoenix for years. Simpson turned to radicalism far before Soofi, and it appears that Simpson may have converted Soofi to extremism. Both men were also relatively unsuccessful professionally, as neither held a steady job. However, both men also seemed to have joy in their lives. Simpson was passionate about playing basketball at the Islamic Community Center of Phoenix and advising young men on how to improve. Soofi was unmarried but had a 9 year-old son, of whom he was very fond. Those who knew Simpson and Soofi well indicated they were surprised when the two men attempted a terrorist attack.³

The Muhammad Art Exhibition and Cartoon Contest was hosted by Pamela Geller and her organization called the American Freedom Defense Initiative, which the Southern Poverty Law Center labels as “anti-Muslim” and an “extremist group.” Geller is very outspoken about her anti-Islamic beliefs, and she also leads a group that opposes Muslim immigration to the United States. She came into the public spotlight by fighting against a plan to build a mosque in New York City near Ground Zero of the 9/11 attack.⁴

¹ Greg Botelho, “Texas shooting: Outgunned traffic officer stopped 2 attackers,” [cnn.com](#), May 5, 2015.

² Jim Sciutto, Pamela Brown, Paul Cruickshank, and Paul Murphy, “Texas attacker tweeted with overseas terrorists,” [cnn.com](#), May 5, 2015.

³ Holly Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi,” [cnn.com](#), May 5, 2015.

⁴ Catherine E. Shoichet and Ann Colwell, “Who is beheading plot target Pamela Geller?” [cnn.com](#), June 3, 2015.

Simpson's and Soofi's ambiguous connection with ISIS and other terrorist organizations sheds light on terrorism in the 21st century, as it has evolved tremendously with use of the internet and specifically social media. While this particular event only cost the lives of the two terrorists, it represents the larger threat of terrorist organizations wreaking havoc from other parts of the world: Simpson and Soofi intended to kill many people only after apparently being inspired and possibly being persuaded by terrorists abroad.

2. Nature of the adversary

Elton Simpson and Nadir Soofi directly carried out the terrorist attack, and a third man, Decarus Thomas—also known as Abdul Malik Abdul Kareem—aided them in planning and obtaining weapons.⁵ All had participated in criminal activity in the past. However, unlike Thomas, Simpson and Soofi lived much of their lives as upstanding citizens, and many people close to them were surprised to hear they tried to commit this violent act. However, they had shown signs of turning to violent jihad late in their lives.

Elton Simpson was either 30 or 31 years old at the time of the attack—news sources don't agree on his age.⁶ He was born and raised in Westmont, Illinois, just west of Chicago, and moved to Phoenix as a young man. He attended Washington High School there and is believed to have converted to Islam while in high school.⁷ Simpson's parents are not Muslim. They say they are "American," but no more information about their race, ethnicity, or religious background is given about them.⁸ Simpson then attended Yavapai (community) College and starred on the basketball team during the 2002–2003 season.⁹ He also worshipped at the Islamic Community Center of Phoenix, although he stopped going there two or three months before the attack.¹⁰ According the Center's president Usama Shami, "[Simpson] was very competitive. Basketball was his passion."¹¹

Simpson did seem to care about those around him. According to Shami, he advised teens at the Community Center on how to improve their basketball skills and played with them often. Neighbors say that he—along with Soofi—helped

⁵ Greg Botelho, "Man indicted for allegedly helping Mohammed cartoon contest attackers," cnn.com, June 16, 2015.

⁶ Jeffrey Weiss and Kevin Krause, "2 Garland shooters' lives twined to tragic end," dallasnews.com, May 4, 2015. Scott Shane and Fernanda Santos, "Elton Simpson Eluded U.S. Inquiry Before Texas Shootout," nytimes.com, May 6, 2015.

⁷ Chuck Goudie, "Elton Simpson, shooter in Texas prophet cartoon contest, from Illinois," abc7chicago.com, May 4, 2015.

⁸ Brian Ross, Rhonda Schwartz, and Randy Kreider, "Garland Shooting Suspect Elton Simpson's Father Says 'Son Made a Bad Choice'," abcnews.go.com, May 4, 2015.

⁹ Lydia Warren, "Texas gunman as a community college basketball star before family say he 'brainwashed' his 'heartthrob' roommate into carrying out attack," dailymail.co.uk, May 5, 2015.

¹⁰ Julie Watson and Ryan Van Velzer, "Doubts raised in Islamic State's claim in Texas attack," news.yahoo.com, May 6, 2015.

¹¹ Warren, "Texas gunman as a community college basketball star."

feed stray cats around their neighborhood.¹² Simpson's father said he worked at a dentist's office in Phoenix prior to his death.¹³

However, Simpson had broken the law when he lied to authorities in 2011 about terrorism plans, and he had at least contemplated committing terrorism in the past. In 2006, the FBI began watching him because of his believed connections to Hassan Abu Jihaad, a man who had been kicked out of the U.S. Navy after being arrested and charged with providing U.S. ship location information to an organization that promoted violent jihad against the U.S.¹⁴ In 2008, Abu Jihaad was convicted of terrorism and espionage, and in 2009, he was sentenced to 10 years in prison by a United States district court.¹⁵

That same year, an FBI informant named Dabla Deng befriended Simpson and taped their conversations over several years. On May 29, 2009, Simpson stated, "I'm telling you, man, we can make it to the battlefield. It's time to roll."¹⁶ He was referring to travelling to Somalia to participate in violent jihad. Simpson then lied to federal agents about his plans to head to Africa, and for that, he was arrested in 2011, given three years of probation, and put on a no fly list.¹⁷

The FBI and Phoenix police opened a new investigation on Simpson a few months before the Garland attack because he had posted about ISIS on social media, a platform which he was quite fond of using.¹⁸ Just one week before the incident, he tweeted about the upcoming Garland cartoon contest: "When will they ever learn? They are planning on selecting the best picture drawn of Rasulullah [the Islamic Prophet Muhammad]...in Texas."¹⁹

Authorities also believe Simpson was connected with Junaid Hussain, a British hacker who allegedly joined ISIS and has been described as a "real problem" because—coming from Britain—of his ability to recruit from the Western world by inspiring attacks. Hussain also allegedly founded the group CyberCaliphate which briefly hijacked the U.S. Central Command's twitter in January 2015. An hour before the Garland attack, Simpson tweeted about Soofi and himself, stating, "The bro with me and myself have given bay'ah to Amirul Mu-mineen. May Allah accept us as mujahideen. Make dua #texasattack." This is believed to be their pledge of allegiance to ISIS leader Abu Bakr al-Baghdadi,²⁰ as a "bay'ah" is an oath of allegiance to a leader,²¹ and "Amirul Mu-mineen" means "commander of the faithful."²² Hussain retweeted Simpson's tweet sometime around the time of the attack.²³

¹² Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

¹³ Nick Allen, Harriet Alexander, and Laura Dixon, "Texas shooting: Islamic State claims responsibility for first US attack as gunmen named," telegraph.co.uk, May 4, 2015.

¹⁴ Yan, "Texas attack: What we know about Elton Simpson and Nadir Soofi."

¹⁵ David Fein, "Major Achievements in the Courtroom: U.S. v. Hassan Abu-Jihaad," justice.gov, 2015. See also the appendix to Case 21 in the volume.

¹⁶ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

¹⁷ Yan, "Texas attack: What we know about Elton Simpson and Nadir Soofi."

¹⁸ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

¹⁹ Sciutto et al., "Texas attacker tweeted with overseas terrorists."

²⁰ Sciutto et al., "Texas attacker tweeted with overseas terrorists."

²¹ "Bay'ah," Wikipedia.com, August 5, 2015.

²² "Amir al-Mu'minin," Wikipedia.com, August 1, 2015.

²³ Sciutto et al., "Texas attacker tweeted with overseas terrorists."

It is also believed that Simpson had been talking to Mohamed Abdullahi Hassan, an American who traveled to Somalia in 2008 to aid al-Qaeda-affiliate Al-Shabaab. Court records state that Simpson had intended to join that same group with Hassan at that time. A week before the Garland incident, Hassan tweeted, “The brothers from the Charlie Hedbo attack did their part. It’s time for brothers in the #US to do their part.”²⁴ Hassan is referring to the Paris terrorist attack in January 2015, when two men with some connection to al-Qaeda in Yemen killed 12 people in an attack at the offices of a French satirical magazine that had caricatured the Prophet Muhammad, an act which Islam considers to be blasphemy.²⁵

Even though Simpson had previously sought to travel overseas to commit terrorism and was likely in communication with known radicals in the Middle East, he projected a positive image to those people who knew him. Kristina Sitton, Simpson’s lawyer, said, “He was a very kind-hearted, respectful young man. He always treated me with respect.” Shami, the Community Center president, said, “[Simpson] was a gentle person. He always had a good attitude, a good demeanor.” Shami also suggested that Simpson showed no signs of radicalization. Additionally, Simpson’s family was shocked. “Just like everyone in our beautiful country,” his mother said, referring to the United States, “we are struggling to understand how this could happen... We are heartbroken and in a state of deep shock as we grieve.”²⁶ Simpson’s father added, “[he was] always a good kid,” but noted they had “some very serious differences.” Neither of Simpson’s parents are Muslim.²⁷ Courtney Lonergan, who knew Simpson from the Phoenix mosque, offered some more analytical thoughts: “He was in a pattern of feeling isolated, a pattern of feeling marginalized by society.” She thought he was troubled about not being able to find a wife. Additionally, she stated, “He thought everybody should be Muslim.”²⁸

Soofi, a Pakistani-American, was 34 years old at the time of the attack²⁹ and had less serious run-ins with the law than Simpson. Coincidentally, Soofi was born in Garland, Texas, and lived there with his parents for the first three years of his life.³⁰ They then moved to Plano, Texas, then to Alabama, and then to Pakistan, where Soofi’s father—an engineer—was from.³¹ His mother, an American, converted to Islam when Soofi was a boy.³² He attended a private school in Islamabad, Pakistan,³³ and his high school friends called him a “cool

²⁴ Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

²⁵ Gordon Rayner, Henry Samuel, and Martin Evans, “Charlie Hebdo attack: France’s worst terrorist attack in a generation leaves 12 dead,” telegraph.co.uk, January 7, 2015.

²⁶ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

²⁷ Jon Herskovitz and David Schwartz, “Gunman in Mohammad cartoon attack in Texas monitored for years,” reuters.com, May 4, 2015.

²⁸ Sean Holstege and Matthew Casey, “Elton Simpson’s slow, isolated descent into ISIS, jihad,” acentral.com, May 9, 2015.

²⁹ Weiss and Kraus, “2 Garland shooters’ lives twined to tragic end.”

³⁰ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

³¹ Matt Pearce and Nigel Duara, “Texas gunman’s mother: ‘He just had a normal American upbringing,’” latimes.com, May 5, 2015.

³² Weiss and Kraus, “2 Garland shooters’ lives twined to tragic end.”

³³ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

kid” who was popular and drew attention from females.³⁴ In 1998, Soofi moved back to the U.S. with his mother—after his parents divorced—and attended the University of Utah as a pre-medical student, but he never finished college. From then on, his life became seemingly less focused. In Utah, he received multiple traffic tickets³⁵ and in 2001 pled guilty to alcohol possession by a minor, drunk driving, and driving on a suspended license. Then in 2002, he was charged with a misdemeanor, assault.³⁶

While living in Phoenix—where Soofi and Simpson met and had lived together for a number of years—Soofi fathered a son in 2006 with his girlfriend. Though they later split up and she claimed primary custody over the child, Soofi still saw his son at times.³⁷ He seemed to be very fond of the child, posting pictures of them together on Facebook. In addition, Soofi used social media to demonstrate his faith in Islam, posting on Facebook, “‘I am a traveler seeking the Truth, a human searching for the meaning of humanity, and a citizen seeking dignity, freedom, stability, and welfare under the shade of Islam.’ –Hasan Al-Banna.”³⁸ He also owned a pizza shop in Phoenix called “Cleopatra Pizza Bistro,” started on a loan from his father.³⁹ However, it closed five months before to the Garland attack.⁴⁰ Soofi, like Simpson, was a good neighbor, feeding stray cats, and once helped a neighbor who had fallen over because of a heart condition.⁴¹

In the last few years of his life, Soofi grew a beard and wore more traditional Muslim clothing. He also became more vehement in his religious Facebook posts, once stating, “May Allah turn the tides of this war and punish the Israeli oppressors, ameen, ameen, ameen!”⁴² Soofi was also charged with a misdemeanor of marijuana possession just a month before the attack.⁴³ Unlike Simpson, however, he was not on the authorities’ radar at all.⁴⁴

As with Simpson, people close to Soofi were dumbstruck when they found out he had attempted to commit violent jihad. “He put his son above everything,” Soofi’s mother said. “The hard thing to comprehend is why he would do this and leave an 8-year-old behind.”⁴⁵ She also said, “He was a good parent.” Soofi’s father described his son as a “humble, soft-spoken person.”⁴⁶

The Garland attack’s third known culprit, Decarus Thomas, an African-American, was raised in Philadelphia and was previously charged with two drunk

³⁴ Warren, “Texas gunman as a community college basketball star.”

³⁵ Weiss and Kraus, “2 Garland shooters’ lives twined to tragic end.”

³⁶ Watson and Van Velzer, “Doubts raised in Islamic State’s claim in Texas attack.”

³⁷ Pearce and Duara, “Texas gunman’s mother: ‘He just had a normal American upbringing’.”

³⁸ Weiss and Kraus, “2 Garland shooters’ lives twined to tragic end.”

³⁹ Pearce and Duara, “Texas gunman’s mother: ‘He just had a normal American upbringing’.”

⁴⁰ Weiss and Kraus, “2 Garland shooters’ lives twined to tragic end.”

⁴¹ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

⁴² Pearce and Duara, “Texas gunman’s mother: ‘He just had a normal American upbringing’.”

⁴³ Tristan Hallman and Ray Leszczynski, “Police: Men killed in Garland shooting had assault rifles, body armor,” *dallasnews.com*, May 3, 2015.

⁴⁴ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

⁴⁵ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

⁴⁶ Pearce and Duara, “Texas gunman’s mother: ‘He just had a normal American upbringing’.”

driving incidents and aggravated assault and spent four months in jail.⁴⁷ Thomas is believed to have supplied Simpson and Soofi with all their weapons and helped them practice using the weapons during the few months before the attack, from January through May. He also discussed the plans of attack with them, presumably after they met at the Phoenix mosque where Thomas cleaned the carpets for some time.⁴⁸ However, he hadn't been to the mosque in six or eight months. Thomas wasn't arrested until June 11, 2015, over a month after the attack, and authorities then discovered plans on his computer to attack the 2015 Super Bowl, which had been held in Glendale, Arizona, the previous February.⁴⁹ Authorities say other people likely knew about the plans for the Garland attack, but they have not released any names.⁵⁰

Overall, there are a few things to say about Simpson and Soofi. They apparently experienced joy in their lives, though they didn't achieve professional success, and were driven to radicalization—Simpson earlier in his life than Soofi. Simpson had a deep-seeded vision of committing violent jihad that very possibly affected Soofi, who hadn't seen much success in school or business life, although his son seemed to bring him joy. Clearly, they both thought that risking their lives for a cause outweighed their current lifestyles.

Based on known connections between Simpson and Islamic radical terrorists, it's highly possible that the two men—especially Simpson, who apparently was directing the two men's actions—were inspired by ISIS, al-Qaeda, or other terrorist groups. In Simpson's same tweet declaring their allegiance to Abu Bakr al-Baghdadi, ISIS leader, Simpson stated, "May Allah accept us as mujahideen #texasattack."⁵¹ These strongly suggest a connection to ISIS and to Islamic radical terrorism more generally, but there's no evidence that he and Soofi were directed by ISIS or were explicit ISIS members. Former FBI agent Time Clemente said, "They were kind of applying for membership into ISIS."⁵²

3. Motivation

There were multiple forces behind Elton Simpson's and Nadir Soofi's inspiration that all came together at this particular time in the men's lives: previous radicalization, momentary life circumstances, the rise of ISIS, and provocation by the cartoon-drawing event.

As seen by the FBI's previous investigation of him, Simpson had been motivated to commit violent jihad for at least six years, as he told the FBI's informant Deng on May 29, 2009, "...we can make it to the battlefield. It's time to roll," referring to travelling to Somalia to join the al-Qaeda affiliate Al-Shabaab.⁵³ It's unclear when Simpson turned to radical Islam, though it was likely

⁴⁷ Associated Press, "Man allegedly helped plan Texas cartoon contest shooting, wanted to attack Super Bowl," foxnews.com, June 17, 2015.

⁴⁸ Botelho, "Man indicted for allegedly helping Mohammed cartoon contest attackers."

⁴⁹ Associated Press, "Man allegedly helped plan Texas cartoon contest shooting."

⁵⁰ Botelho, "Man indicted for allegedly helping Mohammed cartoon contest attackers."

⁵¹ Yan, "Texas attack: What we know about Elton Simpson and Nadir Soofi."

⁵² Holly Yan, "ISIS claims responsibility for Texas shooting but offers no proof," cnn.com, May 5, 2015.

⁵³ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

some time between his conversion to the religion in high school⁵⁴ and 2006, when the FBI began to investigate him.⁵⁵ Simpson's connection to Hassan Abu Jihaad—the former U.S. Navy member who gave secrets to the terrorist organization while living in Phoenix, is a plausible reason for Simpson's radicalization.⁵⁶ Soofi, on the other hand, seemed to hint at radicalization far more recently, as seen by the transformation of his Facebook posts, shifting from average personal posts to a more rhetorically extreme post in 2014, stating, "May Allah turn the tides of this war and punish the Israeli oppressors, ameen, ameen, ameen!"⁵⁷ It thus seems most likely that Simpson contributed to Soofi's radicalization prior to the attempted attack.

At this time in their lives, both Simpson and Soofi were relatively unsuccessful professionally. Soofi's business attempts had failed,⁵⁸ and neither man had finished college.⁵⁹ In addition, Simpson reportedly had much trouble trying to find a romantic companion.⁶⁰ It's possible that these conditions increased the likelihood of these men turning to terrorism.

Simpson and Soofi also could have been motivated by terrorist groups, which can be seen through Simpson's connection to Abu Jihaad, who tweeted prior to the Garland incident, "The brothers from the Charlie Hebdo attack did their part. It's time for the brothers in the #US to do their part."⁶¹ Additionally, Simpson's tweet the day of the attempted attack, "The bro with me and myself have given bay'ah to Amirul Mu-mineen. May Allah accept us as mujahideen. Make dua #texasattack," seemed to declare their allegiance to ISIS leader Abu Bark al-Baghdadi. At a time when Simpson and Soofi ostensibly weren't too professionally satisfied, groups like ISIS and al-Qaeda likely provided life purposefulness through shared conviction, manifested in inspired action. U.S. law enforcement, including Defense Secretary Ashton Carter, believed Simpson and Soofi were at least motivated by organized terrorism: "It's concerning that there are individuals like this who draw their inspiration from ISIL," Carter said.⁶²

The Garland cartoon-drawing event itself most certainly inspired Simpson and Soofi. One week before the attempted attack, Simpson tweeted, "When will they ever learn? They are planning on selecting the best picture drawn of Rasulullah [Prophet Muhammah] (saws) in Texas."⁶³ According to Islam, it's blasphemous to depict Muhammad in any corporeal way, and this event's attempt to do so in a defamatory way was apparently offensive to Simpson and Soofi. The anti-Islam sentiment present at this event, though described as a practice of free

⁵⁴ Goudie, "Elton Simpson, shooter in Texas prophet cartoon contest, from Illinois."

⁵⁵ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

⁵⁶ *United States of America v. Elton Simpson*, Trial Brief, abcnews.go.com, filed October 20, 2010.

⁵⁷ Pearce and Duara, "Texas gunman's mother: 'He just had a normal American upbringing'."

⁵⁸ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

⁵⁹ Warren. "Texas gunman as a community college basketball star." Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

⁶⁰ Holstege and Casey, "Elton Simpson's slow, isolated descent into ISIS, jihad."

⁶¹ Sciutto et al., "Texas attacker tweeted with overseas terrorists."

⁶² Jacqueline Klimas, "Ashton Carter: Texas attack 'inspired by' Islamic State," washingtontimes.com, May 7, 2015.

⁶³ Sciutto et al., "Texas attacker tweeted with overseas terrorists."

speech, mirrored ones in Paris, France,⁶⁴ and Copenhagen, Denmark,⁶⁵ which earlier in the year had experienced incidents of violent jihad. Those precedents very possibly inspired a similar attempt at vengeance for Simpson and Soofi.

Although the cartoon-drawing event was the proximate cause of the two men attempting to attack at this time, a more general hostility toward the group that organized the event—the American Freedom Defense Initiative (AFDI)—likely also increased Simpson’s and Soofi’s motivation. AFDI is explicitly anti-Islam, and in its written ideals, it describes fighting “against this tenant of Islam,” referring to multiple Islamic beliefs. The Southern Poverty Law Center describes AFDI as anti-Muslim and as an extremist group, and it refers to the group’s leader, Pamela Geller, as the “anti-Muslim movement’s most visible and flamboyant figurehead.”⁶⁶ In addition, Dutch politician Geert Wilders spoke at the event, and he’s on al-Qaeda’s hit list for blatantly promoting an anti-Islam philosophy.⁶⁷

In sum, in attempting this terrorist act, Simpson and Soofi had already been primed by prior radicalization and life circumstances. Inspiration by Middle Eastern terrorist organizations—possibly by Simpson and Soofi paying distant attention to them, and possibly from direct social media communication—also appeared to motivate them.

4. Goals

It appears, then, that Simpson and Soofi were acting partly on behalf of ISIS—Simpson’s final tweet seemingly declared allegiance to al-Baghdadi suggests ISIS inspiration for the attack. However, it’s not clear the extent to which the goals of the men coincided with the goals of the terrorist organizations. It seems likely that ISIS (and whatever other organizations, such as al-Qaeda, could have inspired the incident) has goals that are more broad, symbolic, and normative than those of the two men.

Simpson and Soofi aimed at a few tangible goals. Using their six guns—including assault rifles—and wearing body armor, they tried to wreak havoc at an event that appeared to them to be anti-Islam.⁶⁸ They aimed to kill people, possibly consciously seeking to kill Geller and Wilders. Symbolically, they clearly aimed to do this to defend their faith and demonstrate to the world that this type of defamation would not happen unopposed, as with the attacks in Paris and Copenhagen.⁶⁹ Simpson and Soofi very likely also sought to demonstrate allegiance to ISIS in order to elevate their feelings of life purposefulness.

⁶⁴ Rayner et al., “Charlie Hebdo attack: France’s worst terrorist attack in a generation.”

⁶⁵ Andrew Higgins and Melissa Eddy, “Terror Attacks by a Native Son Rock Denmark,” *nytimes.com*, February 15, 2015.

⁶⁶ Holly Yan, “Garland shooting: What is the American Freedom Defense Initiative?” *cnn.com*, May 4, 2015.

⁶⁷ Catherine Shoichet and Michael Pearson, “Garland, Texas, shooting suspect linked himself to ISIS in tweets,” *cnn.com*, May 4, 2015.

⁶⁸ Hallman and Leszcynski, “Police: Men killed in Garland shooting had assault rifles.”

⁶⁹ Andrew Higgins and Melissa Eddy, “Terror Attacks by a Native Son Rock Denmark,” *nytimes.com*, February 15, 2015. Rayner et al., “Charlie Hebdo attack: France’s worst terrorist attack in a generation.”

ISIS, on the other hand, likely shared the tangible and symbolic goal of violently defending Islam against perceived defamation. However, the symbolic nature transcends simple precedent: the Syria-and-Iraq-based terror organization likely also aimed, in (seemingly) inspiring Simpson and Soofi, to establish a perceived presence in the U.S. and Western world—this was the first ISIS-claimed attack on American soil, though once again, there’s no evidence that ISIS was directly responsible for, or directed, the attack.⁷⁰ After it was over, ISIS referred to Simpson and Soofi as their “soldiers” and warned of future attacks, stating on their radio show, “We say to the defenders of the cross, the U.S., that future attacks are going to be harsher and worse. The Islamic State soldiers will inflict harm on you with the grace of God. The future is just around the corner.”⁷¹

5. Plans for violence

Law enforcement officials believe that Decarus Thomas, the third culprit involved in the attack—in addition to supplying Simpson and Soofi with weaponry—helped plan the attack in the few months leading up to it. Thomas also practiced firing the weapons with Simpson and Soofi, but beyond that, the two attackers had no known experience using the weaponry.⁷² The body armor, guns, and ammunition seem to have been bought legally.⁷³

Hours before the attack, the FBI reported to the Garland police that Simpson was “interested in the event,” but the Bureau didn’t know he intended to come to the event.⁷⁴ Garland Police Chief Mitch Bates later denied any knowledge of that intelligence: “We had no information from the FBI or anyone else that Elton Simpson posed a threat to our event,” he said.⁷⁵ It appears the information didn’t properly travel through the chain of command.

As mentioned, the Garland event and its organizers certainly had some effect in motivating the attackers. Pamela Geller and her organization American Freedom Defense Initiative (AFDI) are very outspoken about their beliefs, and that has stirred quite a bit of controversy. AFDI claims it stands for freedom of speech and conscience, and for equal rights of all people. However, it is explicitly anti-Muslim, stating that it stands against multiple tenants of Islam. The Southern Poverty Law Center calls it anti-Muslim and an extremist group, claiming that Geller is the “most visible and flamboyant figurehead” of anti-Islamic sentiments.⁷⁶ The Anti-Defamation League labels her an “anti-Muslim activist.”⁷⁷ Geller also leads another group called Stop Islamization of Nations, which opposes Muslim immigration to the U.S.⁷⁸ She writes a blog called “Atlas

⁷⁰ Watson and Van Velzer, “Doubts raised about Islamic State claim in Texas attack.”

⁷¹ Yan, “ISIS claims responsibility for Texas shooting but offers no proof.”

⁷² Botelho, “Man indicted for allegedly helping Mohammed cartoon contest attackers.”

⁷³ Yan, “ISIS claims responsibility for Texas shooting but offers no proof.”

⁷⁴ Pete Williams, “FBI Alerted Garland Police About Elton Simpson Hours Before Shooting,” nbcnews.com, May 8, 2015.

⁷⁵ Naomi Martin and Ray Leszczynski. “Garland police say they had no tip about attack at Culwell Center,” dallasnews.com, May 11, 2015.

⁷⁶ Yan, “Garland shooting: What is the American Freedom Defense Initiative?”

⁷⁷ Shoichet and Colwell, “Who is beheading plot target Pamela Geller?”

⁷⁸ Yan, “Garland shooting: What is the American Freedom Defense Initiative?”

Shrugs” and has published books such as “Stop the Islamization of America” and “Freedom or Submission.” She has also led the movement opposing the construction of a mosque near Ground Zero of the World Trade Center attacks, as well as a New York City subway advertising campaign, which stated “In any way between the civilized man and the savage, support the civilized man. Support Israel. Defeat jihad.”⁷⁹ Geller has been forbidden from entering the United Kingdom since 2013.⁸⁰

Geller and AFDI organized the Muhammad Art Exhibit and Cartoon Contest at the Garland Curtis Culwell Center because an anti-Islamophobia event had been held there in January 2015.⁸¹ Geller claimed that she wanted to hold the event in response to the January 2015 Charlie Hebdo attacks in Paris,⁸² where terrorists attacked a satirical newspaper for depicting the Islamic Prophet Muhammad in a cartoon. During the attack, they proclaimed, “We have avenged the Prophet!” They claimed to be acting on behalf of al-Qaeda in Yemen.⁸³

There were between 300⁸⁴ and 350⁸⁵ cartoon entries to the Garland event, and between 150⁸⁶ and 200⁸⁷ people attended. As mentioned, Dutch politician and anti-Muslim Geert Wilders, who is on al-Qaeda’s hit list, spoke at the event.⁸⁸ The contest winner, Bosch Fawstin claims to be a “former Muslim.”⁸⁹ He submitted six drawings, and his winning cartoon depicted a turban-wearing Muhammad holding a sword, telling an artist, “You can’t draw me,” to which the artist responds, “That’s why I draw you.”⁹⁰ Fawstin took home \$12,500 in prize money for winning the contest. After the event, Fawstin said the attackers “came to kill us and died for it. Justice.”⁹¹

The event was heavily guarded in anticipation of a possible terrorist attack attempt. Geller and AFDI paid \$10,000 for the event’s security.⁹² Security personnel from at least four different agencies were present, including the Garland police (with a SWAT team), school district security officers, the FBI, and the Bureau of Alcohol, Tobacco, and Firearms (ATF).⁹³

On May 3, Simpson and Soofi drove from Phoenix to Garland. The Muhammad Art Exhibit and Cartoon Contest event began at 5pm Central Time, and, just as the event was ending at around 6:50pm, Simpson and Soofi pulled up

⁷⁹ Shoichet and Colwell, “Who is beheading plot target Pamela Geller?”

⁸⁰ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

⁸¹ Shoichet and Pearson. “Garland, Texas, shooting suspect linked himself to ISIS in tweets.”

⁸² Yan, “Garland shooting: What is the American Freedom Defense Initiative?”

⁸³ Rayner et al., “Charlie Hebdo attack: France’s worst terrorist attack in a generation.”

⁸⁴ Scott Farwell and Ray Leszcynski, “Muhammad cartoon event bristled with security personnel,” *dallasnews.com*, May 4, 2015.

⁸⁵ Jobin Panicker, “Traffic cop killed both attackers at Mohammed exhibit in Texas,” *usatoday.com*, May 4, 2015.

⁸⁶ Martin and Leszcynski, “Garland police say they had no tip about attack at Culwell Center.”

⁸⁷ Farwell and Leszcynski. “Muhammad cartoon event bristled with security personnel.”

⁸⁸ Shoichet and Pearson. “Garland, Texas, shooting suspect linked himself to ISIS in tweets.”

⁸⁹ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

⁹⁰ Panicker, “Traffic cop killed both attackers at Mohammed exhibit in Texas.”

⁹¹ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

⁹² Botelho, “Texas shooting: Outgunned traffic officer stopped 2 attackers.”

⁹³ Farwell and Leszcynski, “Muhammad cartoon event bristled with security personnel.”

to the building in their dark-colored sedan. The two closest men working security for the event were an unarmed school district security officer and a Garland traffic officer armed only with a .45 caliber Glock handgun⁹⁴ who was working overtime. They were sitting in their vehicle and exited, preparing to confront the approaching figures, apparently unaware that Simpson and Soofi were armed. At the same moment, Simpson and Soofi got out of their vehicle and began shooting at the two officers who immediately hid behind their car and exchanged gunfire.⁹⁵

Within roughly 15 seconds, the traffic officer had wounded both Simpson and Soofi, even though the two attackers wore body armor, and they fell to the ground. The unarmed security officer had also been shot, but only in the ankle. No one else was injured, suggesting the terrorists' lack of experience with guns. Four Garland SWAT team members then arrived. They killed both Simpson and Soofi when the terrorists reached for more guns and ammunition.⁹⁶ There was no apparent attempt at suicide by the two attackers. After Simpson and Soofi had been killed, the Garland police bomb squad searched their car and discovered more ammunition, but no explosives.⁹⁷

Thomas was arrested on June 11, just over a month after the attempted attack, and charged with conspiracy, making false statements, and interstate transportation of firearms with intent to commit a felony. The FBI questioned Shami, the head of the Phoenix Islamic Community Center, about Thomas among other possible suspects, and this presumably is what led to Thomas' arrest.⁹⁸ Thomas allegedly gave weapons to the two attackers as early as January 7, practiced shooting with them, aided in the attack's planning, and lied to the FBI multiple times about his involvement with Simpson and Soofi.⁹⁹

Two days after the attempted attack, Garland Mayor Douglas Athas said that Geller "put my officers, my citizens and others at risk." He also stated that he wished she had chosen a different location for the event,¹⁰⁰ though she wanted the event there because a previous anti-Islamophobia event was held at the Culwell Center months before Geller's event. There is no indication anyone tried to persuade her not to hold the cartoon contest at the Culwell Center.¹⁰¹

Also after the event, Geller fired back at all naysayers about her views and actions. "I will not abridge my freedoms so as not to offend savages," she said. "Freedom of speech is under violent assault here."¹⁰² In separate comments, she also said, "This is a showdown for American freedom. Will we stand against this savagery or bow down to them and silence ourselves? It won't end with me no matter what happens to me, or the cops...This is just the beginning...It's

⁹⁴ Shoichet and Pearson, "Garland, Texas, shooting suspect linked himself to ISIS in tweets."

⁹⁵ Botelho, "Texas shooting: Outgunned traffic officer stopped 2 attackers."

⁹⁶ Martin and Leszcynski, "Garland police say they had no tip about attack at Culwell Center."

⁹⁷ Hallman and Leszcynski, "Police: Men killed in Garland shooting had assault rifles."

⁹⁸ Todd L. Lewis, "Third Man Arrested in Garland 'Draw Muhammad' Shooting: Authorities," nbcdfw.com, June 16, 2015.

⁹⁹ Botelho, "Man indicted for allegedly helping Mohammed cartoon contest attackers."

¹⁰⁰ Jessica Chasmer, "Douglas Athas, Garland mayor, blasts Pamela Geller: 'She invited an incendiary reaction'," washingtontimes.com, May 6, 2015.

¹⁰¹ Shoichet and Pearson, "Garland, Texas, shooting suspect linked himself to ISIS in tweets."

¹⁰² Yan, "Garland shooting: What is the American Freedom Defense Initiative?"

devastating and people need to understand what's at stake. I mean, if we surrender on this point, what will we surrender next?"¹⁰³

For its part, ISIS has called for the "slaughter" of Geller, and the terrorist organization reportedly inspired a planned attack by three young men in Boston aiming to assassinate her.¹⁰⁴ In response to attacks on her life, Geller responded, "Of course I'm not surprised that they would target me. This is a war."¹⁰⁵

6. Role of informants

The FBI utilized an informant when investigating Simpson in the decade before the attack. Beginning in 2006, the FBI began paying Dabla Deng—who had immigrated to the U.S. in 2000—to befriend Simpson and to attempt to figure out any potential criminal activity, as authorities knew that Simpson had some sort of connection to Hassan Abu Jihaad, the former U.S. Navy member who was giving secrets to a terrorist organization.¹⁰⁶ Deng eventually recorded Simpson's plans to travel to Somalia to commit violent jihad, and that recording caused his arrest in 2011. Over those years, the FBI paid Deng \$132,000—as he recorded over 330 hours of conversations with the would-be attacker—in addition to performing its own surveillance of Simpson.¹⁰⁷ However, informants played no role in the Garland shooting.

7. Connections

It's a bit tough to determine the degree to which this attack was motivated by terror organizations. Simpson had previously communicated with members of ISIS and an al-Qaeda affiliate group, and his social media activity leading up to the attack suggests some sort of further, recent communication and possibly inspiration from external groups, but U.S. law enforcement members are skeptical about the extent of terror organizations' direct causation of this attack.

Law enforcement officials know Simpson had contacted Junaid Hussain prior to the attack in Garland. Hussain, a skilled hacker, had been jailed in Britain years ago for allegedly posting Prime Minister Tony Blair's address book online and had joined ISIS "sometime in the past two years." He is considered tech savvy, and authorities believe he is especially adept at recruiting ISIS members from the West because of his knowledge of British culture. Hussain also allegedly founded a group called CyberCaliphate, which briefly overtook the U.S. Central Command's Twitter account in January 2015.¹⁰⁸

Simpson is also believed to have been talking to Mohamed Abdullahi Hassan, who, in 2008, traveled to aid al-Qaeda-affiliated Al-Shabaab in Somalia, where Simpson had been plotting to go around the same time, before he was stopped by law enforcement. A week before the attack, Hassan tweeted, "The

¹⁰³ Shoichet and Colwell. "Who is beheading plot target Pamela Geller?"

¹⁰⁴ Susan Zalkind. "How ISIS's 'Attack America' Plan Is Working," *dailybeast.com*, June 22, 2015.

¹⁰⁵ Shoichet and Colwell. "Who is beheading plot target Pamela Geller?"

¹⁰⁶ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

¹⁰⁷ Shane and Santos, "Elton Simpson Eluded U.S. Inquiry Before Texas Shootout."

¹⁰⁸ Sciutto et al., "Texas attacker tweeted with overseas terrorists."

brothers from the Charlie Hebdo attack did their part. It's time for the brothers in the #US to do their part.”¹⁰⁹

As noted, just hours before the attack in Garland, Simpson urged his Twitter followers to follow Hussain, who had been posting under the name Abu Hussain al Britani.¹¹⁰ Simpson also tweeted, “The bro with me (Soofi) and myself have given bay’ah to Amirul Mu’mineen. May Allah accept us as mujahideen. Make dua #texasattack.” Experts believe this was Simpson’s attempt to pledge his and Soofi’s allegiance to ISIS leader Abu Bakr al-Baghdadi. However, the picture for his Twitter account, titled “Shariah is Light,” actually depicted Anwar al-Alwaki, a leader of al-Qaeda in Yemen who was killed in a drone strike in 2011.¹¹¹

Around the time of the attack, Hussain retweeted Simpson’s tweet, which is believed to be a potential confirmation sign of Simpson’s and Soofi’s allegiance to al-Baghdadi and ISIS. Just after the attack, Hussain tweeted, “Allahu Akbar!!!! 2 of our brothers just opened fire at the Prophet Muhammad (s.a.w) art exhibit in texas! #TexasAttack.”¹¹²

A connection between Simpson—and by default Soofi—and ISIS seems to have been at least superficially established, but ISIS claims, or suggests, a more concrete relationship. After the attack, ISIS referred to Simpson and Soofi as their “two soldiers,” and as their “brothers.” Additionally, after ISIS stated on its radio station that more attacks would come: “We say to the defenders of the cross, the U.S., that future attacks are going to be harsher and worse. The Islamic State soldiers will inflict harm on you with the grace of God. The future is just around the corner.”¹¹³

Multiple news sources reported that ISIS claimed responsibility for this attack. However, ISIS didn’t specifically state that it directed or carried out the attack; it simply referred to Simpson and Soofi as their “brothers” perhaps to encourage its audience to infer that the group was involved.¹¹⁴ One official said this was something between a “lone wolf” attack and ISIS-directed, meaning Simpson and Soofi didn’t act completely from their own will without any external force or pressure, but they also weren’t acting under direct orders from ISIS. Former FBI agent Time Clemente said this probably wasn’t directed by ISIS, but instead that the attackers “were kind of applying for membership into ISIS.”¹¹⁵ U.S. Defense Secretary Ashton Carter stated that the attackers “were inspired by ISIL, not directed by ISIL,” and found it “concerning that there are individuals

¹⁰⁹ Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

¹¹⁰ Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

¹¹¹ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

¹¹² Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

¹¹³ Yan, “ISIS claims responsibility for Texas shooting but offers no proof.”

¹¹⁴ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.” Watson and Van Velzer, “Doubts raised about Islamic State claim in Texas attack.” Yan, “ISIS claims responsibility for Texas shooting but offers no proof.”

¹¹⁵ Yan, “ISIS claims responsibility for Texas shooting but offers no proof.”

like this who draw their inspiration from ISIL.”¹¹⁶ Other U.S. officials said that ISIS is trying to be “opportunistic” by claiming responsibility for this attack.¹¹⁷

However, although this attack doesn’t seem to have as much ISIS direction as the terror group suggests, it does represent a dangerous evolution of terrorism strategy in which internet and social media influence and communication may be used to inspire attacks in Western countries. ISIS had called for the “slaughter” of Pamela Geller, and authorities believe that ISIS had inspired the planned attack by three young Boston men who were speaking of beheading her in the weeks following the Garland incident. According to the FBI, the major difficulty in this new realm of terrorism prevention is determining those who are only superficially interested in ISIS propaganda and those who are willing and capable of acting on it. “I know there are other Elton Simpsons out there,” FBI Director James Comey said.¹¹⁸

According to a State Department report, ISIS “membership” definition is becoming more amorphous: “These attacks may presage a new era in which centralized leadership of a terrorist organization matters less, group identity is more fluid, and violent extremist narratives focus on a wider range of alleged grievances and enemies with which lone actors may identify and seek to carry out self-directed attacks.”¹¹⁹

8. Relation to the Muslim community

Simpson and Soofi were both involved in their local Muslim community in Phoenix, but for the most part, that didn’t seem to relate directly to their attempted terrorist attack.

It is believed that Simpson converted to Islam while in high school in Phoenix, and he began attending the Islamic Community Center of Phoenix some time after converting to worship and to play basketball—which he often did with younger players, giving them tips on how to improve.¹²⁰ According to Courtney Lonergan, a fellow worshipper at the Community Center mosque, Simpson was committed to Islam and the mosque.¹²¹ Simpson regularly attended the Community Center and mosque until 2011, when he was arrested for lying about his plans to travel to Somalia to commit violent jihad.¹²² Following his arrest and probation period, Simpson still came to the mosque but stopped showing up around two or three months prior to the attack in Garland.¹²³

While growing up in the U.S. and Pakistan, Soofi was raised Muslim by his Pakistani father and American mother who converted to Islam. He never seemed to be extremely religious until the few years leading up the Garland attack, as he grew out his beard and wore more traditional Muslim attire. This surprised his family; one cousin commented on a Facebook picture of Soofi’s,

¹¹⁶ Klimas, “Ashton Carter: Texas attack ‘inspired by’ Islamic State.”

¹¹⁷ Botelho, “Man indicted for allegedly helping Mohammed cartoon contest attackers.”

¹¹⁸ Zalkind, “How ISIS’s ‘Attack America’ Plan Is Working.”

¹¹⁹ Zalkind, “How ISIS’s ‘Attack America’ Plan Is Working.”

¹²⁰ Weiss and Kraus, “2 Garland shooters’ lives twined to tragic end.”

¹²¹ Holstege and Casey. “Elton Simpson’s slow, isolated descent into ISIS, jihad.”

¹²² Shoichet and Pearson, “Garland, Texas, shooting suspect linked himself to ISIS in tweets.”

¹²³ Watson and Van Velzer, “Doubts raised in Islamic State’s claim in Texas attack.”

saying, “Nadir hard to believe that’s you.” Soofi’s Facebook messaging also took a more serious religious turn, as he posted from his account in 2012, “May Allah protect the oppressed and suffering, and bring justice to the oppressors and wrongdoers, ameen!” and, in 2014: “May Allah turn the tides of this war and punish the Israeli oppressors, ameen, ameen, ameen!”¹²⁴

Decarus Thomas, who aided Simpson and Soofi in acquiring weapons and conspiring about their plan, was born in Philadelphia and had lived in the Phoenix area for the past several years. He wasn’t raised Muslim, though news sources haven’t reported when he converted to Islam. However, in 2013, he changed his name to Abdul Malik Abdul Kareem. He also cleaned the carpets at the Islamic Community Center and worshipped there for roughly the previous four years, according the center’s president, Shami, though Thomas hadn’t shown up in the previous six to eight months.¹²⁵ Authorities detained Thomas about a month after the attack.¹²⁶

All in all, Simpson and Soofi had mostly healthy relationships with the Muslim community at the Islamic Community Center, and besides likely meeting Thomas there, it seemed to be a positive aspect of their lives.

9. Depiction by the authorities

Essentially all of the media coverage of the attempted attack in Garland happened in the few days following the event. Because of that, there wasn’t much evolution in how law enforcement or government officials discussed the attack or attackers. Additionally, they didn’t connote much with their statements: most stated facts, praised the response by law enforcement in stopping the attack, or speculated about the attack’s implications for terrorism strategy.

After the attack, Garland Police Chief Mitch Bates said, “We had no information from the FBI or anyone else that Elton Simpson posed a threat to our event,” responding to the FBI’s claim that it warned Garland police that Simpsons was “interested” in the cartoon-drawing event.¹²⁷

Local law enforcement heavily praised the armed traffic officer who took down Simpson and Soofi. “He did what he was trained to do,” Garland police spokesman Joe Harn said. “And under the fire he was put under, he did a very good job.” However, his name was not released for safety reasons. “You have one heroic cop who kills two (Islamist extremist) soldiers. He needs to be cautious about not celebrating in the end zone,” former FBI assistant director Tim Fuentes said.¹²⁸ White House Press Secretary Josh Earnest said, after the event, “The thing that we can say definitively, because of the quick, professional, brave work of local law enforcement forces, is an attempted terrorist act was foiled.”¹²⁹

In speculating about this attack, one law enforcement official said this was more than a “lone wolf” attack but not quite ISIS-directed, inferring that ISIS had

¹²⁴ Pearce and Duara, “Texas gunman’s mother: ‘He just had a normal American upbringing’.”

¹²⁵ Davis, “Third Man Arrested in Garland ‘Draw Muhammad’ Shooting: Authorities.”

¹²⁶ Botelho, “Man indicted for allegedly helping Mohammed cartoon contest attackers.”

¹²⁷ Martin and Leszczynski, “Garland police say they had no tip about attack at Culwell Center.”

¹²⁸ Botelho, “Texas shooting: Outgunned traffic officer stopped 2 attackers.”

¹²⁹ Kevin Liptak, “White House says attempted shooting was attempted terror attack,” *cnn.com*, May 5, 2015.

some form in inspiring the two men. As noted, former FBI agent Tim Clemente said, “They were kind of applying for membership into ISIS,”¹³⁰ while U.S. Defense Secretary Ashton Carter said, “These were inspired by ISIL, not directed by ISIL... it’s concerning that there are individuals like this who draw their inspiration from ISIL.”¹³¹

The White House called this an “act of terror,”¹³² and the State Department released a report after the attack, stating, “These attacks may presage a new era in which centralized leadership of a terrorist organization matters less, group identity is more fluid, and violent extremist narratives focus on a wider range of alleged grievances and enemies with which lone actors may identify and seek to carry out self-directed attacks.”¹³³ White House Press Secretary Earnest also said, “There are extremists around the globe, including those affiliated with ISIL, who are trying to capitalize on the opportunity presented by social media, to try to communicate with individuals around the world, including in the United States.”¹³⁴ And FBI Director James Comey expressed worry about shifting trends in terrorism: “I know there are other Elton Simpsons out there.”¹³⁵

10. Coverage by the media

Since this was such a high-profile attack (two people died, ISIS seemed to claim its first attack on American soil, outspoken Pamela Geller was at its center), numerous media outlets provided coverage, from national media (CNN, NBC, *New York Times*, *USA Today*) to local media (*Dallas Morning News*, *Arizona Republic*) to foreign sources (Reuters, *Telegraph*). However, coverage largely stopped after a few days.

Overall, media coverage was pretty objective. Most of the writing consisted of a simple investigation into what happened, the backgrounds of the culprits, quotations from people close to them, and statements from police or other authorities. Moreover, different media outlets investigated different aspects of the story. For example, CNN—which covered the story in the greatest depth—reported lots of information about Simpson’s connections (or lack thereof) with ISIS and other terror group members, reported in much detail about Simpson’s and Soofi’s past, and interviewed law enforcement officials¹³⁶ and people who knew Simpson and Soofi.¹³⁷ CNN also reported some of the only background information about the third culprit, Decarus Thomas,¹³⁸ and provided the most

¹³⁰ Yan, “ISIS claims responsibility for Texas shooting but offers no proof.”

¹³¹ Klimas, “Ashton Carter: Texas attack ‘inspired by’ Islamic State.”

¹³² Ray Leczcynski, Todd J. Gillman, and Michael E. Young, “Islamic State claims Garland attack; White House says possible link being investigated,” *dallasnews.com*, May 5, 2015.

¹³³ Zalkind, “How ISIS’s ‘Attack America’ Plan Is Working.”

¹³⁴ Liptak, “White House says attempted shooting was attempted terror attack.”

¹³⁵ Zalkind, “How ISIS’s ‘Attack America’ Plan Is Working.”

¹³⁶ Yan, “ISIS claims responsibility for Texas shooting but offers no proof.” Scitutto et al., “Texas attacker tweeted with overseas terrorists.”

¹³⁷ Yan, “Texas attack: What we know about Elton Simpson and Nadir Soofi.”

¹³⁸ Botelho, “Man indicted for allegedly helping Mohammed cartoon contest attackers.”

detailed information about Geller.¹³⁹ The *Dallas Morning News* also reported information about the culprits' pasts, but it interviewed different neighbors and family members,¹⁴⁰ and even contacted the Arizona Council on American-Islamic Relations.¹⁴¹

CNN and *Dallas Morning News* provided the most expansive, in-depth reporting, and other media outlets filled in some gaps with individual article coverage. The *New York Times* reported extra information about Dabla Deng, the FBI informant from 2006-2009.¹⁴² The *Arizona Republic* was the only one to interview Courtney Lonergan, a woman who worshipped at the Phoenix mosque with Simpson and Soofi;¹⁴³ and the Daily Beast reported the most heavily on ISIS' evolving terror and recruitment strategy.¹⁴⁴ It seems that other news outlets that covered the story for the most part repeated most facts and quotations by these publications.

11. Policing costs

There were two main costs associated with this event. First, the FBI invested quite a bit of time and money into investigating Elton Simpson over the years. Second, Geller and the AFDI spent \$10,000 for extra security for the event.

As mentioned previously, the FBI began paying its informant Dabla Deng in 2006 to befriend Simpson and attempt to figure out any potential criminal activity, as authorities knew that Simpson had some sort of connection to Hassan Abu Jihaad, the former U.S. Navy member who was giving secrets to a terrorist organization.¹⁴⁵ Deng eventually recorded Simpson's plans to travel to Somalia to commit violent jihad, which led to his arrest in 2011. Over those years, the FBI paid Deng \$132,000—as he recorded over 330 hours of conversations with the would-be attacker—in addition to performing its own surveillance of Simpson.¹⁴⁶

However, that FBI surveillance and investigation didn't provide any intelligence about the Garland attack, which came years after Simpson's arrest and long after Deng left the picture. The FBI had been keeping tabs on Simpson before the May 3 Garland attack and allegedly informed Garland police that Simpson was "interested" in the event.¹⁴⁷ But that information ultimately didn't travel to those in charge of the event's security, and it didn't make a difference in preparing for the attack.

Geller and the AFDI spent \$10,000 on security for the event, utilizing people from at least four different agencies, including the Garland police (with a

¹³⁹ Shoichet and Colwell, "Who is beheading plot target Pamela Geller?" Yan, "ISIS claims responsibility for Texas shooting but offers no proof." Yan, "Garland shooting: What is the American Freedom Defense Initiative?"

¹⁴⁰ Hallman and Leszcynski, "Police: Men killed in Garland shooting had assault rifles." Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

¹⁴¹ Leszcynski et al., "Islamic State claims Garland attack."

¹⁴² Shane and Santos, "Elton Simpson Eluded U.S. Inquiry Before Texas Shootout."

¹⁴³ Holstege and Casey, "Elton Simpson's slow, isolated descent into ISIS, jihad."

¹⁴⁴ Zalkind, "How ISIS's 'Attack America' Plan Is Working."

¹⁴⁵ Weiss and Kraus, "2 Garland shooters' lives twined to tragic end."

¹⁴⁶ Shane and Santos, "Elton Simpson Eluded U.S. Inquiry Before Texas Shootout."

¹⁴⁷ Williams, "FBI Alerted Garland Police About Elton Simpson Hours Before Shooting."

SWAT team), school district security officers, the FBI, and the Bureau of Alcohol, Tobacco, and Firearms (ATF).¹⁴⁸ Following the attack, the FBI also spent time and money investigating the situation, and after about a month, arrested Decarus Thomas, the third culprit, although they believe others knew about the attack beforehand.¹⁴⁹

Could this attack have been prevented? It was certainly possible to stop Simpson and Soofi from risking their own lives, shooting a security officer in the ankle, causing general mayhem in Garland, and providing inspiration for ISIS's strategies. However, that would have required far more time and money.

12. Relevance of the internet

Social media has seemingly been an effective tool that terror groups have used to advance their agendas by recruiting people—notably from the Western world—through direct communication and propaganda, and by issuing messages to the entire global public. In this case, Simpson appeared to have used social media to express his radical Islamic ideals as well as communicate with official members of terror groups.

As noted, roughly a week before the Garland attack, Mohamed Abdullahi Hassan, member of Al-Shabaab, an al-Qaeda affiliate group, tweeted, “The brothers from the Charlie Hebdo attack did their part. It’s time for the brothers in the #US to do their part.” Hassan is believed to have traveled to Somalia in 2008, around the same time that Simpson had planned to do the same. Also around a week before the attack, Simpson tweeted, “When will they ever learn? They are planning on selecting the best picture drawn of Rasulullah (saws) in Texas.”¹⁵⁰

The most notable tweet from this entire incident is Simpson’s, posted just hours before the attack on May 3: “The bro with me [Soofi] and myself have given bay’ah to Amirul Mu’mineen. May Allah accept us as mujahideen. Make dua #texasattack.” This is particularly notable because Simpson hinted at an attack in Texas and this could have tipped off law enforcement if they were paying closer attention. According to experts, the message also declared his and Soofi’s allegiance to Abu Bakr al-Baghdadi, the ISIS leader.¹⁵¹

Following the attack, Junaid Hussain, the British hacker who authorities believe joined ISIS, tweeted, using the same hashtag as Simpson: “Allahu Akbar!!!! 2 of our brothers just opened fire at the Prophet Muhammad (s.a.w) art exhibition in texas! #TexasAttack.”¹⁵²

At times, Soofi posted personal religious views from his Facebook page, like this one from 2014: “May Allah turn the tides of this war and punish the Israeli oppressors, ameen, ameen, ameen!”¹⁵³

It’s tough to know how many terrorist plots that law enforcement thwarts, but monitoring social media seems to be one method of gathering intelligence to

¹⁴⁸ Farwell and Leszczynski, “Muhammad cartoon event bristled with security personnel.”

¹⁴⁹ Associated Press, “Man allegedly helped plan Texas cartoon contest shooting.”

¹⁵⁰ Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

¹⁵¹ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

¹⁵² Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

¹⁵³ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

prevent attacks. Attention is clearly paid to Twitter and Facebook, but more sophisticated, detailed attention might have proved valuable in this case. Simpson implied the attack on Twitter with the hashtag “texasattack.”¹⁵⁴

The importance of social media is the primary lesson of this case. However, not just in this one—numerous people in the U.S. and Western world have been able to communicate with Islamic terror groups in the Middle East, have been persuaded to join them or even persuaded to commit violent jihad in the West, as may have been the situation in this case. Here, Simpson was able to declare his and Soofi’s allegiance to the ISIS leader, in addition to posting threatening opinions of Geller’s event, alongside terrorist organization members like Abdullahi Hassan.¹⁵⁵ This isn’t conclusive evidence that social media caused this attack, but it certainly gave the attackers and their contacts space to more easily communicate. The evolving nature of terrorism from one person or one group plotting and carrying out attacks to those people having the ability to directly communicate with contacts in different parts of the world, and potentially inspiring them with propaganda, is a seemingly significant tactic of terrorism in today’s age.

13. Are we safer?

Attendees of the Garland cartoon contest event are safer because of law enforcement’s actions, but this terrorist attack displays something extremely dangerous about the evolution of terrorism in today’s world—culturally and technologically.

As mentioned, the heroic actions of the traffic officer to take down Elton Simpson and Nadir Soofi on May 3 possibly saved lives of others in the vicinity—because even though they didn’t have much experience with firearms, they did have automatic weapons and lots of ammunition. For his actions, the security officer was heavily praised. However, it is sad that two humans still died that day. The greatest costs to the victims were the security officer who was shot in the ankle, and the general panic and fear by Garland residents and by attendees of the American Freedom Defense Initiative’s event.

The single person whose safety suffered the most is Pamela Geller. Apart from continuing to speak out about the importance of freedom—though in anti-Muslim fashion—the attack allegedly later inspired an attack on her life by three men in Boston, though they never made it close to her.¹⁵⁶

All in all, are we safer? The people of Garland and event attendees from May 3 are safer, but the rest of the U.S. and world population is not, as this event exhibits the danger of terrorism’s widespread reach in the 21st century.

14. Conclusions

A main takeaway from this case is that it’s nearly impossible to know how much to spend on terrorism prevention and protection. \$10,000 was spent on

¹⁵⁴ Allen et al., “Texas shooting: Islamic State claims responsibility for first US attack.”

¹⁵⁵ Sciutto et al., “Texas attacker tweeted with overseas terrorists.”

¹⁵⁶ Zalkind, “How ISIS’s ‘Attack America’ Plan Is Working.”

protection in this case, and though an arguably preventable attack happened, it only took one man with a handgun to bring down the attackers.

One possible prevention measure could have been for the FBI to know about the plan and arrest Simpson, Soofi, and Thomas before the attackers arrived in Garland. This would have required some sort of further informant work—which Simpson likely would have suspected—or increased surveillance, beyond what the FBI had been doing, which had been comparatively light because Simpson didn't seem to pose as great a threat as he had before his 2011 arrest. The one main sign that's easy to identify in hindsight is Simpson's tweet just hours before the attack, "The bro with me (Soofi) and myself have given bay'ah to Amirul Mu'mineen. May Allah accept us as mujahideen. Make dua #texasattack."¹⁵⁷ The FBI already knew that Simpson was interested in the event, as it notified the Garland police, but if it had read and understood this tweet, then it seems very possible to have known that Simpson was going to attack the Garland event, a conclusion suggested by his tweet's "#texasattack."

Another possible prevention measure could have been to have the \$10,000 worth of security at the event to be stationed outside where Simpson and Soofi pulled up in their car. It's difficult to know if the security had been in the right places—let alone if they were actually expecting any form of attack—at the time of the attack. But, if more substantially armed security had been closer to the gunmen, instead of one unarmed officer and another armed with just a .45-caliber handgun, it's very likely that Simpson and Soofi wouldn't have harmed anyone, though it's still likely they would have been killed.

When they occur, attacks like this need to be fought by law enforcement. But they also need to be countered by stemming the radicalization of individuals before terrorism is even a thought. In this case, Simpson and Soofi were relatively unsuccessful professionally and personally, something that very likely played a role in their turn toward Islamic radicalism as they searched for a different purpose for their lives. The more that can be done by governments and non-governmental organizations to increase professional opportunities will certainly reduce the potential for homegrown people turning to terrorism.

¹⁵⁷ Allen et al., "Texas shooting: Islamic State claims responsibility for first US attack."

Case 70: Sullivan

John Mueller

May 14, 2017

Shy and socially awkward, Justin Sullivan moved to Morganton, North Carolina, in 2012 when he was 16. His parents, a retired Marine Captain and his Filipino wife, hoped the new locale would help. The boy had often avoided school by hiding out in a nearby woods when he was in grade school in Michigan, and he had been suspended from high school when they had moved to Delaware. The new move didn't work. As his lawyer later put it, "Morganton is a nice place unless you're a half-Asian kid in high school."¹

Spending his time alone in his room with his computer and phone, Sullivan discovered the Islamic State or ISIS around September 2014 when it seemed to be very much on the rise in the Middle East, and that led the 18-year-old to Islam. As he recalled later, "I liked IS from the beginning then I started thinking about death and stuff so I became a Muslim."² He was especially drawn to ISIS videos featuring immolations and beheadings.³

The thoughts about death continued. On December 17, when his parents were away, Sullivan stole a .22 caliber rifle from his father's locked gun cabinet, and, masked, went to the nearby home of John Bailey Clark, a disabled 74-year-old, a "harmless recluse" according to the neighbors. Clark was aided by relatives who would deliver food and water while managing his small disability income. Sullivan picked the lock and killed the sleeping man—who he said was a "hermit, he was nobody, he was nothing"—with three bullets to the head. He then dragged the body outside, stripped it naked, and buried it in a shallow grave.⁴

Sullivan may have killed the old man for money which he later tried to use to purchase a rifle. After his arrest he said that the \$689 in his possession had come from Clark.⁵ But Clark was scarcely the obvious target if money was the motive. Sullivan also said the murder was done "as practice for killing his father" because his father had called the police on him.⁶ However, that episode didn't happen until after the murder of Clark.

In fact, the call came the following April after Sullivan had gone on destructive rampages in the home. In his father's words, "I don't know if it is ISIS or what, but he is destroying Buddhas, and figurines, and stuff," this time pouring gasoline on some of them to aid the process: "I mean, we are scared to leave the house." In the background, Sullivan can be heard pointing out that he had destroyed non-religious items as well, and repeatedly saying "why are you trying to say I am a terrorist?" asserting that "they" were going to put him "in jail my whole life" or "they are going to kill me."⁷

¹ Michael Gordon, "Teen talked of killing in the name of ISIS. But the question remains, why?" *miamiherald.com*, February 24, 2017.

² United States of America v. Justin Nojan Sullivan, Bill of Indictment, January 20, 2016, 2.

³ Michael Gordon, "Teen talked of killing in the name of ISIS."

⁴ United States of America v. Justin Nojan Sullivan, Factual Basis, November 14, 2016, 2.

⁵ United States of America v. Justin Nojan Sullivan, Bill of Indictment, 3.

⁶ United States of America v. Justin Nojan Sullivan, Factual Basis, 20.

⁷ United States of America v. Justin Nojan Sullivan, Criminal Complaint, June 22, 2015, 4.

Sullivan was soon being watched by the FBI online, and, as part of the process, an operative, posing as a potential recruit to Sullivan's cause, got in touch with him in early June 2015, and worked his way into the young man's confidence. Unlike many other ISIS enthusiasts in the United States, Sullivan never seemed to want to join the group abroad. Instead, he harbored a grandiose scheme to set up "The Islamic State of North America," or ISNA. By joining, the operative would have doubled the group's membership. Sullivan was also in contact with encouraging and supportive "cybercoaches" working for ISIS in the Middle East, in particular Junaid Hussain. Over the course of the month, Sullivan discussed various plans for committing a terrorist attack in the United States with both the FBI contact and with his distant cybercoaches.⁸

He soon settled on an operation. It was motivated by his outrage at "satanic" American airstrikes at his beloved ISIS in the Middle East: "18 airstrikes today It makes me so angry." By killing thousands of unbelievers in a series of attacks and thereby "destroying the country," he would be sending a signal: "we will tell the world that this will continue unless they stop."⁹ Presumably accompanied by his American online co-conspirator, he planned to shoot up a nightclub or a concert with an assault rifle sometime between June 21 and 23 when his parents were out of town in Georgia at the home of an "atheist Buddhist."¹⁰ The plan was to kill perhaps 500 and "then leave," committing bigger operations in the future. Later he lowered the prospective body count: "I'll probably get 25-50 people in total."¹¹ Perhaps reflecting his experience with the Clark murder, Sullivan thought that such things can be accomplished rather easily: "people kill people all the time and get away with it...just shoot...wear a mask and do it at night."¹²

There was something of a problem with logistics, however: he didn't have either the rifle or the ammunition. He wanted to use "split core ammo" because it is more "deadly," he said. However, it is also pricey at \$1 a bullet.¹³ He reckoned he would need to buy about 20 of these expensive bullets to kill off his estimated 25 to 50 victims.¹⁴ To increase lethality, he also considered coating the bullet with cyanide. In that case, "even if we get someone in the arm they'll still die of the poison...its vengeance." There was also discussion about setting off "a gas bomb" which he deemed "easy to make."¹⁵ When Sullivan tried to get the desired ammunition at a local gun shop on June 18, however, they did not have it in stock. He then decided he would buy the gun, and presumably the ammunition, at a gun show to be held in nearby Hickory, NC, on June 20 and 21.¹⁶ He downloaded a

⁸ Gordon, "Teen talked of killing in the name of ISIS."

⁹ United States of America v. Justin Nojan Sullivan, Factual Basis, 9.

¹⁰ United States of America v. Justin Nojan Sullivan, Factual Basis, 12-14. United States of America v. Justin Nojan Sullivan, Criminal Complaint, 11.

¹¹ United States of America v. Justin Nojan Sullivan, Factual Basis, 11.

¹² United States of America v. Justin Nojan Sullivan, Factual Basis, 8.

¹³ Gordon, "Teen talked of killing in the name of ISIS."

¹⁴ United States of America v. Justin Nojan Sullivan, Factual Basis, 11.

¹⁵ United States of America v. Justin Nojan Sullivan, Criminal Complaint, 7.

¹⁶ Gordon, "Teen talked of killing in the name of ISIS."

discount ticket for admission and, for the purchase, withdrew money from his savings account—some, or all, of it possibly looted from Clark.

Sullivan also decided, rather oddly, that he needed a silencer or sound suppressor for the rifle. Although it was hardly a comparable situation, he may have been alarmed by the loud sounds made when he murdered Clark. Accordingly, he prevailed upon his FBI correspondent to make one using instructions available on YouTube and to mail it to him at his home addressed to “Gus Gus” with the salutation, “happy birthday,” written on the mailing container. This task was dutifully carried out by FBI machinists.¹⁷

When the strange package arrived, however, it was opened by his mother. When his parents demanded an explanation Sullivan became “aggressive,” and they again called 911.¹⁸

Later in the day, Sullivan calmly contacted his FBI friend and urged him to kill his parents—or as he put it, “the people I live with”—because “Can’t have people calling the police on me.” He offered “compensation” to do so, and explained that a “perfect” time would be when they were visiting the “atheist Buddhist.” He added that he had actually been planning to kill his parents himself for weeks.¹⁹

At some point, Sullivan also texted Junaid Hussain, his ISIS cybercoach in Syria, saying “I have good news.” He would “very soon” be “carrying out 1st operation of Islamic State of North America,” although the actual authorship of the attack would be announced later, after the deed had been accomplished. Hussain responded, “Can u make a video first?” and, when Sullivan mentioned that “another mujahid” would be part of the venture, Hussain asked perhaps a bit warily, “Can I contact him?” Sullivan did not provide that information, but said he would not do the video because this was not a suicide mission, but only the opening salvo for his extremely small group: “For major attack we will film, not this.” He concluded the exchange with “Very soon” and Hussain rang off with “Ok.”²⁰ Judging from information available, this may be just about the only “coaching” Sullivan’s distant cyber contact ever did.

Triggered by Sullivan’s parental death threats as communicated to his other cyber collaborator, the FBI arrested the 18-year-old before he could get to the gun show or to his still-to-be-determined terrorism target. When the agents arrived, Sullivan tried to delete conversations with his two terrorism contacts from his phone.²¹

His defense attorney suggests that, though “smart, polite, and well-mannered,” Sullivan had been suffering for years from depression and other emotional problems, and had potentially been suicidal, conditions that had largely gone untreated. However, in prison, where he will likely spend the rest of his life, he has actually been making friends. He plays chess and watches television with his peers, and his parents visit him regularly. She concludes that “Jail has been the

¹⁷ United States of America v. Justin Nojan Sullivan, Factual Basis, 8-9, 11.

¹⁸ United States of America v. Justin Nojan Sullivan, Factual Basis, 12.

¹⁹ United States of America v. Justin Nojan Sullivan, Factual Basis, 12.

²⁰ United States of America v. Justin Nojan Sullivan, Factual Basis, 15-16.

²¹ United States of America v. Justin Nojan Sullivan, Factual Basis, 13.

most positive group setting for him since he was a little boy,” and adds, “Isn’t that bizarre?”²²

Some two months after Sullivan’s arrest, his ISIS confidant, Junaid Hussein, was killed in one of those “satanic” airstrikes that so outraged Sullivan, this one on Raqqa, Syria, ISIS’s capital.²³ It appears that Sullivan and his other virtual confidant, the one from the FBI, never actually met or saw each other face-to-face.²⁴

On the cybercoaching issue more generally, see John Mueller, “The Cybercoaching of Terrorists: Cause for Alarm?” *CTC Sentinel* 10(9), October 2017, 29-35. [pdf](#)

²² Gordon, “Teen talked of killing in the name of ISIS.”

²³ *United States of America v. Justin Nojan Sullivan, Factual Basis*, 5.

²⁴ Personal communication with Michael Gordon, May 11, 2017.

Case 71: Ciccolo

John Mueller

December 11, 2016

Alexander Ciccolo, the son of a Boston police captain from Adams, Massachusetts, had been mentally ill since childhood. As a teenager, he had been prescribed medication, but, notes Maria Chabali, it is unclear whether he continued taking the medication into adulthood. He also had a record of alcohol abuse.

In 2012, he converted to Islam and became obsessed with the religion although he seemed to develop few, if any, connections to anyone in the Muslim community. He soon became convinced that his faith was under attack, and he came to imagine, or to consider, himself to be a member of ISIS. Alarmed by his messages and Facebook postings, his father alerted the FBI. Surveillance was begun, and an informant was put on the case.

Working with the informant, Ciccolo decided to perform an attack of terrorism in the name of ISIS that would, in Chabali's words, "kill many, be broadcast on the internet, and gain a lot of attention." Searching around for targets, he eventually settled on a university cafeteria at lunchtime because it is "very sinful and has a crowd" and because he envisioned he could readily escape from the place after the deed was done—though he was apparently prepared to die in the effort if that's what it came to.¹

On July 3, 2015, he purchased a pressure cooker at Walmart and planned eventually to fashion it into a bomb—though there is no indication he had any bombmaking skills. In addition, he had two machetes, a long curved knife, and several partially constructed incendiary devices containing shredded Styrofoam which, soaked in motor oil, he envisioned would cause the fire from the exploded devices to stick to people's skin and make it burn better. But he also needed some firearms, or, as he put it, "The big thing is guns." With his medical history, it is unlikely he could have purchased any legally. On July 4, the informant obligingly supplied the 23-year-old with a .223 Colt AR-15 rifle, a 556 Sig Arms SG550 rifle, a 9mm Glock 17 handgun, and a 10mm Glock 20 handgun—though not with the ammunition Ciccolo had requested. Upon taking possession of the weapons, Ciccolo was arrested.² After he was arrested, Ciccolo stabbed a nurse in the head with a pen during a routine medical screening. It left a bloody hole in the nurse's skin and caused the pen to break in half.

For his deluded, if murderous, plotting, Ciccolo will likely spend a considerable amount of time in prison where, as Chabali suggests, he is unlikely to get the mental health care he so clearly needs.

¹ *United States of America v. Alexander Ciccolo*, Detention Memorandum, United States District Court, District of Massachusetts, July 13, 2015, 18 USC 922(g), Case 15mj 3054-KAR, 5-6.

² *United States of America v. Alexander Ciccolo*, 5-8.

Case 71: Ciccolo

Maria Chabali

December 5, 2016

1. Overview

On July 4, 2015, Alexander Ciccolo, the son of a Boston Police Captain, was arrested by undercover FBI agents in western Massachusetts walking home to his apartment in possession of firearms. Ciccolo's father had alerted the FBI of his twenty-three-year-old son's suspicious behavior about a year before his arrest after receiving strange text messages from him alluding to his support of ISIS, and the FBI had been watching him after that. Ciccolo had a history of mental illness and had lost almost all contact with his family except for the messages sent to his father. He was plotting to bomb a cafeteria of an unnamed state university during lunch hours when it would be most crowded. He had toyed with a few other targets, such as a bar and a police station, for his attack, but decided on the university because of an easy escape route and the ability to watch the attack happen. It was also a good target for him because it would be full of what he called "sinful" college students. He would commit this atrocity in the name of ISIS, a foreign terrorist group. He had joined the church of Islam, and it had become obsessed with it in the eighteen months prior to his arrest. The FBI successfully worked undercover with Ciccolo to discover his plan and arrested him a day after he purchased pressure cookers from a Walmart. He is currently being held without bail in the Franklin County correction center.

2. Nature of the adversary

Alexander Ciccolo is a white 23-year-old, a son of a Boston police officer from Adams, Massachusetts.¹ He was living alone in an apartment in Adams² in which he was storing weaponry.³ It is unclear what level of education he had received and whether he had a job.

Despite his rather normal demographics, he was mentally ill, considered himself to be a member of ISIS, and was "obsessed with Islam."⁴ Ciccolo's mental issues started at a young age with his parents' divorce and their custody battle over him.⁵ He was six at the time, and his mother received primary custody of him until his father petitioned for custody seven years later because he noticed Alexander's mother wasn't getting him the help he needed. He received psychological care in his teens. He caused a lot of problems in school and was arrested in December of 2005 for threatening to kill another student with a

¹ Joe Dwinell, "Son of Boston Police Captain Charged in Pro-ISIS Plot," *Boston Herald*, July 13, 2015.

² John Hayward, "Boston Police Captain's Son Indicted for Islamic State Plots," *Breitbart News*, July 2, 2016.

³ Harvey Silvergate, "FBI Overreach? Alexander Ciccolo And The Line Between Imagined And Actual Threat," *WBUR*, July 21, 2015.

⁴ *United States of America v. Alexander Ciccolo*, Detention Memorandum, United States District Court, District of Massachusetts, July 13, 2015, 18 USC 922(g), Case 15mj 3054-KAR.

⁵ Hayward, "Boston Police Captain's Son Indicted for Islamic State Plots."

butterfly knife. Following this incident, he moved in with his father but continued to have behavioral problems. On his 14th birthday, he had a “violent and destructive outburst” for which he was put into psychiatric treatment. As a teenager, he was prescribed medication for ADHD, but it is unclear whether he continued taking the medication into adulthood.⁶

He had been a part of a “peace walk” in 2012 and soon after turned on his family and converted to Islam which became an obsession of his, especially in the eighteen months before his arrest.⁷ Ciccolo apparently had a closer relationship with his mother than with his father.⁸

He had also been engaged to a woman named Nicolette Baboolal who lives in Trinidad and Tobago. She disagreed with Ciccolo’s violent views and talk of war and “threatened to end their relationship. Law enforcement found Skype conversations between the two where she had written, “Your whole motto is kill kill kill kill...That is worrying behavior,” just four months before he was arrested.⁹

There also may have been another person involved. The informant said that, according to the informant in the case, Ciccolo claimed that one other person knew of his plans of attack.¹⁰

Ciccolo went by a different name, Ali Al Amriki (his name on Facebook), and was watched by the FBI after his father tipped them about his possible association with ISIS.¹¹ In February 2015, six months before his arrest, Ciccolo was put on probation for operating a vehicle under the influence of alcohol. He apparently had a long history of mental illness and alcohol abuse. A friend of Ciccolo’s said that Ciccolo believed that the “faith is under attack” and that he “wasn’t afraid to die” for the cause.¹² He had also received text messages from Ciccolo calling America “Satan” and Americans disgusting. This same friend had reported that Ciccolo had told him he wanted to go overseas and fight for ISIS in Syria or Iraq. Ciccolo had pictures of himself on Facebook showing him “strengthening” himself with a machete in his hand.¹³ Before the attack, Ciccolo told the informant that he had grown up with guns and knew what he was doing. He also expressed his happiness with a Tunisian beach bombing that ISIS had taken credit for where close to forty people were killed.¹⁴ One of the spots he thought about targeting was a bar near a university that he found to be celebrating the Supreme Court’s decision allowing same-sex marriage and said it “supports

⁶ “Mass. Terror Suspect Had Troubled past,” WFXT, Cox Media Group, July 16, 2015.

⁷ Hayward, “Boston Police Captain’s Son Indicted for Islamic State Plots.”

⁸ Silvergate, “FBI Overreach?”

⁹ Hayward, “Boston Police Captain’s Son Indicted for Islamic State Plots.”

¹⁰ Milton J. Valencia, “FBI Seeks Access to Ciccolo’s Skype Records,” BostonGlobe.com, April 4, 2016.

¹¹ Dwinell, “Son of Boston Police Captain Charged in Pro-ISIS Plot.”

¹² Brian Ross, Michele McPhee, and Brian Epstein, “Alexander Ciccolo, Cop’s Son Arrested in Alleged Terror Plot, Appears in Court,” ABC News, July 4, 2015.

¹³ *United States of America v. Alexander Ciccolo*.

¹⁴ *United States of America v. Alexander Ciccolo*.

the faggot so even better to destroy them.” This reveals his hatred for members of the LGBTQ community.¹⁵

Ciccolo was a very disturbed young man, a loner, a self-recruited member of ISIS, a nontraditional Muslim, and was very full of hate for those who didn’t believe in the same things as him.

3. Motivation

Ciccolo’s plot to bomb the university was motivated by his association with ISIS and inspired by the Boston Marathon bombing and the techniques used by the Tsarnaev brothers. He also expressed his happiness with a bombing by ISIS in Tunisia that happened just a week or so before his arrest.¹⁶ He wanted to bomb a college because it has sinful students and would have a large crowd.¹⁷ Ciccolo was a self-recruited member of ISIS and said that it is a “good thing,” brushing off videos of ISIS executions “by saying those suffering in ISIS videos are criminals.”¹⁸ He also said during a court hearing that “he supports the Islamic State and called the United States an enemy of Islam for failing to follow Sharia law.”¹⁹

In an online conversation with the cooperating witness on July 2, 2015, Ciccolo said, “Aihamdulillah (Arabic phrase for praise be to god), going well. I’m gonna send you link in shaa Allah (Arabic phrase for God willing).” He sent the agent a link to a Facebook page with a bar that he had previously targeted with a promotion applauding the U.S. Supreme Court decision allowing same-sex marriage. He messaged the cooperating witness saying, “That is our target. I collected a lot of info on this place. It is connected to the college and one of the most crowded places. It also support the faggots so even better to destroy them bi’idhnillah (Arabic phrase for with the permission of God).”²⁰ This is another example of hatred of a specific group of people that motivated him, although he did not follow through with this plan.

His Facebook profile revealed a lot about his motivations in relation to ISIS and about his allegiance to the church of Islam. He had made posts that showed his interest in “martyrdom for the sake of Islam.” He had also posted a photo of a dead American soldier captioned, “Thank you Islamic state! Now we won’t have to deal with these kafir (non-believers) back in America.”²¹ Clearly, Ciccolo had a lot of hate for Americans and anyone who didn’t believe in Islam. He claimed that the “faith was under attack” and he “wasn’t afraid to die” for Islam.²² His motivation, like that of ISIS, was to kill as many of these people as he could.

4. Goals

¹⁵ *United States of America v. Alexander Ciccolo*.

¹⁶ *United States of America v. Alexander Ciccolo*.

¹⁷ Dwinell, “Son of Boston Police Captain Charged in Pro-ISIS Plot.”

¹⁸ Ross et al., “Alexander Ciccolo, Cop’s Son Arrested in Alleged Terror Plot.”

¹⁹ *United States of America v. Alexander Ciccolo*.

²⁰ *United States of America v. Alexander Ciccolo*.

²¹ *United States of America v. Alexander Ciccolo*.

²² Ross et al., “Alexander Ciccolo, Cop’s Son Arrested in Alleged Terror Plot.”

Ciccolo's intent was to attack the cafeteria of the university at lunchtime when it would be crowded in order to kill as many sinful college students as he could. The location changed from a police station to a bar and finally to a large state university that has gone unnamed.²³ He wanted to use a pressure cooker bomb like the one used at the Boston Marathon bombing. He was hoping, if successful, that his attack would be all over the internet and would make a big explosion, both physically and in the media.²⁴ His goal was to "ensure that there were a lot of people there and that he wanted the conditions to be right where he could see it with his own eyes." He had a lot of materials and was requesting some from the informant to try to make the explosion as big as possible. Ciccolo told the informant, "I have aerosol cans and propane tanks to maximize explosive power."²⁵ Overall, Ciccolo's goal was to perform an attack in the name of ISIS that would target non-Muslims, kill many, be broadcast on the internet, and gain a lot of attention.

5. Plans for violence

Ciccolo would use Molotov cocktail bombs "packed with shredded Styrofoam soaking in motor oil" that would "stick to people's skin." His targets would be the "sinful" college students at a state university during lunch hour to hit a large crowd.²⁶ Ciccolo had been experimenting with many weapons including pressure cooker bombs similar to those used during the Boston Marathon bombing and the Tunisian beach bomb attacks, and he had gathered supplies from a Walmart near his hometown. He told the undercover FBI agent that he was going to rob a gun store for firearms and go to a different state to purchase fireworks to get the black powder he would need for his bombs. He claimed that he had grown up with guns, saying "I know what I'm doing."²⁷

Ciccolo told the agent that the attack would occur before Ramadan was over and before the end of July of 2015. It would be during a busy hour, and he wanted to watch it happen. In an online conversation with the undercover FBI agent on July 2, 2015, Ciccolo said he would use two pressure cooker bombs which wouldn't be expensive, but the black powder would be. He said that the Tsarnaev brothers had spent around four hundred dollars on the explosives they used. During this correspondence, Ciccolo emphasized his need for guns and wanted the FBI agent to get those. He made a list of weapons he would need: four AK-47s, two sniper rifles, four handguns, gelignite, black powder, and improvised grenades. Later on that day, he said that his plan was progressing and his target had changed from the bar to the cafeteria because it is "very sinful and has a crowd" and has a better escape route.

The following day, July 3, 2015, Ciccolo purchased a pressure cooker from a Walmart in North Adams, Massachusetts.⁴ He instant messaged the informant that he had acquired it and said, "Allahu Akbar!!! (God is great)...I got

²³ *United States of America v. Alexander Ciccolo.*

²⁴ Dwinell, "Son of Boston Police Captain Charged in Pro-ISIS Plot."

²⁵ *United States of America v. Alexander Ciccolo.*

²⁶ Dwinell, "Son of Boston Police Captain Charged in Pro-ISIS Plot."

²⁷ *United States of America v. Alexander Ciccolo.*

the pressure cookers today.”²⁸ However, no evidence of any powder that would be needed for a pressure cooker bomb was found in his apartment.²⁹

Ciccolo’s plan was stopped when he was arrested on July 4, 2015 for carrying weapons back to his apartment in Adams, Massachusetts. FBI agents arrested him after they found him carrying a duffel bag full of four weapons (a Glock 17, a Glock 20, a Colt-AR 15 rifle, and a SIGARMS Model SG550-1). These weapons had been provided by the FBI informant after Ciccolo had asked him to obtain them.³⁰ Then, in a search of his apartment, the FBI found more weapons, including partially constructed Molotov cocktails, two machetes, and a long curved knife, but not firearms. Ciccolo was detained for being a “danger to the community and a risk of flight.”³¹

Upon arrest, he waived his Miranda rights and continued to express his support for ISIS. He was put in the Franklin County correction center where he stabbed a nurse in the head with a pen, leaving a hole in her skin and breaking the pen in half. It was ordered that he be detained pre-trial because he was deemed a danger to the community and to ensure his appearance in court. The evidence against him points to the probability of conviction because of audio recordings from the FBI agent, possession of weapons, and his support of ISIS.³² Ciccolo’s lawyer tried to fight for him to be put on house arrest and live with his mother, but because of the danger of terrorism, this was unsuccessful. The judge held Ciccolo without bail because of his desire to join ISIS fighters abroad if he failed in the United States, and he still remains behind bars. He was officially charged with “possessing a firearm after previously being convicted of a crime punishable by a term of imprisonment exceeding one year.”³³ In late June of 2016, a new charge was brought against Ciccolo for “attempting to provide material support to the Islamic State terrorist group, as well as the attempted use of weapons of mass destruction.”³⁴ Ciccolo’s lawyer, David Hoose, continues to fight for him saying that “the FBI created the alleged terrorism plot by providing Ciccolo with weapons.”³⁵ It was the weapons the informant gave him that got him arrested in the end.³⁶ If Ciccolo is convicted for the attempted use of weapons of mass destruction, he “faces a sentence of life in prison, and a fine of up to \$250,000.”³⁷

6. Role of informants

Ciccolo’s father alerted the FBI about his son’s behavior about a year before his arrest, and this was when the FBI started watching him. Father and son didn’t have much of a relationship, and the captain said his son “was going off the

²⁸ *United States of America v. Alexander Ciccolo*.

²⁹ “A Tale of Two Gun Possessions: Dylann Roof and Alexander Ciccolo,” Emptywheel, July 13, 2015.

³⁰ Silverglate, “FBI Overreach?”

³¹ *United States of America v. Alexander Ciccolo*.

³² *United States of America v. Alexander Ciccolo*.

³³ *United States of America v. Alexander Ciccolo*.

³⁴ Ross et al, “Alexander Ciccolo, Cop’s Son Arrested in Alleged Terror Plot.”

³⁵ Valencia, “FBI Seeks Access to Ciccolo’s Skype Records.”

³⁶ Silverglate, “FBI Overreach?”

³⁷ Hayward, “Boston Police Captain’s Son Indicted for Islamic State Plots.”

deep end and spouting extreme jihadist sympathies.”³⁸ He had received some strange texts from his son where Alexander called America “Satan” and expressed that he was “not afraid to die for radical Islam.”³⁹

The FBI worked with the Boston Joint Terrorism Task Force. They had someone working undercover, a cooperating witness, whom Ciccolo had propositioned to participate in a terrorist attack with him. It is unclear how they began their relationship or why Ciccolo trusted the undercover witness. They had a few meetings before his arrest that uncovered a lot of his plans. The informant proved to be central to the case.

In the first meeting on June 24, 2015, Ciccolo told the informant that he was planning to go to another state where he would conduct terrorist attacks on citizens, military members, and police officers. He said he would use pressure cooker bombs or portable microwave bombs to attack two different bars and a police station.

In their second meeting six days later, Ciccolo was asked if he had heard about what happened in Tunisia and thought it was “awesome” that close to forty people had been killed. During this meeting, Ciccolo made a list of the weapons he would need to conduct his attacks and showed the FBI agent the states he was planning to hit. He now expressed his desire to attack a state university using assault rifles and improvised explosives in the dorms and the cafeteria and wanted the attack to be broadcast on the internet. He said that he no longer planned to attack a police station, but the university instead because he would be able to kill many more people. If there was a Muslim student present, that student would be given the option to “help, sit tight, or leave.”

On July 2, 2015, Ciccolo and the informant had a conversation online about the attack. He said he was targeting a bar near a university and would still need the same weapons he had previously indicated. In reference to the bar, he messaged the cooperating witness, saying, “That is our target. I collected a lot of info on this place. It is connected to the college and one of the most crowded places. It also support the faggots so even better to destroy them bi’idhnillah (Arabic phrase for with the permission of God).” He also said the bar was in a good location because it was close to a military base and a state forest.

7. Connections

Ciccolo’s plan of attack was motivated by his imaginary association with ISIS. Ironically, it was on September 11, 2014, that Ciccolo’s told a friend that he wanted to go to Syria or Iraq to fight on behalf of ISIS. It seems that he was a self-recruited member and a photo on Facebook of him with his head covered holding a machete had the caption, “Another day in the forest strengthening myself” which shows that he had been attempting to train himself. On June 30, 2015, Ciccolo met with the informant where they spoke about a recent beachside bombing in Tunisia. Ciccolo stated that it was, “Awesome. Awesome, you know that ah, that brother in Tunisia was impressive...he got like 38, 39 people...one

³⁸ Hayward, “Boston Police Captain’s Son Indicted for Islamic State Plots.”

³⁹ Silverglate, “FBI Overreach?”

guy...that is a huge accomplishment I think.” ISIS ended up taking credit for this attack.⁴⁰

Ciccolo, for the most part, was working on his own. However, the informant said that Ciccolo had told him that another person knew of his plans for violence. Authorities requested access to Ciccolo’s Skype to see if they could find anything out about this in April 2016.⁴¹ Nothing has been found yet, and Ciccolo is the only one being charged in this crime. His association with ISIS was really something he took upon himself and there is no evidence of him having communicated with any real members of ISIS.

8. Relation to the Muslim community

Ciccolo informally joined the church of Islam, and a friend told the FBI that he “had become obsessed with Islam” in the eighteen months before his arrest. But no one else has been found to have been working with him. He seems to have been mostly practicing Islam on his own and did not attend Mosque. He didn’t seem to have had any Muslim friends or connections to anyone in the Muslim community.

9. Depiction by the authorities

Authorities emphasized the danger that Ciccolo posed to society. Assistant U.S. Attorney Kevin O’Regan said that Ciccolo “came under the sway” of ISIS, began to hate Americans, and started to take ISIS’s goals seriously and plan a violent terrorist attack.⁴² All the reports from the informant about his communications with Ciccolo are unarguably disturbing. He clearly wanted to kill a lot of people and was inspired by ISIS. Authorities really harped on the fact that his father was a police officer. To police officers, such an occurrence is alarming, sad, and an eye-opener: even their own children raised by someone whose job it is to uphold the law could fall into the ISIS trap.

10. Coverage by the media

This episode didn’t receive as much attention as a lot of other terrorist incidents by ISIS, probably because it was stopped before any damage occurred. Most of the news reports come from local Boston news stations and the case didn’t seem to receive much national, or any international, coverage.

There seem to be two sides to the coverage of this event. Some news sources use the fact that Ciccolo’s father was a police officer to show that even someone who has been raised in the home of someone whose job it is to protect the community could turn out to be a threat to it. Others emphasized that Ciccolo was inspired by the Boston Marathon bombing, which also ties this incident back to his father who was a first responder in that attack.

On the other hand, some news sources questioned Captain Ciccolo’s decision to tip off the FBI about his son. Harvey Silverglate of WBUR News, considers Captain Ciccolo’s decision to be a “betrayal of family values,” and

⁴⁰ *United States of America v. Alexander Ciccolo.*

⁴¹ Valencia, “FBI Seeks Access to Ciccolo’s Skype Records.”

⁴² “Boston Police Captain’s Son Jailed.”

notes that in earlier times a parent in this situation “would have sought to have his child committed to a secure mental health facility for evaluation and treatment.” However, since father and son didn’t have much of a relationship, this might have been difficult to accomplish, and the Captain’s law enforcement background may have led him to believe that arresting him was the only solution. Silverglate also thinks that using an FBI sting in Ciccolo’s prosecution was a waste of taxpayer’s money and that the FBI worked as an instigator to encourage Ciccolo’s violence.⁴³

While both sides to the story have been told, most media reports drew attention to Ciccolo as a violent and disturbed danger to society rather than as someone who needs help with his mental disorder.

11. Policing costs

Much of the controversy related to the case has to do with the taxpayer dollars that went towards paying the FBI to watch Ciccolo, communicate with him, and prosecute him when he could have been committed to a mental health center instead.⁴⁴

The cooperating witness had been communicating with Ciccolo for about a year leading up to his arrest.⁴⁵ He was part of a Joint Terrorism Task Force used by the Springfield FBI to assist them in cases of terrorism and was formed shortly after 9/11. Officers on the task force come from police departments in the area where the force is located, and “work part-time or full time for the task force but are not paid a salary by the FBI. They earn their salary through their home departments, and the FBI picks up the bill for any overtime they work on task force investigations. The FBI also provides them with cars to use for task force business.” Departments can let their officers join the task forces as long as they have the resources because all it costs them is “the base pay for the individual.” All other costs are paid for by the FBI. Some of the actions performed by the force include “monitoring their social media accounts, looking into their backgrounds, and interviewing friends or relatives...conducting surveillance or executing a search warrant.” The task force employed all of these methods in their investigation of Ciccolo, including monitoring his Facebook page and organizing meetings with him where an undercover pretended to assist him in his plot.⁴⁶ Police officers are paid between \$30,000 and \$40,000 a year as their starting pay in North Adams, Massachusetts. It is unclear whether the officers working on the case were paid overtime. Considering that the task force officers spent about a year working on the case, paying at least two officers, using resources to investigate, and likely working some overtime, I would estimate that around \$100,000 was spent in the investigation of Ciccolo.

⁴³ Silverglate, “FBI Overreach?”

⁴⁴ Ross et al., “Alexander Ciccolo, Cop’s Son Arrested in Alleged Terror Plot.”

⁴⁵ *United States of America v. Alexander Ciccolo*.

⁴⁶ Rebecca Everett, “Local Police Officers on FBI’s Western Massachusetts Joint Terrorism Task Force Work Daily to Investigate, Foil Suspected Terrorist Plots,” *Daily Hampshire Gazette*, July 27, 2015.

12. Relevance of the internet

ISIS has frequently recruited on the internet, spreading its “violent extremist ideology” and influencing members to commit attacks. ISIS has used social media to reach out to people in the United States and Europe to perform terrorist attacks. On Twitter, they have tweeted names of members of the United States military to direct members on who to attack.⁴⁷

Ciccolo used the internet a lot to express his views on ISIS. However, he never formally joined. His association with ISIS was completely on his own. In October of 2014, the FBI found his Facebook profile under the name of Ali Al Amriki where there were many indications of his desire to fight for ISIS, and he expressed his interest in martyrdom for Islam. It also included a photograph of a figure in a wooded area with a head covering holding a machete with the caption, “Another day in the forest strengthening myself.” He had also posted a photo of a dead American soldier with the caption, “Thank you Islamic State! Now we won’t have to deal with these kafir (non-believers) back in America.” When it came to his plan to attack the university, Ciccolo wanted the killing to be broadcast live on the internet.⁴⁸ Postings such as these were the ones that alerted his father who alerted authorities.

Authorities also started looking into Ciccolo’s Skype account in April after the informant reported that Ciccolo had told him someone else knew of his plans. Skype is another one of the social media outlets that ISIS is using increasingly to communicate with supporters abroad. The informant said that the account might contain “evidence, fruits, and instrumentalities of these crimes.” The affidavit also said that Ciccolo “discussed the idea of creating a local terrorism cell to carry out local attacks.” Ciccolo’s Skype username was Ali Al Amriki, the Muslim name he had taken on. The only conversations reported to have been found, however, were the correspondence between Ciccolo and his fiancé, Nicolette Baboolal, who denounced his “rants about war and violence.”⁴⁹

13. Are we safer?

While Ciccolo, a self-proclaimed supporter of ISIS was arrested and his plans of attack were stopped, there may still be many sympathizers of ISIS out there, likely in the United States, that haven’t been uncovered. While we are safe from Ciccolo, are we safe from all the others like him? Harry Silverglate believes that this is not a victory over terrorism at all, but instead a failure to treat a mentally ill young man.⁵⁰ He thinks that Ciccolo wasn’t a credible threat and now that he is in prison, he will likely never receive the mental healthcare that he needs.⁵¹ Ciccolo was working on his own and, therefore no other ISIS members were arrested in, or were relevant to, this incident. It seems that the FBI put a lot of time and effort into watching Ciccolo and sending an undercover agent in to

⁴⁷ *United States of America v. Alexander Ciccolo.*

⁴⁸ *United States of America v. Alexander Ciccolo.*

⁴⁹ Valencia, “FBI Seeks Access to Ciccolo’s Skype Records.”

⁵⁰ Silverglate, “FBI Overreach?”

⁵¹ Silverglate, “FBI Overreach?”

communicate with him, while there were surely other more pressing and dangerous threats that they could have investigated.

However, Ciccolo was in possession of dangerous weaponry. Anyone with a mental illness pledging allegiance to ISIS should not have access to such weapons and this made him a credible threat. While he hasn't been sentenced yet, it is likely that he will be put away for quite awhile and, hopefully, by the time he is out of prison ISIS will no longer be around. Ciccolo was a vulnerable young man, who in his loneliness and troubled brain found shelter in ISIS and radical Islam. With the rise of ISIS, there has been heightened security and surveillance, and there are lists of people who are potential members and are being watched by the FBI and by task forces such as the one that worked to arrest Ciccolo. This specific incident along with many other ISIS threats or attacks should help our law enforcement officials to uncover and prevent more plots, making us safer as a whole. Hopefully, Ciccolo's arrest is a small, but positive, step in this direction.

14. Conclusions

This case is unique, and somewhat sad, in many ways. Much of the controversy has circled around Ciccolo's father's decision to have the FBI watch, and eventually arrest, his son instead of getting him psychological help. Ciccolo will surely be in prison for a long time where he will probably not get the mental health care he needs. While he had accumulated some weaponry, he had never performed any violent actions that had gotten him in trouble before, so we might never know if he actually had the capacity to go through with his violent plans. He was clearly a disturbed young man before the FBI got involved, but was he an actual threat or just living a fantasy in his disturbed brain?

He clearly had murderous goals, and the fact that he had obtained some weaponry on his own, even without the help of the FBI, would lead us to believe that he in fact presented a credible threat. And, if he can gather enough dangerous weapons and apparatus to create bombs that will kill, then so could others who have goals similar to his. How can sympathizers of ISIS in the United States and dangerous people in general be stopped from obtaining dangerous weaponry?

It also strikes me as interesting that Ciccolo's own father was the first to report him to the FBI. If Ciccolo was posting pro-ISIS posts on his Facebook page, weren't other Facebook friends (if he had any) seeing his violent posts supporting the Islamic State? Were all of his Facebook friends somehow associated with ISIS? How did this go unnoticed or unreported by so many?

Another facet of disagreement in this case is whether the FBI's involvement egged him on in planning the attack. The FBI knew of his dangerous plans. Why did it take them witnessing Ciccolo buying a pressure cooker and then taking possession of firearms to arrest him? Would he have continued to obtain the specific weapons he needed without the FBI giving them to him?

While Ciccolo's father has been at the center of this incident, his mother was only mentioned in a few news sources. Most reports said that Ciccolo had estranged himself from his family, but others said that he still had a close relationship with his mother. Did she see any warning signs from her son or was

she completely oblivious to his violent behavior? Why didn't she try to get him counseling or psychological care? Did she see his alarming Facebook posts?

The case has not been decided yet, and it is likely that these questions may never be answered because of their irrelevance to the crime. We can learn from this case that anyone can become a member of ISIS, or at least self-declare their association. Hopefully, law enforcement agencies can learn from this example and improve their methods for investigating potential members of ISIS to prevent more attacks from occurring. As citizens, we must remain alert and report anything that seems strange. Ciccolo's neighbors somehow didn't seem to think anything about him was strange since they never said anything and it took much work to finally arrest him.

It is safe to look at this case as a success because Ciccolo was stopped before he could do any damage, and many lives may well have been saved. As for Ciccolo's own life, he will likely never receive the mental help that he needs and will spend the majority of his life behind bars.

Case 72: Chattanooga

John Mueller

November 2, 2016

The killing of five Marines at a Reserve Center in Chattanooga, Tennessee, in 2015 seems to be a case in which the perpetrator came to embrace terrorism as an act of redemption.

He was a devout Muslim and a well-liked and well-educated young man with no connections to terrorism and with an apparent antipathy to terrorist groups. However, his life was on a downward spiral. Diagnosed to be bipolar, he failed to take his medication and had turned instead to alcohol, drugs, and excessive spending—all severely prohibited by the word of Allah. With his life spinning out of control, notes Nikolaus Pittore, he looked for ways to absolve himself of the sins he had committed and came across terrorist propaganda suggesting martyrdom as the solution. A year earlier, he had expressed discontent with American military action in the Middle East, and shortly before the shootings he blogged “Whosoever shows enmity to a friend of Mine, then I have declared war against him” and “Don’t be fooled by your desires, this life is short and bitter and the opportunity to submit to allah may pass you by.” He also described the world as a prison.¹

He was killed in a shootout with police, and there seems to be little or no information about how he picked his targets or about how or when he planned his attack.

¹ Manny Fernandez, Alan Blinder, Eric Schmitt, and Richard Pérez-Peña, “In Chattanooga, a Young Man on a Downward Spiral,” *nytimes.com*, July 20, 2015.

72: Chattanooga

Nikolaus Pittore

November 1, 2016

1. Overview

On July 16, 2015, a twenty-four-year-old, Muhammad Youssef Abdulazeez, opened fire on two military installations in Chattanooga, Tennessee. He first pulled up to the armed forces recruiting center on Lee Highway just before 11am in a rented silver Mustang convertible, and opened fire. The shots smashed through windows and sent members of the military running for cover. After pounding the building with rounds, he sped on to Highway 153 and made for the U.S. Naval and Marine Reserve Center, about seven miles away on Amnicola Highway. Police officers followed him on this high speed chase. Abdulazeez crashed his Mustang through a gate and jumped out in front of the U.S. Reserve Center's main building. After killing five Marines, Abdulazeez tried to run back into the building and was stopped by Chattanooga police officers. Abdulazeez was killed.¹

The Special Agent in charge of the investigation, Ed Reinhold, said Abdulazeez had purchased firearms in the months leading up to the shooting and had also visited gun ranges. This is a very important detail to note although no evidence was given to complement that to give more credibility to the theory that Abdulazeez had planned the shootings that far in advance. Reinhold insisted this was methodically planned, but declined to say when he began to make the initial plans of the shooting. He specifically said:

“I know he wanted to commit jihad and commit jihad here in the United States, but I don't think the specific target was necessarily picked out too far in advance,” he said. “There was some planning involved, but not years-worth.”²

The obscurity with regard to his goals makes it very difficult to pin down exactly what he wanted to accomplish. He was definitely influenced by terrorist propaganda, specifically teachings he owned by Anwar al-Awlaki, and was also committed to Islamic militant guidance. However, he only specifically mentioned that he wanted to use militant tactics to absolve himself of the sins he had committed in his life which including abusing alcohol, drugs, being arrested, and being thousands of dollars in debt.

This case could be diagnosed as one in which a disturbed young man had essentially hit rock bottom in his life and as a Muslim in that he had gotten attracted to a life of drinking, drugs, and excessive spending—actions severely prohibited by the word of Allah. With his life spinning out of control, he looked for ways to absolve himself of the sins he had committed and came across terrorist propaganda, became radicalized, and it turned into a storm which ended in the horrific Chattanooga shooting.

¹Shelly Bradbury, “Minute by Minute: A Timeline of the Chattanooga Attack Revealed,” timesfreepress.com, July 23, 2015.

²Shelly Bradbury, “FBI: Abdulazeez was radicalized online more than a year before Chattanooga attack,” timesfreepress.com, July 1, 2016

2. Nature of the adversary

Researching Abdulazeez's background gives no indication of future terrorist or terrorist-inspired actions. Federal law enforcement officials say he was born in Kuwait of Jordanian origin. His father is from Nablus in the West Bank and his mother is from Kuwait.³ He emigrated with his family to the United States from Kuwait in 1996.⁴ He became a naturalized U.S. citizen.⁵ Prior to the shootings, he lived in Hixson, Tennessee, a small community in the Chattanooga area, where the rampage took place.⁶ His family was very devout to the Muslim faith and in the middle class socio-economic status.⁷ He had recently graduated from college and was actually trained as a Mixed Martial Arts (MMA) fighter. In 2012, he graduated from the University of Tennessee at Chattanooga according to his mother's Facebook page as well as to his resume posted on the job searching site, "indeed.com."⁸ He graduated with a Bachelor of Science in Electrical Engineering from UTC and had multiple positions within his field. He worked for a year, from April 2009 to April 2010 with the Tennessee Valley Authority, a federally owned corporation which works to provide power and electricity to over nine million Americans in the southeastern quadrant of the United States.⁹ He also had internship at Mohawk Industries and Global Trade Express.¹⁰

A couple days after the rampage, the *Chattanooga Times Free Press* reported that his father was employed by the city of Chattanooga in the public works department as a soil engineering specialist. A co-worker who asked to remain anonymous said he was a nice man, hardworking, never caused anyone any trouble. Interestingly enough, Abdulazeez's father was on an FBI terror watch list in 2002.¹¹ He was one of many people investigated for their funding of overseas charities, especially after the September 11, 2001, terrorist attacks. Like most of the people who were investigated for their overseas connections, his father was not charged with a crime.¹² According to one official, the FBI opened and rather quickly closed an inquiry into the father who allegedly sent money overseas in the 1990s. He became the subject of a full FBI investigation in 2002, when he told authorities the money was meant for charities, not to support a terrorist organization, a source said. That investigation was then closed.¹³

The people around Muhammad Youssef Abdulazeez him had nothing but generous things to say about him. High school classmate Ryan Smith, told the

³ Jeff Pegues, "What we know about the gunman in Chattanooga attack," cbsnews.com, July 16, 2015.

⁴ Tom Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know," heavy.com, July 17, 2015.

⁵ Pegues, "What we know about the gunman in Chattanooga attack."

⁶ Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know."

⁷ Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know."

⁸ Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know."

⁹ Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know."

¹⁰ Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know."

¹¹ CNN Wire, "Chattanooga shooting: Gunman's father cleared in terror funding investigation," wtkr.com, July 17, 2015.

¹² CNN Wire, "Chattanooga shooting."

¹³ Cleary, "Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know."

Times Free Press that Abdulazeez “was an unbelievable nice person. He was honestly one of the funniest guys I’ve ever met.”¹⁴ Another one of his high school classmates, Kagan Wagner, said: “I never thought in a million years that it would be this guy. He was friendly, funny, kind.”¹⁵ “They’re nice people, you know?” said Elijah Wilkerson, a neighbor whose wife went on walks with Abdulazeez. “He must have just snapped.”¹⁶ When a big snowstorm hit Chattanooga in January 2014, Wilkerson couldn’t get home in his car, so he parked at a gas station on Hixson Pike and started to walk back to the Colonial Shores neighborhood where he and Abdulazeez lived. As he was walking, Abdulazeez pulled up in a pickup truck and gave him a ride home. When he heard about the shooting, he couldn’t stop thinking about that night. “I just keep seeing his face,” he said.¹⁷ Smith had also said Abdulazeez was very religious. In fact, he made two blog posts about Islam just days before the attack.¹⁸ The first was called “A Prison called Dunya.” This post essentially claimed life was just a test of faith and patience.

Brothers and sisters don’t be fooled by your desires, this life is short and bitter and the opportunity to submit to allah may pass you by. Take his word as your light and code and do not let other prisoners, whether they are so called “Scholars” or even your family members, divert you from the truth. If you make the intention to follow allahs way 100 % and put your desires to the side, allah will guide you to what is right.

His second post was called “Understanding Islam: The Story of the Three Blind Men.” He wrote about the Prophet’s Sahaba, or companions:

We often talk about the Sahaba (RA) and their Ibada. We talk about their worshiping at night, making thikr, reading quran, fasting, sala. But did you ever notice that in one certain period towards the end of the lives of the Sahaba (RA), almost every one of the Sahaba (RA) was a political leader or an army general? Every one of them fought Jihad for the sake of Allah. We ask Allah to make us follow their path. To give us a complete understanding of the message of Islam, and the strength the live by this knowledge, and to know what role we need to play to establish Islam in the world.¹⁹

Abdulazeez had only one criminal instance on his record.²⁰ He was arrested by Chattanooga police on April 20, 2015, for driving under the influence after he was seen swerving while driving on M.L. King Boulevard around 2am. The arresting officer noted the smell of alcohol and marijuana and said Abdulazeez had a white powdery substance around his nose, according to the arrest report. Abdulazeez told police he had been around friends that night who’d

¹⁴ Clearly, “Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know.”

¹⁵ Shelly Bradbury, “Who was Mohammad Youssef Abdulazeez?” *timesfreepress.com*, July 17, 2015.

¹⁶ Bradbury, “Who was Mohammad Youssef Abdulazeez?”

¹⁷ Bradbury, “Who was Mohammad Youssef Abdulazeez?”

¹⁸ Clearly, “Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know.”

¹⁹ Clearly, “Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know.”

²⁰ Clearly, “Mohammad Youssuf Abdulazeez: 5 Fast Facts You Need to Know.”

been drinking and smoking. But he failed a sobriety test, was arrested and released on a \$2,000 bond.

He was not on any U.S. terror list and the FBI was not aware that he had any terrorist leanings.²¹

3. Motivation

Abdulazeez's motivation was very hard to pin down. On the one hand, he had very serious mental illness problems. On the other, radicalization had taken place prior to the shooting.

Starting with the mental health, Abdulazeez had drug and alcohol problems, and his family tried to place him in a rehabilitation program. Unfortunately, there were severe limits on his family's health insurance coverage, and this severely impacted their ability to put him into a quality rehabilitation facility. He was clinically diagnosed with depression and bipolar disorder by a psychiatrist and prescribed medicine, which he often did not take. The investigation after the shooting revealed that Abdulazeez "had serious psychological problems."²²

Instead of taking his prescribed medication to deal with his depression and bipolar disorder, Abdulazeez was abusing sleeping pills, opioids, painkillers, and marijuana along with alcohol, according to a family representative.²³ He was also thousands of dollars in debt and was planning to file for bankruptcy, and he had an appearance looming in criminal court for his arrest. The more conservative schools of Islamic thought have severe restrictions on alcohol, drugs, and gambling, and quote Allah's prohibition:

You who believe, intoxicants and gambling, idolatrous practices, and [divining with] arrows are repugnant acts—Satan's doing: shun them so that you may prosper. With intoxicants and gambling, Satan seeks only to incite enmity and hatred among you, and to stop you remembering God and prayer. Will you not give them up?²⁴

With this knowledge, it was not exactly surprising when investigations revealed he had done online research in which he attempted to discover "Islamic militant guidance" which he felt would help him absolve himself of the sins he had committed in his current life, including drinking, drugs, debt, and arrest.²⁵ This was all discovered through a thorough search of his laptop discovered at his house.

Moving from his mental health issues to the issue of potential radicalization, an old friend of his, James Petty, told an ABC news reporter in an interview that Abdulazeez actually despised the Islamic State of Iraq and Syria (ISIS) for its severe and inhumane brutality. In addition, he believed ISIS was not a group worth going toward and Petty claimed Abdulazeez said ISIS had no

²¹ Pegues, "What we know about the gunman in Chattanooga attack."

²² Brian Ross, Doug Lantz, and James Gordon Meek, "Chattanooga Shooter Researched Religious Justification for Violence," abcnews.go.com, July 20, 2015.

²³ Ross et al., "Chattanooga Shooter Researched Religious Justification."

²⁴ James M. Arlandson, "Muhammad, the Quran, and Prohibition: Islam's punishments for drinking and gambling," answering-islam.org.

²⁵ Ross et al., "Chattanooga Shooter Researched Religious Justification."

resemblance of anything close to being Islamic. His family had also told the FBI that Abdulazeez showed no outward signs of being radicalized but susceptible to outside influence. They specifically recounted him being severely adversely affected when he would watch TV and see innocent children being killed in Syria due to the intense civil war taking place there.²⁶ If one looks outside the box, the news sources explaining about innocent children dying in Syria, which would affect most people, could be seen as accidental propaganda for radicalization for a man like Abdulazeez.²⁷

According to FBI director James Comey there was no doubt Abdulazeez was inspired by “foreign terrorist propaganda,” but it was not clear which terrorist groups specifically had inspired him.²⁸ President Obama himself weighed in a couple months later:

As we’ve become better at preventing complex, multifaceted attacks like 9/11, terrorists turned to less-complicated acts of violence like the mass shootings that are all too common in our society. It is this type of attack that we saw at Fort Hood in 2009, in Chattanooga earlier this year and now in San Bernardino.²⁹

The Reuters news agency later released a report saying some officials said Abdulazeez had been inspired by “general propaganda” by jihadists and not specifically by ISIS, al Qaeda, or other militant groups. Authorities searching his computer found that he owned CDs and had downloaded videos by al-Qaeda recruiter Anwar al-Awlaki, an American-Yemeni cleric who was a recruiter for al Qaeda and immensely popular among Islamic militants.³⁰

4. Goals

As noted earlier, the obscurity with regard to his goals makes it very difficult to pin down exactly what he wanted to accomplish. On the one hand, he was definitely influenced by terrorist propaganda, specifically teachings he owned by Anwar al-Awlaki. On the other hand, he was also committed to Islamic militant guidance, but he only specifically mentioned that he wanted to use militant tactics to absolve himself of the sins he had committed in his current life. No mention was ever made about a terror-related goal. His diary entries only mentioned submission to Allah for the purpose of absolving sin. It appears the militant Islamic tactic he was “inspired” by was essentially an end to the means of absolving himself of sins. With the interview from his old friend, James Petty, it is clear he despised Islamic terror groups, specifically ISIS. Although the message of ISIS did not register with him, he did respond to the notion that suicide in the name of Allah and submission to Allah as a martyr could absolve him of his sins in the afterlife.

²⁶ Ross et al., “Chattanooga Shooter Researched Religious Justification.”

²⁷ United States Department of State Bureau of Democracy, Human Rights, and Labor, International Religious Freedom Report 2006, www.state.gov.

²⁸ Kristina Sgueglia, “Chattanooga shootings ‘inspired’ by terrorists,” cnn.com, December 15, 2015.

²⁹ Kristina Sgueglia, “Chattanooga shootings ‘inspired’ by terrorists,”

³⁰ Jonathan Dienst and Miguel Almaguer, “Mohammad Youssef Abdulazeez Downloaded Recordings from Radical Cleric, Officials Say,” nbcnews.com, July 21, 2015.

5. Plans for violence

One of the most interesting parts of this story is the fact there was no warning sign or tip-off Abdulazeez would commit this atrocity. The diary entries and the Islamic militant material found on his laptop at his house reveal a troubling combination: terrorist propaganda on top of severe mental issues accelerated by his dependency on illegal drugs, painkillers, and alcohol, as well as his future plans to file for bankruptcy and his looming appearance in court for his earlier arrest. It seems that Abdulazeez wanted to commit an act of Islamic martyrdom to absolve himself of his sins.

But aside from those generalist ideas, nothing specific was found concerning why he had picked his targets or why he performed the shooting in the order he did. In addition, it is extremely unclear as to whether this was a spur of the moment event or one meticulously and methodically planned out over an extended amount of time. The only evidence given about whether this was improvised violence or methodically planned was that Abdulazeez had purchased firearms and went to a shooting range months before the attack. While this is a sign of possible planning for an attack, other evidence to complement this was never given.³¹ Special Agent Reinhold insisted this was methodically planned but declined to say when the plans of the shooting were made.³² He specifically said:

I know he wanted to commit jihad and commit jihad here in the United States, but I don't think the specific target was necessarily picked out too far in advance. There was some planning involved, but not years-worth.³³

But what is clear is on that day, he first pulled up to the armed forces recruiting center on Lee Highway just before 11am in a rented silver Mustang convertible and opened fire. He then backed up the Mustang, realigned, and fired again. After pounding the building with rounds, he sped on to Highway 153 and made for the U.S. Naval and Marine Reserve Center, about seven miles away on Amnicola Highway. Police officers followed him for a high speed chase.

Abdulazeez crashed his Mustang through a gate and jumped out in front of the U.S. Reserve Center's main building. He was armed with an assault rifle and a handgun, and he had numerous rounds of ammunition, wearing a load-bearing vest so he could carry more. As he approached the building, a service member inside spotted him and fired several rounds at him, Reinhold said. It's unclear whether Abdulazeez was hit. He fired back into the building, stormed the door, and made it inside, then shot and mortally wounded U.S. Navy Petty Officer 2nd Class Randall Smith, 26. Marines inside the building ran from door-to-door and rushed people out as Abdulazeez approached. US Marine Corps Major General Paul Brier said the Marines made it to safety, then some "willingly ran back to the fight." Meanwhile, Abdulazeez kept on through the building, firing at anyone he encountered, Reinhold said. He exited out the back of the building into a gated motorpool, where he killed two Marines. Abdulazeez then shot and killed two more Marines who were trying to "provide cover" and help others escape the

³¹ Bradbury, "FBI: Abdulazeez was radicalized online."

³² Bradbury, "FBI: Abdulazeez was radicalized online."

³³ Bradbury, "FBI: Abdulazeez was radicalized online."

attack over a fence on the edge of the property. After gunning down the final two Marines, Abdulazeez tried to run back into the building and was stopped by Chattanooga police officers. Chattanooga police officer Dennis Pedigo was wounded in the subsequent firefight, and Abdulazeez was killed.³⁴

Curiously, The FBI declined to release transcripts or audio from the 911 calls made on July 16, and also refused to release dashcam video from the first police cars to respond. Shortly after the attack, the *Times Free Press* filed an open records request for those and other documents. This was denied. According to Reinhold:

The year-long investigation is still active and ongoing and such information could still be evidentiary if investigators are able to tie other people to the attack. We have to be much more cautious with the information we release, in the event that we're able to show others were involved, we don't want that information released because it could create problems when it comes to potential prosecutions. I'm not saying we're looking at any prosecutions, I'm just saying we have to be careful with any evidence we collect in the event that it does lead to somebody or something else.

Reinhold also said "He had discussed committing jihad; he had not taken any affirmative action toward it." Reinhold declined to say where those discussions took place, or with whom. He said the FBI was not aware of the discussions before the attack, and added that Abdulazeez did not espouse his beliefs or intentions online.³⁵ Reinhold, seems to suggest there are people out there, most likely in the Chattanooga area, who knew of his intention to commit jihad but did not speak up, possibly because of fear of retribution from Abdulazeez himself, because they did not take him seriously, or, the worst case scenario, because they believed in his cause. However, there is no evidence to prove or disprove any of these hypotheses.³⁶

6. Role of informants

There were potential signs of radicalization before the event had taken place however, no one ever spoke about it and a year after the attack, there was no indication about informants in this case.

7. Connections

No specific connection to terrorist groups such as ISIS or al-Qaeda was ever found. The only general connection found to terrorist groups were the video recordings of the infamous al-Qaeda recruiter, Anwar al-Awlaki. Abdulazeez was essentially self-motivated by the idea of committing martyrdom in the name of Islam in order to absolve himself of his sins. One anonymous official who agreed to speak to reporters on the condition of anonymity said:

In the new ISIS model, it's all about social media and them interacting with people in the United States and quickly trying to get them to launch

³⁴ Bradbury, "Minute by minute."

³⁵ Bradbury, "FBI: Abdulazeez was radicalized online."

³⁶ Bradbury, "FBI: Abdulazeez was radicalized online."

attacks. This appears to be the old model, where he was interested in radical Islam and sought to learn more about it online by looking at videos and readings.³⁷

8. Relation to the Muslim community

In the two or three months previous to the shootings, he began to regularly show up to Friday services at the Islamic Society of Greater Chattanooga, according to Dr. Azhar S. Sheikh, a founding member. However, continues Dr. Sheikh, he showed absolutely no signs of extremism.³⁸ After the shootings, the mosque cancelled the celebration of Eid al-Fitr out of respect for the fallen Marines.

In terms of the response of the attack from the Muslim community, there was universal condemnation as well as almost hatred and disgust at this man who attempted to twist Islam to fit his personal needs. Paul Galloway, of the American Muslim Advisory Council, gave a statement on behalf of the leaders and condemned the attack as an effort to incite terror and divide the country along faith lines:

The Tennessee Muslim community unequivocally condemns today's heinous and unjustified attack in Chattanooga, in which four U.S. Marines were murdered and at least three people, including one Chattanooga police officer, were injured. The Tennessee Muslim community wishes to express our deepest condolences to the victims and their families. Terrorists seek to divide our society, and we pray that all Americans will stand together united against their wanton violence and hatred.

In addition, Rashed Fakhruddin, president of the Islamic Center of Nashville, called Abdulazeez a criminal who carried out a despicable act and said that although Abdulazeez may be identified as a Muslim, the faith condemns such crimes in every form and fashion.³⁹ Speaking at a community get-together, Dr. Mohsin Ali, a member of the Islamic center, solemnly said, "I will say just a few words about the murderer. How cowardly and cruelly he acted. How many victims he struck. He shattered the peace in our city, he frightened our children and destroyed the lives of his whole family." When he was finished, every Muslim in the room stood up. The crowd clapped and cheered.⁴⁰

The Council on American-Islamic Relations also weighed in. The National Executive Director of CAIR Nihad Awad said:

We condemn this horrific attack in the strongest terms possible. Such inexcusable acts of violence must be repudiated by Americans of all faiths and backgrounds. The American Muslim community stands shoulder to shoulder with our fellow citizens in offering condolences to the loved ones

³⁷ Michael S. Schmidt and Jodi Rudoren, "Chattanooga Gunman Researched Islamic Martyrdom," *nytimes.com*, July 21, 2015

³⁸ Richard Fausset, "Chattanooga Gunman Mohammad Youssuf Abdulazeez: "Life is short and bitter," *nytimes.com*, July 16, 2015.

³⁹ Jessica Bliss and Jordan Biue, "Nashville Islamic leaders condemn Chattanooga shooting," *tennessean.com*, July 16, 2015.

⁴⁰ Council for American-Islamic Relations Facebook Page, #CAIR Condemns Killing of Marines in Tennessee, Offers Condolences, Facebook, July 16, 2015.

of those killed and injured and in rejecting anyone who would harm our nation's safety and security. Our thoughts and prayers are with the families impacted by this tragedy.

CAIR is America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.⁴¹

9. Depiction by authorities

As we saw earlier, Abdulazeez was almost universally regarded by the law enforcement authorities as either a "terrorist" or "homegrown violent extremist." FBI Director James Comey⁴² and Special Agent in Charge Ed Reinhold⁴³ did play lip service to the underlying severe mental illnesses he suffered from, but it was never brought into the main fold. Some were more up front: hours after the shooting, U.S. Attorney Bill Killian told reporters that authorities are treating it as an "act of domestic terrorism."⁴⁴ When authorities automatically claim any incident which has any hint of Islamic radical militancy as terrorism this reveals a severe flaw in the way they understand radical Islam, terrorism, and mental illness. It is very alarmist and irresponsible to automatically claim "Islamic terrorism!" because there is a tendency to leave very important clues on the table that are not related to radical Islam, whether they are mental health as in this case or the fact that a person lost his/her job and/or family, or other such factors. When they are disregarded, it leaves a gaping hole for which authorities and the public have to understand why terrorism happens.

10. Depiction by media

The media was very factual, accurate, and less alarmist than the authorities. Whether it was *CBS* or the *Times Free Press* or *CNN*, newspapers usually referred to Abdulazeez as a "gunman," staying away such buzzwords as "militant" or terrorist."⁴⁵ At first, articles did not mention the mental health issue as it might have been too early for them to be aware of such issues, but the vast majority of the articles later on did mention, either in passing or in substantive detail, about his mental health issue and how it might have played a role in the shootings.

However, two days after the attack, there was a particularly curious exchange on CNN between Michael Smerconish and Tom Ridge, former Secretary of Homeland Security under George W. Bush.⁴⁶ Ridge argued that

⁴¹ Council for American-Islamic Relations Facebook Page.

⁴² CNN Wire, "Chattanooga shooting."

⁴³ CNN Wire, "Chattanooga shooting."

⁴⁴ CNN Wire, "Chattanooga shooting."

⁴⁵ Richard Fausett, Alan Blinder, and Michael S. Schmidt, "Gunman Kills 4 Marines at Military Site in Chattanooga," *nytimes.com*, July 16, 2015. Meghan Keneally, Josh Margolin, Luis Martinez, and Pierre Thomas, "Chattanooga Shooting: Four Marines Dead in Shooting at Military Offices," *abcnews.go.com*, July 16, 2015.

⁴⁶ *BBCnews.com*, Profile: Tom Ridge, *news.bbc.co.uk*, November 9, 2004.

because the Obama administration refuses to call it Islamic terrorism, we are hindered in our attempt to not only fight Islamic terrorism but also to defeat it:

Well, it's pretty clear that ISIL brought the fight to American soldiers to the United States. It's pretty clear that that was their directive. It's pretty clear that this murder carried out in Tennessee. And let me be also very clear, I've had enough friends who have fought in Iraq and Afghanistan, these brave young men and women, by the way, who understand the nature of the mission. Who probably better understand it than a lot of people in the White House that this is a global scourge? And unless it's defeated militarily, the incidents that we're talking about today will be more frequent.

He seems to believe it was not only ISIS-inspired but that Abdulazeez was sent by ISIS to commit the atrocities in Chattanooga to further its agenda in the United States. But there is no evidence to support that contention.

Smerconish asked Ridge whether it was possibly an overreaction to automatically claim that ISIS was responsible for the attacks:

Do you worry that there's a risk of overreaction? And I don't want to understate the significance of four Marines losing their lives on United States soil. I think it's god awful, but we're having this conversation at a time when I'm looking at my CNN security pass and I'm thinking about taking off my shoes at the airport. I'm thinking about the dogs below me in the building where I'm sitting, in the subway system sniffing for bombs. And on and on and on. Do we have a tendency to over react in the face of this type of a catastrophe?

In response, Ridge essentially went around the question:

Security is pretty heavy just about everywhere you go in this country. To your point, I think it is appropriate, Michael. We lament the loss of the lives as a barbaric and evil act. The fact of the matter is—I don't mean we become immune to it, but we have to remind ourselves that the threat of Islamic terrorism is a global scourge and until we are much more aggressive overseas, not only here but U.S. citizens elsewhere and western interests are going to be under attack. I think the level, obviously, the FBI and local law enforcement are doing everything they can. And it appears to me there's nothing anything else they could have done to identify this person in their midst.

Ridge appears to be heavily in favor of a far more hawkish foreign policy targeted at ISIS when it is was not clear ISIS had any responsibility for coordination and the carrying out of this atrocity. In trying to prove Smerconish's question to be incorrect, Ridge incidentally proved Smerconish's point to be accurate by overreacting at a point when not all the facts were out about the incident and about Abdulazeez's background.⁴⁷

11. Policing costs

This was a rather cheap case in terms of money. Abdulazeez was not an any FBI terror watch lists nor was he even considered as some form of threat so

⁴⁷ Tom Ridge and Michael Smerconish, "Chattanooga Attack," cnn.com, July 18, 2015.

there were no surveillance costs. As Abdulazeez was killed during the shootout, there were no court costs or informant costs. It was on December 16, 2015, that Comey said Abdulazeez was motivated by “foreign terrorist propaganda” following their investigation, so it could be said the investigation lasted five months.⁴⁸

12. Relevance of the internet

The internet was vital in this case, not in terms of intelligence but in terms of Abdulazeez being able to access radical Islamic militancy material on the internet. In the age of technology, it would have been relatively simple for Abdulazeez to find propaganda just about anywhere, whether it was on TV, internet, acquaintances, etc. However, with the internet, one click on a computer gains access to the whole world; it would only take seconds for someone like him to access whatever kind of propaganda he would like to view.

13. Are we safer?

I don't believe we are more or less safe than we were before this attack. It was never proven or concluded that this attack was directly or even indirectly connected to terrorist groups such as al-Qaeda or ISIS. If this attack had been under orders from ISIS and if the FBI and other federal government surveillance programs had missed him, then I would be more willing to say we aren't as safe because of what happened. But this case seems to be one of a mentally disturbed man who used Islamic militancy specifically as a way to justify his actions and to find a way to absolve himself of his sins. Terrorist ideology doesn't seem to be at the forefront. However, I would still say he was radicalized because the downward spiral his life was taking and the guilt he felt for committing unspeakable sins as a Muslim led him to the point where he believed committing martyrdom in the name of Allah would absolve himself of the sins. Accordingly, he took it upon himself to view the kind of terrorist material that would radicalize him. As noted earlier, he confidently said he hated ISIS, al-Qaeda, and other terrorist groups because of their savage brutality, and he even claimed ISIS was not even Islamic.⁴⁹

What we have to take out of this situation is not so much emphasis on discovering terror-related attacks (although it is important to keep this in mind), but being able to properly treat mental illnesses before it connects with Islamist propaganda.

14. Conclusion

Several issues emerge from this discussion.

First, mental illness is a serious condition not to be understated. Abdulazeez was a man who suffered from bipolar disorder and depression and used drugs and alcohol to cope with it.⁵⁰ If left untreated, it is not uncommon for

⁴⁸ Kristina Sgueglia, “Chattanooga shootings ‘inspired’ by terrorists.”

⁴⁹ See Ross et al., “Chattanooga Shooter Researched Religious Justification.”

⁵⁰ Colleen Sullivan, “Your Family Member Has Bipolar Disorder and is Refusing Treatment,” bipolarworld.net, 2000.

people with bipolar disorder to experiment with alcohol, drugs, and prescription pills, and to get themselves into massive debt because of gambling or other kinds of excessive spending. However, if continuously and properly treated, one can lead a perfectly normal life. The problem with Abdulazeez was that he often times stopped taking his medication, and medication is almost useless if you don't take it on a consistent basis.⁵¹ Terrorist propaganda, especially from a very popular, influential, and manipulative personality like Anwar al-Awlaki, combined with the fact that Abdulazeez was a young man who was lost in his life and who suffered from bipolar disorder and depression, has the potential to be a dangerous combination as it was in this case. It is important for people with mental illnesses to be able to have a support group of friends and family. His family was very much willing to help him, but it seems they did not realize the extent to which he suffered.⁵²

Second, I would diagnose this case as one in which a disturbed young man who had essentially hit rock bottom in his life and as a Muslim in that he had gotten attracted to a life of drinking, drugs, and excessive spending—actions severely prohibited by the word of Allah. With this in mind, he began to search for ways to be able to justify himself in the afterlife and came to the conclusion that, if he committed jihad in the name of Allah as a martyr, he would be able to absolve himself of his sins. With this, he began searching for material related to radical Islamic militancy and found the videos of radical Islamic cleric, Anwar al-Awlaki. These proved to be just what he needed to turn this storm into a full-blown tornado which was then released in Chattanooga with the horrific shootings. This, of course, is not to say terrorism/terror-related ideology had absolutely nothing to do this case. It absolutely did. It is indisputable that he was influenced by the foreign terrorist propaganda Director Comey brought up. However, my conclusion is that Abdulazeez committed jihad as a means to the ultimate goal: absolving himself of the Islamic sins of drinking, using drugs, and excessive spending.

Third, as we saw with Tom Ridge in his interview with Michael Smerconish just days after the attack, we tend to overreact with regards to alleged terrorist attacks. Although there was no evidence ISIS had any direct or indirect connection to Abdulazeez, Ridge insisted that ISIS brought their fight to America and were responsible for the attacks. Subsequent evidence proved this claim to be inaccurate. Other officials tended to have a broader answer and simply said he was inspired by terrorist propaganda. Especially in the age where terrorism tends to be politicized on a mass level, there is a tendency to claim Islamic terrorism without looking further into the facts. One cannot understand the mindset or the motivation of Abdulazeez without examining the issues he had suffered for most of his adult life.

There are elements of Islamism in an event like this, and we should absolutely keep that in mind. However, we must examine all facts of the case. In

⁵¹ I suffer from bipolar disorder, so I am very knowledgeable about the kind of destruction it can cause if not properly treated and medicated.

⁵² "Report: FBI reviews Islamic text Chattanooga gunman sent to friend before attacks," foxnews.com, July 19, 2015

doing so, it became clear to me mental illness and addiction played an integral part. Without his illness and addiction, Abdulazeez probably would not have been sent off onto a path to the bottom where he turned to martyrdom to rescue himself in the afterlife. The more we expand our investigation of such attacks, looking not only at potential radical Islam inspiration, but also at internal factors of the perpetrators, the more we will be able to understand how and why these attacks occur and how to prevent them.

Case 74: UC Merced

John Mueller

November 28, 2016

A couple of months into his freshman year at the University of California in Merced, a generally quiet and withdrawn 18-year-old Muslim student was summarily kicked out of a study group for a required general education course for being “disruptive.” Humiliated and deeply angry, he spent the next week plotting his revenge. The result was a cartoonish two-page, 45-step plan, or “manifesto,” detailing how he would attack the class with a hunting knife, zip-tie all of the 15 students to their desks, squirt petroleum jelly on the floor to create a “slip and slide” condition, send a fake distress call to the police, ambush them when they arrived, steal their guns, and then shoot not only those students (some two to a bullet) who had kicked him out of the study group but also the police as they slipped around helplessly. At least five of the 45 steps were “sit down and praise Allah,” but the manifesto contained no political agenda.

This remarkable plan, notes Niko Pittore in monumental understatement, was “not the most thought out,” and when the angry freshman launched it, he managed only to wound four people with his knife before he was shot to death by campus police officers.

When investigators checked through the assailant’s backpack, they found, along with the unused zip ties and the unexpended petroleum jelly, a photocopy of an ISIS flag. They also found that he had visited ISIS and other terrorist websites on his computer. What he found there, suggests Pittore, may have helped him justify the mayhem he committed. He had no connection to any terrorist group, but ISIS did praise his deed after learning of it. Although there are some indications he had been on an FBI terrorism watchlist, campus authorities were inclined to consider the act essentially to be one carried out by a disgruntled student rather as had the authorities in Case 17, but in this case with more justification.

Case 74: UC Merced

Nikolaus Pittore

November 27, 2016

1. Overview

On November 4, 2015, 18-year-old student Faisal Mohammad stabbed and injured four people with a hunting knife on the campus of the University of California, Merced.¹ Two people were injured inside a classroom, and the assailant attacked and hurt the other two after fleeing the room. Two campus police officers saw him outside and shot him dead as he turned toward them.²

Mohammad was described as a kid in high school who was quiet and shy but generally very kind, and the people who knew him were stunned he could have committed an act like this.³ The story was very different in college. He was described by one of his roommates, a fellow Muslim, as a “loner” and an “extreme Muslim.”⁴ At one point, a friend of his roommates had asked him what would happen if he touched the mat he used to pray and he responded with “I will kill you.”⁵

There are two schools of thought with regard to the motivation of Mohammad. One is that he had resentment for being kicked out a study group a week before and planned the attacks using that anger and hatred toward his fellow classmates, channeling it way beyond the scope of what would be expected of a normal human being.⁶ The second, given his name, religion, and what is known about his background, should not be hard to figure out: radical Islam.⁷ The difficulty with determining which theory is valid is that there is compelling evidence for both. He was clearly very angry about being kicked out of his study group and made it clear in a manifesto that he wanted revenge on his classmates. On the other hand, we know he was an “extreme Muslim,” had a photocopy of an ISIS flag, and had viewed foreign terrorist propaganda, making it easy to also see radical Islam as the key issue.

I would describe this situation as a very angry young man who had experienced a situation, being kicked out of the study group, to which he had no normal way to react. He took that anger and channeled it with the stabbings. Stabbing people because you were kicked out of a study group is an absolutely absurd reaction as there are far better ways to redeem the situation. However, that extreme anger coupled with the fact he had viewed foreign terrorist propaganda,

¹ Andrew Kuhn, “UC MERCED: Stabbing suspect who wounded 4 lived on campus (UPDATE 3)” pe.com, November 4, 2015.

² Kuhn, “UC MERCED: Stabbing suspect who wounded 4 lived on campus

³ Mark Gomez, Ramona Giwargis, Katie Nelson, and Robert Salonga, “UC Merced Student Tossed from Study Group Had ‘Manifesto’ on Violent Revenge,” mercurynews.com, November 4, 2015; updated, August 12, 2016.

⁴ Michelle Morgante, “UC Merced stabber sat in silence minutes before starting attack,” FresnoBee.com, December 11, 2015.

⁵ Morgante, “UC Merced stabber sat in silence minutes before starting attack.”

⁶ Sarah Heise, “Sheriff: UC Merced Student Upset at Being Ousted From Study Group,” kcra.com, November 6, 2015.

⁷ Rob Parsons, Thaddeus Miller, and Michelle Morgante, “Attacker’s Manifesto Reveals Plan to Kill ‘a lot of people,’” mercedsunstar.com, November 5, 2015.

had created a massive storm no one would have been able to stop. While I find severe anger to be the main cause, radical Islam did play a role. He was able to use radical Islam as a way to essentially make the stabbings worth committing and to establish credibility for the attack in his mind.

2. Nature of the adversary

Not much is known about Faisal Mohammad's past before high school, but opinions about him in high school and college vary greatly. All we know about his early beginnings was that he was a US-born son of Pakistani parents,⁸ and graduated from Wilcox High School.⁹ Officials with the Santa Clara Unified School District described him as a quiet student who was a good kid but not very involved on campus, a high school friend said he was a "great guy."¹⁰ Ish Patel said Thursday he met Mohammad in middle school in Santa Clara and was close friends with him throughout high school, but the two lost touch after graduation. He said he was shocked to hear Mohammad was involved in the stabbings.¹¹ Mohammad was friendly and loved basketball, going to the mosque to pray, and playing video games with his friends. He was also very intelligent and excelled in school according to Patel.¹²

In 2015, the 18-year-old from Santa Clara was a freshman studying computer science and engineering at UC Merced.¹³ He was very anti-social and was often spotted on campus alone. Andrew Velasquez, one of his college suitemates, told ABC30, a local news station:

He didn't talk much. And I never saw him walk with anybody. Walking to class, I never saw him walk with anybody. Every time I would try and say something he would just ignore it.¹⁴

One student told the school's newspaper *The Prodigy*, that he was rarely ever in his room and no one really knew where he went because he would not talk to anyone.¹⁵ "He wouldn't affiliate himself with everyone," said April Navarrete, 18, who lived in the same Tuolumne Residence Hall. "He just didn't really talk much."¹⁶ Speaking with Merced County Sheriff's detective Jose Silva, one of his college suitemates, Ali Elsheikh, Elsheikh, described Mohammad as a "loner and extreme Muslim."¹⁷ He added he "said he too is Muslim but that Mohammad was 'way out there' and was not surprised by the incident."¹⁸ One of the most chilling

⁸ Sam Levin, "Attack on California university campus was Isis-inspired," FBI says, theguardian.com, March 17, 2016.

⁹ Paul Farrell, "Faisal Mohammad, '5 Fast Facts You Need to Know,'" heavy.com, November 5, 2015.

¹⁰ Gomez et al., "UC Merced Student Tossed from Study Group."

¹¹ Gomez et al., "UC Merced Student Tossed from Study Group."

¹² Gomez, Giwargis, Nelson, and Salonga, "UC Merced Student Tossed from Study Group."

¹³ Wills Robinson and Khaleda Rahman, "'He had far greater intentions to do damage': Police reveal twisted college freshman who stabbed four on campus had a backpack containing petroleum jelly, handcuffs and night vision goggles,'" dailymail.co.uk, November 5, 2015.

¹⁴ Robinson and Rahman, "He had far greater intentions to do damage."

¹⁵ Robinson and Rahman, "He had far greater intentions to do damage."

¹⁶ Gomez et al., "UC Merced Student Tossed from Study Group."

¹⁷ Morgante, "UC Merced stabber sat in silence minutes before starting attack."

¹⁸ Morgante, "UC Merced stabber sat in silence minutes before starting attack."

exchanges he witnessed was when a friend of his had asked Mohammad what would happen if he touched the mat Mohammad had used for praying. Mohammad's response was very simple: "I will kill you."¹⁹

Investigators found a photocopy of an ISIS flag among his belongings after the shooting, raising some questions about the extent of his commitment to radical Islamism.²⁰ However, authorities said they found no red flags or signs of violence from comprehensive background checks.²¹ Merced County Sheriff Vern Warnke said Mohammad had no previous run-ins with the law and had no history of mental illness.²² His family released a statement after the shooting, which said:

Our son was a kind and respectful man. He was always quiet and humble and excelled in school and academics. His teachers and friends always spoke well of him.²³

3. Motivation

There are two schools of thought on the motivation of Faisal Mohammad. The first is that he carried this out as a form of personal revenge. The evidence for this school lies in the fact a couple weeks before the attack, Mohammad was kicked out of a study group. Whether he was physically removed from the study group or politely asked to leave is unknown since no details have been given about that. However, given his intense and extreme anger felt at the students for having being tossed out of the group, one can assume it was not the most peaceful transition. Most likely not coincidentally, the study group was for the class he started the attack in.²⁴ Given his quiet and shy nature, it was puzzling that he was kicked out of the group for "disruption," according to Warnke.²⁵ Specific details as to what that entailed were not given.

Upset over being kicked out the study group, Mohammad created what was described by Sheriff Warnke as a manifesto. The manifesto was two pages long and hand-written, and it laid out his plan to kill "lots of people."²⁶ Warnke told reporters he had a very elaborate idea of what he wanted to do during his rampage and reminded his audience how difficult is to predict human behavior:

We had an upset teenager that was upset over being kicked out of a study group for being disruptive. He was a teenager, he got mad and took it out this way. We don't know what's going to trigger and we don't have a crystal ball ... We don't know. The human person is a very unpredictable being.²⁷

¹⁹ Morgante, "UC Merced stabber sat in silence minutes before starting attack."

²⁰ Melissa Chan, "UC Merced stabber Faisal Mohammad had ISIS flag; teen's family offers sympathy for victims, says son was 'kind and respectful,'" *New York Daily News*, November 11, 2015.

²¹ Chan, "UC Merced stabber Faisal Mohammad had ISIS flag."

²² Chan, "UC Merced stabber Faisal Mohammad had ISIS flag."

²³ Chan, "UC Merced stabber Faisal Mohammad had ISIS flag."

²⁴ Heise, "Sheriff: UC Merced Student Upset at Being Ousted From Study Group."

²⁵ Parsons et al., "Attacker's Manifesto Reveals Plan to Kill 'a lot of people.'"

²⁶ Parsons et al., "Attacker's Manifesto Reveals Plan to Kill 'a lot of people.'"

²⁷ Parsons et al., "Attacker's Manifesto Reveals Plan to Kill 'a lot of people.'"

The second school of thought is the predictable one when discussing a Muslim who carries out an attack like this: radical Islam. The mere name of the student behind the attack and the knowledge he was a Muslim made armchair observers on social media quick to point to radical Islam, according to Warnke. Warnke said there were references to Allah but dismissed any suggestion that Mohammad was motivated by religion. “His belief was through the Muslim faith, but there’s nothing to indicate anything other than that,” Warnke said. “It’d be like a Christian referring to the Lord Jesus.”²⁸

The FBI, which initially ruled the attack to be “misguided acts of a disgruntled student,” changed its tune and said terrorist propaganda was the main driving force behind this act.²⁹ They said Mohammad had visited websites of ISIS and other terrorist organizations before the attack. Investigators emphasized he might have self-radicalized and drawn inspiration from the propaganda.³⁰ However, they found no evidence he had any ties to any terrorist organizations.

4. Goals

It is difficult pin down a concrete goal for Mohammad. However, when investigators analyzed his manifesto, it was very chilling. While no end goal was mentioned, it included 45 detailed steps of what he was going to do—though no really specific details have been made public. The plan also had a script of what he would say to each person he confronted before killing them.³¹ A backpack belonging to Mohammad was investigated by a bomb squad but was quickly neutralized. According to Warnke, the items contained in the backpack indicated he had far greater intentions of doing more harm.³² Investigators found zip-tie handcuffs, petroleum jelly, a night vision scope, and a safety hammer used to break windows, among other things.³³

5. Plans for violence

The FBI had said they believe Mohammad started the preparation for the attack about a week beforehand, beginning when he was kicked out of his study group.³⁴ A search by authorities of his dorm, car, and other possessions revealed an interesting combination of items. They found a second copy of the manifesto in Mohammad’s garbage can, along with several discarded petroleum jelly cans, duct tape wrappers, large zip ties, a package that had contained a knife and sharpener, a red prayer rug, and a copy of the Koran.³⁵ He used an 8 inch hunting

²⁸ Parsons et al., “Attacker’s Manifesto Reveals Plan to Kill ‘a lot of people.’”

²⁹ Michael Pearson, “Attacker who stabbed students at UC Merced had ISIS flag, FBI says,” *cnn.com*, March 18, 2016.

³⁰ Pearson, “Attacker who stabbed students at UC Merced had ISIS flag, FBI says.”

³¹ Heise, “Sheriff: UC Merced Student Upset at Being Ousted from Study Group.”

³² Heise, “Sheriff: UC Merced Student Upset at Being Ousted from Study Group.”

³³ Heise, “Sheriff: UC Merced Student Upset at Being Ousted from Study Group.”

³⁴ Joseph Serna and Matt Hamilton, “‘UC Merced Attacker was Inspired by Islamic State and Likely Self-radicalized’, FBI says,” *latimes.com*, March, 17, 2016.

³⁵ Malia Zimmerman, “Call It Terrorism says father of hero who helped stop stabber at Calif. college,” *foxnews.com*, December 10, 2015.

knife to carry out the attack.³⁶ Authorities believe he planned to steal a gun by overpowering a campus cop and then take several more victims.³⁷

The manifesto bore names of people on his target list (these have not been released, most likely due to privacy concerns), a vow “to cut someone’s head off,” and at least five reminders to “praise Allah.” Sheriff Warnke said number 27 was to make sure people were tied down and number 28 was “sit down and praise Allah.”³⁸ Warnke went into a little more detail:

There was a gruesome statement he made about wanting to cut someone’s head off and kill two people with one bullet, and he planned to shoot the police. He did not have a firearm with him and didn’t seem to have a lot of experience with firearms because he thought he could kill two people with one bullet. He reminded himself in the list to raise the gun slowly. He scripted everything out in chronological order.³⁹

The plans laid out in the manifesto were not the most thought out, especially considering he had no firearm. He started the attack in the class from which the study group had been formed—the one he was kicked out of the week before. After he was done there, Warnke said Mohammad planned to zip-tie all 15 students in his general education core class to their desks. Mohammad named one student that he was going to make tie up the other students, then have that person tie himself up.⁴⁰ He then planned to put an unknown quantity of petroleum jelly into clear bags, cut holes in the bags and squirt the substance onto the floor, making a slip-and-slide that would make it difficult for anyone who entered the room.⁴¹ After all that, with the students essentially trapped in the hallways with the makeshift slip-n-slide, he planned to call police with a fake distress call and ambush responding officers with the knife and steal their guns, probably under the assumption they would be trapped by the slip-n-slide. He planned to go back and shoot students he named in his “manifesto” including those in his study group, he also planned to shoot more cops and essentially anyone else who tried to get in his way.⁴²

Mohammad began his rampage by attacking a fellow student with a knife in a required general education course—the one with the study group he was tossed out of. Byron Price, 31, a construction worker doing remodeling next door, ran into the classroom and tackled Mohammad. Price said in an interview he believed he was breaking up a fistfight but soon realized it was far more than that when Mohammad charged him with the knife, stabbing him in the side of his body. Price stopped Mohammad from moving on with his plan, and that gave enough time for police to arrive on the scene and also for students to flee the classroom. Mohammad fled the room and stabbed two others, one in a stairway, the other on a bench outside. Details were not given on the specifics of his

³⁶ Zimmerman, “Call It Terrorism says father of hero who helped stop stabber at Calif. college,”

³⁷ Zimmerman, “Call it Terrorism says father of hero who helped stop stabber at Calif. college,”

³⁸ Zimmerman, “Call it Terrorism says father of hero who helped stop stabber at Calif. college,”

³⁹ Zimmerman, “Call it Terrorism says father of hero who helped stop stabber at Calif. college,”

⁴⁰ Heise, “Sheriff: UC Merced Student Upset at Being Ousted from Study Group.”

⁴¹ Serna and Hamilton, “‘UC Merced Attacker was Inspired by Islamic State’.”

⁴² Paul Elias, “UC Merced student who stabbed 4 sought revenge,” *dailynews.com*, November 6, 2015.

encounter with the campus police, but we know police shot and killed him on a nearby pedestrian bridge.⁴³

To give a little insight into how Mohammad was acting and feeling during the attack, Price said Mohammad smiled at people as he slashed at people with the knife but looked frightened: “He also looked like he was having fun. His eyes, I could see fear in his eyes. He was smiling.”⁴⁴

6. Role of informants

No police informants were involved in this case.

7. Connections

FBI investigators found no evidence Mohammad had worked with anyone or had ties to any foreign terrorist organizations. However, Mohammad had visited websites for ISIS and other terrorist organizations before the attack. He also had pro-ISIS propaganda on his laptop, and a photocopy of an ISIS flag in his backpack. They concluded he had self-radicalized and drawn inspiration from terrorist propaganda.⁴⁵

8. Relation to the Muslim community

As noted earlier, his Muslim suitemate at UC Merced, Ali Elsheikh described Mohammad as an “extreme Muslim.” He noted that he too was a Muslim, but that Mohammad was “way out there.”⁴⁶ The photocopy of the ISIS flag found in his backpack after the attack seemed to verify this statement. He did attend mosque, but the frequency is unknown.⁴⁷

The attack drew praise from a Twitter account associated with the Islamic State. After his death and name were made public, they tweeted in Arabic, “May Allah accept him.”⁴⁸

Oddly enough, although he was a practicing Muslim, the Muslim community in Merced had absolutely no idea who he was. The Muslim Student Association at UC Merced said Mohammad wasn’t a member of the group and had never attended their prayer sessions or meetings. “No one knew who he was,” said Homza Al-Ariemy, the president of the group. Further, Sannaullah Hussain, the imam at the Islamic Center of Merced on Ashby Road, said he never saw Mohammad during Friday prayers at the mosque. Investigators asked Hussain and other members of the mosque, including UC Merced students who pray there, if anyone knew Mohammad, and no one did. Abdur Wali, the imam for the Merced chapter of the Ahmadiyya Muslim Community also had “no idea” who Mohammad was before hearing of the attack.⁴⁹

⁴³ Elias, “UC Merced student who stabbed 4 sought revenge.”

⁴⁴ Parsons et al., “Attacker’s Manifesto Reveals Plan to Kill ‘a lot of people.’”

⁴⁵ Pearson, “Attacker who stabbed students at UC Merced had ISIS flag, FBI says.”

⁴⁶ Morgante, “UC Merced stabber sat in silence minutes before starting attack.”

⁴⁷ Gomez et al, “UC Merced Student Tossed from Study Group.”

⁴⁸ Robinson and Rahman, “‘He had far greater intentions to do damage.’”

⁴⁹ Rob Parsons and Brianna Calix, “New questions emerge about background of UC Merced attacker, mercedsunstar.com,” November 9, 2015.

Santa Clara, where Mohammad was raised, and Merced, where he went to school, are 121 miles apart, making it difficult to attend the same mosque. He was known to frequent the mosque in high school, so it does not make sense that Mohammad, considered to be an “extreme” Muslim, was not known in the Muslim community in Merced.

9. Depiction by authorities

Authorities were very quick to dismiss the notion that this was an act of terrorism. UC Merced Chancellor Dorothy Leland said, “At this point, it would be irresponsible to draw such conclusions based solely on the ethnicity of the suspect.”⁵⁰ And Sheriff Warnke added:

At this point in time, the preliminary evidence suggests that freshman computer science and engineering student Faisal Mohammad of Santa Clara appears to have been motivated by personal animosities, not a political agenda. It was an act of an individual for a vendetta... nothing to indicate there was any political or religious motivation.⁵¹

When asked possible references to Allah, Warnke said there was but quickly dismissed religion as a cause:

His belief was through the Muslim faith, but there’s nothing to indicate anything other than that. It’d be like a Christian referring to the Lord Jesus. You’ve got to remember there are a lot of Muslim-faith (people) that are very kind, gentle, loving people and to have one person do this, you can’t group that whole section of folks into that. It’s just not right.⁵²

The brief overview in this section as well as discussions in previous sections is all that’s needed to see the theme. Authorities had absolutely no interest in giving any thought to the idea he was motivated radical Islam.⁵³ This has interesting similarities to a case at the University of North Carolina that will be discussed in the appendix.

10. Depiction by the media

The media took the lead from the authorities. If one looks through the footnotes of this essay, the word “terrorist” is never used: “attacker” and “student” are the words used most often. Even in the depths of the articles, terrorism was very rarely used. As noted, UC Merced Chancellor Dorothy Leland said. “At this point, it would be irresponsible to draw such conclusions based solely on the ethnicity of the suspect.”⁵⁴

Dipak Gupta, a political science professor who specializes in public policy, terrorism, and ethnic conflicts at San Diego State University, says that determining whether an attack is an act of terrorism hinges on whether the attacker believes his or her actions would have any political ramifications. He

⁵⁰ Robinson and Rahman, “He had far greater intentions to do damage’.”

⁵¹ Robinson and Rahman, “He had far greater intentions to do damage’.”

⁵² Parsons et al., “Attacker’s Manifesto Reveals Plan to Kill ‘a lot of people’.”

⁵³ More on this will be discussed in the conclusion.

⁵⁴ Robinson and Rahman, “He had far greater intentions to do damage’.”

notes further that the goal of groups like the Islamic State is to inspire individuals to act out on their own as a “lone wolf.”

The question we should always be asking is whether he or she believed they were sending or making a political statement. If there is proof of that (belief), then an act can be considered an act of terrorism.⁵⁵

Thus one of telltale signs of terrorism is if the attacker’s violence has political motivation to it. If his/her actions are politically motivated, it is an act of terrorism. If it is not, it is not terrorism.

Media sites on the far-right wing of the political spectrum had a different view from those of the UC Merced authorities. According to jihadwatch.com:

The University of California Merced is no different from any other campus all over the country: full of indoctrinated bots who have been thoroughly imbued with the notion that when Islamic jihadists attack us, it is our fault. Everyone who participated was sure that his stabbings had something to do with “images of masculinity” and nothing to do with Islam, and that only “Islamophobes” thought otherwise.

The Monday night after the attack, faculty at the University of California, Merced held a “teach in” which according to this website, was voided of discussions of radical Islam but instead focused on how society’s notions on masculinity pressures men. The “Don’t Turn Our Tragedy Into Hate” teach-in had several speakers, in which one allegedly described “manliness” as “Middle class, able bodied, heterosexual, red meat, probably Christian,” and continued:

Anger, that is really what we think about when we think about emotional men. They are subject to social sanctions if they deviate from masculinity. If you are perceived as failing at it, you are subject to being called a fag, a pussy, a wimp, pretty much what women are, right? So when you have this limited ability to sort of express your emotions and possible feelings of emasculation, of low self-esteem, how do you really [deal with] that? A lot of times they ... engage in violence. They need to compensate for their loss of masculinity in the most manly way they have access to, and unfortunately, a lot of times that’s Flowersviolence.⁵⁶

Another website said many students mourned Mohammad instead of the survivors, including an “R.I.P” post on Facebook, garnering 800 likes. A UC Merced student who attended the teach-in said he could not believe the school blamed the stabbing spree on masculinity instead of on radical Islam. Said the student, who wished to remain anonymous for fear of backlash:

They just want to say it’s not Islamic terror. They were trying to understand why the kid did it. ”Islamophobia” was cited as the reason people want to call it a terrorist attack. People were quick to sympathize with the attacker and assume anyone who thought this was related to radical Islam was a xenophobic racist. One of the most disturbing things I

⁵⁵ Parsons and Calix, “New questions emerge about background of UC Merced attacker.”

⁵⁶ Robert Spencer, “UC Merced mourns, sympathizes with jihad stabber Faisal Mohammad,” jihadwatch.com, November, 19, 2015.

saw on Facebook was that a student made a RIP Mohammad post that received nearly 800 Likes.⁵⁷

A third conservative website, *conservativefiringline*, reported that Matthew Gonzales at the *Merced County News* wrote Mohammad was indeed on a federal terror watch list. In addition, he said officials at the school were warned of a potential threat from him. Three unnamed law enforcement officials told Gonzales that the truth was not being told about what happened and who the suspect was:

The suspect was indeed not only on the FBI's terrorist watch list but he was also on a national watch list and had been one of the topics of discussion at a recent FBI briefing to Merced County law enforcement leaders... About 6 months ago the FBI held a terrorist/extremist briefing with Merced County law enforcement leaders. At this meeting several suspected terrorists with ISIS links were said to be here in Merced County. Names and photos were presented including one of Faisal Mohammad. Based on the FBI's own analysis... they projected an attack at the UC Merced campus. Though they were not absolutely certain of the attack on the UC they did feel that there was enough information for them to be here if it did."

According to this narrative, the FBI not only believed Mohammad to be a terror suspect enough to have a full length meeting about him but also suspected him of plotting an attack at UC Merced. Also, Gonzales was told the media was forced to push a false narrative of him being an angry student instead of what he really was... a radical Muslim.⁵⁸

In rebuttal, a post at *The Right Scoop* noted:

This is slightly suspect because of the anonymous sources, and because in order for it to be true then the law enforcement officials would have to be brazenly lying when they said that there was no reason to believe Islam had anything to do with the attack.⁵⁹

The question ultimately posed by these sites was, "Are we being lied to about a growing threat from ISIS, or is the threat being overblown?" This issue will be further discussed in the conclusion section.

11. Policing costs

Since Mohammad was shot and killed by police during the attack, there were no costs brought upon to the court system, nor were there any informants, as noted earlier. They also did not know anything about Mohammad being a potential terrorist beforehand, so there were no surveillance costs. However, as noted in the previous section, conservative websites claim the FBI and local police did know beforehand that Mohammad not only was a terror threat, but that there might be an attack at UC Merced around the time the attack occurred.

⁵⁷ Jennifer Kabbany, "UC Merced mourns stabbing spree attacker Faisal Mohammad, seeks to understand him," *collegefix.com*, November 18, 2015.

⁵⁸ Joe Newby, "Report: UC Merced killer on terrorist watch list, chancellor warned of attack," *conservativefiringline.com*, November 8, 2015.

⁵⁹ Newby, "Report: UC Merced killer on terrorist watch list, chancellor warned of attack."

12. Relevance of the internet

The internet, as usual in today's high-tech American society, was a key factor. Mohammad was heavily influenced by "foreign terrorist propaganda." While there are more ways to view terrorist propaganda than through the internet, the millions upon millions of searches which can be revealed in only a matter of seconds and one click of a computer mouse makes it exponentially easier for any willing person to view terrorist propaganda.

13. Are we safer?

This is the age old issue. With every attack, terrorist-inspired or not, we always ask ourselves and authorities afterwards if we are safer or less safe. The authorities were quick to point out this was a disturbed young man, angered at being kicked out of a study group, who plotted a revenge that went far beyond the normal. That being said, while I agree with the authorities' conclusion, they are missing a key part: the influence of radical Islam. If we fully understand the cause(s) of the attack, and we learn from it, we are safer. If we don't, we are less safe.

In the case of 9/11, we focused entirely on the fact that the terrorists hate us for "who we are" and refused to focus on the fact that terrorist groups like al-Qaeda had an ulterior motive for the horrifying attack. According to President George W. Bush, "We are the target of enemies who boast they want to kill... This new enemy seeks to destroy our freedoms and impose its views."⁶⁰ However, that is not accurate entirely. Terrorist groups do use suicide tactics against democracies, but University of Chicago political scientist Bob Pape finds this to be because democratic countries are militarily occupying states—terrorists are attempting to coerce them to leave their homeland using suicide bombings.⁶¹ However, our rhetoric for the "Global War on Terror" has omitted much, if not all, of this, and terrorism has continued to explode in the Middle East as secular dictators, toppled by the United States, have been replaced by terrorist groups. Moreover, as we continue to have a neoconservative/liberal interventionist foreign policy in the Middle East, terrorist attacks in the United States continue to happen.

In the present case, we were informed that this attack involved a disturbed young man who took his anger far beyond the scope of a normal human being. While I do believe this to be the main cause of the attack, the authorities understated the effect radical Islam had on this young man. In consequence, I do not think we are safer. If we don't fully understand why attacks happen, the environment becomes less safe, not more so. Only time will tell whether we really did learn from this attack, just like it took several years post 9/11 to learn we learned essentially nothing from 9/11 as we continue the policies in the Middle East which played a huge part in motivating al-Qaeda to carry out the horrifying attack.

⁶⁰ Robert A. Pape, *Dying to Win: Strategic Logic of Suicide Terrorism*. New York: Random House, 2006, 51

⁶¹ Pape, *Dying to Win*, 51

14. Conclusion

This case is a head scratcher in a way. Mohammad had been kicked out of study group for being disruptive. He decided to take revenge on these classmates and created a plan to kill them and others—a massive overreaction. I would describe this situation as a very angry young man who experienced a situation that he had no normal way to react to. He took that anger and channeled it. Stabbing people because you were kicked out of a study group is an absolutely absurd reaction as there are far better ways to redeem the situation. However, that extreme anger was coupled with the fact he had viewed foreign terrorist propaganda, and this created a massive storm no one would have been able to stop. Thus, while severe anger is my main diagnosis, radical Islam did play a role. He was able to use radical Islam as a way to essentially make the stabbings worth committing, to establish credibility for the attack in his mind. If Mohammad had stabbed those people and had not invoked the name of Allah, this stabbing would go down as a random attack with no real end goal. As it is, it (un)intentionally gives terrorist groups the ability to claim the attack for their specific political goal whether the event was supposed to be taken as such or not.

I do not believe, based on the evidence provided, that there was a political motivation to Mohammad's plans. The way he planned this attack, he would have written down what his political motivations were in the manifesto he left behind. This leaves the radicalization of Mohammad as the secondary motivation, one essentially used as justification for the attack, impelled by the primary motivation, extreme anger.

As we saw earlier, conservative websites had a very different picture of the situation than the authorities. They had claimed that Mohammad was not only on a no-fly list, but that the FBI and local authorities knew about the threat they were facing from him, including knowing there was a good possibility there was going to be an attack at UC Merced.⁶² Moreover, they claimed the authorities silenced all other narratives and forced all journalists to embrace the “false narrative” claiming that it had nothing to do with radical Islam. The evidence for this proposition is quite limited. While it is entirely possible that Mohammad was indeed a terror watch list and authorities had known about him ahead of time, the only sites reporting it were conservative ones and the names of the three independent law enforcement officials making such charges have not been released.

In an age in which terrorism tends to be politicized on a mass level, there is a tendency to claim an attack is Islamic without looking further into the facts.⁶³ Mohammad, given the fact he had a photocopy of an ISIS flag in his backpack, was most likely a sympathetic toward ISIS. But he was not a foot soldier of that group, nor did he seem to have a political motivation. As noted, I believe anger played the biggest role with radical Islam taking a secondary, but still important role.

⁶² Newby, “Report: UC Merced killer on terrorist watch list, chancellor warned of attack.”

⁶³ See Nikolaus Pittore, “Case 71” in this book.

Naturally, the more we expand our investigation of such attacks, looking not only at potential inspiration by radical Islam but also at other motivating factors, the more we will be able to understand how and why these attacks occur and how to prevent them. The problem with this case is that the motivation came from Mohammad's anger at being kicked out of the study group. The way to "stop" the attack would have been to allow him to continue to be disruptive. Moreover, there was no way to anticipate what he was capable of. We can be more observant of people like him and report them if they seem to present a risk. However, Mohammad's extremism did not really take hold in a major way until the anger fit he experienced after being kicked out of the study group.

Just goes to show how pain-staking and difficult terrorism can be to study.

Appendix: What is and is not terrorism

This case is similar to one at the University of North Carolina, where a recent alumnus, Mohammed Reza Taheri-Azar, attempted to attack UNC students to "avenge the deaths of Muslims."⁶⁴ He was subsequently arrested, charged with nine counts of attempted first degree murder and nine counts of assault with a deadly weapon with intent to kill, and sentenced to 26-33 years in prison. In this case, Azar left a letter at his apartment beginning with:

I am writing this letter to inform you of my reasons for premeditating and attempting to murder citizens and residents of the United States of America on Friday, March 3, 2006 in the city of Chapel Hill, North Carolina by running them over with my automobile and stabbing them with a knife if the opportunities are presented to me by Allah...Due to the killing of believing men and women under the direction of the United States government, I have decided...to take the lives of as many Americans and American sympathizers as I can in order to punish the United States for their immoral actions around the world.

Although many students wanted to declare this act terrorism, authorities, including UNC-Chapel Hill Chancellor James Moeser, were very hesitant to do so. After much deliberation, said Moeser, they were going to regard this act not as one of terrorism—although the feeling was there—but rather as a criminal one. Many conservative-leaning students protested, while other students countered by saying that such protests were only strengthening prejudices against Muslims.

There are several similarities with the UC Merced case. As in the UNC case, the authorities, including the Chancellor of UC Merced, Dorothy Leland, refused to give credence to the idea that radical Islam had anything to do with the attack, while conservative students and websites came out against the refusal to name radical Islam as a cause of the attack, arguing that refusing to call it terrorism was only making Americans less safe. It is extremely likely that both Chancellors refused to call this as an act of terrorism because of the negative effect that could have had on future enrollment.

According to the US Code, terrorism can be defined as: (i) an attempt to intimidate or coerce a civilian population; (ii) to influence the policy of a

⁶⁴ See Andrew Baum, "Case 17" in this book.

government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping.⁶⁵

The case of Faisal Mohammad meets the first of these criteria: it was an attempt to intimidate or coerce a civilian population: the students at his school. However, it is not clear any of this was related to a political goal and thus the second and third criteria both fail to appear in this case. He never made any reference to dissatisfaction with any policy of the US government or suggested he was trying to affect its actions. The only targets he explicitly named were the students in the study group which had rejected him. In the UNC case, Azar clearly attempted to murder students in order to send a message to the US government.

Thus, it could be argued that Faisal Mohammad's act did not constitute terrorism, but rather was a case of a young man who had an extreme anger toward fellow classmates for kicking him out of a study group and violently sought revenge against them and anyone else who stood in his way. That he invoked of Allah's name does not mean this was radical Islamic terrorism but rather gave him credibility and justification for carrying out the attack. Nonetheless, it is highly important not to completely dismiss radical Islam in this case because it does reveal important clues about how it can be used to justify a horrifying crime.

⁶⁵ 18 U.S. Code § 2331 – Definitions, Legal Information Institute, law.cornell.edu

Case 76: San Bernardino

John Mueller

December 14, 2016

Although they pledged allegiance to ISIS when committing the act, a married couple who shot up a holiday party filled with the man's co-workers in December 2015 in San Bernardino, California, had been plotting and/or contemplating such terrorism for years, even before ISIS came into being. Both were killed in a shootout with police in a chase when they tried to get away, and after an investigation, the FBI concluded that the pair, both American citizens, planned the attack themselves, did not belong to any terrorist group or network, and were not aided in any way by any terror organization. ISIS nonetheless opportunistically saluted them as "supporters" and as "soldiers of the caliphate."

They were well-educated, financially responsible and secure, quite religious, and remarkably disciplined at keeping the planning to themselves. Unlike many other ISIS enthusiasts in America as documented in this book, they did not broadcast their intentions—though the man had voiced grievances about paying taxes that helped the US wage a war on Islam and was reported to be "obsessed with Israel."

The shootings were tragically consequential, killing 14 people—one more than the 2009 shooting attack at Fort Hood (Case 32), the previous high for post-9/11 terrorism in the country. They also quietly amassed body armor and thousands of rounds of ammunition, and they constructed twelve pipe bombs and had enough additional material to create seven more—though, as the discussion in Case 48 suggests, the lethality of such explosives is not terribly impressive. The existence of this arsenal strongly suggests, as Alex Iammarino points out, that they were looking to do more attacks somewhere else.

There is no information about what those targets might have been, and, indeed, the process by which they selected the one they did attack is equally murky. There was a danger that, although masked, the man's co-workers would recognize him—and, indeed, at least one did.

However, if the goal was to terrify, the target was well chosen. Everyone has attended a holiday party at one time or another, and it is especially easy to envision yourself as one of the victims.

Case 76: San Bernardino

Alex Iammarino

November 2, 2016

1. Overview

On December 2, 2015, at 8:30am, Syed Rizwan Farook of Redlands, California, attended a work training event at the Inland Regional Center in San Bernardino, California, for the San Bernardino County Department of Public Health. However, he abruptly left halfway through the event, around 10:30am, leaving a backpack on a table. As the event was transitioning into a holiday party, Farook returned to the center with his wife, Tashfeen Malik, at 10:59am, and began to shoot dozens of people. The shooting lasted 4 minutes. Farook and Malik then left the premises, followed by the arrival of first-responders four minutes after the first 911 call. Between 75 and 80 people were in attendance, with 14 people killed and 22 others seriously injured in the attack.¹

Farook, born to Pakistani immigrants but a citizen of the United States, grew up in Riverside, California, and attended California State University, San Bernardino. He worked as a health inspector for the county. He met his wife, Malik, through an online dating website. Malik was born in Pakistan, and attended Bahauddin Zakariya University in Multan, Pakistan. The two eventually met in person in Saudi Arabia, marrying six months later and moving back to the United States. Malik was an official US citizen through marriage.

An unknown witness told police that arrived on the scene that they believed one shooter to be their coworker, Farook. Additionally, a security guard witnessed the two suspects leaving the building in a black SUV wearing tactical gear and black ski masks. As police and other first-responders tended to the victims and began transporting them to the hospital, two plainclothes investigators made their way to Farook and Malik's apartment in Redlands just before 3:00pm. As they pulled up to the apartment, they saw a black SUV rolling out of an alleyway; one of the investigators said he saw a person who matched Farook's description through the windshield. They began pursuing the vehicle as other police joined the chase. While the pursuit was underway, Farook and Malik threw an object that resembled a pipe-bomb from their window at the police behind them. This turned out to be a fake explosive. At one point early on in the chase, one policeman said he saw them briefly stop at a stoplight and put on defensive gear and bulletproof vests, as well as equip their weapons. Soon after this, at around 3:00pm, the SUV continued onto East San Bernardino Avenue, entering a suburban area, where the suspects began shooting at police.²

The suspects stopped in a neighborhood where they continued to shoot at the police. Farook left the vehicle while maintaining fire, and he was eventually shot in the side. As he was down, he shot at police with a handgun, injuring one officer. Farook was then mortally wounded. His wife remained in the vehicle

¹ Cameron Tankersley and Michael Martinez, "San Bernardino shooter Tashfeen Malik: What we know," cnn.com, December 7, 2015.

² Suzanne Hurt, "San Bernardino Shooting: Horror of Dec. 2 attack remains with rescuers," pe.com, May 27, 2016.

shooting at police through the rear window. She injured one officer, and eventually died after being hit by several bullets. Initially there were reports from eyewitnesses that there was a third gunman but this was ultimately disproved by forensic evidence and other eyewitness accounts. Until it was disproved, however, the police arrested a third person who was found near the shootout scene.

Immediately following the attack, the FBI and local Sheriff's department began searching the couple's apartment in order to find evidence to understand their intentions. They found thousands of rounds of ammunition, twelve constructed pipe-bombs, and enough material to create seven more pipe-bombs. It soon became clear that the two suspects had more than just this attack in their plans. However, to this day, it remains a mystery as to what other target(s) they had in mind. The FBI determined it was indeed a terror attack, but also that they were self-radicalized and were not in contact with any terror groups such as ISIS or al-Qaeda.³

2. Nature of the adversaries

Syed Rizwan Farook, born on June 14, 1987, in Chicago, Illinois, was a man of Pakistani descent and the son of two Pakistani immigrants. He grew up in Riverside, California, where he attended La Sierra High School.⁴ It was reported that his childhood was not easy; his mother, Rafia Farook, filed court documents against her husband, claiming him to be an alcoholic and abusive with suicidal tendencies. She also claimed that Farook and his siblings would often have to protect her from her husband. She filed for divorce, which was ultimately dismissed, but she received a legal separation "based on irreconcilable differences." She moved her children, including Farook, out of the house, and her husband moved to Pakistan.⁵

Farook attended California State University, San Bernardino, after graduating high school a year early, where he studied environmental health. He received his bachelor's degree in either 2009 or 2010, and then enrolled in the environmental engineering graduate program at California State University, Fullerton, in 2014. However, he only enrolled for one semester and thus did not complete his degree.⁶ In 2013, he met his future wife on an online dating website, and traveled to her current home in Saudi Arabia to meet in person for the first time. According to their marriage license, they married on August 16, 2014, just six months after meeting in person.⁷

Farook was very religious throughout his life. He was described as quiet but friendly by friends and family, and the director of the Islamic Center he used to attend says, "He's a little bit shy, a little bit withdrawn." He stopped attending

³ The Associated Press with CNBC, "FBI: Investigating Calif massacre as 'act of terrorism,'" cnbc.com, December 5, 2015.

⁴ "Rizwan Farook and Tashfeen Malik," wikipedia.com, October 5, 2016.

⁵ Julia Glum, "San Bernardino Suspect Syed Farook's Troubled Childhood: Father Was Alcoholic, Mother Alleged Domestic Abuse In Court Papers," ibtimes.com, December 3, 2015.

⁶ "Rizwan Farook and Tashfeen Malik," wikipedia.com, October 5, 2016.

⁷ Rob Crilly, "Syed Farook and Tashfeen Malik: What we know about the San Bernardino shooters," telegraph.co.uk, December 5, 2015.

the Center about two years before the attack, soon after marrying his wife.⁸ Just two weeks before the attack, a coworker recalled he was arguing that Islam was a peaceful religion with another coworker who ended up being a victim of the attack.⁹

One of Farook's favorite hobbies was target practice, listed on his online profile of iMilap.com along with other things such as reading religious books, working on vintage and modern cars, and traveling. His lawyer, David S. Chesley, stated he would often go to a shooting range alone. The workers at the range described him as "normal."¹⁰

He was financially responsible, and as his landlord referred to his strong credit and lack of any red flags that would potentially make him a bad tenant.¹¹ In 2013, he made \$53,000, which is slightly below the median household income of \$61,972 in Redlands, California.¹² He and his wife had a 6 month old child at the time of the attack.

Tashfeen Malik, was born on July 13, 1986, in Karor Lal Esan, Pakistan, about 280 miles southwest of Islamabad. There remains ambiguity about where she grew up, with some sources saying she spent most of her life in Saudi Arabia, but returned to Pakistan to attend school. Both her lawyer and the Saudi Interior Ministry spokesman, Major General Mansour Al-Turki, claimed she grew up in Pakistan and only visited Saudi Arabia a few times throughout her life, including the times she met Farook.¹³

Malik studied pharmacology at Bahauddin Zakariya University in Multan, Pakistan, graduating in 2012. It is important to note that Multan has been linked to jihadist activity and Islamic terrorism. She also attended the Al-Huda International Seminary, a center dedicated to women which taught Quranic studies in a very conservative interpretation of the religion. It is reported to be aligned with the Wahhabi form of Islam which has been defined as ultraconservative and fundamentalist and has been considered an extremist movement.¹⁴ The *Los Angeles Times* reported that this seminary teaches anti-Western views that "could encourage some adherents to lash out against non-believers [of Islam]."¹⁵ It is likely that her time spent in Multan contributed to her self-radicalization.

Malik was also described by those who knew her as quiet, timid, "very conservative," and a stay-at-home mom. Her lawyer argued that it was unlikely that she could have committed the shooting as she was of petite stature (only

⁸ Dexter Thomas, "San Bernardino shooting suspect stopped attending mosque two year ago," latimes.com, December 3, 2015.

⁹ Veronica Rocha, "San Bernardino victim was upfront about politics and religion — with Farook too," latimes.com, December 4, 2015.

¹⁰ Richard A. Serrano, Sarah Parvenu, Joseph Serna, and Richard Winton, "San Bernardino attacker was 'normal guy' while practicing at shooting range," latimes.com, December 7, 2015.

¹¹ Tankersley and Martinez, "San Bernardino shooter."

¹² <http://www.city-data.com/city/Redlands-California.html>.

¹³ "2015 San Bernardino attack," wikipedia.com, October 5, 2016.

¹⁴ "Wahhabism," wikipedia.com, accessed October 5, 2016.

¹⁵ Shashank Bengali and Aoun Sahi, "Where San Bernardino shooter Tashfeen Malif went to school to learn about Islam," latimes.com, December 7, 2015.

about 90 pounds) and thus unable to carry the weapon or wear a vest—a contention disproved by police and witness accounts.¹⁶

She was not on any list of potentially-radicalized people by the FBI or any other U.S. intelligence groups. However, it is unknown if she was the turning point in Farook's religious views, turning him from a peaceful follower to a radicalized, or violent, one. The FBI released a statement claiming that online messages between the two as far back as late 2013 show they were beginning to feed each other these toxic ideals. However, the FBI also stated that Farook was involved in a plot as early as 2011 to shoot up a cafeteria at Riverside Community College and cars stuck in rush-hour traffic on Route 91 in Corona, California. This plan was evidently not carried out.¹⁷

Though ISIS claimed responsibility for the attack, there is no evidence to suggest the group initiated or directed Farook or Malik by any means. There was also a discrepancy between two different online radio broadcasts. In one, ISIS described them as “supporters” of the cause, but in another, they were described as “soldiers of the caliphate,” which could be taken to suggest they were members. Additionally, Farook under an alias on Facebook and Malik under her own name, had made Facebook posts pledging allegiance to the leader of ISIS, Abu Bakr al-Baghdadi, a few days before the attack. The FBI did not explain how they knew the post under the alias belonged to Farook.¹⁸ It was determined they were not associated with a terrorist cell.¹⁹

3. Motivation

After thorough investigation, FBI Director James B. Comey determined Farook and Malik were “homegrown violent extremists [who were] inspired by foreign terrorist organizations.” Through extensive research into their lives together, including digging through their correspondence prior to meeting in real life, it was discovered that Farook and Malik had messaged about the fame and pride associated with jihadism and martyrdom as early as 2013. In fact, Farook's online dating profile expressed his desire to meet someone who “takes her religion very seriously and is always trying to improve her religion,”²⁰ so Farook may have been attracted to Malik's depraved view of Islam. It is believed that during their trips to Saudi Arabia, they consumed even more extreme material and continued their radicalization. It is important to note that their trips to Saudi Arabia and the beginning of their plans for some type of jihadist attack began before ISIS formed. Thus ISIS may have been an inspiration to some extent, but it was neither the initial nor the sole source of inspiration.²¹

Though it is likely Farook was radicalized well before he met Malik, it is highly likely they inspired each other to commit the act together, almost in a depraved act of love. As they were both religious and discussed jihadism in depth

¹⁶ Tankersley and Martinez, “San Bernardino shooter.”

¹⁷ “2015 San Bernardino attack,” wikipedia.com, accessed October 5, 2016.

¹⁸ Tankersley and Martinez, “San Bernardino shooter.”

¹⁹ “2015 San Bernardino attack,” wikipedia.

²⁰ Adam Nagourney, Ian Lovett, Julie Turkewitz and Benjamin Mueller, “Couple Kept Tight Lid on Plans for San Bernardino Shooting,” nytimes.com, December 4, 2015.

²¹ Tewfik Cassis, “A brief history of ISIS,” theweek.com, November 21, 2015.

with each other, it is valid to include their extreme form of Islam as a factor to this attack. One of the victims killed in the attack, Nicholas Thalasinis, a Messianic Jew, was a staunch defender of Israel. He denounced Islam, including, according to a co-worker, directly to Farook as recent as two weeks before the attack.²² It was also reported that Farook's father described him as being 'obsessed with Israel'." A former co-worker of Farook says, "I let the FBI know that, he didn't want to be in the United States. He had planned on leaving the United States. There were several occasions where I thought he was going to be leaving the United States." Farook said he wanted to move to Dubai: "Syed didn't want to be in the United States because he told me that him paying taxes was helping the United States support basically the war on Islam. The war on Muslims,"²³ Although Farook argued that Islam was a peaceful religion, this office dispute could have sparked a rage in him to begin planning an attack on his Thalasinis and his other co-workers.

4. Goals

Although the attack on the Inland Regional Center left several dead and many more seriously injured, it is evident that this was not the ending to Farook and Malik's wishes. They were capable and willing to harm even more people. After they were killed in the shootout with police, raids on their house revealed a copious amount of weapon ammo and explosives: 2000 9mm handgun rounds (which, however, could have been for the shooting range), 2500 .223-caliber rounds, tools for bombs, 12 pipe bombs, and seven other pipes that were likely going to be turned into bombs.²⁴

Since the suspects died in the shootout the same day as the attack, and since they left no explicit evidence explaining why they committed this heinous act, the trail of clues they did leave can only lead to speculation about their absolute goals. It is clear they believed in jihadism and martyrdom and that Farook, at least, apparently was obsessed about Israel. But since they planned an escape with a car rented four days in advance, brought bulletproof vests and other body armor, and stored many thousands rounds of ammunition and a dozen pipe bombs, it is highly likely they were looking to attack somewhere else had the police not found them or followed them.

On the other hand, by giving their son to Farook's mother the morning of the attack and withdrawing money from their account to support her,²⁵ it is clear they made preparations for the worst case scenario knowing the strong probability that they would not make it out alive.

It is also worth noting that with the 14 dead, nearly 25% of the San Bernardino county's public health officials were killed, making this a potentially strategic target in order to lessen the ability for the county to react to any other

²² Rocha, "San Bernardino victim."

²³ CBS News, "San Bernardino suspect was obsessed with Israel, father says," cbsnews.com, December 6, 2015.

²⁴ AP, "New Information: Lawmaker: Too soon to say if shooter radicalized," weau.com, December 4, 2015.

²⁵ Michael Daly, "San Bernardino: The Most Twisted Terrorist Plot Yet," thedailybeast.com, December 4, 2015.

attack they had planned. After the attack, Governor Jerry Brown declared a state of emergency for the county, since 35% of the public health employees were either killed or wounded in the attack.²⁶

5. Plans for violence

There remain discrepancies in the sources regarding when Farook began his path to radicalization. The FBI reported that in 2011 and 2012, Farook and his neighbor, Enrique Marquez Jr., planned a terror attack on the nearby Riverside City College and on the 91 Freeway using guns and bombs. The U.S. Attorney's office filed a complaint for forfeiture that revealed Marquez's admission to these plans as well as his ties to a group of men who had made plans to travel to Afghanistan in order to train with al-Qaeda, which ultimately ended in their arrests by the FBI. Because of the arrests, Farook and Marquez scrapped their plans, but it is evident that his self-radicalization began before he met Malik, at least to some extent.²⁷ It is unclear how dedicated Farook was to the plans in 2011, so it is very possible that Malik helped continue his self-radicalization.

Given Farook and Malik's intent on escaping from the police in their rented SUV, use of tactical-style armor and weapons, and the large stockpiles of ammunition and explosives found in their homes, it is reasonable to assume they planned on carrying out a much larger attack for a very long time. It is unknown whether the attack at the Inland Regional Center was always a target. As mentioned, Farook was in an altercation with one of his coworkers two weeks before. Additionally, one eyewitness told police that he left the training exercise seemingly upset, so something else may have happened that day that triggered him to target the holiday party in addition to their initial target, whatever that may have been. The only doubt with this theory is that he brought the backpack with an explosive in it to the training session and left it there. Some believe it was there to finish off first-responders.²⁸ However, it is possible that he accidentally brought the wrong bag to the training event, realized his mistake, and, knowing that their plans would be exposed if the bag were opened, conspired with Malik to add the Inland Regional Center to their list of targets for that day. The possibility of an additional target cannot be confirmed, but it is important to keep an open mind on the issue. At 10:59am, Farook returned to the Center with Malik, and the pair began shooting those inside. The shooting only lasted about 4 minutes killing 14 and seriously injuring 22. Farook and Malik fled the scene immediately, leaving a room of nearly 90 people in complete distress and confusion. At least one worker at the Center believed Farook was the one responsible, but this worker remains unknown.

The authorities handled this case with speed and, luckily, accuracy. It took only four minutes for the first-responders to arrive from the first call. Learning

²⁶ Sharon Bernstein, "California governor declares emergency in response to San Bernardino attack," yahoo.com, December 18, 2015.

²⁷ Richard K. DeAtley, "San Bernardino Shooting: Marquez had ties to 'California jihadists,' FBI says," pe.com, June 1, 2016.

²⁸ Melissa Chan, "San Bernardino Suspects Left Behind Failed Remote-Controlled Bomb," time.com, December 3, 2015.

from the Columbine school shooting, they did not wait before entering the building where they were expecting gunfire. They did not know who the suspects were or where they were, and upon learning of a potential suspect from a worker at the facility, they did not know whether it was a terrorist attack.²⁹

A security guard at the building saw the suspects fleeing, and gave the police the vital information that the attackers “wore black masks and military gear and took off in a black vehicle.” It was this information that helped confirm that Farook and Malik were indeed the suspects. At about 3:00pm, two investigators went to Farook and Malik’s house to see what they could discover. The investigators arrived at the apartment just as the rented SUV was rolling out of an alleyway, and one of them saw a man who matched Farook’s description through the window. Thus began the police pursuit of the suspects.³⁰

It was reported that a metal pipe stuffed with cloth in order to look like a pipe bomb, was thrown at the police during the chase, but investigation afterwards proved this to be a fake explosive. At one point during the chase, the two suspects stopped briefly at a stoplight in order to put on vests and ready their rifles. They then began to shoot at the police through their back window, and ended up stopping in a nearby residential neighborhood. Farook left the vehicle, still firing at police, but got shot in the side. He continued to shoot at police while on the ground, injuring one, and was then killed. Meanwhile, police continued to fire at Malik who was still firing at them from within the vehicle. She managed to injure one officer before being hit by several bullets and dying.³¹ The police certainly stopped something of larger from occurring by being prompt in their pursuit and thorough in stopping them in their tracks.

The police in the area blocked off traffic on many streets while the pursuit began. As Farook and Malik stopped in a residential neighborhood, tweets by the San Bernardino Sheriff’s Department told residents to stay indoors.³² There was also reports that a third shooter may have been involved and in the SUV with Farook and Malik. A third individual was arrested in the area, but was later released as the police determined there were only two suspects (this was proved by eyewitness accounts and forensic evidence).³³

Farook and Malik’s next-door neighbor, Marquez, was arrested as two of the weapons used in the attack were purchased (illegally) by him. He denied guilt of providing the weapons to them, but as mentioned, did admit to a previous plan of a terrorist attack with Farook years ago.

6. Role of informants

There were no informants or police operatives involved in this attack.

7. Connections

²⁹ Hurt, “San Bernardino Shooting.”

³⁰ Hurt, “San Bernardino Shooting.”

³¹ Hurt, “San Bernardino Shooting.”

³² abcnews, “San Bernardino Sheriff’s Department Advises Residents to Stay Indoors,” abcnews.go.com, December 2, 2015.

³³ Joel Athenbach and Sari Horwitz, “Some people won’t stop believing there was a third shooter at the San Bernardino attack,” washingtonpost.com, December 22, 2015.

Farook and Malik radicalized without the help of a terror group, but this does not exclude the help of others around them. There are two connections that stand out in this case, and each involves the radicalization of the two suspects.

One concerns Enrique Marquez Jr.'s ties to the group of men planning on traveling to Afghanistan to train with al-Qaeda. These men included Ralph Kenneth Deleon, Sohiel Omar Kabir, Arifeen David Gojali, and Miguel Alejandro Santana Vidriales, the latter two taking plea deals when convicted. Their plan was to kill Americans overseas with the help of al-Qaeda. Marquez' ties to this group helped lead him to plotting with Farook, potentially beginning Farook's radicalization.

Marquez was Farook's next-door neighbor, who converted to Islam in 2007. He did not attend mosque regularly, but reportedly would spend time in Farook's home reading radical propaganda, including *Inspire* magazine. It is unclear if Farook engaged in this propaganda as well, but it is also important to note that Marquez was initially a suspect in the attack because two of the weapons used were purchased by him. He was arrested, but eventually cleared for this specific crime, as he testified that he did not know they took them, and there was no evidence to prove otherwise.

The second connection regards Malik's time spent in Multan, Pakistan, where she attended the Bahauddin Zakariya University and the Al-Huda International Seminary, where women were taught ultra-conservative teachings of the Quran in Wahhabic Sunni-Islam. As previously mentioned, The *Los Angeles Times* reported that this seminary teaches anti-Western views that "could encourage some adherents to lash out against non-believers [of Islam]." It is important to add that the *New York Times* reported that the institute "teaches a strict literalist interpretation of the Quran, although it does not advocate violent jihad." Though the school and seminary did not directly advocate for extremist actions, the city of Multan has had heavy ties with jihadist activity, and there were likely many venues of "poisonous" schools of thought throughout her time here that aided her self-radicalization.

The FBI concluded, however, that Farook and Malik did not belong to any type of terrorist "cell" or "network," were not aided in any way by ISIS or any other terror organization, and hatched the plans for this attack by themselves.

8. Relation to the Muslim community

The attack stunned the Muslim community around the country. It was immediately denounced, and many Muslims were afraid of the retaliation that may occur against them in response to the attack. A few weeks after the attack, the Jalsa Salana Convention was held in Chino, California. In this, Muslims across the U.S. gathered at the Baitul Hameed Mosque to "deepen their Ahmadiyya Muslim faith." Not only was security stepped up to prevent any Islamophobic attacks, but the spokesman for Ahmadiyya's national organization, Harris Zafar, decided to send a message to the Muslim community. "As Muslims, we have to admit there is something wrong here." He wanted to make sure that no

other Muslims would feel the same desire to become radical as Farook and Malik.³⁴

Organizations that condemned the attacks include the Council on American-Islamic Relations, the Ahmadiyya Baitul Hameed Mosque, and the Islamic Society of Orange County.³⁵ Muslims from across the world formed a “Muslims United for San Bernardino,” and raised around \$152,000 to help the victims’ families.³⁶

The leader of the mosque Farook used to attend was in shock. He always described Farook as one of the more religious members, but one who would never begin a conversation. It is thought that his sudden abandonment of attending mosque once he got married could have contributed to his radicalization and perversion of the faith’s ideals.³⁷

9. Depiction by the authorities

Intelligence agencies across the country, including the FBI and the House Intelligence Committee, were hesitant to describe the attack as terrorism at first, saying it’s possible it could have been an incident of workplace violence, or possibly both.³⁸ They were careful to receive all of the facts before labeling it terrorism. This announcement that it was being investigated as terrorism was not made until two days later, on December 4.³⁹

The FBI made a valiant effort to recover all of the documents and messages between Farook and Malik dating back to 2013. They ran into issues with Apple concerning the ability to access the shooters’ iPhones, which Apple insisted would lead to a dangerous “backdoor” access for the government that was unprecedented and risky to consumers. An error during the investigation led to the potential loss of some data. The FBI asked San Bernardino (the owner of Farook’s iPhone) to reset the password to the shooter’s iCloud account. Unfortunately, the phone was then unable to backup recent data unless its password was entered. Since it was reset, some of the more recent files were lost, thus the information regarding another attack may have been stored in the phone, but will never be found.⁴⁰

Throughout everything, the authorities did a responsible job. There were more questions than answers at first, and they worked thoroughly to answer as many as possible. However, questions still remain.

10. Coverage by the media

³⁴ Cindy Chang, “San Bernardino shootings cast a somber tone over Muslim conference in Chino,” *latimes.com*, December 26, 2015.

³⁵ Lucy Westcott, “American Muslim Organizations Condemn San Bernardino Shooting,” *newsweek.com*, December 3, 2015.

³⁶ Teresa Watanabe, “American Muslims raise more than \$100,000 for families of San Bernardino shooting victims,” *latimes.com*, December 8, 2015.

³⁷ Thomas, “San Bernardino shooting suspect.”

³⁸ AP, “New Information: Lawmaker: Too soon to say if shooter radicalized,” *weau.com*, December 4, 2015.

³⁹ The Associated Press with CNBC, “FBI: Investigating Calif massacre.”

⁴⁰ www.latimes.com/business/la-fi-tn-apple-fbi-call-20160219-story.html, February 19, 2016.

The media, seemingly in a race to be the first to report what was going on, did not wait on facts to begin speculating what was going on. They faced especially heavy scrutiny for their quickness to get access to Farook and Malik's apartment once the FBI completed their initial investigation. It was reported that up to 100 journalists were in the apartment looking for anything to use for their reports. Paul Callan, a legal analyst for CNN, explained that "you have a contaminated crime scene now. They've turned a crime scene in a terrorist mass murder into a garage sale."⁴¹ Many journalists were accused of being unethical, as they paid off the landlord to gain access. Kerry Sanders of NBC News, was criticized for showing pictures of children and an up-close image of Farook's mother's ID. This was not illegal, but raised ethical standards questions.⁴²

11. Policing costs

In addition to two officers being injured during the attack and subsequent chase of suspects Farook and Malik, the department and city as a whole incurred many financial costs. It was reported that "The city has incurred up to \$1 million in unforeseen expenses—from the added cost of deploying police officers on extended shifts to responding to ultimately unfounded reports of new threats."⁴³ In fact, after the attack, classes at California State University, San Bernardino, and Loma Linda University were cancelled due to a bomb threat called in to the medical center where many of the victims of the attack were located.⁴⁴ The Los Angeles Unified School District cancelled classes on December 15 after a bomb threat was called in.⁴⁵

Because 35% of the county's public health officials were either killed or wounded in the attack, Governor Jerry Brown called in a state of emergency for the county, and called for assistance from other nearby counties. The *Press Enterprise* reported that, "On Tuesday, March 22, the San Bernardino County Board of Supervisors in a 3-0 vote unanimously approved an agreement for up to \$1.5 million with the California Association of Environmental Health Administrators to provide up to 30 temporary employees to 'perform a variety of professional environmental health activities'."⁴⁶

12. Relevance to the internet

The internet played a significant role in two different aspects of this case. The first aspect involves the meeting of Farook and Malik through the online

⁴¹ Scott Collins, "Media criticized for live TV coverage from home of San Bernardino shooters," *latimes.com*, December 4, 2015.

⁴² Joseph Ax and Dan Levine, "Reporters allowed into California shooters' home, FBI defends its search," *reuters.com*, December 4, 2015.

⁴³ Paloma Esquivel and Richard Winton, "San Bernardino seeks help to pay \$1 million in costs from shooting," *latimes.com*, December 15, 2015.

⁴⁴ Bryan Alexander, "Governor cancels capitol Christmas tree ceremony in wake of shooting," *usatoday.com*, December 2, 2015.

⁴⁵ Diana Crandall, Emma Brown, and Mark Berman, "Facing the same threat, schools in Los Angeles, New York take different tacks," *washingtonpost.com*, December 15, 2015.

⁴⁶ Alejandra Molina, "San Bernardino Shooting: County to hire temp environmental health workers," *pe.com*, March 22, 2016.

dating website, the second involves the FBI investigation after the attack that led to their conclusion that it was a terrorist attack but not linked to any terror groups.

Because Farook and Malik met through the internet, it is reasonable to claim that their internet interactions helped lead to the ultimate planning of this attack (and any other attack they may have been planning). Since there were no informants in the case, the internet had the sole purpose of connecting Farook to Malik; no other people were connected through this venue.

With the help of the internet, the FBI was able to uncover findings related to the connection between Farook and Malik and to determine that it was a terror attack by finding Facebook posts under an alias that pledged allegiance to the leader of ISIS a few days prior to the attack.⁴⁷ Additionally, it was discovered that Malik had sent private Facebook messages at least two times to a group of her Pakistani friends, saying she was a supporter of Islamic jihad and saying “she hoped to join the fight one day.”⁴⁸ This would have been solid evidence that Malik was a threat to the United States, but unfortunately it was not caught by intelligence agencies until after the fact. Still, it helped aid the investigation.

Because of the difficulty the FBI faced with Apple while trying to decrypt the iPhones of Farook and Malik, Senators Richard Burr and Dianne Feinstein, the chairman and ranking member of the Senate Intelligence Committee, are working on encryption legislation in order to force the cooperation by companies such as Apple when national security is involved with an investigation.⁴⁹

13. Are we safer?

There is strong evidence to suggest that Farook and Malik were planning a larger attack elsewhere, either later that day or soon after. Though they were shot dead a few hours after the attack, the police and FBI did not stop their investigation. They discovered that two of the guns used belonged to their neighbor, Enrique Marquez Jr., and promptly arrested him under suspicion of aiding them in their attack. Though he denied any knowledge of their plans and their use of his weapons, he was still charged for admitting to another terrorist plot with Farook from a few years back. This alone stopped at least one other dangerous person that had the potential to carry out an attack against the United States.

The police did a heroic job tracking and killing the shooters thus preventing any other senseless deaths. They also advised the community to remain indoors in an effective way. The first-responders, arriving just 4 minutes after the initial 911 call, were also extremely heroic that day.

14. Conclusions

The terrorist attack on the Inland Regional Center in San Bernardino, California, on December 3, 2015, was incredibly tragic. Up until the Orlando

⁴⁷ Tankersley and Martinez, “San Bernardino shooter.”

⁴⁸ Richard A. Serrano, “Tashfeen Malik messaged Facebook friends about her support for jihad,” latimes.com, December 14, 2015.

⁴⁹ Ellen Nakashima, “After terrorist attacks, the debate over encryption gets new life,” washingtonpost.com, December 9, 2015.

attack of June 12, 2016, it was the worst terror attack on U.S. soil since 9/11 and the largest mass shooting since the Sandy Hook Elementary shooting on December 14, 2012.⁵⁰

There were many lessons to be learned with this attack as the investigation continued, including how to track potentially dangerous people/terrorists. After discovering that Malik sent private messages to her friends on Facebook discussing her desire to join the jihadist movement in the future, it is clear that a stronger surveillance system to people's day-to-day internet activities could have benefitted the situation and put her on a watch list. Of course, any government surveillance into people's private lives has and will cause controversy. The proposed legislation by Senators Burr and Feinstein could help improve public safety if it would indeed aid the FBI with their investigations into potential suspects of terror crimes.

Based on the personal accounts of both Farook and Malik, it was impossible for those who knew them to have known something like this was going to happen. There is no black-and-white way to determine if your neighbor or coworker will one day decide to kill dozens of people. But this serves as a reminder to always be vigilant. If Farook did leave the training abruptly and visibly angry, as one witness reported, maybe there were other visible signs of derangement that morning. To the untrained eye, vigilance is the only valid defense.

It is important to note that Farook and Malik managed to remain unnoticed during the months or even years it certainly must have taken to plan this attack as well as others they might have planned but were unable to carry out. The terrorist watch list that the United States intelligence agencies use is not fool-proof, and there will be cases that go unnoticed such as this one. It is from here that the United States government must focus on ways to improve our safety to prevent and minimize the risk of falling victim to more attacks. The government has never ceased its efforts to do so, but it must be careful not to tread in dangerous water with the public and their private lives.

Donald Trump first proposed his infamous "Muslim ban" after this attack. This is an extreme notion, and a dangerous line to walk. He cited the Japanese internment camps as precedent for this type of legislation.⁵¹ It cannot be stressed enough that this type of hostility towards a group of people due to a few bad apples should not be tolerated, and that it will only lead to further divisiveness between groups. It has been reported that comments such as his, and Islamophobic actions that often occur after extremist terror attacks, have been used as a recruiting device for ISIS and other terror groups in the Middle East.⁵²

⁵⁰ "2015 San Bernardino attack," wikipedia.

⁵¹ <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration>, October 17, 2016. Steve Holland and Emily Stephenson, "Donald Trump urges ban on Muslims entering U.S.," reuters.com, December 8, 2015.

⁵² UK Politics, "David Cameron criticises Donald Trump 'Muslim ban' call," bbc.com, December 8, 2015. Tiffany Ap, "Al-Shabaab recruit video with Trump excerpt: U.S. is racist, anti-Muslim," cnn.com, January 3, 2016.

Case 78: Rochester Panhandler

John Mueller

December 2, 2016

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

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

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

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

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

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

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

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

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

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

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

Case 78: Rochester Panhandler

Cassandra Dula

November 29, 2016

1. Overview

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Nature of the adversary

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

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

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

¹⁰ "Rochester Man Charged with Attempting."

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

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

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

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

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

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

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

¹⁸ Craig and Sharp, "Alleged ISIS sympathizer."

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

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

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

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

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

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

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

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

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

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

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

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

²⁷ Craig and Sharp, “Alleged ISIS sympathizer.”

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

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

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

3. Motivation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Goals

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

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

5. Plans for violence

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Role of informants

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

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

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

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

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

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

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

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

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

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

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

7. Connections

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

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

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

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

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

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

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

8. Relation to the Muslim community

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

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

9. Depiction by the authorities

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

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

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

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

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

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

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

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

⁵⁷ "Rochester Man Charged with Attempting."

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

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

10. Coverage by the media

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

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

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

⁵⁸ "Rochester Man Charged with Attempting."

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

⁶⁰ "Rochester Man Charged with Attempting."

⁶¹ Craig and Sharp, "Alleged ISIS sympathizer."

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

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

⁶⁴ Craig and Sharp, "Alleged ISIS sympathizer."

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

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

11. Policing costs

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

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

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

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

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

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

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

⁶⁹ "Rochester Man Charged with Attempting."

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

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

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

12. Relevance of the internet

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

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

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

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

13. Are we safer?

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

⁷¹ "Rochester Man Charged with Attempting."

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

⁷³ "New York Man Pleads Guilty to Conspiracy."

⁷⁴ "New York Man Pleads Guilty to Conspiracy."

⁷⁵ "New York Man Pleads Guilty to Conspiracy."

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

⁷⁷ "Neighbors speak about Emanuel Lutchman."

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

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

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

14. Conclusions

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

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

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

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

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

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

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

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

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

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

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

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

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

⁸⁴ Rogan, "Jihadism Online."

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

Case 85: Florida Synagogue

John Mueller

November 11, 2020

On April 30, 2016, James Gonzalo Medina was arrested as he marched toward a synagogue in Aventura, Florida, with a bogus bomb supplied by the FBI in his possession.

At the time, the country, and much of the world, was alive with concern about a new terrorist group, Islamic State or ISIS, that had emerged two years earlier when it took over Iraq's second-largest city, Mosul. When western countries, including the United States and France, responded to Islamic State's brutalities with air attacks, the group summarily beheaded several Western hostages and webcast the murders. This proved to be supremely counterproductive as outrage soared in the hostages' home countries and around the world.

There was also concern that ISIS would, as it threatened, send some of its soldiers to Western countries to commit terrorism there. Such returnees did do so in a set of coordinated attacks in France in November 2015 and in a bombing at the Brussels airport just a few weeks before Medina went into action in Florida. Concerns that this would set a pattern proved to be faulty, however. In fact over the next years, no returnees committed terrorism in the west or were arrested for planning to do so.¹

As discussed on pp. 2-3 above, ISIS also urged its supporters abroad to commit acts of terrorist violence in their home countries. Dozens of people responded to the challenge. Indeed, almost half of all the cases noted in this book that took place in the 2015-2017 period had some connection to ISIS—though this declined greatly in the next years as ISIS was pushed back and eventually defeated in the Middle East.

Most of the responders were simply inspired by the call from ISIS, and none were fighters who infiltrated or returned to the United States. The ISIS connection in this case is particularly tenuous. As David Isaly, a Cato intern when he wrote this case study, points out, if Medina had been operating alone, he might never have made any connection at all: it was the infiltrating FBI operative who suggested he credit ISIS. The idea was certainly sensible: proclaiming an ISIS connection would guarantee much more publicity. At the time, the media were canny about weaving references to the arrestingly diabolical ISIS into any story about terrorism because it was such a good audience-grabber.² Indicative perhaps is an episode in 2015 in which a woman in Salem, Illinois, misunderstood a telephone message stating that retired minister Michael Ice and his wife were

¹ For an extended discussion, see John Mueller, "What Happened to the Islamic State Foreign Fighters That Had Returned to Europe?" nationalinterest.org, November 5, 2018 [pdf with additional materials](#)

² For a discussion, see John Mueller, *The Stupidity of War: American Foreign Policy and the Case for Complacency*. New York: Cambridge University Press, 2021, 130-34.

coming to her church, and called the Sheriff to report with alarm that “the ISIS” were coming.³

For the rest, as Isaly notes, Medina, a Muslim convert, was mentally ill, and had a cyst on his brain. After multiple examinations, however, he was deemed sane enough to stand trial. He also had a substantial record of criminal violence and of making violent threats. He was impelled into plotting terrorist violence, it appears, by a chance conversation with a Jewish woman who said that, since he was a Muslim, she feared he would want to kill her. His conclusion: “I’m thinking yeah man, I want to.” Somehow, by bombing a synagogue in Florida, he concluded that he would “strike back for all the wars.”

Medina did apparently have access to firearms. The informant, who might have been the person who first brought Medina to the FBI’s attention, artfully convinced him to use the bomb instead.

³ Bruce Kropp, “ISIS Not Coming, But The Ice’s Are,” WJRadio.com/LocalNews, February 23, 2015 [pdf](#)

Case 85: Florida Synagogue

David Isaly

July 23, 2020

1. Overview

On April 30, 2016, authorities in South Florida apprehended James Gonzalo Medina for attempting to place a bomb outside a synagogue in Aventura. He had conspired with multiple individuals to attack the place of worship, but amongst them was an FBI confidential human source (CHS), or an informant, who helped Medina procure a fake bomb from another FBI operative, as well as plan the attack.¹ A convert to Islam, Medina maintained a highly bigoted perception of Jewish people, and a desire to retaliate against the United States and Jews for unspecified wars and conflicts. When he eventually sought to execute the plan, the police arresting him as he approached the synagogue.

The investigation had begun a month earlier in March of 2016 due to Medina's "suspected desire to attack a Jewish center/synagogue in Aventura, Florida."² Medina and two of his "associates"³ had been having discussions regarding a possible attack, but, unbeknownst to them, an informant was recording their conversations on behalf of the FBI. As a plan developed, Medina initially wanted to attack the synagogue using AK-47 rifles acquired from one of his associates, Tayyab Tahir Ismail.⁴ However, the informant instead suggested to Medina that he use a bomb in order to avoid being killed or captured by authorities. Medina approved of the idea, and the informant also suggested that they attribute the attack to ISIS. Medina viewed the attack as a "wake up call" for both America and the Muslim community.⁵ The informant eventually connected Medina with an undercover FBI agent (UCE), who first gauged Medina's willingness to launch the attack, and then assured Medina he would be provided with the fake bomb.⁶ A little over a week later, Medina met with the undercover agent, and was then arrested as he approached the synagogue. Medina required multiple evaluations of his mental competency for trial, but was eventually found competent. Medina came to an agreement with the state in November 2017 stipulating that he would get the treatment he needed for his mental health issues, including surgery if needed, as well as a maximum of 25 years of incarceration.⁷

The following year, the FBI arrested Tayyab Ismail for posting instructions regarding bomb making on an online extremist forum.⁸ The FBI

¹ United States of America v. James Gonzalo Medina, *Affidavit*, United States District Court Southern District of Florida, April 30, 2016.

² U.S. v. Medina, *Affidavit*, 2.

³ The FBI's affidavit uses the term "associate" to describe Medina's friends or colleagues. I use "associate" throughout the case study.

⁴ U.S. v. Medina, *Affidavit*, 4.

⁵ U.S. v. Medina, *Affidavit*, 9.

⁶ U.S. v. Medina, *Affidavit*, 14.

⁷ United States Attorney's Office, Southern District of Florida, "Florida Man Sentenced to 25 Years in Prison for Hate Crime for Conspiring to Attack Florida Synagogue," The United States Department of Justice Website, November 28, 2017.

⁸ United States of America v. Tayyab Tahir Ismail, *Affidavit* United States District Court Southern District of Florida, December 18, 2013.

interrogated Ismail shortly after Medina's arrest, leading him to voluntarily surrender the firearms that Medina had originally intended to use in the attack on the Synagogue.⁹ The affidavit regarding Ismail revealed that Medina had resided with him in the year prior to the attack, and the two men had discussed topics relating to Islamic extremism.¹⁰ The document also stated that Ismail had conducted firearm training with Medina.¹¹ These more recent revelations introduced new information regarding Medina's radicalization, and the FBI's overall conduct.

2. Nature of the adversary

James Gonzalo Medina, also known as James Mohammed, a longtime resident of South Florida, lived a life troubled by tragedy and misfortune. Born in 1976, he is a U.S. citizen of Hispanic heritage and was 40 years old when he planned to attack the Aventura Synagogue in South Florida. Much of the information regarding Medina is unclear and difficult to follow. Medina's family has been the main arbiter of his life's narrative, and though Medina had many issues with his relatives, he himself would likely agree that their depiction of him was accurate. Medina fit the mold of a potential terrorist in America in many ways, namely his strenuous circumstances and unfortunate history. He does show some anomalous characteristics, however, namely his conversion to Islam and the peculiarities of his mental condition.

According to his cousin, Medina was born in New York, and eventually moved to South Florida as a teenager.¹² He was soon married and had a child around 2005.¹³ He stated in court that he used to be a glazier.¹⁴ Unfortunately, everything changed for Medina in 2007 when he got into a violent car crash that left him in a coma.¹⁵ Soon thereafter, a cyst was found growing in his brain, and after he eventually regained his functionality, his personality was severely altered.¹⁶

Medina became obsessed with religion and the Bible, as he still identified as a Christian at the time.¹⁷ He began to engross himself in news coverage relating to "world events, including terrorism and Muslim conflicts."¹⁸ Medina's wife stayed with him for almost five years after the accident, but with his mental health deteriorating, she filed for divorce around 2014 and Medina converted to Islam shortly after.¹⁹ He lost custody of his child in the divorce, and became

⁹ U.S. v. Ismail, *Affidavit*, 5.

¹⁰ U.S. v. Ismail, *Affidavit*, 4.

¹¹ U.S. v. Ismail, *Affidavit*, 4.

¹² Paula McMahan, "History of mental issues trail man in bomb plot," *South Florida Sun-Sentinel*, May 6, 2016.

¹³ WPLG Local 10, "Ex-wife shocked after James Medina accused of trying to blow up Jewish center," *YouTube* video, 1:26, April 5, 2018, <https://www.youtube.com/watch?v=ibH5IKqvSVM>.

¹⁴ McMahan, "History of mental issues trail man in bomb plot."

¹⁵ Paula McMahan, "Synagogue bomb plotter gets help – and prison," *South Florida Sun-Sentinel*, November 29, 2017.

¹⁶ McMahan, "History of mental issues trail man in bomb plot."

¹⁷ McMahan, "History of mental issues trail man in bomb plot."

¹⁸ McMahan, "History of mental issues trail man in bomb plot."

¹⁹ McMahan, "Synagogue bomb plotter gets help – and prison."

estranged from his relatives. Many of his family members expressed doubts about his ability to launch a violent attack due to his condition. Around these years, his relatives had him committed to psychiatric institutions twice.²⁰ Medina also found himself in court on multiple occasions for arrests including armed robbery, assault, domestic abuse, stalking, and violating restraining orders.²¹

Around the time of the divorce, Medina sent a number of threatening messages to his family members. He texted one saying, "By next week, Ima bomb ya [curse word] ... Bring him! I will buy a gun [off] the street and rampage [family member's] church. Murder she wrote."²² By this point, he had received multiple restraining orders, even one from his mother.²³ The courts found Medina mentally incompetent for two separate cases, and by this time, he had become unemployed, was homeless, and had developed a drug problem.²⁴ Though his behavior was erratic and his grasp on reality tenuous, his cousin, as well as a doctor who evaluated his competency for trial, agreed that he could maintain a grip on reality as long as he took the appropriate medication.²⁵ He frequented shelters, courtrooms and psychiatric institutions throughout these years of his life.

Some time around the summer of 2015, Medina became a close associate of Tayyab Tahir Ismail, a Pakistani-born U.S. citizen, who may have met Medina either at a Mosque or a homeless shelter. Ismail gave Medina a place to stay, and the two men discussed "radicalization and other related topics."²⁶ Ismail apparently "provided dogmatic justification for violent jihad and even conducted firearms training with Medina."²⁷ The FBI became suspicious of the pair soon after, and it was likely already interested in Ismail due to a previous incident in 2010 when he stated he was an "Al Qaeda soldier" at a homeless shelter.²⁸ The extent to which Ismail influenced Medina's perceptions and actions is obviously hard to measure, but the fact that the pair remained in close contact for almost a year suggests that it is likely that Ismail either had a strong effect on Medina's world view, or that Medina already agreed with him.

In the months before his arrest, Medina continued his relationship with Ismail, and was reported to the FBI by a confidential informant for wishing to attack a synagogue with AK-47s which belonged to Ismail.²⁹ Though he was implicated in the attack, Ismail seemed far more hesitant than Medina about actually going through with the plan. After Medina's arrest, the FBI questioned Ismail, and he was subsequently released.³⁰ Medina was evaluated as competent

²⁰ Paula McMahan, "Bomb plot case likely to focus on man's health: Question of mental state key, lawyer say," *South Florida Sun-Sentinel*, May 11, 2016.

²¹ McMahan, "Bomb plot case likely to focus on man's health;" McMahan, "History of mental issues trail man in bomb plot."

²² Linda Trischitta, "Coral Springs," *South Florida Sun-Sentinel*, August 21, 2012.

²³ McMahan, "Bomb plot case likely to focus on man's health."

²⁴ McMahan, "Bomb plot case likely to focus on man's health."

²⁵ U.S. v. Medina, *Order Finding Defendant Competent to Stand Trial*, 1.

²⁶ U.S. v. Ismail, *Affidavit*, 4.

²⁷ U.S. v. Ismail, *Affidavit*, 4.

²⁸ U.S. v. Ismail, *Affidavit*, 3.

²⁹ U.S. v. Medina, *Affidavit*, 2, 4.

³⁰ U.S. v. Medina, *Affidavit*, 15.

to stand trial, and in his plea deal, the state agreed to give Medina the medical care he needed, including surgery for the cyst in his brain.³¹

3. Motivation

Medina's motivations for the attack are hazy and poorly thought out. He made multiple anti-Semitic remarks during the investigation, and clearly viewed Jews negatively. While speaking with the informant, he explained "that if he would conduct an attack he would want to do it at a synagogue because Jewish people are the ones causing the world's wars and conflicts."³² He further stated, "attacking one synagogue would give hope and light to other Muslims in America," later adding that the attack "allowed them to 'strike back to the Jews, by going to a synagogue and just spraying everybody ...'cause we're Muslims you know what I mean? It's a war man and it's like it's time to strike back here in America."³³ While speaking with the informant and the undercover agent, Medina recounted an interaction he had had with a Jewish woman while coming to meet them. She told him that she was afraid of Muslims, and after he explained that he was a Muslim, she said that she feared he would kill her.³⁴ He then said, "but it made me just think more that, you know, it just, when she said that you will kill me, I'm thinking yeah man, I want to. You know what I mean? I really do."³⁵ From his conversations with the informant, one can see that he believed that Muslims needed to retaliate against Jews.

Medina also mentioned unspecified wars as a primary motivation. After telling his story of the Jewish woman, he said, "[Y]ou know, we're, we're just getting bombed for no reason, and it was time to get out."³⁶ Later, the undercover agent asked why Medina wanted to carry out the attack and he responded, "because I realize that I have a lot of love for Allah. And I know that all these, all these wars that are going on, it hurts me, too. You know? It's my call of duty. I gotta get back, when I'm doing this, I feel that I'm doing it for a good cause for Allah."³⁷ During his arrest, Medina stated that "his motivation was to strike back for all the wars."³⁸ Though Medina's reasons seem clear enough, they are not particularly coherent.

From the affidavit alone, one could conclude that everything Medina said was perhaps not articulate or detailed, but it was at least internally consistent. He believed Jews caused the world's conflicts, thus were attacking Muslims, and thus needed to be confronted. Though his logic is both faulty and bigoted, there was some sort of thought process guiding his actions. However, upon reviewing Medina's circumstances and history, one could come to a different conclusion. Medina did not once mention the foreign policy of the United States or Israel in the entire affidavit, and there was no mention of the Israeli/Palestinian conflict

³¹ McMahan, "Synagogue bomb plotter gets help – and prison."

³² U.S. v. Medina, *Affidavit*, 5.

³³ U.S. v. Medina, *Affidavit*, 5.

³⁴ U.S. v. Medina, *Affidavit*, 10.

³⁵ U.S. v. Medina, *Affidavit*, 10.

³⁶ U.S. v. Medina, *Affidavit*, 10.

³⁷ U.S. v. Medina, *Affidavit*, 10-11.

³⁸ U.S. v. Medina, *Affidavit*, 14.

either, a topic that many Islamic extremists cite as a motivation for attacks. He had a history of violence and making threats, once texting a family member that he would bomb or shoot up a church in 2012. He had been homeless and unemployed for multiple years before the attack, and was likely frustrated with the state of his life.

In the year before the attack, he periodically lived with Tayyab Ismail who either radicalized him on his own or assisted in it after the fact. Ismail gave Medina firearms training, and he often spoke with him about radical topics. Statements from Medina's family suggest that it would likely have been quite clear that Medina was mentally ill to Ismail. Without Ismail's guidance and resources, it is unclear whether Medina could have pulled off any sort of attack. Ismail could have seen Medina as a surrogate to launch the attack, exploiting his obvious mental instability.

With all of the evidence in mind, it is possible that Medina wanted to attack the synagogue because he was simply a violent and angry person. Attributing his motivations to anti-Semitism is a reasonable assessment, as he clearly harbored negative feelings towards Jewish people, but it adds a layer of complexity that may not exist. Given the fact that he threatened to attack a place of worship four years prior to the plan, clearly lacked concrete knowledge regarding conflicts in the Islamic world, spent large amounts of time with someone already radicalized, and was plainly an angry man, one could conclude that his primary motivation was to lash out against his circumstances, choosing the most convenient target for his personal narrative at the time.

4. Goals

Much like his motivations, Medina's goals for the attack are hazy and incoherent. Medina believed that the attack would be ““a wake up call,””³⁹ saying, “I wanna see it make the news... I wanna see it go worldwide with now all the Muslims realizing you know, when it's our time... Next thing you know it will be in California, Washington, and the brothers are saying you know, it's our time now.”⁴⁰

One of the reasons Medina liked the idea of attributing the attack to ISIS was because he thought “ISIS here in America” would become nationwide news and inspire other Muslims to also attack.⁴¹ In videos he made right before the attack, he said, “I am a Muslim and I don't like what is going on in this world,” and “today is gonna be a day where Muslims attack America.”⁴² Medina thought that by attacking the synagogue, he could send a message to both America and Muslims.

Medina's goals, though inarticulate, seem to follow the general pattern of many similar attackers. A “strike” against the synagogue would, in his mind, be the spark to inspire other Muslims in America to also attack. Medina seemed to be infatuated with how the media would portray the attack. Perhaps he was interested

³⁹ U.S. v. Medina, *Affidavit*, 9.

⁴⁰ U.S. v. Medina, *Affidavit*, 7.

⁴¹ U.S. v. Medina, *Affidavit*, 4.

⁴² U.S. v. Medina, *Affidavit*, 14.

in how he would be viewed by the general public. He also showed a clear desire to witness the explosion from a nearby shopping center.⁴³ Medina wanted to create a spectacle that would rouse the Muslim community into some sort of fundamentalist fervor. This does not seem to be a realistic outcome: similar attacks that were successful in the United States do not seem to have inspired such sentiments.

5. Plans for violence

The FBI investigation into Medina officially began in March of 2016, and seems to be somewhere early in the planning of the attack. Medina was reported to the authorities for his threats against the synagogue, but at the time, he still did not have a concrete plan. The investigation picked up on March 27, 2016, when Medina met with two associates and an FBI informant in the Aventura area. They discussed the synagogue, and mentioned, “staking it out.”⁴⁴ A few days later, Medina and the informant drove to the synagogue, and Medina expressed a desire to “bomb them.”⁴⁵ Medina confirmed that he wanted to use AK-47 assault rifles to attack the synagogue, and the informant suggested that he attribute his actions to ISIS.⁴⁶

Soon after, the informant told Medina that he should not use the AK-47s because they could be traced and that he knew someone who could get untraceable weapons.⁴⁷ Medina and the informant then picked up one of Medina’s associates, and they developed an escape route to be used after the attack.⁴⁸ Over a week later, Medina and the informant agreed that more surveillance was necessary and that Medina should use a bomb. The discussion then turned to where the bomb would be placed, with Medina suggesting putting it in the synagogue’s bathroom.⁴⁹ On April 16, 2016, Medina and the informant traveled to the synagogue in order to finalize the escape route. They then made sketches of the synagogue and discussed Medina’s enthusiasm to kill as many people as possible.⁵⁰ Regardless of the precise details, Medina wanted to attack the synagogue while it was in service in order to maximize casualties. This scenario was very realistic, as Medina had easy access to firearms, so the informant’s ability to convince Medina to use a fake bomb neutralized the threat he posed.

On April 20, 2016, the informant met with Medina and introduced him to an undercover FBI agent. Medina expressed his wish to acquire an explosive from him, and the agent gauged Medina’s willingness to launch the attack.⁵¹ Eventually, the undercover agent confirmed that he would assist Medina with the plan. The next day, the three men met again, finalizing the plan of attack and

⁴³ U.S. v. Medina, *Affidavit*, 6.

⁴⁴ U.S. v. Medina, *Affidavit*, 2.

⁴⁵ U.S. v. Medina, *Affidavit*, 4.

⁴⁶ U.S. v. Medina, *Affidavit*, 5.

⁴⁷ U.S. v. Medina, *Affidavit*, 5.

⁴⁸ U.S. v. Medina, *Affidavit*, 6.

⁴⁹ U.S. v. Medina, *Affidavit*, 7-8.

⁵⁰ U.S. v. Medina, *Affidavit*, 9.

⁵¹ U.S. v. Medina, *Affidavit*, 10.

escape route.⁵² For the attack, Medina had made a leaflet that had a photo of the ISIS flag on it, as well as the words, “ISIS in America.”⁵³ Finally, on April 29, 2016, Medina met the undercover agent in a parking lot near the synagogue.⁵⁴ They then drove to it, and the agent handed Medina the fake bomb, which was concealed in a backpack.⁵⁵ He was given instructions on how to use it, and then exited the car and approached the synagogue. On his way, authorities took him into custody, ending the plot.

Treatment for Medina’s mental condition, as well as evaluations of his competency, delayed his hearings, and it took 18 months for a plea agreement and judgment to be negotiated.⁵⁶ Medina was known for not taking his medication,⁵⁷ and that became a major factor in regard to his competency. After two separate evaluations, with one finding him competent and the other not, a final evaluation found that Medina was competent, but recommended that his medication be revised.⁵⁸ The doctor who previously found Medina to be mentally incompetent later said that Medina’s condition would likely improve with proper treatment and medication.⁵⁹ Medina’s legal representation brought up the possibility of an entrapment defense, but it shortly became clear that this strategy would not stand up against the strong evidence put together by the FBI.⁶⁰ Medina came to an agreement with the state in November 2017 stipulating that he would get the treatment he needed for his mental health issues, including surgery if needed, as well as a maximum of 25 years of incarceration.⁶¹

In terms of defensive responses to the attack, the informant did well in convincing Medina that the attack would be more sensational if he used a bomb. It is unclear if there was anything the synagogue could have done to prevent such an attack besides good vigilance. Medina visited the synagogue for reconnaissance on multiple occasions, but was never questioned or seen as suspicious. However, the fact that the FBI was still alerted to Medina’s plan means that the correct channels for this type of situation were engaged appropriately.

6. Role of informants

The informant in Medina’s case certainly helped direct his actions, but Medina would have likely moved ahead with an attack regardless. Though he was known for making baseless threats, his criminal history definitely suggests he has occasionally gone through with the violent acts that he said he would. The only

⁵² U.S. v. Medina, *Affidavit*, 13.

⁵³ U.S. v. Medina, *Affidavit*, 14.

⁵⁴ U.S. v. Medina, *Affidavit*, 14.

⁵⁵ U.S. v. Medina, *Affidavit*, 14.

⁵⁶ Press release

⁵⁷ McMahan, “History of mental issues trail man in bomb plot.”

⁵⁸ United States of America v. James Gonzalo Medina, *Order Finding Defendant Competent to Stand Trial*, United States District Court Southern District of Florida, March 23, 2017.

⁵⁹ U.S. v. Medina, *Order Finding Defendant Competent to Stand Trial*, 1.

⁶⁰ McMahan, “Synagogue bomb plotter gets help – and prison.”

⁶¹ United States Attorney’s Office, Southern District of Florida, “Florida Man Sentenced to 25 Years in Prison for Hate Crime for Conspiring to Attack Florida Synagogue,” The United States Department of Justice Website, November 28, 2017.

information available concerning the informant is about his immediate actions during the investigation. His identity is unknown, nor it is known how he came to meet Medina. From context clues, it is likely that the informant had known Medina before the investigation, and that he was the person who reported him to the FBI. Medina was clearly comfortable enough with him to share the plans for the attack and to include him in surveillance activities.

The informant suggested that Medina attribute the attack to ISIS and that he should use a bomb instead of rifles. Crediting ISIS for the attack was likely unnecessary, and did not seem to serve any specific purpose, although it did help sensationalize the investigation after the fact. However, suggesting that a bomb be used was a smart move because it nudged Medina away from using guns which he had access to. The informant was anonymous throughout the investigation, so understanding his motivations and thought process is hard to deduce. Whatever his nature may have been, his actions did not entrap Medina, and he likely helped prevent a tragic terror attack.

7. Connections

There is no evidence to indicate that Medina was connected to a foreign or domestic terror organization. Though he planned to credit the attack to ISIS, there was no connection between him and the group. In fact, it was not even his idea to make the attack look like it was connected to the Islamic State—it was the informant who originally suggested the idea. The informant also suggested “Shabaab,”⁶² a reference to al-Shabaab, an al-Qaeda affiliate in East Africa, but Medina seemed to like the idea of crediting ISIS. The Islamic State was constantly in the news after its summer offensive in 2014. There was some worry that extremist attacks would become commonplace throughout the West, especially after large-scale attacks in Europe in 2015 and 2016. The month before Medina’s plot, suicide-bombers attacked an airport and metro in Brussels, killing 32 people with more injured.⁶³

In the years leading up to the attack, Medina showed interest in conflicts regarding the Islamic world, and his cousin mentioned in an interview that he became obsessed with watching news coverage of world events including terrorism and “Muslim conflicts.” Medina’s knowledge of conflicts in the Islamic world and Islamic terrorist organizations is unclear, and he makes no specific reference to the role of the United States or Israel in those conflicts.

The affidavit against Medina mentioned two associates who knew of his plans and seemed to be complicit, at least to a minor degree, in them. The identity of one of them is known, Tayyab Tahir Ismail, but neither was arrested for knowledge of the plot. Though Medina had initially intended to use AK-47s provided by Ismail, the FBI chose to only apprehend Medina. After his arrest, his associates were approached by FBI agents and interviewed, saying that they had not intended to participate in the attack.⁶⁴ This would have been the end of the story, but in 2018, the FBI arrested Ismail for posting bomb-making instructions

⁶² U.S. v. Medina, *Affidavit*, 4.

⁶³ “Brussels explosions: What we know about airport and metro attacks,” *bbc.com*, April 9, 2016.

⁶⁴ U.S. v. Medina, *Affidavit*, 15.

to online extremist forums. Ismail would have likely understood that the FBI was still watching him after Medina's investigation, but he went ahead with his correspondences anyway.

Ismail's case revealed that Medina had been staying with him in the year before his plan to attack the synagogue, and he gave Medina firearms training. This information poses two serious questions to contemplate: how much did Ismail influence Medina to launch the attack, and what connections did Ismail have? It appears that Ismail was only in contact with extremists online, and the FBI did not point out any serious connections to foreign terrorists.⁶⁵ The FBI described this online community as consisting of "members who support violent jihad."⁶⁶ It is unclear what became of Medina's other associate, but as of now it looks like there was no greater network of extremists.

8. Relation to the Muslim community

Medina's commitment and devotion to Islam is uncertain. His ex-wife said in an interview, "when we were together he was very religious," but he was still a Pentecostal Christian at the time.⁶⁷ His cousin reiterated this by saying that after the car accident, he became obsessed with religion and the Bible. During the investigation, one of his associates told the informant that, "it's not like he's not religious."⁶⁸ Finally, while confirming his desire to continue with the attack, Medina said "'I realize that I have a lot of love for Allah. And I know that all these, all these wars that are going on, it hurts me, too. You know? It's my call of duty. I gotta get back, when I'm doing this, I feel that I'm doing it for a good cause for Allah.'" It is difficult to quantify what it means to be "very religious" in this context.

There is no evidence that Medina prayed five times each day or followed the other Pillars of Islam. It also should be noted that a true Islamic fundamentalist or extremist would, unlike Medina, likely not use fake letters that "resembles the letters of Arabic"⁶⁹ to symbolize the Shahada, a holy creed declaring one's belief in Allah, which can also be found on the ISIS flag. Medina showed some cursory knowledge of Islamic terms when he accidentally referred to the synagogue as "Masj," saying, "'the Aventura uh Masj uh Synagogue.'"⁷⁰ By "Masj," he most likely meant Masjid in this context, an Arabic term for Mosque which he may have picked up from other Muslims.

Medina's mosque attendance also seemed to be inconsistent. For a prior legal case, a judge ordered Medina to perform community service at a local Mosque, but the Mosque's Imam said that he never completed it.⁷¹ The Imam knew Medina and said that he had come to pray a few times three or four years before the plot, but Medina was not a member of the Mosque, and the Imam had

⁶⁵ U.S. v. Ismail, *Affidavit*, 21.

⁶⁶ U.S. v. Ismail, *Affidavit*, 2.

⁶⁷ WPLG Local 10, "Ex-wife shocked."

⁶⁸ U.S. v. Medina, *Affidavit*, 3.

⁶⁹ U.S. v. Medina, *Affidavit*, 4.

⁷⁰ U.S. v. Medina, *Affidavit*, 5.

⁷¹ McMahon, "History of mental issues trail man in bomb plot."

not seen him for about two years.⁷² He also said that Medina had seemed to be under the influence of drugs or alcohol and that he had told the Imam and his congregation that he was homeless and in need.⁷³ In response to Medina's arrest, the Imam said that he was glad that the FBI had monitored and caught Medina, and he affirmed that his congregation was against any kind of violence or terrorism.⁷⁴

Overall, Medina likely took religion seriously and was devoted to it in that sense. However, his commitment to following the teachings of the Qur'an, learning Arabic, or interacting with the local Islamic community certainly seems to have been limited. Medina's religious convictions were highly personal, and his relationship with Islam seems to have centered only on his identity as a Muslim. Indeed, Medina's Islamic identity was not founded on following the teachings of the Qur'an, but rather embodied what he thought a Muslim was.

9. Depiction by the authorities

The FBI depicted Medina as a potential terrorist who was definitely dangerous. The agency made no indication that Medina was any sort of mastermind or serious adversary, instead focusing on his strong willingness to conduct the attack as well as on his potential access to firearms. The affidavit does not mention Medina's mental health once but it was a crucial factor in his case. The Department of Justice's release regarding Medina's sentencing also made no mention of his mental health or of the provision in the sentence enabling him to receive treatment for it.⁷⁵

Although the FBI and Department of Justice could have elaborated more on Medina's mental illness, and although they certainly could have stated he would receive treatment provided by the state, the FBI overall demonstrated that Medina was a potential threat to the public. There was no question Medina could have launched a very realistic attack against the synagogue in Aventura, even if he was mentally unhealthy. A judge overlooking Medina's case remarked that steering Medina towards using a bomb was "probably a very wise investigative move" by the FBI.⁷⁶

Authorities thus readily provided crucial facts of the case, but excluded important contextual information that would be important for public knowledge.

10. Coverage by the media

In general, media coverage either sensationalized aspects of the case or criticized the FBI's tactics in apprehending Medina. This distinction followed partisan lines somewhat, with more generic or right-leaning outlets emphasizing the plot itself and left-leaning ones putting more emphasis on the role of the FBI or the DOJ. Many articles had headlines that made Medina's plot look more

⁷² McMahan, "History of mental issues trail man in bomb plot."

⁷³ McMahan, "History of mental issues trail man in bomb plot."

⁷⁴ McMahan, "History of mental issues trail man in bomb plot."

⁷⁵ United States Attorney's Office, Southern District of Florida, "Florida Man Sentenced to 25 Years in Prison for Hate Crime for Conspiring to Attack Florida Synagogue."

⁷⁶ McMahan, "Bomb plot case likely to focus on man's health."

complex than it really was: “Suspect in alleged Aventura terror plot planned to strike on Yom Kippur, FBI says,” “Feds Foil Florida Man’s Alleged Plot to Bomb Jewish Center ‘For All The Wars,’” or “Officials: FBI thwarts plot against prominent Florida Jewish center.” Medina was no mastermind, and even using the word “plot” potentially adds more substance to the attack than is justified.

Once past the headline, these articles generally state the facts of the case with some exceptions. Many focus on the possible ISIS connection, with some completely ignoring the fact that it was the informant who suggested crediting the attack to the Islamic State, not Medina. An article from CBS stated, “the FBI says Medina first talked about attacking the synagogue with AK-47 assault rifles and claiming it was an ISIS attack to ‘make it look like it’s ISIS here in America.’”⁷⁷ This is either bad journalism, or pure sensationalism. After ISIS’s dramatic 2014 summer offensive in Iraq, the group was a popular subject in the media that could easily generate press. Even though some observers had publicly noted as early as 2015 that the Caliphate would likely collapse within a few years or less, the subject remained popular for the media, especially given the high-profile attacks in Europe that were linked to the group such as the November 2015 attack in Paris and the March 2016 attack in Brussels.

Articles from the *New York Times* and *Vice News* found fault with the FBI’s practice of assisting potential terrorists, pointing to mental illness as a clear sign of possible manipulation, while CNN focused on the role of Jeff Sessions and the DOJ. The *Vice* article maintained that Medina was compelled by the FBI to move ahead with the attack, citing a former New Jersey prosecutor and FBI special agent as saying, “the affidavit makes it appear that the FBI did more than a little pushing to get Medina to develop the synagogue bombing plan.” The article also cites Trevor Aaronson, the executive director of the Florida Center for Investigative Reporting, as saying the FBI utilized entrapment, elaborating that “the most disturbing part is that most of these people seem to be mentally ill and do not have connections to overseas terrorists on their own.” The article goes on to cite a staff attorney for the American Civil Liberties Union’s National Security Project who suggested that this approach could both manufacture terror plots, and sow distrust in minority communities.⁷⁸

The *New York Times* article focused on the same aspects of the investigation, but added that it could isolate the Muslim community. The article cites a Muslim lawyer in Portland who represented several local men in terrorism-related cases as saying in regard to his Muslim friends, “Avoid the F.B.I like the plague...They’re definitely not an ally. That’s what the FBI does – They infiltrate.”⁷⁹ An article from CNN brought the focus away from Medina, rather scrutinizing Jeff Sessions and the government’s response to “bias-motivated crime.”⁸⁰ These articles provide thoughtful critiques of FBI tactics, but by

⁷⁷ “Florida Jewish center attack plot thwarted, feds say,” cbsnews.com, May 2, 2016.

⁷⁸ Benjamin Gilbert, “‘Make It Look Like It’s ISIS’: A Fake Bomb, a Would-Be Terrorist, and an FBI Sting in Miami,” vice.com, May 17, 2016.

⁷⁹ Eric Lichtblau, “F.B.I. Steps Up Use of Stings in ISIS Cases,” nytimes.com, June 7, 2016.

⁸⁰ Laura Jarrett, “DOJ secures guilty plea in attempted hate crime attack on Florida synagogue,” cnn.com, August 16, 2017.

misrepresenting aspects of the case and by focusing on partisan issues, maintain an air of sensationalism that is unnecessary in articulating both the facts and potential skepticism.⁸¹

11. Policing costs

The cost of the investigation itself was likely fairly low, while the overall cost of court hearings, treatment, and imprisonment was about standard or more. The investigation and arrest of Medina took about a month, and did not involve the complexities of many similar operations or last nearly as long. The amount paid to the informant is unknown, but it was likely standard, as there is no information to indicate otherwise. The only expenditure made in the investigation was that of the fake bomb, which was likely low cost.

Issues regarding Medina's mental health and competency seriously delayed court hearings, with the judgment occurring almost a full year and a half after his arrest. Medina eventually accepted a plea bargain, thus ending the case before it could go to trial and cutting down some of the costs of a lengthy stint in the courts. During the initial hearings, Medina required treatment for his mental illness and also received three separate evaluations of his competency, which could increase costs to some degree.

Part of the plea agreement stipulated that Medina would get full treatment for his mental health issues, and would be provided surgery for the cyst in his brain if necessary. After his treatment, Medina would be sent to serve the rest of his sentence in a normal prison. His treatment could run on the costly side, but once in prison, the state would be incurring the standard cost of incarceration.

12. Relevance of the internet

The Internet played virtually no role in this case. As Medina was homeless, his access to the Internet would have been limited. Though he spent much time with Tayyab Ismail, the affidavit did mention that Medina liked to create "movies" using the Internet, but the nature of these "movies" is not divulged or referenced again.⁸² Besides this, there is no mention of the Internet in the court proceedings.

13. Are we safer?

Though Medina was mentally ill, homeless, and confused, he was still a realistic threat to the public, and needed to be sequestered from society. If the FBI had not intervened, Medina might well have attacked the Synagogue with the AK-47s he had access to. Though he was known for idle threats, Medina still had a history of following through with at least some of his malicious statements—he had been charged with armed robbery, assault, domestic abuse, stalking, and violating restraining orders in previous years. Details about the plot before the FBI's investigation are unknown, but from the conversations with the informant,

⁸¹ Overall, the best reporting came from the Sun Sentinel in South Florida. Paula McMahon followed the case from start to finish and did thorough work. Her research on Medina was the main source I used for investigating his background.

⁸² U.S. v. Medina, *Affidavit*, 6.

one can conclude that the likelihood of attack was high enough to warrant the FBI's behavior. Perhaps if Medina had received the treatment he needed immediately after his accident, his life would not have unfolded the way it did. Regardless, his aggressive tendencies sharpened as his condition deteriorated, and by the time of the attack he had become a serious risk to both himself and others.

His original plan was frighteningly similar to attacks that have occurred in the past few years in multiple countries. There have been several cases of gunmen storming places of worship including mosques, churches, and synagogues. In 2018, for example, a gunman successfully executed an attack against a synagogue in Pittsburgh using an assault rifle.⁸³ Indeed, the judge said that Medina's plan was "reminiscent" of successful terror attacks seen at that time. Medina had even threatened a similar style attack against a church four years earlier, except in that case he did not have any clear access to weapons. Considering Ismail's long history of extremism and the fact that he conducted firearms training with Medina in the year prior, it is clear that Medina could have easily accessed Ismail's AK-47s for the attack. The informant and undercover agent repeatedly gauged Medina's willingness to execute the plan, and Medina always responded eagerly. The informant did steer Medina in a specific direction, but it is clear that Medina already had some semblance of a plan and the tools to potentially execute it. Medina did have a history of making baseless threats, but given his history of violence and obsession, as well as his clear access to firearms, one can see that he posed a serious threat to both the public and himself.

The FBI followed sensible logic during the investigation, and it acted accordingly. However, this case is not representative of the FBI's overall effectiveness, and their behavior could potentially lead to negative outcomes. As some in the media have pointed out, the FBI excluded many important details regarding Medina's case and background, such as how he came under their radar in the first place. Though the state agreed to facilitate Medina's treatment, the FBI glossed over his mental illness throughout the case when interacting with the public. The FBI's tactics could potentially be abused in order to inflate the agency's perceived effectiveness.

14. Conclusions

Medina was a dangerous individual, and overall, it is best that he spends time away from society for the safety of others and himself. The FBI successfully prevented a grotesque attack against the synagogue in Aventura. However, one should harbor some concerns about the FBI's conduct in regard to terrorism cases more broadly and about how authorities depict the suspects involved. Medina should not be seen as a terrorist, but instead as a victim of serious misfortune and mental illness. There is also the question of why the FBI deemed Tayyab Ismail safe to release after he had clearly assisted Medina with the plot. A lack of information made digging into these questions difficult, but one can clearly see that the details of Medina's case present more questions than answers.

⁸³ Campbell Robertson, Christopher Mele, and Sabrina Tavernise, "11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts," *nytimes.com*, October 27, 2018.

The FBI's general conduct brings up concerns of abuse and misrepresentation. As a shelter volunteer noted, what kind of terrorist is homeless? Medina was a danger to society, but representing him as a terrorist is misleading. Medina was a victim of poverty and mental illness. Ascribing his motivations to some notion of Jihad frames Medina as an unnecessarily complicated villain even though he was clearly not in a mental state where he could understand the ideological underpinnings of Islamic fundamentalism. His relationship with Islam seemed to be connected more to his identity as what he perceived a Muslim to be than as someone following the word of the Qur'an. Essentially, Medina was an amorphous religious zealot who eventually found Islam to justify his beliefs. His extreme mindset stemmed from his mental illness, and it definitely seems that his conversion to Islam was a domino in a far longer chain events.

It may be in the FBI's best interest to label any investigation similar to Medina's as a terrorist plot. Authorities ignored Medina's mental illness when speaking to the press and publicly treated him like a terrorist, but they clearly understood the aspects of his condition given the examinations regarding his competency and eventual plea bargain. The FBI likely wants to appear like it is effective in combatting Islamic extremism, and it will portray relevant cases in those terms as much as possible even if this practice glosses over crucial details. Elements of the media rightly pointed out that the FBI has been utilizing a strategy that bolsters its claim of fighting Islamic terrorism, as well as the fact that many similar cases are far less convincing than Medina's. Considering that there have been allegations of malpractice, perhaps the agency should augment how it handles these cases, and represent them with more clarity.

The FBI's overall effectiveness seems to be at least satisfactory, and it is plausible to suggest that the agency orients its investigations towards building cases that are unbreakable in court. Though there was likely evidence to arrest Ismail as well as Medina for the attempted attack, the FBI likely thought that it could put together a stronger case against Ismail if they monitored him and waited for something more concrete. This proved to work out, as the FBI apprehended Ismail two years after the investigation into Medina. The FBI's network of informants, and its ability to launch investigations across the entire United States, casts a wide net that is successful at catching potential threats, but it may also sometimes be entrapping vulnerable individuals who are susceptible to manipulation.

It is unclear if the FBI is investigating any other individuals related to Medina or Ismail, and it is possible that they are still watching Medina's unknown associate. Regardless, Islamic extremism does not seem to be a major threat in South Florida—or even in the entire United States. Medina's initial plans were simplistic and amateurish, but that inherently made them a greater threat to the public: the attack was very realistic and warranted the FBI's caution. A complex attack requires competence, but a simple and straightforward plot is far more realistic in regard to an attacker like Medina. It does not seem that Medina and Ismail were operating within a greater network of amateur extremists, but it is worth noting that Ismail still had a strong online presence, and he may have been

in minor contact with other like-minded individuals. However, the FBI seems to follow an approach of infiltration and observation, so it is fair to assume that it has its eyes on many of these forums.

It is worth complimenting the tactic of persuading Medina to use a bomb provided by the FBI as opposed to using the guns he already had access to. The FBI should thus only use this tactic when the suspect already has the ability to launch an attack. There is some room for interpretation, but overall this caveat should reduce concerns of entrapment while conserving resources. In cases where the suspect does not have a clear capability of launching an attack without assistance, the FBI should be hesitant in suggesting the use of a fake bomb. In order to ensure the safety and security of the general public, while also not infringing on its rights or civil liberties, the FBI must focus on those who show a credible threat to smaller, and more realistic, targets, and should influence them in a way that makes their actions dependent on the agency, as in Medina's case. There are of course cases where the individual may have more advanced capabilities, but the FBI's assessment of the threat should weigh the suspect's ability to launch an attack to the actual plan they have in mind. By rigorously assessing the nature of the threat and the possibility of its occurrence, while also maintaining a restrained network of surveillance, the FBI can narrow its investigations to suspects who possess credible capabilities to execute realistic attacks, avoiding those who are not as serious.

A larger lesson that can be gained from Medina's case is the necessity of sustaining a more robust system to identify people like Medina far sooner. Almost ten years elapsed between the time Medina suffered brain trauma and when he was eventually arrested. His condition deteriorated quickly throughout those years, and though he was committed to mental institutions, it seems possible that more could have been done to prevent the unfortunate series of events that lead to his twisted plot. However, what that may have looked like is unclear. The culpability of Medina's family in his neglect is uncertain. It would be unfair to assume that his relatives did not make a strong effort to help him as his wife still hung on to their marriage for five years after the accident. However, there is some evidence to suggest that his relationship with his family had been strained far before the car accident and the subsequent mental illness. Medina claimed in court that his family had hated him for 20 years.⁸⁴ And when he sent the threatening text messages about attacking a church in 2012, one family member had taunted him, perhaps justifiably, saying that he would never see his son again.⁸⁵ It is hard to tell what mechanisms should have been engaged to catch Medina earlier. He had been through the system on multiple occasions, but nothing seems to have prevented his desire to lash out.

Whatever lesson one draws from this case, it should be clear that Medina was an overall threat to society, and plausibly could have launched an attack against a place of worship. However, Medina should not be viewed as a terrorist as much as a victim of years of extended mental deterioration and poverty. This is not to say that what Medina planned to do was not a terrorist act, but can one

⁸⁴ McMahan, "Bomb plot case likely to focus on man's health."

⁸⁵ McMahan, "History of mental issues trail man in bomb plot."

honestly look at Medina's motivations and conclude that he was following some sort of higher political or theological calling? He was a man with serious mental health issues who had a history of lashing out.

Case 86: Orlando

John Mueller

December 12, 2016

A third grade teacher remembers Afghan-American Omar Mateen as being “verbally abusive, rude, aggressive” and a coworker of the adult Mateen calls him “unhinged and unstable.” Nevertheless, he was able at the age of 21 to get a job at a private security firm where he was trained on the use of firearms. He had a state-issued security guard license as well as a firearms license.

After being on this job for nearly nine years, Mateen calmly and legally purchased a Sig Sauer MCX rifle and a Glock 17 handgun for himself and used these a week later, on June 12, 2016, to murder 49 people in a raid on a gay Latino nightclub in Orlando, Florida. It was the deadliest shooting by a single gunman in American history.

The attack also more than doubled the number of people who have been killed in Islamist terrorist attacks in the United States since 9/11. Two were killed in 2002 (Case 4), 13 in 2009 (Cases 26 and 32), three in 2013 (Case 54), three in 2014 (Case 57), and 19 in 2015 (Cases 72 and 76), for a total of 40.

As Alex Rhodes stresses, Mateen’s motives for carrying out this massacre are murky. He was likely mentally unstable, had a history of committing violent acts against the two women he had married, had something of a steroid abuse problem, was quick to anger, and seems to have been strongly homophobic.

In addition, he often seemed, in the words of one official, “to be looking for any opportunity to associate with the terrorist group du jour.” At various points Mateen claimed to be the nephew of Osama bin Laden, to have friends and family members in al-Qaeda and Hezbollah, and to have connections with the Boston Marathon bombers and the Fort Hood shooter.

He had been investigated by the FBI a few years earlier about such ravings. It found that Mateen’s claims had no substance and concluded that he had no connection to any terrorist group. The investigation was dropped as it seemed, in the words of the Special Agent in charge, that Mateen was unlikely to “go postal or anything like that.” In all, concludes Rhodes “there was no reason to believe that Mateen would attempt to carry out a terrorist attack,” and this suggests that “at least some terrorist attacks, regardless of how large a threat they may pose, cannot be stopped by increasing surveillance.”

During the three-hour siege at the nightclub, Mateen told a hostage negotiator over the telephone on a recorded line that he wanted “America to stop bombing” because “a lot of innocent women and children are getting killed in Syria and Iraq and Afghanistan.” He also said that his actions were “done in the name of the Islamic State, even though it’s not fucking air strikes, it’s fucking strikes here, okay?” He proclaimed one of the Boston Marathon bombers to be his “homeboy” who “did his thing, okay, so now it’s my turn, okay?” He wanted to

be called “Islamic soldier” or “Mujahideen,” or “Soldier of the God,” and complained, “Look, you're annoying me with a lot of your phone calls.”¹

Shortly after he was shot to death by police, Mateen was finally admitted to the terrorist group du jour when Islamic State media proclaimed him to be “one of the soldiers of the caliphate in America.”²

Paul Pillar has observed that “groups such as ISIS are less prime movers of terrorism and more of a name and a cause to which radicals attach themselves to believe that they are acting on behalf of something larger than themselves and their own demons and grievances.”³ This observation may well fit a number of cases in this book, particularly some of the ones related to ISIS that began in 2014. In the case of the Orlando massacre, it seems strikingly appropriate.

November 12, 2020: Alex Rhodes’ case study was written only a few months after the terrorist attack in Orlando. In the aftermath, two additional issues surfaced. One was the arrest and trial of Omar Mateen’s wife on the charge of abetting his act, and the other concerned questions about the conduct of the police in the episode. These two issues are assessed in an appendix to the case written by Xiangrong Kong when she was an intern at the Cato Institute in 2020.

¹ “FL-OmarMateenTranscripts,” publicintelligence.net, June 12, 2016.

² Adam Taylor, “Omar Mateen may not have understood the difference between ISIS, al-Qaeda and Hezbollah,” washingtonpost.com, June 13, 2016.

³ Paul Pillar, “Felling ISIS and Racing Reality About Terrorism,” nationalinterest.org, November 1, 2016.

Case 86: Orlando

Alex Rhodes

December 12, 2016

1. Overview

On June 12, 2016, at around 2:00 am, Omar Mateen, a 29 years old US citizen and a trained gunman, entered the Pulse gay bar and nightclub in Orlando, Florida, with an assault rifle and pistol.¹ He opened fire on the crowd, killing 49 people and wounding 53 more.² Later that night, after a nearly three-hour long hostage situation, Mateen was killed by law enforcement officers during an exchange of gunfire immediately outside of the club's walls.³ Mateen's attack is the deadliest shooting by a single gunman in US history, the deadliest attack on gay people in US history, and the deadliest case of terrorism in America since the attacks on September 11, 2001.⁴ Evidence strongly suggests Mateen had no significant connections to ISIS or any terrorist organization.⁵ He had been under investigation by the FBI from May 2013 to March 2014 after he claimed to have connections to terrorist organizations, but suspicions were quelled when no evidence was found of any significant connection.⁶

While it is not entirely clear what motivated Mateen, there are several possible influences. It is clear that the internet played a role in his attack.⁷ It was suggested by someone who attended the same mosque as Mateen that he was inspired by "listening to the lectures of Anwar al-Awlaki, the charismatic Yemen-based imam who helped radicalize several Muslims, including the Fort Hood shooter."⁸ It is also likely that the attack was motivated in part by anti-gay beliefs that Mateen held.⁹ Mateen also claimed during a discussion with negotiators during the attack that he was triggered by airstrikes in Syria and Iraq, more specifically "the air strike that killed Abu Wahid."¹⁰ Mateen was mentally

¹ Lizette Alvarez, "Orlando Gunman Attacks Gay Nightclub, Leaving 50 Dead," *nytimes.com*, June 12, 2016.

² Alvarez, "Orlando Gunman Attacks."

³ Gal Tziperman Lotan, "Orlando mass shooting: Timeline of events," *orlandosentential.com*, June 13, 2016.

⁴ Tziperman Lotan, "Orlando mass shooting."

⁵ Spencer Ackerman, "CIA has not found any link between Orlando killer and Isis, says agency chief," *theguardian.com*, June 16, 2016.

⁶ Kevin Sullivan, "Troubled. Quiet. Macho. Angry. The volatile life of the Orlando shooter," *washingtonpost.com*, June 17, 2016.

⁷ Ed Pilkington and Dan Roberts, "FBI and Obama confirm Omar Mateen was radicalized on the internet," *theguardian.com*, June 13, 2016.

⁸ Mohammed A. Malik, "I reported Omar Mateen to the FBI. Trump is wrong that Muslims don't do our part," *washingtonpost.com*, June 20, 2016.

⁹ Pete Williams, "Gunman Omar Mateen Described as Belligerent, Racist and 'Toxic'," *nbcnews.com*, June 13, 2016.

¹⁰ "FL-OmarMateenTranscripts," *publicintelligence.net*, June 12, 2016.

unstable, and had a history of committing violent acts against his wife and ex-wife.¹¹ It is also likely that he was on steroids for a substantial amount of time before the attack, although no substances were found in his system during the autopsy following the shooting.¹² Mateen's attack continues to raise fear surrounding the true threat of ISIS and other terrorist organizations across the United States.

2. Nature of the adversary

Omar Mateen (originally named Omar Mir Seddique) was born on November 16, 1986 in New Hyde Park, New York.¹³ Both of his parents are Afghan. Mateen had a very troubled childhood; he attended elementary school and middle school in St. Lucie, Florida, where he was described by a third grade teacher at his school as being "very active... constantly moving, verbally abusive, rude, aggressive."¹⁴ The teacher remarked that Mateen would often "talk about violence & sex," and that he would often put his "hands all over the place—on other children, in his mouth."¹⁵ He was involved in "many instances of behavioral problems,"¹⁶ and was disciplined 31 times between 1992 and 1999 for disrespectful or violent behavior. Mateen eventually withdrew from St. Lucie County schools in 1999 after struggling in his classes.¹⁷ He ended up transferring school districts.

In tenth grade, on September 13, 2001, Mateen was suspended for five days after cheering for the terrorists who had carried out the attack on 9/11.¹⁸ Mateen's class had been watching the attacks on a television set in their classrooms. Robert Zirkle, a freshman at Martin County High School, the school Mateen attended, claimed that Mateen was excited that America was under attack. He recalls that on a day following the attack, Mateen "was making plane noises on the bus, acting like he was running into a building."¹⁹ At a later time, Mateen claimed to be the nephew of Osama bin Laden, which started a fight resulting in Mateen being escorted from the school. School personnel recall that despite all of

¹¹ Adam Goldman, Joby Warrick, and Max Bearak, "'He was not a stable person': Orlando shooter showed signs of emotional trouble," *washingtonpost.com*, June 12, 2016.

¹² Del Quentin Wilber, "Orlando gunman was HIV-negative, and probably a long-term steroid user, autopsy shows," *latimes.com*, July 15, 2016.

¹³ Kate Lyons, "Orlando shooting – as it happened," *theguardian.com*, June 13, 2016.

¹⁴ Mitch Weiss and Russ Bynum, "Records: Orlando gunman talked about violence in 3rd grade," *seattletimes.com*, June 17, 2016.

¹⁵ Weiss and Bynum, "Records: Orlando gunman."

¹⁶ Weiss and Bynum, "Records: Orlando gunman."

¹⁷ Kerry Burke, "Pulse nightclub shooter Omar Mateen was spurned by boyfriends, 'did it for revenge,' alleged ex-lover claims," *nydailynews.com*, June 22, 2016.

¹⁸ William Wan, "On 9/11, the Orlando shooter's classmates mourned. Some say he celebrated," *washingtonpost.com*, June 13, 2016.

¹⁹ Wan, "On 9/11, the Orlando."

the disciplinary measures carried out by the school and the letters home warning of Mateen's behavior, Seddique Mir Mateen, Omar's father, always chose the side of his son.²⁰

It is possible that Seddique had an impact on Mateen's ideological perspectives regarding the Taliban, ISIS, and violent means of resolving conflict. A financial broker, Seddique is said to be an ideological supporter of the Afghan Taliban.²¹ In 2010 he began a group known as Durand Jirga, Inc, named in reference to the Durand line, the historically disputed border dividing Afghanistan and Pakistan.²² He also posted long videos to social media delving into Afghan politics. There is no clear consensus regarding the purpose and content of these videos; while a former Afghan official identified them as pro-Taliban, another colleague argued that the videos were fairly pro-American in nature. Seddique went as far as to post military photos of himself in uniform, claiming to be a candidate for the president of Afghanistan.²³ Regardless of his apparent interest in Afghan politics and Taliban ideology, Mateen's father claims to have had little influence on his son's radicalization or violence, stating that he never raised him to be a terrorist and that his turn to the darker side of extremism was unexpected.²⁴

After working several retail jobs following his graduation from high school in 2003, Mateen began work as a corrections officer in the Martin Correctional Institute in 2006.²⁵ After only seven months, in April of 2007, Mateen was "administratively dismissed" from the program. He was reportedly caught sleeping in class and during firearm training. He also asked a classmate at the corrections officer training if he would tell anyone if Mateen were to bring a gun to school.²⁶ After being dismissed, Mateen obtained a state-issued security guard license and an associated firearms license.²⁷ Since he did not have a criminal record and was not on any terrorist watch list at the time, he did not face any barrier to obtaining the licenses. He was soon hired by Wackenhut, a company that later turned into the security company G4S. For his role in G4S, Mateen underwent a series of background checks and tests, including a psychometric test called the Minnesota Multiphasic Personality Inventory

²⁰ Weiss and Bynum, "Records: Orlando gunman."

²¹ Dan Barry, "'Always Agitated. Always Mad': Omar Mateen, According to Those Who Knew Him," *nytimes.com*, June 18, 2016.

²² Tucker Reals, "What has the Orlando gunman's father said?" *cbsnews.com*, June 13, 2016.

²³ Reals, "What has the Orlando."

²⁴ CBS/AP, "What we know about Orlando nightclub shooter Omar Mateen," *cbsnews.com*, June 13, 2016.

²⁵ Sullivan, "Troubled. Quiet. Macho."

²⁶ CBS/AP, "What we know." Sullivan, "Troubled. Quiet. Macho."

²⁷ Sullivan, "Troubled. Quiet. Macho."

[MMPI]. He scored “above average.”²⁸ Mateen worked for G4S from 2007 until the attack on June 12, 2016. Daniel Gilroy, a former coworker of Omar Mateen at G4S, described him as “unhinged and unstable.” Gilroy claims that he “complained multiple times,” presumably to G4S authorities, that Mateen “was dangerous, that he didn’t like blacks, women, lesbians and Jews.”²⁹

The FBI opened an investigation on Omar Mateen in May of 2013 after Mateen, in a conversation with coworkers, claimed to have friends and family members in al-Qaeda and Hezbollah, and to have connections with the Boston Marathon bombers.³⁰ Mateen was questioned by agents about these claims twice. The first time, Mateen didn’t admit to making the claims, and agents found that he “didn’t have a full understanding of the terrorist groups.”³¹ The second time, Mateen admitted to telling his coworkers he had ties to terrorist organizations. Roland Hopper, an FBI official in Orlando, reported that the FBI “thoroughly investigated the matter, including interviews of witnesses, physical surveillance, and records checks,” and ultimately “were unable to verify the substance of his comments and the investigation was closed.” An unnamed US official is on record saying that Mateen “seems to be looking for any opportunity to associate with the terrorist group du jour.”³² Mateen was thus dismissed as not posing a significant threat to the United States.³³ After this investigation, there is no evidence to suggest that the FBI and law enforcement kept a close watch on Mateen.³⁴ He was able to purchase firearms with no obstacles.³⁵ FBI Special Agent in Charge Rand Glass remarked during Mateen’s investigation that it’s not likely he “would go postal or anything like that.”³⁶

On May 25, 2014, Moner Mohammad Abu-Salha, an individual who attended the same mosque as Omar Mateen, travelled to Syria and committed a suicide truck-bombing attack. Mateen was investigated by FBI officials about his relationship to Abu-Salha.³⁷ Regarding the relationship, Roland Hopper went on record stating that the FBI “determined that contact was minimal and did not

²⁸ Oliver Laughland, “G4S did not psychologically re-evaluate Omar Mateen after FBI questioning,” *theguardian.com*, June 14, 2016.

²⁹ Del Quentin Wilber, “Orlando terror attack updates: Obama meets with victims’ families in Orlando,” *latimes.com*, June 16, 2016.

³⁰ Devlin Barrett, Adam Entous, and Alan Cullison, “FBI Twice Probed Orlando Gunman,” *wsj.com*, June 13, 2016.

³¹ Barrett et al., “FBI Twice Probed.”

³² Barrett et al., “FBI Twice Probed.”

³³ Mazzetti, “Omar Mateen, Twice”

³⁴ Mazzetti, “Omar Mateen, Twice.”

³⁵ FOX News Insider, “Officials: Orlando Terrorist.”

³⁶ “Judicial Watch Obtains Documents”

³⁷ Cassandra Vinograd, “Omar Mateen, U.S. Suicide Bomber Tied to Fort Pierce, Florida,” *nbcnews.com*, June 13, 2016.

constitute a substantive relationship or a threat at that time.”³⁸ The investigation of Omar Mateen concluded in March of 2014.

Mateen is likely to have been a long-time steroid abuser.³⁹ His autopsy revealed “evidence of physical changes to Mateen’s body that were consistent with long-term steroid use.”⁴⁰ Though no steroids were found in Mateen’s system after the attack, steroid use is known to increase irritability and aggression among some of its users. It is not clear whether steroid use played a significant role in Mateen’s desire to commit terrorist acts.

Mateen displayed notably violent tendencies in his personal life. He married his first wife, Sitora Yusufiy, in April of 2009, after meeting online.⁴¹ After only four months, the couple separated. Yusufiy cites Mateen’s physically and emotionally abusive behavior as the reason for the split. She said that after about six weeks, Mateen began abusing her. He stopped her from calling her parents, he only allowed her to leave the house to attend her job, and he made Yusufiy give him her paychecks.⁴² Yusufiy told a reporter “He beat me. He would just come home and start beating me up because the laundry wasn’t finished or something like that.”⁴³ They were divorced by July 2011.

Mateen’s second wife, Noor Salman, described Mateen as easily angered. They had met in 2011 in an online dating site called Arab Lounge, and were married soon after meeting. The couple moved into a two-bedroom condominium in Fort Pierce, and Salman was soon pregnant with Mateen’s child. Although the beginning of the relationship looked promising, about six months into the relationship, while Salman was pregnant, Mateen began manifesting some of the same physically and mentally abusive tendencies that he did with his first wife. Salman recalls Mateen punching her and bruising her arm after going shopping for baby clothes one day. Later that same day, when going to meet Salman’s parents, Mateen told her not let the abuse be known. He said: “Wipe your eyes. This stays between us, or it’s going to get worse.” Salman recalls that Mateen would often maliciously pull her hair, choke her, and threaten to kill her. “He had no remorse,” she claimed.⁴⁴ They were still married at the time of the Pulse attack, and their son was three years old.

Following the Pulse nightclub shooting, numerous allegations emerged that Omar Mateen was homosexual. Kevin West, a frequent patron of Pulse,

³⁸ Barrett et al., “FBI Twice Probed.”

³⁹ Wilber, “Orlando gunman was HIV-negative.”

⁴⁰ Wilber, “Orlando gunman was HIV-negative.”

⁴¹ Goldman et al., “‘He was not a stable person’.”

⁴² Jack Healy, “Sitora Yusufiy, Ex-Wife of Orlando Suspect, Describes Abusive Marriage,” nytimes.com, June 13, 2016.

⁴³ Goldman et al., “‘He was not a stable person’.”

⁴⁴ Goldman et al., “‘He was not a stable person’.”

claimed that Mateen often messaged him on Jack'd, a gay dating app.⁴⁵ Four Pulse patrons claimed that they had previously seen Mateen in the club before the night of the shooting. Ty Smith, one of the patrons, stated that Mateen “would go over in the corner and sit and drink by himself, and other times he would get so drunk he was loud and belligerent.”⁴⁶ Individuals also claimed that Mateen used the gay dating apps Adam4Adam and Grindr.⁴⁷ An unnamed classmate of Mateen from his time in the police academy in 2006 claimed to have been asked out to gay bars by Mateen.⁴⁸ Mateen’s ex-wife is also on record stating that Mateen exhibited “gay tendencies.” Despite the significant number of witnesses that seem to be sure of Mateen’s homosexuality, the FBI has claimed to have found no evidence that Omar Mateen had ever used a gay dating app or had frequented Pulse with the exception of casing it out before the attack.⁴⁹ It may be possible that this information was purposefully not released, as Cord Ceden, another Pulse frequenter who claims to have seen Mateen, has argued.⁵⁰ Mateen’s ex-wife has claimed that investigators asked her not to share her thoughts on her ex-husband’s gay tendencies with news outlets.⁵¹

3. Motivation

There is no consensus on what motivated Omar Mateen to plan and execute the shooting. It is likely that both Mateen’s radicalization and his hatred toward homosexuals were large motivators in attacking Pulse nightclub. His supposed repressed homosexuality may have driven him to lash out toward those in the gay bar, but it is not even clear that he had homosexual tendencies. Though several Pulse patrons recall seeing and communicating with Mateen at the bar and on the gay dating apps Adam4Adam and Grindr, there is no evidence that Mateen had an account on any gay dating apps.⁵²

It is likely Mateen had learned and harbored extreme anti-gay beliefs, and given some kind of trigger, he may have been compelled to strike out against the gay community. It is possible that even though Mateen may have felt hatred for the gay community for quite some time, he was triggered to commit the Pulse

⁴⁵ Molly Hennessey-Fiske, “Orlando gunman had used gay dating app and visited LGBT nightclub on other occasions, witnesses say,” *latimes.com*, June 13, 2016.

⁴⁶ Hennessey-Fiske, “Orlando gunman had used.”

⁴⁷ Hennessey-Fiske, “Orlando gunman had used.”

⁴⁸ Lawrence Mower, “Orlando shooter Omar Mateen was gay, former classmate says,” *palmbeachpost.com*, June 14, 2016.

⁴⁹ Molly Hennessey-Fiske, “FBI investigators say they have found no evidence that Orlando shooter had gay lovers,” *latimes.com*, June 23, 2016.

⁵⁰ Hennessey-Fiske, “FBI investigators say they.”

⁵¹ WITW Staff, “Ex-wife of Orlando gunman Omar Mateen suggests he was gay,” *nytimes.com*, June 14, 2016.

⁵² Hennessey-Fiske, “FBI investigators say they.”

attack, possibly when he became “enraged after recently seeing a same-sex couple kissing in front of his family”⁵³ in downtown Miami.

Regarding his radicalization, Mateen’s conversations with authorities while with hostages in the Pulse nightclub bathroom emphasized that his attack was motivated by and committed for ISIS. During his first 911 call, when asked who he was, Mateen responded with: “My name is I pledge of allegiance to Abu Bakr al-Baghdadi of the Islamic State.”⁵⁴ He was motivated to commit the terrorist attack, he said during a discussion with a hostage negotiator, because of US airstrikes in Syria and Iraq, as well as “the air strike that killed Abu Wahid,”⁵⁵ an ISIS leader. If Mateen was radicalized and had been following the happenings in the Middle East, he may have become upset by attacks against ISIS.⁵⁶

4. Goals

The goals of Omar Mateen in carrying out the Pulse nightclub shooting are not fully known. There is no evidence that he arrived at the nightclub with an escape plan, and it is likely that he knew he would either be killed or incarcerated following the event. Judging from the demands he had for the police negotiator on the line with him for a significant portion of his time trapped in the Pulse bathroom, Mateen wanted to bring an end to American bombings in the Middle East.⁵⁷ Mateen told a police negotiator to get “America to stop bombing Syria and Iraq.” He believed America is “killing a lot of innocent people,”⁵⁸ and Mateen may have taken it upon himself to change the actions of the American military by committing a large attack on American soil. It is also possible that Mateen’s sole purpose was to cause as much damage and panic to the American public, particularly the gay community, as possible. If so, Mateen succeeded. Although there is no evidence supporting the idea that Mateen’s violence stemmed from any negative feelings towards the Latino community in Orlando, “Pulse, which calls itself ‘Orlando’s Latin Hotspot,’ was holding its weekly ‘Upscale Latin Saturdays’ party” on June 12, the day of Mateen’s attack.⁵⁹

5. Plans for violence

Though Mateen had been on the radar of authorities since mid-2013, there was no indication to the public that he was planning to commit a terrorist attack

⁵³ Williams, “Gunman Omar Mateen Described.”

⁵⁴ Office of Public Affairs, “Joint Statement From Justice Department and FBI Regarding Transcript Related to the Orlando Terror Attack,” justice.gov, June 20, 2016.

⁵⁵ “FL-OmarMateenTranscripts.”

⁵⁶ Ralph Ellis, “Orlando shooting: 49 killed, shooter pledged ISIS allegiance,” cnn.com, June 13, 2016.

⁵⁷ Katie Zezima, “Orlando gunman said he carried out attack to get ‘Americans to stop bombing his country,’ witness says,” washingtonpost.com, June 13, 2016.

⁵⁸ “FL-OmarMateenTranscripts.”

⁵⁹ Alvarez, “Orlando Gunman Attacks.”

until the night of the shooting. About five weeks before the shooting, Mateen went to Lotus Gunworks, a local Florida gun shop, and he asked the employee of the shop about “high-end body armor.”⁶⁰ After being told that the shop did not carry body armor, Mateen made a call, and then asked about bulk ammunition. Feeling uncomfortable, the store clerk turned Mateen away. On June 4, 2016, Mateen purchased a Sig Sauer MCX rifle, and on June 5 he purchased a Glock 17 handgun. There is no information on when Omar Mateen purchased ammunition for his weapons, but there is video evidence confirming that Mateen’s wife, Noor Salman, was present for the transaction.⁶¹ Between June 1 and June 6, 2016, Mateen and his wife made trips to both the Pulse nightclub and to a Disney shopping complex. During the week Mateen visited them, both locations were hosting an event called Gay Days 2016.⁶² Mateen and his wife reportedly went to these events to scope them out, presumably in preparation for an attack. Speaking of Mateen’s wife’s role in the attack, Senator Angus King, a member of the Senate Intelligence Committee, claimed that “It appears she has some knowledge of what was going on, visiting some of the other sites.”⁶³ While it was reported that Noor Salman, Mateen’s wife, told the FBI that she knew that Mateen planned to commit some sort of jihadist attack,⁶⁴ she later claimed to be “unaware of everything.”⁶⁵ She has not been charged by law enforcement.

Strangely, two months before the attack, on April 5, 2016, Omar “‘quit-claimed’ the deed to his home in Port St. Lucie, Fla. ... giving it to his sister Sabrina Abasin and her husband, Mustafa.”⁶⁶ Although it is likely Mateen traded over his property with the knowledge he would be dead or in jail soon after, there is no concrete evidence that this is the case. There is also no reason to believe the family members in the trade knew about the attack Mateen was to commit on June 12. Mateen also purchased tickets for his family to go to southern California to visit his wife’s ill mother two days after the shooting.

The day before the morning of the attack, Mateen reportedly took a trip to Disney Springs after getting off work.⁶⁷ He also visited Pulse; he drove to the

⁶⁰ Kelly Riddell, “Florida gun shop denied Orlando shooter ammo and reported him to FBI; media yawns,” washingtontimes.com, June 17, 2016.

⁶¹ FOX News Insider, “Officials: Orlando Terrorist Used Sig Sauer MCX Rifle, Not an AR-15,” insider.foxnews.com, June 15, 2016.

⁶² Evan Perez, Shimon Prokupez and Holly Yan, “Omar Mateen scouted Disney complex, Pulse, official says,” cnn.com, June 15, 2016.

⁶³ Evan Perez and Pamela Brown, “Source: Orlando gunman told wife of interest in a terror attack,” cnn.com, June 14, 2016.

⁶⁴ Perez and Brown, “Source: Orlando gunman told wife.”

⁶⁵ Adam Goldman, “Orlando Gunman’s Wife Breaks Silence: ‘I Was Unaware,’” nytimes.com, November 1, 2016.

⁶⁶ Danika Fears, “Orlando killer gave sister his house 2 months before shooting,” nypost.com, June 17, 2016

⁶⁷ Perez, Prokupez and Yan, “Omar Mateen scouted.”

club, “paid the entry fee, obtained a wrist band, and entered the club.”⁶⁸ It is believed that he was checking the club’s security before he carried out his attack. Mateen’s wife told investigators that he left their Fort Pierce home angry while carrying a bag of guns. “She said she pleaded with him to not leave, grabbing him by the arm, she told investigators in an interview. She didn't know he was planning the attack, she said.”⁶⁹

The timeline of events during the night of the Orlando, Florida, Pulse nightclub shooting are as follows:

- On June 12, 2016, at approximately 2:02 am, the Orlando Police Department receives a call claiming multiple shots fired at Pulse nightclub. An off-duty police officer in the parking lot of Pulse hears shots and sees Mateen near the entrance of Pulse. He begins shooting at Mateen, but quickly retreats. Mateen enters pulse.⁷⁰ Victim Amanda Alvear catches the sound of the first shots through a snapchat video.⁷¹
- 2:04 am: Additional police officers arrive on scene.⁷²
- 2:05 am Victims begin to be slowly removed from Pulse to a nearby triage center.⁷³
- 2:08 am: Officers from various law enforcement agencies made entrance to Pulse and engaged the shooter.
- 2:09 am: Pulse posts on its Facebook: “Everyone get out of Pulse and keep running”⁷⁴
- 2:15 am: A 911 caller says that 10 people hiding in the bathroom in a handicapped stall.
- 2:18 am: Orlando SWAT initiated a full call-out.⁷⁵
- 2:22 am: A police officer reports that Mateen is contained in the back of the club.⁷⁶
- 2:35 am: Mateen calls a 911 operator from inside the club. The call lasts around 50 seconds. During this call, Mateen pledges “allegiance to Abu Bakr al-Baghdadi may God protect him [Arabic], on behalf of the Islamic

⁶⁸ Evan Perez and Shimon Prokupez, “Orlando gunman visited club on night of attack, left and returned,” [cnn.com](#), June 21, 2016.

⁶⁹ Perez and Prokupez, “Orlando gunman visited.”

⁷⁰ Lotan, et al., “Orlando nightclub shooting timeline: Three hours of terror unfold,” [orlandosentinel.com](#), July 1, 2016.

⁷¹ Lotan et al., “Orlando nightclub shooting.”

⁷² Special Agent Couvertier, Dave, “Investigative Update Regarding Pulse Nightclub Shooting,” [fbi.gov](#), June 20, 2016.

⁷³ Lotan et al., “Orlando nightclub shooting.”

⁷⁴ Lotan et al., “Orlando nightclub shooting.”

⁷⁵ Couvertier, “Investigative Update.”

⁷⁶ Lotan et al., “Orlando nightclub shooting.”

State.”⁷⁷ Officer Brandon Cornwell of the Orlando Police Department is heard over the radio saying that Mateen barricaded himself in the bathroom. All survivors from the bar or dance floor of Pulse have escaped the scene.

- 2:48 am: Mateen takes part in three conversations with police negotiators. During the first conversation, Mateen claims to be an “Islamic Soldier,” and he insists that the negotiator must “stop the U.S. air strikes.” Mateen says: “You have to tell the U.S. government to stop bombing. They are killing too many children, they are killing too many women.” Mateen claims to have a car bomb, and the threatens to blow it up law enforcement does “anything stupid.” He claims to be wearing a vest like “what they used in France.”⁷⁸
- 3:03 am, 3:44 am: Mateen takes part in two more calls with a negotiator. During the 3:03 am call, Mateen claims that his attack was triggered by “the air strike that killed Abu Wahid.”
- Approx. 4:00 am: Mateen texts his wife, asking if she had heard news of the attack. She responded by saying she loved him.
- 4:05 am: Hazmat teams, bomb technicians, and bomb van arrive on scene.⁷⁹
- 4:21 am: Police officers pull an air conditioner unit out of the wall of Pulse, allowing several victims to escape.⁸⁰
- 4:29 am: Rescued victims tell Orlando police that Mateen said he was going strap four victims with bomb vests within the next 15 minutes.⁸¹
- 5:02 am: Orlando SWAT and OCSO Hazardous Device Team breach a wall of Pulse with explosive charges and armored vehicles in order to allow for entry.⁸²
- 5:14 am: Shots were fired after Mateen exits Pulse through the breach.⁸³
- 5:15 am: Mateen is reported down.⁸⁴

Following the attack, several issues were raised over the Orlando police’s response and willingness to engage with Mateen. While individuals were trapped, some even bleeding out, in the bathrooms of the club where Mateen was barricaded, officers didn’t seek out and engage Mateen. Orlando Police Chief John Mina responded to these concerns, claiming that officers did react effectively to Mateen by “forcing him to retreat” and barricade himself in the

⁷⁷ “FL-OmarMateenTranscripts.”

⁷⁸ “FL-OmarMateenTranscripts.”

⁷⁹ Couvertier, “Investigative Update.”

⁸⁰ Couvertier, “Investigative Update.”

⁸¹ Lotan et al., “Orlando nightclub shooting.”

⁸² Couvertier, “Investigative Update.”

⁸³ Lotan et al., “Orlando nightclub shooting.”

⁸⁴ Couvertier, “Investigative Update.”

bathroom. Once there was an increased threat of Mateen using bomb vests, law enforcement decided further action was necessary.⁸⁵

6. Role of informants

While Mateen was entered into a terrorist screening database during the first investigation in May 2013, he was removed in March 2014 when the FBI did not find sufficient incriminating evidence. Mateen was never prevented from buying any weapons, and was never put on a no-fly/watch list because of his affiliations.⁸⁶ Mateen was not seen as a legitimate threat after his case was originally closed in 2014.

Informants did not play a significant role in the planning or execution of the Orlando Pulse nightclub shooting.

7. Connections

There is no evidence to suggest that Mateen had significant connections to any terrorist organizations like ISIS during or before the attack. He attended the same mosque as American-born suicide bomber Moner Mohammad Abu-Salha, but the FBI found no connections between the two individuals. Although Mateen claimed on several occasions to have connections to various terrorist organizations, there is no evidence that any of these claims are true.⁸⁷

While working at the St. Lucie Courthouse as a guard, Mateen responded to insults about his religious affiliation by claiming he had connections with Nidal Hasan, the Fort Hood shooter, as well as with Tamerlan and Dzhokhar Tsarnaev, the Boston marathon bombing suspects. Subsequent investigations into these alleged ties yielded nothing of significance. It is likely Mateen claimed to have connections solely to inspire fear among those he talked with. Officials say Mateen's claims were given in response to being called a "towel-head" by a coworker. As for the potential danger Mateen was believed to pose to the public, on September 26, 2013, FBI Special Agent in Charge Rand Glass said that it's not likely Mateen "would go postal or anything like that."⁸⁸

8. Relation to the Muslim Community

Omar Mateen regularly attended the Fort Pierce Islamic Center, often with his father and son. His last time there was two days before the Pulse attack.⁸⁹ Despite his regular attendance, not many individuals within the Center were

⁸⁵ Evan Perez, Shimon Prokupecz and Holly Yan "Source: Orlando shooter's wife under investigation," cnn.com, June 16, 2016.

⁸⁶ CBS/AP, "What we know."

⁸⁷ Vinograd, "Omar Mateen, U.S. Suicide Bomber."

⁸⁸ "Judicial Watch Obtains Documents Revealing FBI Declared Mateen "NOT" to be a Terrorist," judicialwatch.org, June 18, 2016.

⁸⁹ Colby Itkowitz, "'He would come and pray and leave'," washingtonpost.com, June 12, 2016.

familiar with him. Imam Syed Shafeeq Rahman of the Islamic Center recalled that although Mateen attended some of the late daily prayers at the Center, he never stayed for the free meal offered afterwards. Rahman could not recall ever actually having a conversation with Mateen.⁹⁰ Mateen was also enrolled in Fundamental Islamic Knowledge Seminary, an online site with Islamic lessons. The site is run by Abu Taubah, an individual who would “openly preach against the gay community.”⁹¹ It is not believed, though, that this site played a major part in inspiring Mateen to commit the attack. The website denounced any connection with Mateen’s actions at Pulse.⁹²

On June 8, 2016, four days before the Pulse Nightclub shooting, Mateen reportedly travelled to Kissimmee Islamic Center. Imam Helmi Elagha of the Center produced a video of an individual he claims to be Omar Mateen entering the Islamic Center, praying for approximately ten minutes, and then leaving. Mateen did not speak to anyone at the mosque, and none of his actions drew any attention.⁹³

9. Depiction by the authorities

Following the Pulse shooting, authorities were scrambling to find as much information about Mateen as they could gather. When pressed about letting Mateen go after a previous investigation into his terrorist connections, FBI Director James Comey stated that the FBI was satisfied with the robustness and quality of the previous investigations.⁹⁴

President Obama characterized this attack as one of hate and terrorism. During a public speech following the attack, he stated:

For so many people here who are lesbian, gay, bisexual, transgender, the Pulse Nightclub has always been a safe haven, a place to sing and dance, and most importantly, to be who you truly are—including for so many people whose families are originally from Puerto Rico. Sunday morning, that sanctuary was violated in the worst way imaginable. So whatever the motivations of the killer, whatever influences led him down the path of violence and terror, whatever propaganda he was consuming from ISIL and al Qaeda, this was an act of terrorism but it was also an act of hate. This was an attack on the LGBT community. Americans were targeted because we’re a country that has learned to welcome everyone, no matter

⁹⁰ Lindsey Bever, “Arrest made in arson at Orlando gunman’s mosque, authorities say,” washingtonpost.com, September 14, 2016.

⁹¹ CBS/AP, “What we know.”

⁹² CBS/AP, “What we know.”

⁹³ Bethany Rodgers, “Imam: Omar Mateen prayed at Kissimmee mosque days before attack,” orlandosentinel.com, September 28, 2016.

⁹⁴ Louis Nelson, “Comey: FBI began investigating Orlando shooter in May 2013,” politico.com, June 13, 2016.

who you are or who you love. And hatred towards people because of sexual orientation, regardless of where it comes from, is a betrayal of what's best in us.

President Obama also said that the attack serves as an example for the “need for us to implement smarter policies to prevent mass shootings.”⁹⁵ Numerous media outlets published stories questioning the job done by the FBI during the original investigation into Mateen.

10. Coverage by the media

The Pulse nightclub shooting on June 12, 2016, was the deadliest mass shooting by a single shooter in American history. Due to the scale of Mateen's actions and the devastating impact his attack had on the gay, Latino, and greater Orlando community, it is difficult to claim that media reports were overly alarmist in communicating the magnitude of Mateen's violence. Nearly every news outlet ran several stories about the shooting within the few days following the attack. Media coverage both during and after the attack was predictable. Many major news outlets tried to research and publish a detailed background on Mateen, or attempted to call for unity among communities damaged by the Pulse shooting.⁹⁶ Most major headlines, as well as a host of local Florida newspapers, followed the story of the Pulse shooting and of Omar Mateen closely as new information arose. In addition to reporting the events that played out the night of the attack, news outlets across the nation consistently took the approach of condemning Mateen's violent behavior. Reports often varied in Mateen's speculated motives or ties to ISIS; as more evidence was released in the days following the attack, more developed stories were published.

After the Pulse shooting, numerous reports were published based on accusations that Mateen was gay, alluding to a potential motive behind his attack on the nightclub. News sources such as Univision aired seemingly unsupported stories like that of “Miguel,” a Pulse club-goer who claimed “he had sex with Mateen after meeting him on the gay dating app, Grindr. He said Mateen had sex with other men too, including a threesome with a Puerto Rican who allegedly told Mateen, after having had unprotected sex with him, that he was HIV positive.”⁹⁷ FBI sources dismissed these accounts. Mateen's autopsy revealed that he was not HIV positive.⁹⁸

11. Policing costs

⁹⁵ Melanie Garunay, “President Obama on the Tragic Shooting in Orlando,” whitehouse.gov, June 16, 2016.

⁹⁶ Wilber, “Orlando terror attack.”

⁹⁷ Hennessy-Fiske, “FBI investigators say.”

⁹⁸ Wilber, “Orlando gunman was HIV-negative.”

Before the shooting, law enforcement and FBI had invested a significant amount of time and resources into investigating Omar Mateen. He was under investigation from May 2013 to March 2014, during which time two undercover informants frequently met with him to gather information. Mateen's personal and financial records were sorted through, and many of his conversations were recorded, among other things.

The largest costs of policing may have come during the night of the Pulse shooting. Though no calculated damages or costs to either the Pulse nightclub or law enforcement officials are available, the cost to the state for proper medical treatment of the individuals injured during the shooting may have been substantial. The cost to the state for paying for the presence of a massive amount of law enforcement officers during the night of the shooting may also be significant. Costs of the attack were large enough that U.S. Attorney General Loretta Lynch awarded the city of Orlando \$1 million in order to help cover some expenses.⁹⁹

12. Relevance of the internet

Omar Mateen, like many other homegrown terrorists, was believed to be radicalized by content found on the internet. FBI Director James Comey went on record stating, "We're highly confident that this killer was radicalized, and at least in some part through the Internet."¹⁰⁰ President Barack Obama reiterated this point during a press conference following the attack.¹⁰¹ Though there is no evidence to suggest which videos Mateen watched, FBI Director Comey confirmed that Mateen used his personal laptop computer to watch extremist videos, "including grisly beheadings."¹⁰²

Mohammed A. Malik, an individual who attended the same mosque as Mateen, claimed that Mateen was radicalized by "listening to the lectures of Anwar al-Awlaki, the charismatic Yemen-based imam who helped radicalize several Muslims, including the Fort Hood shooter."¹⁰³ Anwar al-Awlaki is a "radical cleric in Yemen known for his incendiary anti-American teachings."¹⁰⁴ He was also a leader at the mosque Nadal Hasan, the Fort Hood shooter, attended.¹⁰⁵ Though Mateen may have been influenced in some way by al-

⁹⁹ Monivette Cordeiro, "Lynch: DOJ will give \$1 million to help pay first responders in Orlando mass shooting," *orlandoweekly.com*, June 21, 2016.

¹⁰⁰ Matt Zaptosky, "Orlando gunman who pledged loyalty to ISIS was 'homegrown' extremist radicalized online, Obama says," *washingtonpost.com*, June 13, 2016.

¹⁰¹ Zaptosky, "Orlando gunman who pledged."

¹⁰² Wilber, "The FBI investigated."

¹⁰³ Malik, "I reported Omar Mateen."

¹⁰⁴ David Johnston and Scott Shane, "U.S. Knew of Suspect's Tie to Radical Cleric," *nytimes.com*, November 9, 2009

¹⁰⁵ Johnston and Shane, "U.S. Knew of Suspect's."

Awlaki, it is unclear how large of a role al-Awlaki's website played in Mateen's attacks.

13. Are we safer?

In the context of homegrown terrorism, the question "Are we safer?" usually applies to cases where an individual attempting to commit a terrorist act is thwarted before the execution of his/her plan. In this case, however, the terrorist was incredibly successful; 49 people were murdered and 53 more were injured, many of them critically. The Pulse nightclub shooting was the largest mass public shooting by an individual in US history.

There is little reason to believe the American public is safer as a result of the June 12, 2016, Pulse nightclub shooting. Omar Mateen, even after being on FBI radar for nearly ten months for various reasons unrelated to the shooting, was declared by the FBI to be no threat to the American public.¹⁰⁶ It is not likely that more effective techniques for identifying and stopping individuals willing to commit terrorist acts will come to fruition after this attack. If anything, it may be possible that other individuals will be inspired by this attack to commit more acts of terrorism within the United States.

For the gay community, fear of attacks fueled by homophobia has only increased following the Pulse shooting. The gay communities came together in Orlando after June 12 to decorate the streets near Pulse with gay memorabilia, photos, and flowers to express their solidarity after the attacks. While these efforts were effective in raising money in donations for victims' families, it seems little progress has been made in reducing the overall fear levels of gay individuals throughout the nation. The idea of a safe space for many of the members of these gay communities is no longer a reality due to the now legitimized threat of violence.

The Muslim community, especially in Orlando, may also be worse off due to the attack. In September 2016, Fort Pierce mosque, the mosque attended by Omar Mateen, was targeted by an arsonist describing himself as a "Jew for Jesus." The arsonist, Joseph Schreiber, held the belief that all Islam is radical, and he likely committed the arson in protest or as an attack on Mateen's religion.¹⁰⁷ Cases like this are not unique. Though individuals wishing to show their disdain toward the Muslim community may not often resort to arson to communicate their thoughts, racist acts toward Muslims may increase in light of the shooting.

¹⁰⁶ Wilber, "The FBI investigated."

¹⁰⁷ CBS/AP, "Docs: Suspect confessed torching mosque attended by Orlando nightclub shooter," cbsnews.com, September 15, 2016.

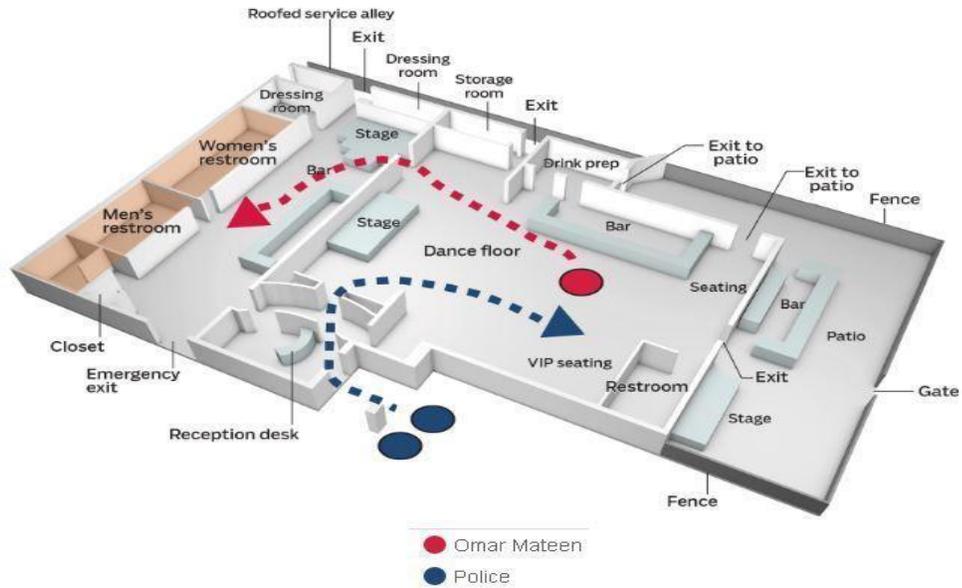
14. Conclusions

The attack on Pulse nightclub was undoubtedly horrific, yet it was not preventable from the perspective of law enforcement. Even with an intensive FBI investigation carried out on him a few years before the attack, no one had any idea that Omar Mateen was planning to commit such a heinous act. Even Mateen's wife claimed not to know any specifics of the attack her husband carried out. If the FBI would have stepped outside of their legal bounds to expand their investigation into more facets of Mateen's life, there is a small likelihood that enough information could have been gathered to predict the Pulse attack. Then again, if the FBI significantly expanded investigations into every individual that met the level of suspicion that Omar Mateen met during his May 2013 to March 2014 run-in with the FBI, the additional time and financial costs of investigating homegrown terrorists would probably outweigh any benefits. Prior to its execution, there was no reason to believe that Mateen would attempt to carry out a terrorist attack.

If anything can be learned from the attack on the nightclub, it is that at least some terrorist attacks, regardless of how large a threat they may pose, cannot be stopped by increasing surveillance. Before attempting an act of terror, individuals who plan secretly or do not openly inform others of their intent to harm may not give off sufficient red flags to warrant intervention from law enforcement. By increasing the power of governments to surveil and intervene earlier into the lives of those suspected of terrorism, not only will there be a significant increase in the amount of false positives, or individuals with no intent to commit acts of terror who are wrongfully suspected or accused, but there will be a significant financial and logistical burden put on law enforcement to weed out potential terrorists from large groups of suspects that may not exhibit sufficient suspicious behavior to warrant in-depth searches.

As the largest terrorist attack since 9/11 in the United States, this attack is fairly unique in the amount of damage it caused. Due to this, it is likely that more Americans will overestimate the very small probability that they will be caught in an attack during their lives. Similar to what happened after 9/11, the costs expended in attempting to protect the American people from the dangers of terrorist attack may be much higher than some may deem justifiable. Though the full aftermath of Omar Mateen's attack has yet to play out, it will reach farther than just the Orlando Community. It will have a significant impact on how America copes with fear and with potential terrorist forces.

Appendix



Eben McCue and Angelica Quintero, Los Angeles Times and Charles Minshew, Orlando Sentinel

Graphic of Mateen's movement in Pulse after being engaged by police



Getty Images

Wall through which Mateen crawled out before engaging in gunfire with law enforcement

Appendix 2: Case 86 Orlando

Xiangrong Kong

June 20, 2020

Complicity of Omar Mateen's wife

Noor Salman is the widow of Omar Mateen who gunned down 49 people and injured 53 on June 12, 2016 at the Pulse night club. After her husband was shot, she was brought in for questioning on June 12, 2016.¹⁰⁸ and eventually went to the court. Salman was charged with aiding and abetting the commission of a terrorist act and with obstructing justice. After the verdict, her defense lawyers, Charles D. Swift and Linda Moreno, said in an interview that, although prosecutors had offered their client a plea deal, she had refused to accept it, insisting on her innocence.¹⁰⁹ She has found not guilty at the end.

Domestic violence specialist Jacquelyn Campbell evaluated the case and supported Salman's claim of ignorance. She said, because Salman was being physically abused by her husband, "it would have been impossible for Salman to have picked up clues of his radicalization."¹¹⁰ Salman said the relationship turned violent about six months after their wedding on September 29, 2011, even while she was pregnant with their son. According to Susan Adieh, Salman's aunt, he had threatened to take away their child or kill her family members if she spoke about the abuse to others.¹¹¹ However, Salman said their relationship had improved leading up to the attack. The family took trips to Orlando's Disneyland together.¹¹²

Omar Mateen's ex-wife, Sitora Yusufiy, came forward the day after the shooting in an anonymous interview with *The Washington Post* and later revealed her identity to reporters outside her Colorado home. She claimed that there had also been domestic abuse during her relationship with Mateen. "He was not a stable person," Yusufiy told the Post. "He beat me. He would just come home and start beating me up because the laundry wasn't finished or something like that."¹¹³

Noor Salman might have been aware of what was occurring in her household, but no evidence could be found that she assisted her husband. Salman

¹⁰⁸ Gal Tziperman Lotan and Krista Torralva, "Documents detail wife's claim that Pulse shooter Omar Mateen abused her," *orlandosentinel.com*, February 28, 2018.

¹⁰⁹ Patricia Mazzei, "Noor Salman Acquitted in Pulse Nightclub Shooting," *nytimes.com*, March 30, 2018.

¹¹⁰ "Orlando shooter's widow opens up for first time since Pulse nightclub massacre," *cbsnews.com*, November 2, 2016.

¹¹¹ Maha Ahmed, "The Prosecution of Noor Salman, Pulse Shooter's Widow, Highlights the Criminalization of Domestic Abuse Survivors," *theintercept.com*, March 29, 2018.

¹¹² "Orlando shooter's widow opens up for first time since Pulse nightclub massacre," *cbsnews.com*, November 2, 2016.

¹¹³ "Orlando shooter's widow opens up."

said she noticed Mateen watching violent jihadi beheading videos and purchasing a rifle. He had also spent a lot of money on her before the incident. She also said she was concerned Mateen would commit an act of terrorism. A week before the incident, she said, Mateen drove her around slowly and at one point said to her, “How bad would it be if a nightclub was attacked?” and asked, “What would make people more upset, an attack at Disney or a nightclub?” Salman said she knew it would have something to do with a nightclub, and that she knew he was going to do “something bad” because he left with his handgun, black backpack, and ammunition. “I was in denial because I could not believe that the father of my child would do this.”¹¹⁴ Moreover, the claim that Salman and Mateen had driven by Pulse and identified the nightclub as a possible target could not be established. Linda Moreno, one of Salman’s defense lawyers pointed out that GPS data never placed them at Pulse before the incident.¹¹⁵

The prosecution’s case for an obstruction of justice charge rested on statements drafted by the FBI and signed by Salman after she had been questioned for 17 hours. Her signature appeared to be an outcome of pressure placed on her. She was not only the terrorist’s wife, but a mother when she went through the questioning shortly after her husband’s mass killing and his own death. It is plausible that the FBI’s questioning brought up the very traumatized recent memory to an already vulnerable individual.¹¹⁶ She might not even have had the intention of obstructing justice under such circumstances.

Criticism of law enforcement

The U.S. Department of Justice’s Office of Community Oriented Policing Services commissioned a report from the Police Foundation to look into how prepared local law enforcement agencies were for a mass shooting, what strategies and tactics they used, and how officers handled the aftermath. This report recognized the strong performance of the Orlando Police Department and other agencies in the attack, but it suggested that additional training was needed to improve and prepare for future terror attacks including training to improve “up at the scene without being called there, and to handle the news media in the aftermath.”¹¹⁷

¹¹⁴ Eric Levenson and Daniel Shepherd, “Pulse shooter's wife to FBI: ‘I wish I had been more truthful’,” *cnn.com*, March 19, 2018.

¹¹⁵ Patricia Mazzei, “Noor Salman Acquitted in Pulse Nightclub Shooting,” *nytimes.com*, March 30, 2018.

¹¹⁶ Huma Yasin, “Noor Salman should never have been prosecuted in the first place,” *washingtonpost.com*, March 30, 2018.

¹¹⁷ Frank Straub, Jack Cambria, Jane Castor, Ben Gorban, Brett Meade, David Waltemeyer, and Jennifer Zeunik, “Rescue, Response, And Resilience,” Police Foundation, 2017, www.policefoundation.org/wp-content/uploads/2017/12/Orlando-Pulse.pdf.

However, after the attack, a lawsuit was filed against Orlando and its police department by survivors of the Pulse nightclub massacre and by family members of those killed.

The suit claimed that officers had wrongfully detained them after the shooting and that the city had failed to properly train OPD officers for the active shooter incident. “While people, unarmed, innocent were inside a club getting absolutely massacred by a crazed gunman there were a bunch of people ... with guns, with the training and capability to take that shooter out,” Solomon Radner, attorney for the plaintiffs in the case said. “As the people were running out of the club, thinking that they were safe, the police were there waiting for them, and the police, essentially, for all intents and purposes, arrested every single victim there and held them for 10 to 12 hours,” he added. “Virtually every victim they could get their hands on who wasn't shot or dead, they basically arrested them. They were not free to leave, they were not free to call their loved ones, they were not even free to go to the bathroom or to get water.” The officers violated the Fourth Amendment right against unreasonable searches and seizures by detaining and holding the victims and witnesses against their will and confiscating the cellphones and vehicles of some of them, Radner said.¹¹⁸

There were also complaints that Adam Gruler, an off-duty Orlando police officer who was working as a guard at Pulse on the night of the shooting, didn't do his job. According to court papers filed in U.S. District Court, Gruler “was at Pulse at all pertinent times and was charged with providing security to Pulse. Instead, he abandoned his post, thereby allowing [the] shooter to not only enter the club once to scout out the area and make sure nobody could stop him, but to then leave Pulse, retrieve his firearms, and return to execute his sinister plan to kill people.”¹¹⁹

However, U.S. District Judge Paul G. Byron of the Middle District of Florida, wrote in his ruling that the law “imposes no obligation on the states to protect individuals against private violence” and that Gruler did not act with “deliberate indifference.”¹²⁰

¹¹⁸ Bill Hutchinson and Justin Doom, “31 Orlando police officers sued over their response to Pulse nightclub massacre that left 49 dead,” abcnews.go.com, June 7, 2018.

¹¹⁹ Bill Hutchinson and Justin Doom, “31 Orlando police officers sued over their response to Pulse nightclub massacre that left 49 dead,” abcnews.go.com, June 7, 2018.

¹²⁰ Tess Sheets, “Court was right to dismiss Pulse victims’ lawsuit against city, police, appeal court says,” orlandosentinel.com, April 7, 2020.

Case 94: Minnesota Mall Stabbings

John Mueller

December 8, 2017

On September 17, 2016, Dahir Adan, a 20-year-old Somali-American citizen who had emigrated as a small child, entered a shopping mall in St. Cloud, Minnesota, dressed as a security guard. He slashed at shoppers and store clerks with two kitchen knives wounding ten of them, none very seriously. In the process, he repeatedly shouted “Allah Akbar” (God is great). He also asked individuals if they were Muslim and, if they responded in the negative, he sometimes, but not always, tried to stab them. One of the shoppers was an off-duty policeman who shot and killed Adan when he lunged at the officer several times.

Three days later, the FBI took over the case, investigating it as a “potential act of terrorism.”¹ And two weeks after that, the Special Agent in Charge suggested that Adan had been “radicalized” and that this had happened “almost overnight.” Once a bright and amiable college student, he said, Adan became sullen and withdrawn, developed a strong interest in Islamic studies, and chided young women at home to be more devout. This, concluded the Agent darkly, was “consistent with the philosophies of violent, radical Islamic groups.”²

After interviewing scores of people and searching Adan’s car, social media accounts, digital devices, and phone, authorities have disclosed little information to support the Special Agent’s early speculations. In fact, a year later, they were saying that they may never know what inspired Adan’s rampage.³ Niko Pittore, an intern at the Cato Institute when he wrote this case study, concludes that this may well suggest that the episode should not be considered to be one of terrorism. Lacking evidence of a political, or political-like, motive, the incoherent rampage seems more like a hate crime than terrorism: the attacker was a Muslim, he shouted a religious incantation several times, and he seems to have wanted only to slash at non-Muslims.

Publications by Islamic State, or ISIS, disagree. They declared Adan to be a “soldier” of their caliphate, who carried out his attack “in response to the calls to target the citizens of the nations involved in the Crusader coalition.” Presumably dismayed by the limited amount of mayhem their “soldier” was able to inflict in this case, they went on to stress, “It is explicitly advised not to use kitchen knives, as their basic structure is not designed to handle the kind of vigorous application used for assassinations and slaughter.”⁴

Despite the insistence of ISIS and the musings of the FBI’s Special Agent in Charge, no connections to “violent, radical Islamic groups” has been found.

¹ Peter Cox and Jason Collins, “After a week, more questions, few answers in St. Cloud mall attack,” mprnews.com, September 23, 2016.

² Jennifer Brooks, Faiza Mahamud and Paul Walsh, “Police show video of St. Cloud mall attacker’s fatal encounter with off-duty officer,” startribune.com, October 7, 2016.

³ Stephen Montemayor, “One year later, motive of St. Cloud mall attacker remains unclear,” startribune.com, September 17, 2017.

⁴ Brooks et al, “Police show video.”

Two months before his rampage, in fact, Adan had retweeted a post that said, “Don’t ever say that ISIS represents Islam.”⁵

⁵ Montemayor, “One year later.”

Case 94: Minnesota Mall Stabbings

Niko Pittore

November 30, 2017

1. Overview

Dahir Ahmed Adan, a 20-year-old Somali national born in Kenya, had come to the United States with his family as a infant or small child and was granted US citizenship in 2008. He enrolled at St. Cloud State in Minnesota but stopped enrolling in his sophomore year.¹ Adan was known as a solid, studious, quiet kid who befriended essentially everyone he met. He became a security guard for a provider called Securitas, and his last known job was at an appliance company called Electroalux North America. He had resigned in June 2016.²

On September 17, 2016, Adan came home from his job as a security guard at an unnamed location and didn't remove his uniform—though whether he actually had a job is entirely unknown and there are conflicting reports about that. He told his family that he had work to do that evening, but later apparently texted his boss and told him he wouldn't be coming in.³

Then, still wearing his private security company uniform, Adan entered Crossroads Mall in St. Cloud around 8pm armed with two steak knives.⁴ He stabbed 10 people after first asking some of them if they were Muslim, and he was heard by at least 16 different people to yell “Allah Akbar.”⁵

Jason Falconer, an off-duty police officer was in the mall when Adan approached and asked him if he was a Muslim. Falconer replied “no.” As Adan turned away, Falconer noticed the two knives in his hands. Falconer drew his gun and ordered Adan to drop his weapons after announcing he was a police officer. After a brief chase into Macy's, Falconer shot Adan multiple times after Adan attempted to lunge at him several times with the knives still in his hands. Eventually, Adan died after suffering 6 gunshot wounds. He was the only fatality.⁶ In addition, no one suffered life-threatening injuries.⁷ The Islamic State, per their agenda, were quick to hail the attack, calling Adan “a soldier of the Islamic State.”⁸ One curious thing about this attack is he asked people if they were Muslim. It was reported he stabbed at least one victim who replied “no.”⁹ However, when Officer Falconer replied “no,” Adan just turned and walked away.

¹ Stephanie Petit, “Mall Stabbing Suspect Asked Victims If They Were Muslim, ‘Not Previously Known’ to Authorities: Source,” *people.com*, September 19, 2016.

² Petit, “Mall Stabbing Suspect Asked Victims If They Were Muslim.”

³ “Minnesota stabbing: Dahir Ahmed Adam was known for calm demeanor,” *theguardian.com*, September 20, 2016.

⁴ Janelle P. Kendall, “Stearns County Attorney’s Letter on Justified Use of Deadly Force by Off-Duty Police Officer,” *Stearns County Courthouse*, October 6, 2016.

⁵ Joe Sterling, Max Blau, and Rosa Flores, “Stabbing suspect had gone to mall to buy an iPhone, source says,” *cnn.com*, September 19, 2016.

⁶ Kendall, “Stearns County Attorney’s Letter.”

⁷ Jessica McBride, “Dahir Adan: 5 Fast Facts You Need to Know,” *heavy.com*, September 18, 2016, updated: March 30, 2017

⁸ Dustin Volz and Alex Dobuzinskis, “Islamic State claims responsibility for Minnesota mall attack,” *reuters.com*, September 18, 2016.

⁹ “Dahir Adan: What we know,” *startribune.com*, September 22, 2017.

Those who knew him were stunned to find out about the stabbing attack. He loved sports far more than religion. He was never the negative type, also very kind and also obtained straight A's. Moreover, he was said to be among the most assimilated Somalis into the American culture.¹⁰

After extensive post-incident investigations, no motivations or goals for the attack were found, although Special Agent in Charge of the FBI Minnesota Office Richard Thornton suggested that Adan had “radicalized overnight.”¹¹ Even a year after the attack, the FBI reported that they probably would never find out what drove him to commit this crime or what his endgame was.¹² Without a definitive motivation or endgame, this is unlikely to be an act of terrorism. Defining an attack as terrorism goes way beyond hearing “Allah Akbar” being shouted. A potential parallel can be drawn between this case and the Las Vegas shooting in 2017 in which a millionaire real estate investor shot and killed 58 people and wounded 546 before turning the gun on himself. In this case too, no motivation or endgame has been found.

2. Nature of the adversary

Dahir Ahmed Adan was a Somali national born in Kenya on April 10, 1996. He was twenty at the time of the attack. He came to the United States as a two-month old¹³ with his family and was granted US citizenship in 2008.¹⁴ Not much is known about his family other than he had multiple siblings and they lived in Fargo, North Dakota for a period of time before moving to Minnesota in 2010, some six years prior to the attack.¹⁵ At the time of the attack, he lived with his father; it is not clear what the marriage situation of his parents was.¹⁶ A former neighbor of theirs, Mohamed Mohamud, said they were a well-known family in and around Fargo, known to be very humble people.¹⁷ Adan was enrolled at St. Cloud State, a four-year college, but stopped enrolling during his sophomore year for unknown reasons. His first semester was in 2014 and his last was spring 2016.

¹⁰ Brandon Stahl, Beatrice Dupuy, and Paul Walsh, “Family ID’s attacker behind ‘potential act of terrorism’ in St. Cloud,” *startribune.com*, September 19, 2016.; Peter Cox and Jason Collins, “After a week, more questions, few answers in St. Cloud mall attack,” *mprnews.com*, September 23, 2016.

¹¹ Stephen Montemayor, “One year later, motive of St. Cloud mall attacker remains unclear,” *startribune.com*, September 17, 2017.

¹² Leo Hohmann, “FBI stumped! What’s motive of Muslim’s ‘Allahu Akbar’ mall stabbing?” *wnd.com*, September 22, 2017.

¹³ A conflicting report said he moved from Kenya when he was 2 years old: Abigail Hauslohner and Drew Harwell, “An unassuming life before a suspect’s rampage in a Minnesota mall,” *washingtonpost.com*, September 19, 2016. Another report said he moved to the United States when he was 1 year old: Archie Ingersoll, “Trepidation in Fargo, where St. Cloud assailant spent his boyhood,” *twincities.com*, September 19, 2016.

¹⁴ Petit, “Mall Stabbing Suspect Asked Victims If They Were Muslim.”

¹⁵ Ingersoll, “Trepidation in Fargo, where St. Cloud assailant spent his boyhood.” Faiza Mahamud and Jennifer Brooks, “Family, friends stunned by Dahir Adan’s attack in St. Cloud,” *startribune.com*, September 20, 2016. Staff writers Ricardo Lopez and Stephen Montemayor contributed to this report.

¹⁶ Esme Murphy, “Family: St. Cloud Mall Suspect Was Picking Up iPhone,” *minnesota.cbslocal.com*, September 19, 2016. Stahl et al., “Family ID’s attacker.”

¹⁷ Mahamud and Brooks, “Family, friends stunned by Dahir Adan’s attack in St. Cloud.”

Adan named an intended major in Information Systems but was not accepted in that major. University spokesman Adam Hammer said Adan did not have enough credits to declare for the major.¹⁸ Moreover, Hammer said, “I have no information on what type of student he was and whether he withdrew, stopped coming or left for any other reason. All I have is that he previously was enrolled but was not a current student.”¹⁹ Adan was known to be a solid, studious, quiet kid who befriended essentially everyone he met. Those who knew him were stunned to find out about the stabbing attack. He loved sports far more than religion. He was never the negative type, also very kind. He also obtained straight A’s. Moreover, he was said to be among the most assimilated Somalis into American culture.²⁰

He became a security guard for Securitas, a third party security provider, and his services were contracted out to an appliance company called Electrolux North America. He was a temporary guard for Electrolux. He only worked there for a couple months, with his contract ending in June 2016, three months before his attack. It is unclear how effective Adan was as a worker at Electrolux. One Electrolux security guard in St. Cloud declined to comment about what kind of person Adan had been, saying only, “This is bad.”²¹

According to St. Cloud Police Chief Blair Anderson, local police had had three previous encounters with Adan for minor traffic violations.²² When police told his father, Ahmed Adan, about the attack, he said he had no suspicion his son was involved in any terrorist activity. Adan lived with his family, and there are no reports suggesting that he had any problems with his family.

The friends who would talk openly about him said they didn’t believe Adan, who was Muslim, had extremist views.²³ He was remembered as a quiet and studious kid. He was a lover of soccer and basketball. Barakad Omar, a classmate of Adan at Apollo High School, said he was “a good kid” and an A student. Moreover, Jama Alimad, a community leader and a close friend of the family said he was more into sports than religion. She further said he was the “most assimilated kid in the neighborhood.”²⁴ A cousin who lived down the hall in the same building described Adan as a good person who minded his own business.²⁵

Community soccer coach Ahmed Ali said Adan called him two nights before the mall attack to ask advice on how to lose more weight, one of his obsessions. Ali said that although Adan wasn’t social, he didn’t believe he suffered from mental illness. The family denies he was mentally ill.²⁶

Mubarak Ibrahim, who went to junior high, high school and college with Adan said, “He was a good person, he was a nice person. He’s one of those

¹⁸ Petit, “Mall Stabbing Suspect Asked Victims If They Were Muslim.”

¹⁹ Petit, “Mall Stabbing Suspect Asked Victims If They Were Muslim.”

²⁰ Stahl et al., “Family ID’s attacker”; Peter Cox and Jason Collins, “After a week, more questions, few answers in St. Cloud mall attack,” mprnews.com, September 23, 2016.

²¹ Petit, “Mall Stabbing Suspect Asked Victims If They Were Muslim.”

²² “Officer, suspect ID’d in Crossroads stabbings,” sctimes.com, September 17, 2016.

²³ Cox and Collins, “After a week, more questions, few answers in St. Cloud mall attack.”

²⁴ Stahl et al., “Family ID’s attacker.”

²⁵ Stahl et al., “Family ID’s attacker.”

²⁶ “Dahir Adan: What we know,” startribune.com, September 22, 2016.

people that, when you go up to [him], you don't expect anything negative to come your way. He was fun. "He was a good basketball player — he was a really good basketball player. It's just shocking, you know? And, I just want to say, we don't know his intentions. We don't know what could've caused it, what could've aggravated it. It could've been personal, it could've been any number of things. We shouldn't jump to conclusions is all I'm saying."²⁷

Rahmo Omar saw Adan as a big brother. He was good friends with her own brother and she knows his sisters. She said about Adan, "He was always that really shy, nice kid. You would never associate what happened with him. Sweetest guy you know. Always stood up for people. I've never seen him do anything wrong, in general. He was a straight-A student, very smart. He was very kind. So hearing this, it's very crazy."²⁸

Now they're worried. Not without cause either, as Minnesota has one of the largest Somali-American populations in the United States. According to the 2010 census, 85,700 Somalis, live in the United States, and approximately 25,000 of these live in Minnesota.²⁹ Moreover, the local paper reported in January 2016 about 20 percent of St Cloud's students came from homes where the primary language spoken at home was Somali.³⁰

FBI Special Agent Thornton suggested shortly after the attack that it was only recently that Adan's once-promising life veered off-course. According to Thornton, Adan changed "almost overnight" from a bright college student interested in basketball and video games into a sullen, withdrawn young man with an intense interest in Islamic studies. Contradicting others, Thornton claimed Adan went from top grades to flunking out of school, and in addition lost weight, lost interest in his old pastimes, and started chiding the young women in his family to be more devout.³¹ Although St. Cloud State would not reveal the causes, Adan was not currently enrolled in school, but if Thornton is correct, Adan's flunking out of school could be a potentially dangerous catalyst along with his increased interest in Islamic Studies—though an increased interest in Islamic Studies of course in no way makes someone a terrorist.

3. Motivation

Special Agent Thornton told reporters after the attack that Adan may have been radicalized "almost overnight," growing withdrawn and scolding relatives for not being more devout.³² He further said, "In this era of encrypted communications and encrypted devices and so forth, I think it's going to be an increasingly common outcome where we may not have absolute clarity on what

²⁷ Cox and Collins, "After a week, more questions, few answers in St. Cloud mall attack."

²⁸ Cox and Collins, "After a week, more questions, few answers in St. Cloud mall attack."

²⁹ Elizabeth Dunbar, "Survey: Nearly 1 in 3 US Somalis live in Minnesota," mprnews.com, December 14, 2010.

³⁰ Jared Goyette, "Minnesota's Somali leaders condemn stabbing as report identifies suspect," theguardian.com, September 18, 2016.

³¹ Jennifer Brooks, Faiza Mahamud and Paul Walsh, "Police show video of St. Cloud mall attacker's fatal encounter with off-duty officer," startribune.com, October 7, 2016.

³² Montemayor, "One year later, motive of St. Cloud mall attacker remains unclear."

was in people’s minds. If you aren’t seeing all of their communications, there’s always the potential for a gap.”³³

However, after investigators spent 19 days interviewing more than 180 people who knew Adan, viewed hundreds of hours of video, traced his digital footprints, and tried to unlock his phone, they could not establish a motivation.³⁴ Indeed, a year after the attack, the FBI reported it had still been unable to pinpoint a motivation and might never be able to do so.³⁵

The only possible insight we have is he made several references to Allah before commencing the attack, shouted “Allah Akbar” (God is the greatest) and asked more than one victim if they were Muslim prior to stabbing them.³⁶ And, to add to the mystery, on the Fourth of July, two months before he plunged kitchen knives into ten shoppers at St. Cloud’s Crossroads Center mall after asking some if they were Muslim, Dahir Adan shared a radically different message on Twitter: “Don’t ever say that ISIS represents Islam.”³⁷

4. Goals

As with Adan’s motivation, his goals are extremely difficult to understand. We simply don’t know what he hoped to accomplish from this attack.

5. Plans for violence

On September 17, 2016, Adan came home from his job as a security guard at an unnamed location and didn’t remove his uniform. He told his family that he had work to do that evening. He lived with his father but his mother was also present when he left the house after apparently texting his boss that he wouldn’t be coming in. However, it is not at all clear he actually had a job at the time—he may have been lying about it to his family. He had resigned from his position at Electrolux in June 2016, several months before the attack, and at least one source says he did not have a job at the time of the attack.³⁸ However, sources say he still had a uniform and wore it quite a bit. Moreover, a source reported Adan as telling his family “I have some work to do tonight.” This could have been referring to a real or fake job or to the attack.³⁹

³³ Amy Forliti, “FBI still trying to establish motive in St. Cloud mall stabbing,” *twincities.com*, February 17, 2017.

³⁴ Brooks et al., “Police show video of St. Cloud mall attacker’s fatal encounter.”

³⁵ Montemayor, “One year later, motive of St. Cloud mall attacker remains unclear.”

³⁶ Jessica McBride, “Dahir Adan: 5 Fast Facts You Need to Know,” *heavy.com*, September 18, 2016, updated: March 30, 2017.

³⁷ Montemayor, “One year later, motive of St. Cloud mall attacker remains unclear.”

³⁸ Nadine Comerford and Alexander Smith, “Dahir Ahmed Adan Named by Police as St. Cloud, Minnesota, Stabbing Suspect,” *nbcnews.com*, September 20, 2016.

³⁹ On having a job: Staff, “Officer, suspect ID’d in Crossroads stabbings,” *sctimes.com*, September 17, 2016; Sterling et al., “Stabbing suspect had gone to mall to buy an iPhone, source says.” On his odd quote to his family “FBI: Minnesota mall attacker became interested in Islam, withdrew from friends in months before attack,” *chicagotribune.com*, October 6, 2016. On sometimes wearing his uniform at home: Pat Pheifer, “FBI Probes Stabbing Attack as Terror Act,” “Dahir Adan: What we know,” *pressreader.com*, September 19, 2016. For statements about his plans for the night as well as his possible then-employment: Abigail Hauslohner and Drew Harwell, “An unassuming life before a suspect’s rampage in a Minnesota mall,”

The last time he was seen by his family was about 6:00 or 6:30pm when he said he was going to the mall to buy an iPhone 7 before work.⁴⁰ He was in a good and joyful mood before heading to the mall, according to one community member. Contradictorily, two Somali community leaders in contact with the man's family earlier told CNN that Adan had been acting strangely before the incident⁴¹

At around 8:00pm, went to a SuperAmerica gas station where he may have purchased his knives. Eerily, as he left the store, he told the clerk, "You won't be seeing me again." The time between leaving his house and entering the gas station is unaccounted for. There are several possibilities. Among them, he could have been deciding if he truly wanted to commit the attack. In addition, he could have been trying to figure out the best target. He then drove back home, but on the way he hit a cyclist. The force was enough to shoot the rider over the hood of the car but Adan never stopped. Investigators later found the cyclist's glasses lodged on the car hood. There were reports from witnesses. The hit-and-run was only the beginning of what was to come and may have aggravated him. The business he had back at his house before going to the mall a few minutes away is unidentified. On the way to the mall from his house, Adan ran a red light before pulling into the Crossroad Mall's south parking lot at 8:13pm.⁴²

Adan, still wearing a private security company uniform, entered the mall with his two knives, one ten inches with a 5½ inch blade and the other nine inches with a 4½ inch blade. He stabbed 10 people after first asking some, but not all, of them if they were Muslim, and he was heard by at least 16 different people to yell "Allah Akbar." He also punched some people in the back, shoulder, head, neck, or face. Presumably, to punch people he put one of the knives inside his uniform, leaving one of his hands free.

Adan started the stabbings near Complete Nutrition, then proceeded to enter the mall and chased down the store employee at Ultimate Electronics and stabbed him. He then began to approach the Northwoods Candy Emporium, but the store employee was able to successfully pull down the chained security fence before Adan was able to slip in. Witnesses describe stabbing victims running inside the mall, alerting other shoppers to seek cover. Merchants closed their shops and locked their doors, and some shoppers slipped inside and hid with the employees.⁴³

Luckily, an off-duty police officer was also shopping. Jason Falconer is employed part-time at the nearby Avon Police Department. He had been the police chief in Albany, which is about 15 miles northwest of St. Cloud, and is the president and owner of a firing range and firearms training facility called Tactical

washingtonpost.com, September 19, 2016; Sterling et al., "Stabbing suspect had gone to mall to buy an iPhone, source says."

⁴⁰ "Minnesota stabbing: Dahir Ahmed Adam was known for calm demeanor." Staff, "Officer, suspect ID'd in Crossroads stabbings."

⁴¹ Sterling et al., "Stabbing suspect had gone to mall to buy an iPhone, source says."

⁴² Brooks et al., "Police show video of St. Cloud mall attacker's fatal encounter."

⁴³ Kendall, "Stearns County Attorney's Letter." Brief surveillance video can be found at Brooks et al., "Police show video of St. Cloud mall attacker's fatal encounter." These videos contain graphic images.

Advantage. He focuses on firearms and permit-to-carry training and also teaches “decision shooting” to law enforcement students at St. Cloud State University.⁴⁴ He was shopping in Bath & Body Works at the time of the stabbings. He was carrying a 9mm Glock with a 15 round magazine plus one in the chamber. Adan approached Falconer and asked him if he was a Muslim. Falconer replied “no.” Then, as Adan turned away, Falconer noticed two knives in his hands. Falconer drew his gun and ordered Adan to drop his weapons after announcing he was a police officer.

Adan fled toward Macy’s and ran down the main aisle. Falconer followed, gun drawn. Twelve witnesses verified that Falconer shouted at Adan several times to drop the weapons and identified himself as a police officer. Inside Macy’s, Adan lay down on the ground, knives still in his hands. Then he abruptly jumped up and charged Falconer, who proceeded to fire multiple times at Adan. After Adan fell down, Falconer commanded him to remain on the ground and told others around him he was an off-duty police officer, showing his badge as proof. But Adan was able to get up again and again charged at Falconer who then shot him several more times. According to reports, Adan initially faced Falconer then advanced toward him, his back to the bullets. He fell onto his stomach and crawled on his hands and knees toward Falconer with a knife still in his hand before finally falling down for good. He died shortly after. Falconer then proceeded to place himself between Adan and the open area of the mall. Adan was the only fatality. Falconer several times showed his badge to reassure shoppers who were frightened by the sight of a man in plain clothes who was pointing a gun at a man dressed as a security guard.⁴⁵

None of the eight men and two women who were stabbed suffered life-threatening injuries, and none remained hospitalized, officials said.⁴⁶ Responding to 95 calls from the mall, police arrived within four minutes.⁴⁷

One curious thing is that when Adan asked people if they were Muslim, he did not always attack them if they responded “no.” At least one person was stabbed when he replied “no.”⁴⁸ However, when Officer Falconer replied “no,” Adan just turned and walked away. So why did he ask people if they were Muslim if he didn’t stab all of them which had said no?

An autopsy performed on Adan showed he died of exsanguination (blood loss) stemming from 6 out of the 10 shots that hit him. A toxicology report showed the only substances in Adan’s body were nicotine, caffeine, and an anti-fungal medication.⁴⁹

⁴⁴ “Islamic State says Minnesota mall attacker was its soldier; his father IDs slain man as college student,” *latimes.com*, September 18, 2016. See also Doug Criss, “Jason Falconer: Man who ended Minnesota mall attack a reluctant hero,” *cnn.com*, September 19, 2016.

⁴⁵ Kendall, “Stearns County Attorney’s Letter.”

⁴⁶ New York Times, “Before St. Cloud mall attack, Dahir Adan seen as ‘normal American kid’ Before St. Cloud mall attack, Dahir Adan seen as ‘normal American kid’” *twincities.com*, September 19, 2016.

⁴⁷ Kendall, “Stearns County Attorney’s Letter.”

⁴⁸ “Dahir Adan: What we know.”

⁴⁹ Kendall, “Stearns County Attorney’s Letter.”

The chaos was extensive. “One guy was bleeding from the side of his face,” said Sydney Weires, a college student who was inside the mall. adding that he was yelling at everyone to get out. A second shopper, Harley Exsted, said, “All of a sudden I heard pop pop pop. I thought someone tipped over a shelf. All of a sudden these people started running. I just saw everybody running our way.”⁵⁰ Another reported, “People came running around the corner and I freaked out because I thought it was a terrorist attack or something because I saw a lot of people, so I grabbed my kids. I ran as much as I could and I heard someone yell ‘Stop! Stop!’ As soon as the door shut I heard gunshots.” One man and his children were able to make it out of the mall, but his wife was trapped in the mall for hours.⁵¹ Tami Dung, who owns Nails Sophisticates at the mall, was busy cleaning up when she saw police cars lining up outside the center and only heard what had happened after she got home: “I was so scared to be too close.” Another said she felt safe in St. Cloud until Saturday’s events: “It is beyond scary,” she said. “My kids were here.”⁵² One man was outside the mall where his wife was employed as a manager at Clinique in Macy’s: “She called me on the phone and told me she was hiding under the counter with a customer.” He later heard from her, saying she was safe. He remained outside and was able to have a visual of her just to make sure she was safe.⁵³

The next night police executed search warrants for two apartments, including the one where Adan lived with his father, and seized photos and other materials. They also impounded the assailant’s car from the mall parking lot. What exactly they found from the searches is unknown.

Soon after the attack, the FBI’s Joint Terrorism Task Force took charge with assistance from the St. Cloud officials.⁵⁴

6. Role of informants

There were no informants in this case.

7. Connections

There were no connections. Typical of their agenda, the Islamic State said Adan was a solider for them. Amaq, the official news agency for the Islamic State, stated, “The executor of the stabbing attacks in Minnesota yesterday was a soldier of the Islamic State and carried out the operation in response to calls to target the citizens of countries belonging to the crusader coalition.”⁵⁵ But there is absolutely no evidence that the group had any role. And there were no indirect connections, either. Often in cases like this, there is some indirect linkage or

⁵⁰ Mitch Smith, “F.B.I. Treats Minnesota Mall Stabbing Attack as ‘Potential Act of Terrorism’,” nytimes.com, September 18, 2016.

⁵¹ Merrit Kennedy, “Mass Stabbing Attack in Minnesota Mall Injures At Least 9 People,” npr.org, September 18, 2016.

⁵² Stahl et al., “Family ID’s attacker.”

⁵³ “Suspect killed after a stabbing attack in Minnesota mall,” nypost.com, September 18, 2016.

⁵⁴ Matt Sepic, “FBI takes lead on St. Cloud mall stabbing investigation,” mprnews.com, September 20, 2016.

⁵⁵ Volz and Dobuzinskis, “Islamic State claims responsibility for Minnesota mall attack.”

influence, usually through the viewing foreign terrorist propaganda or the like. But there was nothing in this case.

8. Relation to the Muslim community

Muhayadin Mohamed, president of the Islamic Center of St. Cloud, said he didn't know Adan personally but does know his father and some of his siblings: "I haven't seen him coming to the mosque. He wasn't a student of ours. He was not a regular mosque comer, who normally comes to the five daily prayers." Mohamed, the neighbor, agreed. "Of course, most Somalis are Muslims," he said. "But this guy was a typical American. He was just busy with school and work. He didn't use to go to the mosque. So, it's impossible that he turned an extremist."

In public meetings, at rallies and press conferences, Somali-American leaders stressed that this was the act of an individual, not of a community. But some fear that this one incident, and the taint of terrorism that was linked to St. Cloud's Somali-American community by the ISIS statement, could undo years of community-building. Haji Yussuf, a director of #UniteCloud, an organization that launched almost two years ago with the aim of easing racial tensions in the region, said, "There have been people for 30 years that have been working to build relationships across cultures and religion and all issues for this town. So after this one incident, that's a little bit shattered. It's like a glass that is shattered. It's not broken. We're trying to see where we can rescue and fix that." Natalie Ringsmuth, another director of #UniteCloud, said, "In some ways, people who have lived in the St. Cloud area for generations tend to keep among their own. That can make conversations between groups difficult. Choosing peace in this area means choosing to get to know your neighbors. What we're hoping is that we don't lose ground in that area now, and that instead it makes people more willing to do that."⁵⁶

Members of the Somali American community began to get anti-immigrant and Islamophobic messages directed toward them online. A leader of the community, Abdul Kalane, said, "When I heard that the guy who did this was a member of the Somali community, I was so devastated, because I know what's going to happen. The repercussions, the retaliation. I was shocked, because the guy lives in the same building I live in. And even though we don't know the full picture, we are actually devastated by this. It's really tragic."

Activist Lul Hersi said she had feared for her one of her sons when she heard about the attack, and was relieved when he arrived home that night. She called it a "dark day" that the community would never forget: "We condemn the acts of yesterday. It was an individual and we don't know what motivated that individual. Let's unite as one Minnesota. Let's take love instead of hate."

Jaylani Hussein, the executive director for the Minnesota chapter of the Council of American-Islamic Relations, noted that central Minnesota has a history of anti-Muslim organizing. Visits by well-known anti-Muslim speakers and a recent billboard, eventually removed, that read "Catholic Charities Resettles Islamists, Evil or Insanity," are pieces of evidence he cites. He elaborated, "It's

⁵⁶ Cox and Collins, "After a week, more questions, few answers in St. Cloud mall attack."

not just random people being upset and acting randomly. This is people who actually organize, who hold events, who hold meetings, who fundraise. They make sure everyone in their community is aware of what is going on. There is tension, there is real concern, and this incident just magnifies everything that has happened here. But we hope, even this big of an incident can bring St Cloud residents who have not played a role in this discussion to start to take back the narrative from the extremes.”⁵⁷

9. Depiction by the authorities

Chief Anderson declined to call this terrorism, saying that he wanted to wait for a motive to become clear. He also said the attack inspired a successful bid to the city for additional funds for training.⁵⁸ Minnesota FBI spokesman Kyle Loven also declined to say if investigators believed the attack to be terrorism.⁵⁹ However, when the FBI Joint Terrorism Task Force joined the investigation it gave the impression that FBI was treating this to be an act of terror. In line with this thinking, Special Agent in Charge Rick Thornton said the FBI considered the attack a “potential act of terrorism.”⁶⁰

FBI Director James Comey said Adan appeared to have been at least partially inspired by radical extremist ideology. When testifying before the House Judiciary Committee in Washington, Comey was asked whether authorities had confirmed that the attack was an act of terrorism. Comey responded that the FBI is “still working on it,” but that Adan appeared to have been motivated “by some sort of inspiration from radical Islamic groups.” Minneapolis FBI spokesman Jeff Van Nest declined to elaborate on Comey’s comments. He said he’d let the FBI director’s statement speak for itself.⁶¹ There seems to be no evidence to back up Director Comey’s assertion.

Minnesota leaders, at the local, state, and federal levels, all weighed in. St. Cloud mayor Dave Kleis assured the public that Officer Falconer was in the right by killing Adan. While having the surveillance video on hand, he pointed out the officers’ life was in danger.⁶² Minnesota Governor Mark Dayton said he was “Appalled at the terrible attacks on innocent Minnesotans in St. Cloud last night. If true that they were motivated by religious bigotry, I condemn them even more strongly. ... I ask everyone in the St. Cloud area and throughout Minnesota to rise above this atrocity and act to make religious and racial tolerance one of the ways in which Minnesotans again lead our country.” Governor Dayton visited the town shortly after to show his solidarity with the victims.⁶³

Tom Emmer, US Representative whose district includes St. Cloud, said, “The person who attacked innocent people at the Crossroads Mall in St. Cloud last night struck terror into the hearts of all Americans. Our thoughts and prayers

⁵⁷ Goyette, “Minnesota’s Somali leaders condemn stabbing as report identifies suspect.”

⁵⁸ Montemayor, “One year later, motive of St. Cloud mall attacker remains unclear.”

⁵⁹ “Officer, suspect ID’d in Crossroads stabbings.”

⁶⁰ Sepic, “FBI takes lead on St. Cloud mall stabbing investigation.”

⁶¹ “FBI head: Extremism apparent influence in St. Cloud mall attack,” mprnews.com, September 28, 2016.

⁶² Stahl et al., “Family ID’s attacker.”

⁶³ Stahl et al., “Family ID’s attacker.”

are with the victims of this attack and we hope for their speedy recovery...The safety of our citizens is our number one concern. I also urge the Senate to support and pass The SAFE Act, which the House passed last year, which would strengthen security checks on those entering our country..."

Minnesota US Senator Amy Klobuchar said, "Everyone should feel safe in their community — whether they're at school or a movie theater or a shopping mall...While we will learn more about the facts surrounding this horrific attack today, one thing we know for certain this morning: Due to the courageous actions of an off-duty area police officer, the good work of first responders, and the reaction of those present at the mall, lives were saved."

In a statement, Minnesota State House Speaker Kurt Daudt preached: "First and foremost my prayers are with victims and their recovery...Officer Falconer's quick actions saved lives and prevented additional injuries, and we are grateful for his heroism...As state leaders, it is our responsibility and my commitment to do everything we can to keep our communities safe."

Finally, Minnesota State Representatives Jim Knoblach and Tama Theis, both from St. Cloud, issued a joint statement: "We ask the St. Cloud community to join us in praying for the victims of last night's tragic attack in St. Cloud. We are thankful for the officer whose heroic actions saved lives and prevented further injuries, and to all the law enforcement and emergency responders for their good work as well."⁶⁴

Hillary Clinton, then the Democratic Presidential candidate, said she was briefed on this crisis, as well as the one in New York and New Jersey (Case 87) which happened on the same day.⁶⁵

10. Coverage by the media

News outlets generally used phrases like "stabbing attack" or "mall attack" to describe the event. If "terrorist" was used, it was generally used when explaining how the FBI was moving forward in their investigation treating it like a terrorist attack.

Thomas Joscelyn, a senior fellow at the neoconservative Foundation for Defense of Democracies (FDD) had bit of a different take. He said the circumstances surrounding ISIS claiming Adan's attack has him wondering: "Is there part of the picture we're still not seeing? I don't think we can make a sweeping generalization of what they claim and don't claim. More often than not there's some sort of definitive connection, whether it's inspired, guided or some sort of real-world connection."⁶⁶ Since there was no evidence of any kind of inspiration stemming from ISIS (or from any other group), this claim by Joscelyn seemed to be slightly premature. Moreover, FDD has been heavily criticized in

⁶⁴ "Dayton, Emmer and other leaders react to St. Cloud mall stabbing," twincities.com, September 18, 2016.

⁶⁵ Stahl et al., "Family ID's attacker."

⁶⁶ Montemayor, "One year later, motive of St. Cloud mall attacker remains unclear."

the past for their intense leanings toward a militaristic policy, especially those policies aimed at Iran and the War on Terror, and the Middle East overall.⁶⁷

11. Policing costs

The policing costs in the crisis are very low. There was no prior investigation, and there were no costs associated with courts, jails, surveillance, etc.

12. Relevance of the internet

In a case like this, with no revelation of motivations or goals, it's almost impossible to establish the relevance of the internet. FBI Special Agent in Charge Thornton in Minnesota did suggest that Adan was "radicalized overnight". Curiously, however, there seems to be little, if any, evidence he was radicalized at all.

13. Are we safer?

In a case like this, with no apparent motivations or goals, it is difficult to say whether we're safer or not. And it's difficult as well to try to stop incidents like this from happening if we have absolutely no idea why they did it or what their endgame was.

14. Conclusions

What can we conclude from this case? I find two conclusions. First, we cannot definitively say that this was terrorism at all. Adan was heard asking people if they were Muslim and heard shouting "Allah Akbar." But this, in and of itself, is not enough. It may be that he radicalized overnight for some undisclosed reason and/or that he just snapped because of some incident we don't know about. There isn't much more which can be concluded from this case.

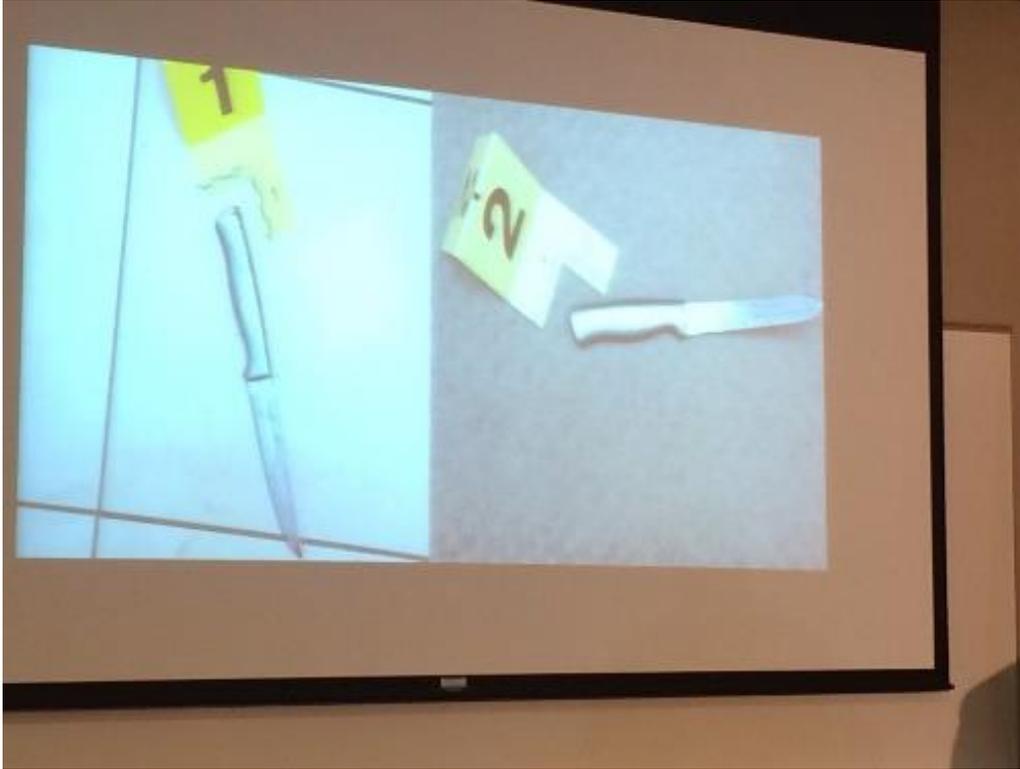
Second, this case can be compared to the Las Vegas shooting on October 1, 2017, when Stephen Paddock, a millionaire real estate investor opened fire on a heavily crowded Route 91 Harvest music festival while Jason Aldean was performing on the Las Vegas Strip. He was perched on the 32nd floor of the Mandalay Bay Hotel across the street. He killed 58 and injured 546 and then committed suicide with a shot to the head. This is the most deadly mass shooting in United States history. With a rampage as horrific and massive as this one, one would think a motivation and endgame would be relatively easy to find. But investigators have found nothing in terms of motivations or goals: at the interviews they have performed and the evidence they have amassed have led them nowhere.⁶⁸ It is similar in that way with the Minnesota case.

⁶⁷ For the main critique, see "Foundation for Defense of Democracies," Institute for Policy Studies, November 16, 2011. See also Eli Clifton, "EXCLUSIVE: Documents Shed Light on Those Underwriting the Foundation for Defense of Democracies," thinkprogress.org, July 19, 2011.

⁶⁸ For more information on the Las Vegas shooting, see (among many others) Stefan Becket, "More Details Revealed about Las Vegas Shooter's Arsenal of Weapons," cbsnews.com, October 4, 2017; Rachel Crosby, Henry Brean, Anita Hassan, Jamie Munks and Jessie Bekker, "It was a

Appendix:

These are the knives Adan used in the attack.⁶⁹



horror show': Mass shooting leaves at least 59 dead, 527 wounded on Las Vegas Strip,"
lasvegasreviewjournal.com, October 3, 2017.

⁶⁹ "Mall terrorist was newly interested in Islam, used steak knives during attack, FBI says."

Case 95: Chelsea

John Mueller

December 8, 2017

After working on the project for some three months, Ahmad Khan Rahimi, a married, 28-year-old naturalized Afghan-American, amassed an arsenal of around nine explosives at his residence in New Jersey. Two of these were pressure-cooker bombs to be detonated by timers, and the others were smaller, one configured to be set off by a timer, the others by fuses.¹

On September 17, 2016, at 9:30am, he detonated the smaller timer bomb (in some accounts a cluster of three pipe bombs, only one of which detonated) in a garbage can at the finish line of a charity race in Seaside Park, NJ. The explosion did little damage, and, because the race's start was delayed, few, if any, were at the finish line at the time. No one was hurt.²

He then went to the train station in Elizabeth, NJ, and accountably left a back pack with the remaining smaller explosives nearby. He took the train to Penn Station in New York with each of the two pressure cooker bombs in a separate roller suitcase. He then walked a few blocks to the Chelsea neighborhood and placed one of the bombs in a heavy steel sidewalk dumpster on 23rd Street and the other near a mailbox on a street a few blocks away.³

At 8:30pm, the first of these two bombs exploded, shattering windows, damaging cars, propelling debris onto rooftops, and sending people running at a time when the area was filled with residents and tourists.⁴ Although more than two dozen people were injured by the explosion, none was killed.⁵

The second device failed to detonate. Two men saw the suitcase on the sidewalk, took out the bomb that was wrapped in a plastic bag, and then walked off with the empty suitcase. A neighbor, aware of the nearby explosion earlier in the evening, saw the mysterious object on the sidewalk and called the police who took the bomb into custody.⁶

The backpack in New Jersey was discovered the next day and delivered to the police.

Rahimi's identity was quickly ascertained. There was extensive footage from surveillance cameras tracing his walk around New York. And he was unwise enough to use his own cell phone as a detonator on the second, unexploded, Chelsea bomb, which supplied not only personal information about who he was and where he had been, but a fingerprint which was quickly traced to police records from a year earlier when he had been arrested in New Jersey for assaulting his mother and sister and for stabbing his brother in the leg.

¹ Michael Wilson, "Chelsea Bomb Suspect Guilty in Attack That Sowed Terror Across Region," *nytimes.com*, October 16, 2017.

² Wilson, "Chelsea Bomb Suspect Guilty." Marc Santora, William K. Rashbaum, Al Baker, and Adam Goldman, "Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings" *nytimes.com*, September 19, 2016.

³ Wilson, "Chelsea Bomb Suspect Guilty." Santora et al., "Ahmad Khan Rahami Is Arrested."

⁴ Wilson, "Chelsea Bomb Suspect Guilty."

⁵ Wilson, "Chelsea Bomb Suspect Guilty."

⁶ Wilson, "Chelsea Bomb Suspect Guilty."

Police sent out multiple alerts with Rahimi's picture in them to millions of residents in the New York/New Jersey area. In Linden, New Jersey, one resident called the police when he saw a suspicious man huddling in the doorway of a bar. It was Rahimi, and he pulled out a gun when a police officer arrived. Rahimi was arrested after a shootout and a chase in which he and two police officers were wounded.⁷ After four hours of deliberation, jurors at his trial a year later found him guilty of all counts including at least one that carries a mandatory life imprisonment provision.⁸

As documented by Niko Pittore, an intern at the Cato Institute when he wrote this case, Rahimi's high school classmates remember him with considerable affection—as quiet and respectful with a good sense of humor. Things changed, however, in 2013 when Rahimi began to become obsessed with jihadist videos and statements by Osama bin Laden and Anwar al-Awlaki. His proclivities in this direction were likely substantially enhanced when he fell under the sway of a radical Muslim cleric he met in Pakistan on a yearlong trip to Pakistan (where his wife then lived). He came back to the United States in 2014 angry and violent.⁹ As Pittore points out, Rahimi was particularly outraged by the American attacks on Muslims in the Middle East.

At the time of the attack, investigating bomb technicians said they believed that Rahimi constructed all the devices himself, suggested he may have had received training: “If you're working off the premise that the guy made all these devices, then the guy is a pretty good bombmaker. And you don't get that good on the internet.”¹⁰ However, only one of the three bombs seems to have gone off as planned, and no one was killed. And, as this may suggest, there seems to be no evidence Rahimi had any training anywhere.

⁷ Santora et al., “Ahmad Khan Rahami Is Arrested.”

⁸ Wilson, “Chelsea Bomb Suspect Guilty.”

⁹ Kim Barker, Pir Zubair Shah, Joseph Goldstein, and Jessica Silver-Greenberg, “Journey From Class Clown to Suspect in Chelsea Bombing,” *nytimes.com*, September 24, 2016.

¹⁰ Santora et al., “Ahmad Khan Rahami Is Arrested.”

Case 95: Chelsea

Niko Pittore

December 8, 2017

1. Overview

On the morning of September 17, 2016, a pipe bomb devised by Ahmad Khan Rahimi, a 28 year old naturalized Afghan-American, exploded in Seaside Park, New Jersey. Later that day, a homemade pressure cooker bomb filled with small bearings or metal BBs, also by Rahimi, went off in the Chelsea neighborhood of Manhattan, New York City, and a second Rahimi pressure cooker bomb was discovered four blocks away in Manhattan. Late the next day, on September 18, several more of his bombs were discovered near the train station in Elizabeth, New Jersey. There were no deaths, but over two dozen people were injured in the Chelsea explosion.¹

Working with evidence from the bombs and from surveillance cameras, the police quickly identified Rahimi and sent his picture and description to the public. He was soon spotted by the owner of a local bar in Linden, New Jersey.²

Linden police arrived fifteen minutes later and, after a brief shootout and chase that left Rahimi and two police officers wounded, he was arrested.³

Rahimi was described very favorably by his peers growing up, especially in high school, where he is remembered as being quiet and respectful and with a solid sense of humor. However, things started to change when he left high school. His father, upset at his “American” ways (including having a non-Muslim girlfriend who became pregnant) started taking him on family trips to Afghanistan and Pakistan.⁴ His classmates reported that when he came back from those trips, he started to become more conservative and religious and grew a long beard. He also began to be radicalized, by Islamist terrorist propaganda, becoming particularly hostile to US military policy in the Middle East. However, despite their concerns, the fact that he turned into the most wanted man in the United States was a complete shock to those who knew him. No one figured he was a capable of such a crime like this.

Rahimi’s trial lasted two weeks and, after deliberating for four hours, the jury found him guilty on all counts.

2. Nature of the adversary

Ahmad Khan Rahimi is an Afghan-American born on January 23, 1988 in Kandahar, Democratic Republic of Afghanistan.⁵ He came to the United States

¹ Marc Santora, William K. Rashbaum, Al Baker, and Adam Goldman, “Ahmad Khan Rahimi Is Arrested in Manhattan and New Jersey Bombings,” *nytimes.com*, September 19, 2016.

² Evan Perez, Shimon Prokupez, Emmanuella Grinberg, Holly Yan, “NY, NJ bombings: Suspect charged with attempted murder of officers,” *cnn.com*, September 19, 2016.

³ Tom Haydon and Jessica Remo, “‘We caught a terrorist’ says proud new Linden chief.” *NJ.com*, September 20, 2016.

⁴ Scott Bronstein and Drew Griffin, “Ahmad Rahimi’s lifelong feud with family and identity,” *cnn.com*, September 22, 2016.

⁵ Naftali Bendavid and Tamara Audi, “Ahmad Khan Rahimi Took Long Path to Radicalization,” *wsj.com*, September 23, 2016. Reports have listed his last name as “Rahimi” and once or twice as

with his family in 2000⁶ when he was just twelve years old and was naturalized 11 years later in 2011.⁷ He is a native Pashto speaker (a dialect of the broader Persian language family) and has seven siblings.⁸ He graduated from Edison High School in New Jersey in 2008.⁹ In high school, people who knew him and spoke to reporters had nothing but positive feelings about him. They were all stunned he was capable of committing this kind of act. Brian Konya, a former classmate of his had this to say about him: “Nothing out of the ordinary,” he said. “We remember him being well-dressed, and when he did talk, it was not abrasive, it was funny. It’s a complete mystery what happened to Ahmad between graduating in the summer of 2007 and last weekend...the time span from going from blending into being the most wanted man in America in less than 10 years is pretty shocking to me.”¹⁰

Rahimi’s congenial attitude toward his classmates soon caught the ire of his more conservative and traditional father who was becoming disappointed in how “American” his son had become: he did not dress in typical conservative fashion and did not frequently attend mosque. While in high school, he had a girlfriend, a non-Muslim from the Dominican Republic, and she unexpectedly became pregnant and then dropped out of high school to have the baby. Rahimi’s father, unspeakably irate about that, refused to meet the family of his son’s girlfriend. After graduating from high school, Rahimi enrolled at Edison Community College, with his eyes set on a future in law enforcement.¹¹

A family friend, who requested only to be identified as Ehsan, says the pregnancy and Rahimi’s apparent inability to move forward prompted his father to take the entire family to Afghanistan after his son had graduated from high school. From there, Ehsan said, they moved on to Pakistan. During the trip, Mohammed Rahimi abandoned Ahmad alone. As Ehsan recounted, the young man “told me he was basically left there.... He had to find his own way back ... I’m sure that traumatized him for life ... I’m sure that scarred him.” Ehsan said Rahimi told him that his father took his passport while he was sleeping.¹²

Another friend confirmed this story. He remembers getting a strange phone call from Rahimi, who said he was stuck in Pakistan and needed money. It is unknown who enabled Rahimi to return to the United States, but he eventually

“Rihimi.” He later corrected it to be “Rahimi.” I will use Rahimi except in quotes where it is spelled differently.

⁶ Brian Ross, Ronda Schwartz, Mike Levine, Stephanie Wash, Michael Edison Hayden, JJ Gallagher, and Emily Shapiro, “Details Emerge About NYC Bomb Suspect Ahmad Khan Rahami,” abcnews.com, September 19, 2016.

⁷ Ray Sanchez, “Bombing suspect Ahmad Khan Rahimi pleads not guilty,” CNN.com, October 13, 2016.

⁸ Kim Barker, Pir Zubair Shah, Joseph Goldstein, and Jessica Silver-Greenberg, “Journey From Class Clown to Suspect in Chelsea Bombing,” nytimes.com, September 24, 2016.

⁹ William Arkin, Alex Johnson, Corky Siemaszko, Tracy Connor, Chelsea Bailey, and Becky Bratu, “Ahmad Rahami: What We Know About N.Y., N.J. Bombings Suspect,” NBCnews.com September 19, 2016.

¹⁰ Caitlin Dickson, “Ahmad Khan Rahami high school classmate recalls bomb suspect as ‘funny’; calls allegations ‘shocking’,” yahoo.com, September 19, 2016.

¹¹ Bronstein and Griffin, “Ahmad Rahami’s lifelong feud with family and identity.”

¹² Bronstein and Griffin, “Ahmad Rahami’s lifelong feud with family and identity.”

made it and moved back into a tumultuous existence in the cramped apartment above his father's chicken restaurant.¹³

After helping run a restaurant called "Tasty Pizza and Fried Chicken," Mohammad opened up his own shop calling it "First American Friend Chicken," named for the United States because it had been generous enough to accept him and his family as refugees. Within two years, he joined a Kennedy Fried Chicken franchise in Asbury Park, New Jersey. Soon after, other relatives opened chicken restaurants, and Mohammad had all his sons work at them, sometimes long hours well into the night.¹⁴

However, at some point, things at the restaurant began to go south. In July 1998, Mohammad received a gas bill for \$242 and did not pay it for six years, at which point the gas company sued him. He was also sued by a man who claimed he broke a tooth on a hamburger. In addition, his daughter Aziza was arrested on suspicion of stealing \$565 worth of jewelry and perfume from a Filene's store, and the local newspaper ran a story about the episode.¹⁵

In 2004, Mohammad filed for bankruptcy. He owed around \$46,000 for expenses including charges on a Macy's card, medical bills and payments on a 1999 Chevrolet Suburban. He claimed he only earned \$1447 a month and spent \$200 of that on food for 10 people.¹⁶

In addition, the family clashed with some neighbors over the long hours kept by the restaurant: they often stayed open until 2am or later. They were also cited frequently for code violations by the municipality. In 2011, the Rahimi sued the town and its police force, saying they were being harassed and intimidated. The lawsuit also named a neighbor, James Dean McDermott, saying he had made derogatory comments such as "Muslims make too much trouble in this country." The lawsuit was dismissed in 2012.¹⁷

As Rahimi and his brothers grew older, they hung out around Elizabeth and neighboring towns, sometimes making trips into New York City for fun.¹⁸ Also during this time, Rahimi and a brother, Mohammad, made multiple trips to Afghanistan and Pakistan. At one point, they stayed in Pakistan for nearly a year. Ultimately, Rahimi and his brother returned to their traditional values, and married two conservative Pakistani cousins. Notably, during one those trips to Pakistan, he spent a lot of time in Quetta, which was known to be a stronghold for the Taliban.¹⁹

Rahimi's wife, Asia Bibi Rahimi, was one of his cousins. They were married in 2011 when he was in Pakistan, and the couple eventually had a baby.

¹³ Bronstein and Griffin, "Ahmad Rahami's lifelong feud with family and identity."

¹⁴ Barker et al., "Journey From Class Clown to Suspect in Chelsea Bombing."

¹⁵ Barker et al., "Journey From Class Clown to Suspect in Chelsea Bombing."

¹⁶ Barker et al., "Journey From Class Clown to Suspect in Chelsea Bombing."

¹⁷ Barbara Demick, Del Quentin Wilber, Vera Haller and Matt Pearce, "Suspect in New York-area bombings had traveled to Afghanistan and Pakistan, latimes.com," September 19, 2016.

¹⁸ Bronstein and Griffin, "Ahmad Rahami's lifelong feud with family and identity."

¹⁹ Jane Onyanga-Omara, "What we know about Ahmad Khan Rahami, suspect in NYC-area bombings," usatoday.com, September 20, 2016.

Around 2014, she was able to make it to the United States.²⁰ They moved into an apartment in Perth Amboy, but soon found they couldn't afford it. After they were evicted, they moved back in with the rest of the family above the chicken restaurant.²¹

After one of Rahimi's trips abroad, friends noticed a difference about him. Flee Jones, who grew up with Rahami and remembers playing basketball with him in the park as a kid, noticed significant changes in Rahimi upon his return from an extended trip to Afghanistan in 2012: "He grew a beard, wore traditional Muslim garb, and would pray in the back of the restaurant. Not only did he look different, but Rahimi had become less easygoing: "It's like he was a completely different person....He got serious and completely closed off."²²

At one time, Rahimi was licensed to carry firearms. In August 2014, when living in Perth Amboy, New Jersey, he was charged with aggravated assault and unlawful possession of a weapon. The charges arose from allegations that Rahimi had stabbed his brother in the leg after he and another brother attempted to stop Rahimi from assaulting their mother and sister "for no apparent reason." Rahimi was reported by two of his siblings the next day and spent three months in the Union County Jail, but was reported to have been bailed out. A grand jury declined to make an indictment, and the charges were dropped on September 22, 2014.²³

Rahimi and his estranged girlfriend had also been involved in court battles. He owed her more than \$3,000 in child support in 2015, and she had previously gotten a restraining order against him. On September 20, 2016, after Rahimi's arrest on terrorism charges, she filed a petition in a New Jersey state court seeking full custody of their child. She also filed to change her child's name. The petition for custody was granted the following day. However, the request to change the daughter's name was denied as was her request for the media not to contact her: the court said it lacked the authority to grant the requests.²⁴

3. Motivation

About two years before the 2016 attack, Mohammad Rahimi reported to the authorities that he believed his son was a terrorist. This prompted a review from the Federal Bureau of Investigation which involved checking databases, contacting other agencies, and conducting interviews. The review concluded that

²⁰ Catherine E. Shoichet, "Ahmad Khan Rahami: What we know about the bombing suspect," cnn.com, September 20, 2016.

²¹ Bronstein and Griffin, "Ahmad Rahami's lifelong feud with family and identity."

²² Dickson, "Ahmad Khan Rahami high school classmate recalls bomb suspect as 'funny'."

²³ William Arkin, Alvin Johnson, Corey Siemaszko, Tracy Connor, Chelsea Bailey, and Becky Bratu, "Ahmad Rahami: What We Know About N.Y., N.J. Bombings Suspect," nbcnews.com, September 19, 2016. Tom Haydon, "Details emerge of Ahmad Khan Rahami's alleged history of violence toward family," nj.com, September 28, 2016. N.R. Kleinfield, "Ahmad Rahami: Fixture in Family's Business and, Lately, a 'Completely Different Person'," nytimes.com, September 19, 2016.

²⁴ Tracy Connor, "Ex of Bomb Suspect Ahmad Rahami Awarded Custody of Their Child," nbcnews.com, September 21, 2016.

there was no basis for a more in-depth inquiry.²⁵ Mohammad claims he informed the FBI that his son was watching videos of the Taliban and al-Qaeda and asked him to stop. However, the FBI claimed Mohammad never mentioned the video-watching.²⁶

Rahimi's sympathies toward radical Islamic ideology burgeoned in the last months before the attack. Post-attack investigations, including a review of a blood-stained journal found on his person at the time of his arrest, revealed that he took inspiration from "Brother Osama bin Laden" and other international terrorists.²⁷ Domestic terrorists helped serve as a breeding ground for Rahimi as well: he mentioned Nidal Hasan who shot and killed 13 people at Fort Hood, Texas as another inspiration for his planning of the Chelsea attack.²⁸ Also included were the Boston Marathon bombers, Dzhokhar and Tamerlan Tsarnaev.²⁹ Most notably, aside from bin Laden, Rahimi's journal praises Anwar al-Awlaki whose lectures and jihadist declarations are widely available on the web.³⁰ Although killed in a drone strike ordered by President Obama in 2011, Awlaki remains a powerful influence on would-be jihadists, especially in the English-speaking West. Also mentioned is *Inspire* magazine, which has published detailed instructions for making pipe bombs as well as more sophisticated explosive devices using pressure cookers and Christmas lights, the components used in the New York-area bombs. He also wrote that he wanted to "kill the kuffars (non-believers)."³¹

Rahimi's journal also contains screeds against the wars in Iraq and Afghanistan.³² This suggests that he felt very strongly about the wars and that the wars were highly influential in his decision to plan and carry out this attack.

4. Goals

Notes in his journal gave some idea of a goal in this attack. One stresses that this was an attack on the United States Government: "You (USA Government) continue your slaughter against the mujahedeen be it Afghanistan, Iraq, Sham [Syria], Palestine." He also writes about the past FBI investigation: "The F.B.I. & homeland security [unintelligible] looking for me [unintelligible] my heart I pray to the beautiful wise ALLAH. To not take JIHAD away from. I beg [unintelligible] for shahadat [martyrdom] & Inshallah this call will be answered." In reference to the instructions of terrorist leaders that, if travel is

²⁵ Marc Santora and Adam Goldman, "Ahmad Khan Rahami Was Inspired by Bin Laden, Charges Say," *nytimes.com*, September 20, 2016.

²⁶ "NYC bombing suspect's family may have also had pro-jihadist views," *cbs.com*, September 23, 2016.

²⁷ *United States of America v. Ahmad Khan Rahami*, Southern District of New York, September 20, 2016.

²⁸ Bronstein and Griffin, "Ahmad Rahami's lifelong feud with family and identity."

²⁹ Ellen Nakashima, Matt Zapposky and Mark Beran, "The FBI looked into suspected bomber Ahmad Rahami in 2014 and found no 'ties to terrorism,'" *washingtonpost.com*, September 20, 2016.

³⁰ Pictures of the journal can be found at <https://www.cbsnews.com/pictures/ahmad-khan-rahami-journal>

³¹ *United States of America v. Ahmad Khan Rahami*, Southern District of New York.

³² Santora et al., "Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings."

infeasible, to attack nonbelievers where they live, he wrote: “But [unintelligible] this incident show the risk are [unintelligible] of getting caught under [unintelligible] I looked for guidance. Guidance came. Sheikh Anwar said it clearly attack the Kuffar [non-believers] in their backyard.”³³

The journal ends with a prayer and with threats: “Inshallah (A close English equivalent would be ‘hopefully, if god wills’) the sounds of the bombs will be heard in the streets. Gun shots to your police. Death to your oppression.”³⁴

Thus, his goal was to punish the US government for what he considered to be its sins against the people in the Middle East. And, if he was not able to travel, he was instructed by Anwar al-Awlaki to kill non-believers wherever they may live. The US government punished innocent Middle Eastern civilians so Rahimi was going to punish US civilians for the actions of their federal government. Needless to say, compared to the violence he actually was able to commit, his dreams were quite overly ambitious.

5. Plans for violence

Rahimi had been meticulously planning his attack for at least four months prior to the attack. He often acquired the materials he used to construct his weapons via eBay, where he was registered as “Ahmad Rahimi.” One official noted that, although items like “Ammo Slingshot Steeles” and electric igniters used for fireworks displays might seem harmless, they were combined to create tools of potential carnage. Two days before the bombing in Chelsea, Rahimi bizarrely recorded video of himself igniting an incendiary device in his backyard. The lighting of a fuse is followed by billowing smoke and laughter before Rahimi is seen entering the frame and picking up the device.³⁵ What purpose the video served was never made clear.

One law enforcement official said that the bomb technicians involved in the investigation believed that Rahimi constructed all the devices and that his handiwork raised the possibility that he had received training from someone with experience building improvised explosive devices. “If you’re working off the premise that the guy made all these devices,” the official said, “then the guy is a pretty good bombmaker. And you don’t get that good on the internet.”³⁶ Officials said HMTD, an explosive compound, served as the detonator and a compound similar to a commercial explosive known as Tannerite served as the main charge in some devices.³⁷ No accomplices were ever charged or even accused, so exactly how Rahimi gained his bombmaking expertise, which some officials consider impossible off the internet, remains unexplained.

On September 19, 2016, Rahimi exploded two bombs: a pipe bomb in Seaside Park in northern New Jersey which caused no casualties, and a homemade pressure cooker bomb in the Chelsea neighborhood of Manhattan

³³ United States of America v. Ahmad Khan Rahami, Southern District of New York.

³⁴ Michael Wilson, “A Year Later, Trial to Begin in Chelsea Bombing Case,” *nytimes.com*, October 1, 2017.

³⁵ Santora and Goldman, “Ahmad Khan Rahami Was Inspired by Bin Laden, Charges Say.”

³⁶ Santora et al., “Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings.”

³⁷ Santora et al., “Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings.”

which injured over two dozen, but killed none. The pressure cooker bomb was filled with small bearings and metal BBs and was triggered by flip phones and Christmas lights. The next day a second pressure cooker bomb was discovered by a couple of onlookers four blocks away from the first in Manhattan, and a backpack containing explosive devices, including pipe bombs was discovered when police reviewed surveillance video not far from where the Rahimi family ran a restaurant in Elizabeth, New Jersey. According to Elizabeth mayor J. Christian Bollwage, while trying to secure these devices, law enforcement officials using robots accidentally detonated one of them.³⁸

Rahimi was successful in escaping police after the attack. However, city streets were soon locked down and surveillance video of the area was carefully scrutinized. Attached to the second pressure cooker was a cell phone which contained information about Rahimi's communications as well as his whereabouts prior to the bombings. In addition, surveillance video collected by investigators showed Rahimi on West 27th Street without his backpack, but pulling a patterned bag and leaving it beside a mailbox. Soon police also discovered a fingerprint on one of the Manhattan bombs that matched one in an arrest record from Rahimi's stabbing of his siblings a couple of years earlier.³⁹

The police searched the restaurant and all other addresses where Rahimi was reported to have spent time. At 3:05am, Anthony Rodriguez, who lives across the street from the restaurant, heard an officer yell, "Come down! Come down!" After the yell, the police stormed up the stairs that led to the two apartments above the restaurant. Officers brought down some of the suspect's relatives and questioned them.

The NYPD then took a step typically reserved for major weather events: they activated the emergency notification system, altering the whole city about Rahimi and also tweeted pictures of him. The emergency notification system sent a text message providing details about Rahimi as well as the bombing to every New Yorker and surrounding New Jerseyan. Soon, millions of people were on the lookout for him.⁴⁰

It came to a conclusion when Harinder Bains, owner of Merdie's Tavern in Linden, New Jersey, said he spotted Rahimi sleeping in the doorway of his bar the morning of September 19, two days after the attack. Bains said he recognized Rahimi after seeing pictures of the suspect on CNN.⁴¹ Police arrived fifteen minutes later. Officer Angel Padilla ordered Rahimi to show his hands, but Rahimi pulled a 9mm Glock, and a shootout and a chase ensued, wounding Rahimi and two police officers. Rahimi was soon subdued and arrested.⁴²

He was charged in state and federal courts.

He was charged in New Jersey Superior Court with five counts of attempted murder of a law enforcement officer. He was also charged with

³⁸ Santora et al., "Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings."

³⁹ Santora et al., "Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings."

⁴⁰ AJ Willingham, "The Amazingly Quick Capture of Ahmad Rahami," cnn.com September 20, 2016.

⁴¹ Shoichet, "Ahmad Khan Rahami: What We Know About the Bombing Suspect."

⁴² Shoichet, "Ahmad Khan Rahami: What We Know About the Bombing Suspect."

second-degree unlawful possession of a weapon and second-degree possession of a weapon for an unlawful purpose, both in relation to the handgun found in his possession. His bail was set at \$5.2 million.⁴³

He was charged in a federal court in Manhattan and Newark, New Jersey with four federal crimes: use of weapons of mass destruction, the bombing a place of public use, the destruction of property by means of fire or explosives, and the use of a destructive device during and in furtherance of a crime of violence.⁴⁴ He pleaded not guilty to all charges.⁴⁵

The presiding judge, US District Judge Richard Berman in Manhattan initially had set March 27, 2017 for Rahimi's trial in Manhattan. However, Rahimi's defense attorney argued for more time to prepare.⁴⁶ Rahimi was allowed to skip trial on Fridays in observance of Muslim prayer.⁴⁷

On the first day of the trial in October 2017, Rahimi was thrown out of court. When he stood and asked to speak during the prosecutor's opening statements, Judge Berman told him to sit down or he'd be removed. He tried again, and the marshal in the room proceeded to toss him out.⁴⁸ During the trial, Assistant public defender Sabrina Shroff did not deny evidence linking Rahimi to the 23rd Street bomb, but asked jurors to question whether Rahimi really intended for the 27th Street bomb to go off. She asked the jury to be light on Rahimi, including dismissing three charges that would result in a mandatory life prison sentence.⁴⁹

The trial lasted for two weeks. The jury only deliberated for about four hours and, dismissing the plea from Rahimi's defense team, he was subsequently found guilty on all counts.⁵⁰ He faces a mandatory life sentence in prison but will not be officially sentenced until January 18, 2018.⁵¹ His defense team has indicated he will appeal the ruling.⁵²

Acting Manhattan U.S. Attorney Joon H. Kim called the verdict "a victory for New York City, a victory for America in its fight against terror, and a victory for all who believe in the cause of justice." Acting Assistant Attorney General

⁴³ Adam Withnall, Samuel Osborne, Rachael Revesz, and Justin Carissimo, "Ahmad Khan Rahimi: Suspect Held on Five Attempted Murder Charges of Cops and \$5.2 million bail," independent.co.uk, September 18, 2016.

⁴⁴ United States of America v. Ahmad Khan Rahami, Southern District of New York.

⁴⁵ Joseph Ax, "Accused New York City bomber pleads not guilty," reuters.com, November 17, 2016.

⁴⁶ MaryAnn Spoto, "Accused bomber Ahmad Rahimi has federal trial postponed," nj.com, February 11, 2017.

⁴⁷ Wilson, "A Year Later, Trial to Begin in Chelsea Bombing Case".

⁴⁸ "Accused bomber Ahmad Khan Rahimi thrown out of court during trial," nj.com, October 2, 2017.

⁴⁹ "Chelsea Bomber Trial Verdict, Ahmad Khan Rahimi convicted in New York Blast That Injured 30," cbsnews.com, October 16, 2017.

⁵⁰ Ellie Kaufman, Lauren del Valle and Lawrence Crook III, "Ahmad Rahimi found guilty in Chelsea bombing trial," cnn.com, October 16, 2017.

⁵¹ U.S. Attorney Office for Southern District of New York, "Chelsea Bomber Ahmad Khan Rahimi Convicted In Manhattan Federal Court For Executing September 2016 Bombing In New York City," justice.gov, October 16, 2017.

⁵² "Chelsea Bomber Trial Verdict, Ahmad Khan Rahimi convicted in New York Blast That Injured 30."

Dana J. Boente said, “Ahmad Khan Rahimi constructed bombs with high explosives and shrapnel to inflict maximum damage to innocent victims in multiple locations...I would like to commend all of the agents, detectives, analysts and prosecutors who made this result possible.” And NYPD Commissioner James P. O’Neill added, “Ahmed Rahimi deliberately placed two bombs on the streets of Chelsea in the dark of night with the intention of maiming and killing innocent New Yorkers enjoying a September Saturday night... Today’s verdict is the most forceful deterrent for anyone considering waging terror in our City. We will investigate; we will find those responsible; and justice will prevail.”⁵³

Ten days after the attack, investigators visited Rahimi at the Intensive Care unit (ICU) at the University Hospital in Newark, New Jersey for interrogation. However, Rahimi was sedated and was being treated with a breathing tube. The agents required him to respond using a head nod. After initially being uncooperative (or unresponsive depending on if you’re his defense team or the prosecution), he began to answer. “Did you create any other bombs” No. “Did anyone help you make the devices” No. “Were any of your family members involved in creating or setting off the bombs?” No.⁵⁴

This was the first of four interrogation sessions over the course of three days, with the first interview ending only after Rahimi faded into unconsciousness. His defense team soon filed a motion with Judge Berman asking for those interrogations to be thrown out, on the grounds of they were made under “severe medical stress”: “He was encumbered by needles and restraints, often unconscious and effectively held incommunicado, deprived of the assistance of an attorney, family or friends.” They also claimed a hair sample taken from Rahimi should be tossed out because the FBI had misled a sedated Rahimi into believing they were on his defense team. Rahimi also stated, calling into question the validity of his testimony, “Days blend in my memory, and I cannot distinguish one day of questioning from the next.”⁵⁵

Moreover, he was not read his Miranda rights. Under law, there is a “public exception” to the Miranda Rule. If there is a suspect who is an immediate threat to the public’s well-being, police are able to forgo informing him of his constitutional rights to remain silent, appoint an attorney, and so on.⁵⁶

6. Informants

There were no informants in the traditional sense of police officers and agents paying an individual to extract information from a suspect. However, tips, particularly that from Harinder Bains, owner of the tavern in Linden, New Jersey, were important in the case.

⁵³ U.S. Attorney Office for Southern District of New York, “Chelsea Bomber.”

⁵⁴ Benjamin Weiser, “Chelsea Bombing Suspect Wants Hospital Interviews Suppressed,” *nytimes.com*, May 7, 2016.

⁵⁵ Weiser, “Chelsea Bombing Suspect Wants Hospital Interviews Suppressed.”

⁵⁶ Wilson, “A Year Later, Trial to Begin in Chelsea Bombing Case.” For more information on the public-safety exception, see Carl A. Benoit, “The Public Safety Exception to Miranda,” *leb.fbi.gov*, February 2011.

7. Connections

After thorough investigations, no connections to al-Qaeda, ISIS, or any other Islamic terrorist group were revealed. It was apparent certain individuals connected to terrorism had inspired him, both domestic and international. But there were no direct connections. He was entirely self-motivated.

8. Relation to the Muslim Community

Hamdullah Mohib, Afghanistan's ambassador to the U.S., said his government strongly condemned the bombings: "We stand ready and willing to help with this matter if U.S. authorities request our cooperation. Afghanistan and its people desire peace above all else, and stand in solidarity with Americans against all forms of hatred and violence."⁵⁷ The Council on American-Islamic Relations, often under criticism for allegedly pursuing an Islamist agenda,⁵⁸ was lightning-quick to welcome the arrest of Rahimi saying, "American Muslims, like all Americans, reject extremism and violence, and seek a safe and secure nation. Our nation is most secure when we remain united and reject the fear-mongering and guilt by association often utilized following such attacks."⁵⁹ There was no evidence he had any direct or indirect accomplices.

It is unknown exactly how often he attended mosque. That his father was very disappointed for how "American" he had become in high school, suggests he did not go very often and if he did, he did not take it very seriously. After his multiple trips to Afghanistan and Pakistan, it became clear he had converted, even if not officially, into being quite a devout Muslim, which we can infer from this that he most likely began to attend quite frequently, though this cannot be confirmed.

9. Depiction by authorities

FBI Agent Bill Sweeney sought to calm any potential worry about whether a large-scale cell or networking was operating: "I have no indication that there's a cell operating in the area or in the city," Sweeney said. The NYPD police commissioner added: "Right now we're not actively seeking anyone."⁶⁰ President Obama praised law enforcement and the people of New York, and warned against the spread of unconfirmed reports and rumors. He added that he

⁵⁷ Renae Merle, Matt Zaptosky, Amy B. Wang, Mark Berman and Ellen Nakashima, "Suspect in N.Y., N.J. bombings arrested after shootout; FBI says 'no indication' of terror cell," washingtonpost.com, September 19, 2016.

⁵⁸ A small band of critics have made a determined but unsuccessful effort to link CAIR to Hamas and Hezbollah, which have been designated as terrorist organizations by the State Department, and they have gone so far as calling the group an American front for the two. Neil MacFarquhar, "Scrutiny Increases for a Group Advocating for Muslims in U.S.," nytimes.com, March 14, 2007.

⁵⁹ Merle et al., "Suspect in N.Y., N.J. bombings arrested after shootout; FBI says 'no indication' of terror cell."

⁶⁰ Haroon Siddique and Martin Pengelly for the original posting on September 19, 2016 and Alan Yuhas for the updated version on July 14, 2017, "New York bombings: Ahmad Khan Rahami charged with attempted murder – as it happened," guardian.com, September 19, 2016, updated July 14, 2017.

saw no connection between Rahimi and a mass stabbing attack in Minnesota (case 86) that had happened on the same day.⁶¹

Initially, Mayor Bill de Blasio was hesitant to call it an act of terrorism, and officials cautioned against linking the attack to the explosion in New Jersey.⁶² However, once Rahimi was captured, he changed his tune and said: “authorities have every reason to believe that this was an act of terror.”⁶³ A major problem with these kinds of attacks is that people (officials, media, everyday citizens) are quick to jump to conclusions about the cause. Not coming out and establishing a motive like Mayor de Blasio was the responsible action. Waiting for the capture is a recommended strategy when dealing with this kind of situation. In order to attempt to improve morale, de Blasio added, “Whatever the cause, New Yorkers will not be intimidated.”⁶⁴

Hillary Clinton urged Americans to be “vigilant but not afraid” and pointed out that “It is crucial that we continue to build up trust between law enforcement and Muslim American communities.”⁶⁵ Politics aside, this was a very important statement to make. Scare mongering is an ineffective, even counterproductive, method for combating terrorism, so she did a quality job.

Unfortunately, in typical politician form, presidential candidates Clinton and Donald Trump also tried to pander for political gain. Clinton accused Trump of giving “aid and comfort” to terrorists by linking their crimes to Islam and embracing extreme anti-immigrant proposals. Trump insisted Clinton and Obama had emboldened terrorists all over the world by “not taking ISIS seriously enough”—even though investigators had found no link between any terror group and Rahimi.⁶⁶ Trump repeated his call for an ideological test for immigrants and said that his plan to defeat the terrorists was to “knock the hell out of ‘em.”⁶⁷

New York Governor Cuomo released a statement which said, “We are closely monitoring the situation and urge New Yorkers to, as always, remain calm and vigilant.”⁶⁸ He also suggested, unnecessarily and rather irresponsibly, that “foreign connections” might be discovered “in the course of the investigation.”⁶⁹

10. Coverage by the media

The media referred to Rahimi as “Chelsea bomber” saying he detonated bombs. They generally eschewed the use of terrorist. The main source using terrorist was the New York Daily News after the trial.⁷⁰ When the media maybe

⁶¹ Siddique et al., “New York bombings: Ahmad Khan Rahami charged with attempted murder.”

⁶² Santora et al., “Ahmad Khan Rahami Is Arrested in Manhattan and New Jersey Bombings.”

⁶³ Eyder Peralta, Bill Chappell, “Police Arrest Suspect Ahmad Khan Rahami Over Bombs In New York Area” npr.org, September 19, 2016.

⁶⁴ Christopher Mele, Al Baker, and Michael Barbaro, “Powerful Blast Injures at Least 29 in Manhattan; Second Device Found,” nytimes.com, September 17, 2016.

⁶⁵ “New York bombing suspect named as Ahmad Khan Rahami,” bbc.com, September 19, 2016.

⁶⁶ In the article, his name is spelled “Rahani.”

⁶⁷ New York bombings: Ahmad Khan Rahami charged with attempted murder – as it happened.”

⁶⁸ Mele et al., “Powerful Blast Injures at Least 29 in Manhattan; Second Device Found.”

⁶⁹ Siddique et al., “New York bombings: Ahmad Khan Rahami charged with attempted murder.”

⁷⁰ See Victoria Bekiempis and Stephen Rex Brown, “Chelsea bomber Ahmad Rahimi found guilty of all charges,” nydailynews.com, October 16, 2017.

was trying to hint at it without deliberately calling Rahimi a terrorist, they would say he was “inciting terror” or “creating terror.”

11. Policing costs

Police costs were low. The investigation was over in two days. Court and detention costs were higher as there was a gap of over a year before the first day of trial.

12. Relevance of the internet

The internet has become an increasingly useful vehicle for terrorists to get their message out. In this case, Rahimi was impelled in considerable part by materials put out by “Brother bin Laden” and Anwar al-Awlaki. It seems likely that Rahimi’s multiple trips to Pakistan and Afghanistan aided in his radicalization. However, his plans to commit violence may never have come to fruition without the help of lectures from bin Laden and al-Awlaki.

13. Are we safer?

Safety is suggested in this case by the fact that people were able to quickly identify Rahimi as the suspect and within a matter of hours after the public was made aware of the identity of the suspect, he was arrested after a brief shootout with police. We see the power of technology working here for the betterment of the public

However, there are aspects of this case that are troubling. Mohammad, Rahimi’s father, notified police he believed his son was a terrorist. He also says he informed the authorities that he had witnessed Rahimi watching videos and had asked him to cease watching. With this information, authorities should have gone to a judge to ask for a warrant to keep an eye on Rahimi. However, the FBI insists they were never informed about the video watching. In their analysis, they did not find enough evidence for continuing the investigation and perhaps added information about video-watching would have changed that. As is now apparent, of course, that there was absolutely a need to keep a closer eye on him.

Determining whose story is true is entirely impossible. On the one hand, Mohammad had no incentive to withhold this level of information from authorities. He presumably wanted to ensure his son was properly dealt with as he was positive his son was engaged in viewing terrorist propaganda. In a normal circumstance, one would expect that the father would have mentioned it. However, as we’ve seen thus far, this case is anything but “normal,” and the father doesn’t exactly have a record of unblemished rectitude in his business dealings. The FBI has every incentive to act when suspicions are great enough, and perhaps the added information would have provided that in this case. However, they have followed up literally millions of terrorism leads since 9/11 and have likely encountered irate fathers before whose testimony has proved to be questionable. Nonetheless, it is not comforting to know there was some miscommunication between the two parties in this case.

14. Conclusion

This violent act was clearly terrorism. Rahimi made multiple references to the United States government slaughtering the mujahideen. So, while the symbolic targets were the innocent bystanders in New Jersey and New York, the direct one was the United States government.⁷¹ In addition, he approvingly cited “Sheikh Anwar” with his insistence on killing the non-believers and his stipulation that, if one could not travel, one should simply target the ones nearest to you. Moreover, he mentioned jihad several times and prayed to Allah to not take him away before he committed his ambitious plans.

Second, there must be a better connection between federal intelligence agencies and tipsters. As noted, there was clearly major miscommunication between the FBI and Rahimi’s father, Mohammad. As a result, the FBI concluded there was no basis to continue the investigation when in reality it turned out that there were substantial grounds for continuing.

Third, politicians must not take advantage of crises like this and spin it for their own political advantage. Politicians like Hillary Clinton and Donald Trump sought to appeal to their bases and make themselves more electable, instead of focusing on discovering the true motivation behind these attacks and learning how best to combat them. Such infighting only makes it more difficult by creating distractions.

Fourth and finally, one must be careful to not establish a possible connection between lone wolves and foreign terrorist organizations before all the facts have come to light. Governor Cuomo came close to doing this, inflating the potential threat when he suggested after the attack that a connection might be established. This creates unnecessary fear. If a terrorist organization is thought to have a significant presence, directly or indirectly, in a specific area when they do not, they become stronger.

⁷¹ Credit to my sociology professor Dr. Edward Crenshaw of Ohio State for teaching me the difference between symbolic and direct targets. It’s a slight but noticeable difference which could change any analysis.

Case 102: Ohio State University

John Mueller

December 24, 2017

On the morning of November 28, 2016, a new Ohio State University student, Abdul Artan, 18 years old and a legal permanent resident from Somalia, rammed his Honda Civic into a group of students and faculty on the Columbus campus, and then leapt from the car and began attacking people with a butcher knife. A campus police officer, who happened to be nearby as part of an investigation into a reported gas leak, shot and killed Artan who continued to lunge at him, an encounter that took less than a minute. No one Artan attacked was seriously injured.

Niko Pittore, an intern at the Cato Institute when he wrote this study, stresses that there is no way any person or intelligence agency could have known that this was coming: “There was no inkling of the possibility Artan was going to commit an act like this.”

Amiable and devout, Artan had come to be deeply outraged at the way Muslims were being treated around the world—particularly the Rohingya in Myanmar, or Burma, whose travails, then little known, were to hit the front pages a year later when there was a concentrated effort by the military to drive them from the country.

Artan reached his conclusions quietly and on his own, impressed by the internet postings of the Islamic State and of Anwar al-Awlaki, the American-born al-Qaeda cleric in Yemen. He saluted them both in a Facebook message he posted minutes before the attack and in a letter left in his bedroom that he had torn up, but not destroyed. In them, he pledged allegiance to “dawla” or “dawla in el Sham.” But it was apparently the plight of the Rohingya that triggered the attack: “Seeing my fellow Muslims being tortured, raped, and killed in Burma led to a boiling point. I can’t take it anymore.”

For his efforts, the Islamic State dubbed him “a soldier of the Islamic State” who “carried out the operation in response to calls to target citizens of international coalition.” There is, as usual, no evidence that Artan had any connection with them.

Artan left all of his possessions to his “beloved but yet moderate mother” in his torn-up letter, and promised to “intercede for you in the day of Judgment.”¹

Shortly after the attack, she and the rest of the family moved from the Columbus area because of a series of death threats.²

¹ Andrew Welsh-Huggins, “Ohio State Attacker Faulted ‘Moderate’ Muslims,” *apnews.com*, June 1, 2017.

² Steve Levine, “OSU knife attacker left handwritten, ripped up note behind in home,” *abc6onyourside.com*, June 1, 2017.

Case 102: Ohio State University

Niko Pittore

December 6, 2017

1. Overview

Abdul Razak Ali Artan was a legal permanent resident who came to the United States as a refugee from Somalia via Pakistan in 2014. In 2016, the 18 year old (some reports have a different age) enrolled at Ohio State University majoring in Logistics at the University's Max Fisher College of Business. On November 28, 2016, at 9:52am, angry at the way Muslims were being treated around the world and self-radicalized by the Islamic State and the late notorious American-born al-Qaeda cleric, Anwar al-Awlaki, he drove his Honda Civic into a group of students and faculty on the Ohio State campus. After he crashed into a concrete barrier, he left the car, brandished a butcher knife, and began attacking people.

Officer Alan Horujko of the Ohio State University police force, who happened to be nearby because of a reported gas leak, was on scene immediately. Reports indicate that Artan ignored Horujko's orders to drop the weapon and get down on the ground and charged at the officer who then shot and killed him, an encounter that took no more than a minute.¹

In total, thirteen people were injured, but none had life-threatening injuries.² At Artan's house after the attack, authorities found a torn up letter in which, among other things, he pledged allegiance to "dawla," a state or country in Arabic, most likely referring to the Islamic State.³ After the attack, the Islamic State called him a "soldier of the Islamic State."⁴

No one saw this attack coming: Artan had not been on any intelligence watchlist. Nor did any people around him suspected anything. Indeed, those who knew him spoke very highly of him. Although he was upset at the way Muslims were being treated around the world, there was no indication he would commit an act like this to exact revenge for such treatment.

2. Nature of the adversary

Artan and his family came to the United States in 2014 on refugee visas when he was sixteen (there were conflicting reports on his age) years old. They had been in Pakistan after leaving Somalia, and spent around seven years in Islamabad with other Somali refugees on a street called "Somali Street." "He was a very normal, young boy," said Muhammad Ali, who knew Artan during his time

¹ "Ohio State attack: Police identify suspect as business student," dispatch.com, November 28, 2016.

² Beth Burger, "FBI combing Ohio State attacker's life for motive," dispatch.com, December 1, 2016.

³ Andrew Welsh-Huggins, "Ohio State Attacker Faulted 'Moderate' Muslims," apnews.com, June 1, 2017.

⁴ Julie Carr Smyth and Andrew Welsh-Huggins, "ISIS hails Ohio State University attacker Abdul Razak Ali Artan as 'a soldier of the Islamic State'," globalnews.ca, November 29, 2016.

in Pakistan. “He was religious and used to pray regularly, but he did not have any extremist tendencies.”⁵ The family soon became legal residents.

Catholic Charities helped the family adjust to life in the United States by finding them a place to live in Dallas and providing assistance with language and job skills. David Woodyard, CEO of the organization, told CNN that Artan and his family came to them in June 2014 after being vetted by the State Department. He said the family consisted of a single mom and seven children, three boys and four girls. Artan was the third eldest. After just over three weeks, and for no given reason, Artan’s family moved to Columbus, Ohio. Woodyard said Catholic Charities provided no assistance in the move. There was nothing in the family’s file to indicate there had been any trouble while they were in Dallas, and Woodyard did not know of anyone at his organization who had a detailed memory of them.⁶

Artan attended Columbus State Community College starting in the autumn semester of 2014, according to Allen Kraus, the school’s vice-president of marketing and communications. Artan graduated cum laude with an Associate of Arts degree in the Spring 2016 and continued taking classes through summer semester. The school had no record of behavioral or disciplinary issues during his time there.⁷ At Columbus State, some classmates recalled him as a diligent student. Myranda Thompson, who took a sociology class with him, said he “had a passion for his religion” and spoke of Islam frequently. Frank Oteng, who helped Artan with his statistics classwork, said he was focused on his studies, spoke hopefully of transferring to Ohio State, and “seemed very normal.”⁸

While in Columbus, Artan worked at a Home Depot. His specific department or responsibilities were never given. An employee described him as “a nice, nonviolent person. He talked to everybody.”⁹ Darla Neises, worked with Artan in Columbus. “He was a sweet kid,” she said “He was very sweet and kind, he used to write me bravos all the time, he’d get a lot of them. He was employee of the month.” She said she was shocked by the news and compared it to getting hit in the face with a frying pan.¹⁰ Jack Ouham, a Moroccan immigrant and owner of a convenience store called Hometown Market on Nationwide Boulevard in downtown Columbus, had this to say, “He used to stop in every day. He didn’t smoke, didn’t drink. He was very respectful, very educated.” Ouham said Artan was the third oldest of the seven children in the family. He was born in Kenya, possibly in a refugee camp after the family fled civil war-torn Somalia.¹¹ Louann Carnahan lived next door to Artan on the west side of Columbus in a community with many Somali families. She said Artan lived in an apartment with about eight

⁵ Mitch Smith and Adam Goldman, “From Somalia to U.S.: Ohio State Attacker’s Path to Violence,” *nytimes.com*, December 1, 2016.

⁶ Aamer Madhani, “Accused Ohio State attacker reportedly posted rant online,” *usatoday.com*, November 29, 2016.

⁷ Darran Simon, “Ohio State attacker said he was ‘scared’ to pray in public,” *cnn.com*, November 28, 2016.

⁸ Smith and Goldman, “From Somalia to U.S.: Ohio State Attacker’s Path to Violence.”

⁹ Simon, “Ohio State attacker said he was ‘scared’ to pray in public.”

¹⁰ Madhani, “Accused Ohio State attacker reportedly posted rant online.”

¹¹ Madhani, “Accused Ohio State attacker reportedly posted rant online.”

other people, describing him as a pleasant young man who had told her he went to the mosque daily.¹²

After transferring to Ohio State in 2016, Artan became a logistics major in the Max Fisher College of Business.¹³ He enrolled in a class focused on “microaggressions” and how they victimize various groups. According to Ohio State’s Multicultural Center website, the class is “carefully structured to explore social group identity, conflict, community, and social justice.” Moreover, the course asks students to ponder the question, “How have you come to learn about race/gender/sexuality/religion? How has this shaped your world view?” At the conclusion of the course, students were expected to “Identify micro-aggressions within their daily lives and within society as a whole,” “Identify ways in which they can challenge or address systems of power and privilege,” and “Demonstrate an appreciation for other points of view and other cultures.” Artan had a “Microaggression Group Project” due the week of the attack worth 15 percent of the overall course grade.¹⁴

Kevin Stankiewicz and Jay Panandiker, students at Ohio State, interviewed Artan for Ohio State’s student newspaper, the *Lantern* on August 26, 2016, the first day of classes. They described him as thoughtful and engaged, wanting to spread understanding and awareness, while expressing muted fears that U.S. society was becoming insular and fostering unfair stereotypes of his people. Moreover, he was measured and intellectual, not angry or violent. He opened up quickly and was soft-spoken, in a slightly accented voice, and was friendly.¹⁵

About life at Ohio State he said:

I just transferred from Columbus State. We had prayer rooms, like actual rooms where we could go pray because we Muslims have to pray five times a day. There’s Fajr, which is early in the morning, at dawn. Then Zuhr during the daytime, then Asr in the evening, like right about now. And then Maghrib, which is like right at sunset and then Isha at night. I wanted to pray Asr. I mean, I’m new here. This is my first day. This place is huge, and I don’t even know where to pray. I wanted to pray in the open, but I was scared with everything going on in the media. I’m a Muslim, it’s not what the media portrays me to be. If people look at me, a Muslim praying, I don’t know what they’re going to think, what’s going to happen. But, I don’t blame them. It’s the media that put that picture in their heads so they’re just going to have it and it’s going to make them feel uncomfortable. I was kind of scared right

¹² Kathy Lynn Gray, Susan Svrluga, Mark Berman and Matt Zapposky, “Ohio State student identified as campus attacker, nearly a dozen hospitalized,” washingtonpost.com, November 28, 2016.

¹³ “Ohio State attack: Police identify suspect as business student.”

¹⁴ Bradford Richardson, “Ohio State University attacker was enrolled in class studying ‘microaggressions,’” washingtonpost.com, December 1, 2016.

¹⁵ Kevin Stankiewicz, “I interviewed the Ohio State attacker on the first day of school. It felt important. Now it’s chilling,” washingtonpost.com, November 30, 2016.

now. But I just did it. I relied on God. I went over to the corner and just prayed.”¹⁶

He also spoke of his past. He thoroughly enjoyed living in Pakistan, and bemoaned what he felt were western misconceptions about Pakistan, saying: “It’s not like people believe.” Moreover, he spoke of his fears of then-candidate Donald Trump’s rhetoric toward Muslims, what it might mean for immigrants and refugees, what it might mean for those, like him, who practice Islam openly. How ignorance about Islam propels bigotry and hatred.¹⁷

Friends of Artan could not believe he committed an act like this. Ameer Kadar, who last saw Artan two weeks before the attack, said, “He actually loved America. He loved the fact of the opportunity he had here to go to school... He loved the fact that he was able to get a college degree.”¹⁸ A community member who spoke to Artan’s family described them as shocked by his actions. Artan’s mother said he had lately complained about his grades, according to the community member.¹⁹

3. Motivation

A post found on Artan’s computer reveals a political possibility for a motivation: a diatribe in which Artan complained about the treatment of Muslims around the world, including the Rohingya in Burma (Myanmar).²⁰ The Rohingya are often talked about as the world’s most persecuted minority. Nearly all live in the western coastal state of Rakhine and are not allowed to leave without government permission. It is one the poorest states in the country with ghetto-like camps and a lack of basic services and opportunities. They are not considered one of the country’s 135 official ethnic groups, and they have been denied citizenship in Myanmar since 1982, which has effectively rendered them stateless. Due to ongoing violence and persecution, hundreds of thousands of Rohingya have fled to neighboring countries either by land or boat over the course of many decades.²¹ This process was greatly extended in 2017 when Myanmar armed forces sought to expel the group.

Artan thus seemed to be self-radicalized. He felt particularly angry about the way Muslims were being treated around the world: “I am sick and tired of seeing my fellow Muslim brothers and sisters being killed and tortured everywhere ... Muslims being tortured, raped and killed in Burma led to a boiling point. I can’t take it anymore.”²²

¹⁶ Kevin Stankiewicz and Jay Panandiker, “Humans of Ohio State,” *thelantern.com*, August 25, 2016

¹⁷ Stankiewicz, “I interviewed the Ohio State attacker on the first day of school.”

¹⁸ Tracy Connor, Pete Williams, and Stephanie Gosk, “Ohio State Attack: Friend says Abdul Razak Ali Artan ‘Loved America,’” *nbcnews.com*, November 29, 2016.

¹⁹ Darran Simon, “Ohio State attacker said he was ‘scared’ to pray in public.”

²⁰ Connor et al., “Ohio State Attack.”

²¹ “Myanmar: Who are the Rohingya?” *aljazeera.com*, September 28, 2017.

²² “Ohio State Attacker May Have Been Inspired by Radical Messages,” *cbsnews.com*, November 29, 2016.

He also specifically mentioned the late notorious American-born al-Qaeda cleric Anwar al-Awlaki as an inspiration, particularly his online sermons.²³

Artan left behind a letter in his bedroom, found ripped up, that asked his family to stop being moderate Muslims and said he refused to sit in luxury while his brothers and sisters are being oppressed. In this letter Artan left behind all of his possessions to his “beloved but yet moderate mother.”²⁴ Moreover, he pledged allegiance to the Islamic State in the letter, saying, “In the end, I would like to say that I pledge my allegiance to ‘dawla,’” putting the word in quotation marks.²⁵ Dawla in Arabic means a state or country, so one can surmise he was pledging allegiance to the Islamic State. For whatever it is worth, the Islamic State news agency called Artan “a soldier of the Islamic State” who “carried out the operation in response to calls to target citizens of international coalition countries.”²⁶

Then, shortly before the attack, he wrote on Facebook, “If you want us Muslims to stop carrying out lone wolf attacks, then make peace with ‘Dawla in al sham.’ ... By Allah, we will not sleep until you give peace to Muslims.”²⁷

4. Goals

It is not clear what Artan’s exact goals were. He made it very clear he was extremely unsatisfied with the way Muslims were being treated around the world, specifically the Rohingya in Myanmar. And, as noted, he also made it clear in a post just before his attack that the only way to stop lone wolf attacks is to improve the worldwide treatment of Muslims. We can surmise that his overall goal was to improve the quality of life for Muslims around the world.

Unfortunately for him, using a car and a knife to injure eleven people and causing no fatalities is not exactly the kind of “heroic” and ground-shaking development you’d want to give Muslims allegedly being tortured around the world. It is very clear he had an amateur-like plan relative to the heroics he was planning.

5. Plans for violence

Artan made a visit to Washington, D.C., a few days before the attack where he purchased a knife at a Walmart and a second one at a Home Depot. Most of us would consider it odd to drive some four hundred miles just to purchase a knife. Apparently so did his family. According to Bob Fittrakis, the family attorney, his family didn’t realize he’d traveled there, has no idea why he went, and urged anyone with information about that trip to contact authorities.

²³ “Ohio State Attacker May Have Been Inspired by Radical Messages. “

²⁴ Steve Levine, “OSU knife attacker left handwritten, ripped up note behind in home,” abc6onyourside.com, June 1, 2017. See the Appendix in this study for a picture of part of the torn-up letter.

²⁵ Welsh-Huggins, “Ohio State Attacker Faulted ‘Moderate’ Muslims.”

²⁶ Smyth and Welsh-Huggins, “ISIS hails Ohio State University attacker.”

²⁷ Steve Levine, “OSU knife attacker left handwritten, ripped up note behind in home.” The full Facebook post can be found at Virginia Kruta, “Police Release Facebook Rant Posted by Abdul Artan Before OSU Attack — And It May Reveal His Motive,” ijr.com, November 29, 2016, and it is also shown in the Appendix below

The day before the attack, Artan left work saying he was tired. A co-worker commented how unusual that was considering he never left work early. Artan had told the co-worker several times that fall he was disgruntled with school and wanted to drop out.²⁸

On November 28, 2016, Artan bought a set of knives, a tomato, and a cucumber at 7:20am at a Walmart in West Columbus with his movements captured by video and photos. Why he had traveled all those miles to Washington, D.C. to buy a simple knife and then bought another in Columbus is nothing less than head-scratching. And there is as well no explanation about the relevance of the tomato and cucumber. But, the “suspect was pleasant and very polite during the checkout process,” the Walmart cashier told investigators. At 7:50am, Artan dropped his sister off at a high school near their home on the city’s west side. He paid a brother the \$40 he owed him around 9:30.²⁹

He then wrote his Facebook declaration and, at 9:52, drove his Honda Civic into the courtyard near Watts Hall on 19th Avenue and College Road.³⁰ He struck several pedestrians, including Professor Emeritus William Clark who suffered injuries to his leg and ankle. At a later news conference, Dr. Clark said, “Until we really know all the facts. I’d prefer to hold judgment. Having been a faculty member for 35 years, I’m only too aware of the things that drive students sometimes to do things they wouldn’t ordinarily do, and so before I pass judgment on this young man, I would like to see exactly what the circumstances are and exactly why he took the course of action that he chose to...I’m sore, but I’m going home this afternoon, and he’s dead. So I think my sense is out of respect just for the living and the dead we should wait until we know what’s the truth.”³¹

Angshuman Kapil, a 25-year-old student, was waiting outside Ohio State’s Watts Hall with fifty or sixty other people who had left the building because of a fire alarm. He said the car hit a concrete barrier after barreling down the road.³² So focused was Artan on hitting people, that he apparently failed to follow the most basic rule of driving: Watch the road. Had he been paying attention, it is possible he could have done more damage with his car. The barrier incident showed Artan’s ineptness in attempting to carry out a grandiose act like the one he planned—if he really had a plan at all

He then got out of his car, a butcher knife in his hand, and proceeded to stab people. Kerri Strausbaugh said Artan approached her and warned: “I’m going to fucking kill you.”³³ Moreover, according to Strausbaugh, he let out a war cry

²⁸ Welsh-Huggins, “Ohio State Attacker Faulted ‘Moderate’ Muslims.”

²⁹ Welsh-Huggins, “Ohio State Attacker Faulted ‘Moderate’ Muslims.”

³⁰ Emily Shapiro, Aaron Katersky, Josh Margolin, and Mike Levine, “Ohio State University Student Dead After Driving Into Crowd, Stabbing People at OSU Campus,” abcnews.go.com, November 28, 2016.

³¹ Emily Shapiro, “Injured Professor Says Won’t Judge OSU Attacker: ‘I’m Going Home ... He’s Dead,’” abcnews.go.com, November 29, 2016.

³² Gray et al., “Ohio State student identified as campus attacker, nearly a dozen hospitalized.”

³³ The expletive is extrapolated from Huggins, “Ohio State Attacked Faulted ‘Moderate’ Muslims.”

before chasing people in order to stab them.³⁴ Former Army veteran and Ohio State student Anderson Payne tried to help, and, when Artan got close to him, grabbed the knife and ducked under his arm in order to escape. Although he was unable to disarm and subdue Artan, Payne didn't realize at first that the inside of his hand had been cut by the knife.³⁵

At 9:54, Ohio State sent out an emergency notification telling students to shelter in place due to an active shooter.³⁶ The shots they heard, however, were likely those fired by Ohio State University police officer Alan Horujko who shot and killed Artan after he reportedly failed to obey orders to stop and then charged at the officer.³⁷ Obviously, Horujko had the advantage in the situation, but Artan at that point seemed desperate and perhaps knew he was not going to achieve anything with attacking students. Thus his last ditch effort seemed to be to charge at Officer Horujko and die in a "blaze of glory." Horujko happened to be near by because of the reported gas leak, encountering and then killing Artan at 9:53.³⁸ If he had not been there, Artan would have had significantly more time to chase people and possibly to cause some fatalities.

Eleven people were either hit by Artan's car or stabbed by him. A twelfth person was hit by a stray bullet from Officer Horujko's gun, and a thirteenth was treated for unspecified injuries.³⁹ None of the injuries was life threatening. Eleven of the thirteen victims were treated at Columbus area hospitals. Max Wieneke had a minor injury and refused medical treatment.⁴⁰ Heavily armed SWAT units arrived on the scene after it was over, and they could be seen forming a line up the stairs of a nearby parking garage.⁴¹ Soon after the attack, Ohio State cancelled classes for the rest of the day. Per university policy, Officer Horujko was put on paid administrative leave, and he was soon after cleared of any wrongdoing.⁴²

6. Role of informants

There were no informants for this case.

³⁴ Tracy Connor, "Ohio State Victim Says Attacker Vowed to Kill Her," nbcnews.com, December 1, 2016.

³⁵ Michelle Newell, "Army vet fought Ohio State attacker as he tried to help others after car crash," abc6onyourside.com, November 29, 2016.

³⁶ "Attack at Ohio State campus: 11 injured, suspect killed by police," 10tv.com, December 11, 2016.

³⁷ Emanuella Grinberg, Shimon Prokupecz, and Holly Yan, "Ohio State University: Attacker killed, 11 hospitalized after campus attack," cnn.com, November 28, 2016. For the note about Artan charging at Officer Horujko, see "Emily Shapiro and Michael Hayden, Witnesses to Ohio State University Stabbings Recount Chaos," abcnews.go.com, November 28, 2016.

³⁸ Andrew Welsh-Huggins, "Officials praise fast-acting officer who killed Ohio State attacker", thestar.com, November 28, 2016.

³⁹ Burger, "FBI combing Ohio State attacker's life for motive."

⁴⁰ WCPO staff, "Names of 13 Ohio State attack victims released," wcpo.com, November 30, 2016.

⁴¹ Mitch Smith, Richard Perez-Pena, and Adam Goldman, "Suspect Is Killed in Attack at Ohio State University That Injured 11," nytimes.com, November 28, 2016.

⁴² Tiffany Tarpley, "Timeline of Ohio State University Attack," wwltv.com, November 30, 2016.

7. Connections

The only connections were indirect. Artan was influenced by the online sermons of Anwar al-Awlaki, and was concerned about the mistreatment worldwide of Muslims. He seems to have pledged allegiance to the Islamic State in the letter he tore up and in his Facebook posting. However, two U.S. intelligence officials reported that there are no known contacts between Artan and ISIS or any other foreign terrorist organization. This directly disputes the statement from ISIS' media arm, as has become routine with attacks, claiming that he was working in service of the Islamic State.

8. Relation to the Muslim community

Artan was very religious and prayed regularly. He also attended mosque frequently. However, he showed no extremist tendencies leading up to the event. These had clearly laid dormant for quite some time, not allowing authorities to get a bead on him before he committed this act. No one around him in the Muslim community saw this coming.

In a news conference, leaders in the local Muslim community condemned Artan's attack. Roula Allouch, national board chairman of the Council on American-Islamic Relation said:

“As Ohioans, as Americans and as Muslims, we're shocked by today's senseless attack. We stand together with Ohioans of all faiths and backgrounds in praying for the speedy recovery of all those who were injured in today's attack.” Jennifer Nimer, legal director for CAIR's Ohio chapter, urged the public not to jump to conclusions about Artan's motive and to let investigators do their job: “Responding to such a senseless act of violence with hate is never the solution...And we hope that Columbus will continue to be a place where people of all religions and ethnicities can be treated with respect and dignity.”⁴³

Omar Hassan, president of the Columbus-based Somali Community Association of Ohio, said that a member of Artan's family told him the suspect's mother and siblings had been interviewed by law enforcement authorities after the incident. Hassan noted Columbus has the second-biggest Somali population in the U.S. with about 50,000 immigrants from the east African nation and said the incident would reverberate in the Somali diaspora in the U.S., where concerns about anti-Muslim and anti-immigrant are already heightened: “The timing is not good. We are black. We are Muslim. We are Somali. We are all the negative stigmas.”⁴⁴

The American Human Rights Council Executive Director Imad Hamad said in a statement: “We are shocked by this heinous crime on Ohio State's campus. Universities are havens of learning and individual growth. We must not only stay vigilant against radicalization but against hate mongering and scapegoating as well.”⁴⁵

⁴³ Simon, “Ohio State attacker said he was ‘scared’ to pray in public.”

⁴⁴ Madhani, “Accused Ohio State attacker reportedly posted rant online.”

⁴⁵ Ray Hanania, “AHRC condemns heinous Ohio State University attack,” *arabdailynews.com*, November 30, 2016.

9. Depiction by authorities

Officials were hesitant at first to firmly establish this as an act of terrorism. They had previously not been aware of any investigations or inquiries into Artan's activities. However, the FBI's Joint Terrorism Task Force came in to investigate it as a possible case of domestic terrorism.⁴⁶ Moreover, Columbus police Chief Kim Jacobs, asked whether authorities were considering the possibility it was a terrorist act, said: "I think we have to consider that it is."⁴⁷ They soon came to the conclusion he was inspired by the Islamic State as well as Anwar al-Awlaki, at which point they began to treat the attack as a terrorist attack.⁴⁸ They further confirmed Artan was not in any sort of contact with the Islamic State or with any foreign terrorist organization and acted entirely alone.

Several politicians also made their voices heard. Governor John Kasich praised the quick response of the police, saying how much "training, expertise, and coordination there was between law enforcement agencies." He added "We are a strong, tough, resilient community." Mayor of Columbus Andrew Ginther said, "it one of those days you're grateful for good training and great people across the board," and urged unity in the days ahead.⁴⁹

True to politician form, the Donald Trump, then president-elect, was quick to pounce on the attack for his political gain, tweeting, "ISIS is taking credit for the terrible stabbing attack at Ohio State University by a Somali refugee who should not have been in our country."⁵⁰ Texas Governor Greg Abbott was also quick to point to this attack as motivation to not accept any refugees; as he tweeted, "This is why I removed Texas from the Refugee Relocation Process. I will not be an accomplice to importing terrorists. Refugee reform needed."⁵¹ At least Vice President-elect Mike Pence managed to keep politics out of it when he called the episode "a tragic attack" and said "our prayers are with them all." US House of Representative Member Adam Schiff (D-CA), the ranking member of the House Intelligence Committee said he operated under the assumption it was a terrorist attack, saying: "The bloodshed "bears all of the hallmarks of a terror attack carried out by someone who may have been self-radicalized."⁵²

Dr. Michael V. Drake, President of Ohio State, cautioned against jumping to conclusions about the motivations of Artan, citing a lack of evidence. Further, he said, "Our campus community is extremely tolerant. The concept of branding a

⁴⁶ "ISIS claims credit for inspiring attack at Ohio State that injured 11," dispatch.com, November 30, 2016.

⁴⁷ Andrew Welsh-Huggins and Julie Carr-Smyth, "Terrorism Suspected in Car-and-Knife Attack at Ohio State," apnews.com, November 29, 2016.

⁴⁸ Max Blau, Emanuella Grinberg and Shimon Prokuecz, "Investigators believe Ohio State attacker was inspired by ISIS," cnn.com, November 29, 2016.

⁴⁹ Smith et al., "Suspect Is Killed in Attack at Ohio State University That Injured 11."

⁵⁰ Reena Flores, "Donald Trump Tweets about Ohio State University Stabbing Attacks," cbsnews.com, November 30, 2016."

⁵¹ Laura Rice, "Greg Abbott Points to OSU Stabbing as Caution against Refugee Resettlement," kut.org, November 29, 2016.

⁵² Welsh-Huggins and Smyth, "Terrorism Suspected in Car-and-Knife Attack at Ohio State."

whole community for the act of a few leads to an intolerance that can make the world a more difficult place for all of us.”⁵³

At around 10:00pm on the day of the attack, OSU students and employees gathered in front of a church located near the scene, to pray for the injured.⁵⁴ Three days later, Stephanie Clemons Thompson, Assistant Director of Student Life at Ohio State, made a Facebook post in which she seemed to sympathize with Artan. She called for compassion and used the hashtags #BuckeyeStrong, #BlackLivesMatter, and #SayHisName. The post received condemnation for defending a person who attempted to kill others, for implying that Artan’s death was wrong, and for comparing a terrorist who targeted his fellow students with victims of police brutality. A change.org petition calling for Thompson’s termination from OSU received over 1,200 signatures, and an OSU spokesman said that the post “clearly is not an official statement of the university and represents her own personal viewpoint.” Some people have defended Thompson for writing the post.⁵⁵

In addition, Ohio State’s Coalition for Black Liberation protested the killing of Artan, added his name to a list of “people of color” who had been killed by law enforcement, and then read it out loud days after the attack. Maryam Abidi, a fourth-year Women’s Gender and Sexuality major said, “We broadened the scope of what today was supposed to be, to talk about the aftermath of what happened on the 28th—to talk about what it meant for that attack to happen and also for Ohio State to be a focal point for a lot of right-wing pundits, Islamophobia and xenophobia. In some cases, the deceased may have committed acts of violence against others before they were killed. Perhaps they were domestic abusers, perhaps they threatened or killed others. This possibility is not something to shy away from. The protest against police brutality extends to the innocent and the guilty alike, because we know that no matter the crime, justice and due process don’t come from a cop’s bullet.”⁵⁶

10. Coverage by the media

The media was cautious in how they approached the situation. Most outlets referred to Artan as an “attacker,” which seems to be a very proper description, especially in the early stages of the investigation. They mentioned that terrorism was being looked at as a way to describe it for the purposes of the investigation, but their personal narrative was very cautious, not jumping to any conclusions or the like, just laying out the facts of the situation, pretty much the way it should be.

⁵³ Smith et al., “Suspect Is Killed in Attack at Ohio State University That Injured 11.”

⁵⁴ Tarpley, “Timeline of Ohio State University Attack.”

⁵⁵ Karen Farkas, “Ohio State University administrator faces calls for dismissal after seeking compassion for student who attacked,” cleveland.com, December 3, 2016.

⁵⁶ Chris Enloe, “Ohio State student protesters claim police went ‘too far’ by shooting, killing Islamic terrorist,” theblaze.com, December 10, 2016.

11. Policing costs

There was not much in terms of policing costs. Artan was shot and killed by Officer Horujko within a minute of their encounter, and there was also no need for court as justice.

12. Relevance of the internet

As with pretty much all cases of terrorism in this time period, the internet was a crucial factor. Artan was self-radicalized, finding inspiration in online websites maintained by foreign terrorist organizations or affiliated individuals. Important in this case were online sermons by Anwar al-Awlaki and terrorist propaganda from the Islamic State.

13. Are we safer?

This always the hardest question to answer in a case like this. Officer Horujko happened already to be near, responding to a possible gas leak at Watts Hall. If it had taken longer for the police to respond, who knows what could have happened. But regardless, the heroics of Officer Horujko will not be forgotten.

14. Conclusions

What can we learn from this attack? For starters, we can assert this was a definitive case for terrorism. By viewing his Facebook page as well as the note he left, we can conclude Artan had a political motivation for committing this attack. The alleged mistreatment of Muslims around the world eventually became too much for him and he snapped. He believed that by committing this attack, he was exacting revenge for Muslims worldwide, and he pledged that lone wolves would not cease to commit acts of violence until Muslims found peace. Unfortunately for him but fortunately for the rest of us, his plan was amateurish and failed miserably, despite his grandiose plans and inspirations.

Second, it never helps national unity when politicians put forward divisive rhetoric. In this case, then-President elect Donald Trump and Texas Governor Greg Abbott both wasted no time at all taking advantage of this situation to gain political points with their respective bases. They both made this clear this situation makes clear why the United States should not allow in refugees, especially from “high-risk” countries. One can hope politicians might not succumb to the opportunity to jump on a crisis for political gain. However, as then-Chief of Staff to President Barack Obama and now Mayor of Chicago, Rahm Emmanuel, once pointed out, “You never want a serious crisis to go to waste.”

Third, it is very concerning that Artan that was able to self-radicalize on the internet easily and without any contestation. There was no way any one person or intelligence agency could have known Artan was quietly self-radicalizing. This is the most worrisome part of the case. Radicalized quietly and uncontested, he surprised everyone when he barreled his Honda Civic into a crowd of people. That there was a terrorist attack brewing in our midst and that the most sophisticated intelligence agencies in the world were completely blind is definitely cause for concern—although attacks like this are, of course, extremely rare and, in the end, he was able to inflict little damage. But the fact he was able to

pull this off without an obstacles is something to be concerned about. There's absolutely no policy recommendation to make that could have prevented an act like this.

Lastly, there is no excuse for the comments made by the staff member and students who sympathized with Artan. Regardless of what he was as a person or what his skin color is, Artan committed a terrorist attack, albeit a completely failed and pathetic one. Officer Horujko acted correctly: when charged by Artan, he shot him and took him down. There are definitely cases of police brutality against people of color in this country, but this is not one. Statements like these only increase Islamophobia and xenophobia. Sympathizing with Islamic terrorists, as stupid and amateurish as they may be, will not advance the cause. Freedom of speech does not mean freedom from consequence. Maybe they should recognize that.

Appendix

Artan's Facebook page with his warning posted shortly before his attack.

In the name of Allah, the most merciful and the most gracious.

My brothers and sisters, I am sick and tired of seeing my fellow Muslim Brothers and Sisters being killed and tortured EVERYWHERE. Seeing my fellow Muslims being tortured, raped and killed in Burma led to a boiling point. I can't take it anymore.

America stop interfering with other countries, especially the Muslim Ummah. We are not weak. We are weak, remember that.

If you want us Muslims to stop carrying lone wolf attacks, then make peace with "Dawla in al sham." Make a pact or a treaty with them where you promise to leave them alone, you and your fellow apostate allies.

By Allah, we will not let you sleep unless you give peace to the Muslims. You will not celebrate or enjoy any holiday.

Stop the killing of Muslims in Burma.

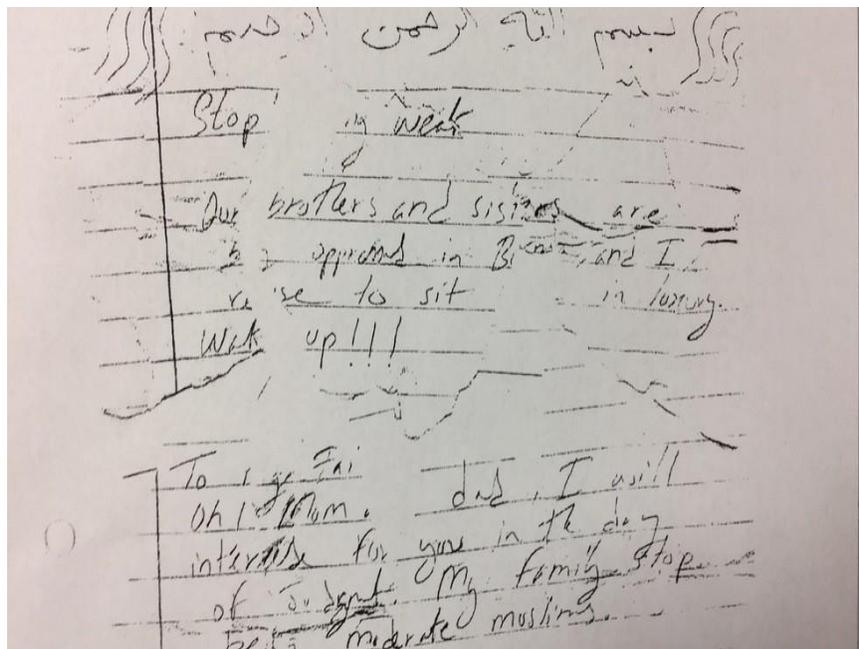
Btw, every single Muslim who disapproves of my actions is a sleeper cell, waiting for a signal. I am warning you OH America!

And, a message to the Muslims, don't listen to celebrity scholars who sold their deen. I am talking about the likes of Yasir Oaphi, Omar Sulieman, Nourman Mufti and the list goes on. Beware of Al Maghreb institute listen instead to our hero Imam Anwar Al-Awlaki.

Let me as you this question if the Muhammad peace and blessings upon him and his Sanaba were here today wouldn't the western media call them terrorists?

To conclude by Allah, I am willing to use a billion infidels in retribution

Part of the torn-up letter. The text is extraordinarily difficult to read. The major contents can be found in the text above in Section 5.



Case 117: San Francisco

John Mueller

May 12, 2020

In consultation with three FBI operatives, Everitt Aaron Jameson, a tow-truck driver in San Francisco who had completed basic training in the Marines, plotted a rather elaborate attack at a popular destination, Pier 39, in the city to be carried out on Christmas Day, 2017. Inspired by previous attacks in San Bernardino and New York (cases 76 and 115) he would not only shoot off firearms like the first and run over people with a vehicle like the second, but funnel his victims into the area by setting off a bomb. He had the vehicle and some guns and, with the aid of his seeming collaborators, was seeking to assemble the materials to make a bomb. He built in no escape plan: he said he did not need one as he was ready to die.¹ However, perhaps because he became suspicious when an FBI telephone call went awry, he called off the attack seven days before Christmas.

Jameson had converted to Islam two years earlier. He became increasingly upset, perhaps even suicidal, when his marriage broke up and a court, deciding that neither he nor his ex-wife were suitable parents, awarded the custody of their two small children to adoptive parents.

By 2017 he was publicly posting jihadist, and particularly ISIS, sentiments on his Facebook page. This included his expressed admiration for a poster showing Santa Claus in New York with a box of dynamite over the caption, “We meet at Christmas in New York . . . soon.” This item was likely inspired by a story, much touted for a while by the media, that, upon being released from an American prison in Iraq in 2009, Abu Bakr al-Baghdadi, the future leader of ISIS, murmured jauntily to his captors, “I’ll see you in New York.” Since al-Baghdadi had actually been released in 2006, the story, based on a single source, was quickly debunked.²

The postings were, as characterized with considerable understatement by Jolie Radunich, an intern at the Cato Institute when she wrote this case, “a large oversight on his part,” because they soon came to the attention of the FBI. Operatives, posing as top ISIS people, were soon working their way into his confidence. Judging from a handwritten note, he was especially exercised by the decision in early December 2017 by the Trump administration to recognize Jerusalem as the capital of Israel.

Jameson was only charged with attempting to provide material support to ISIS, a terrorist organization. He had at the time of arrest committed no acts of

¹ Criminal Complaint from the United States District Court for the Eastern District of California, December 22, 2017, 8.

² Michael Daly, “When Abu Bakr al-Baghdadi walked away from a U.S. detention camp in 2009, the future leader of ISIS issued some chilling final words to reservists from Long Island,” thedailybeast.com, June 14, 2014. James Gordon Meek and Lee Ferran, “ISIS Leader’s Ominous New York Message in Doubt, But US Still on Edge; Official: Abu Bakr al-Baghdadi was held by U.S., returned to fight by 2006,” abcnews.go.com, June 16, 2014. Jon Greenberg, “Fox’s Pirro: Obama set ISIS leader free in 2009,” politifact.com, June 19, 2014. “Spam news site circulates hoax linking Obama to former ISIS leader’s release,” newsus.app, January 16, 2020.

violence and had, at least for the time being, aborted any plans, however fanciful, to do so. He had, however, promised through his bogus interlocutors to do anything for “the cause” and perhaps even to send as much as \$400 a month to ISIS from his tow-truck-driving revenues. That was enough to get him 15 years. By that time, his children will be about old enough to vote.

Case 117: San Francisco

Jolie Radunich

May 8, 2020

1. Overview

On December 22, 2017, Everitt Aaron Jameson, a 26-year-old tow truck driver from Modesto, California, was arrested and charged with attempting to provide material support to a terrorist organization. He had planned a Christmas Day terror attack at Pier 39 in San Francisco, a popular shopping center and tourist attraction.

Jameson completed Marine Corps, earning his sharpshooter rifle qualification. He was discharged from the military in 2009 after failing to disclose his history of asthma.

His arrest was the result of a confidential informant who tipped off the FBI. Two agents went undercover as Islamic State affiliates and pursued the suspect for about two months. One of them met with Jameson on December 16, 2017 to discuss which materials were needed to carry out the attack. The FBI's cover was almost blown when an FBI employee accidentally used his Washington D.C. 202 area code phone number to call Jameson.

Jameson was angry at the United States government, and particularly at President Donald Trump. As a supporter of Palestine, he condemned the president's declaration that Jerusalem is the capital of Israel. Ultimately, his jihadist faith started when he lost custody of his children to the state.

Jameson pleaded guilty on June 4, 2018 and was sentenced to 15 years in federal prison and a life term of supervised release.

2. Nature of the adversary

Not much is known about Jameson's childhood. He attended James Enoch High School in Modesto and was a wrestler there.¹ He graduated in 2009 and later took some criminal justice classes at Merced Community College. Jameson joined the military and completed Marine corps basic recruit training. He earned his sharpshooter rifle qualification but was discharged later in 2009 for fraudulent enlistment after failing to report his history of asthma, allegedly uncovered when he suffered an allergic reaction to a bee sting.² He identifies as a white, 26-year-old jihadist.

Jameson became depressed and suicidal after losing custody of his young children in 2015, according to his aunt, Sarah Jameson, although there is no official diagnosis of his mental state. His ex-wife Ashley Jameson was previously arrested for allegedly attacking the suspect with a knife. She later filed a restraining order against him in January of 2015 for domestic violence, though.³

¹ Evan Sernoffsky "Terror plot on SF's Pier 39 lands Modesto man 15 years in prison," sfchronicle.com, August 6, 2018

² Sarah Ravani, "Marine turned terrorist gets 15 years in prison for Christmas Day Pier 39 plot," sfgate.com, June 4, 2018.

³ Lisa Fernandez, "Former U.S. Marine charged with planned Pier 39 terrorist attack denied bail," ktvu.com, December 28, 2017.

Jameson filed for divorce in August 2016 in Merced County Superior Court. He declared in court his belief that the divorce would allow him to get his children out of foster care. However, his 2 and 3-year-old children had been placed into adoption by then, and he could not get them back.⁴ Ashley Jameson served time for a robbery charge in Chowchilla, California, May 2017. Jameson did not have a criminal record.

According to his aunt, Sarah Jameson, he began studying Islam in 2015 as a result of losing custody of his children. Jameson practiced at the Islamic Center of Merced about 2 to 3 times a week, worshipping by himself. The religious center told NBC that no one there knew him on a personal level.⁵ He worked at Anderson's Towing Company since August of 2017.⁶

His Facebook page was filled with posts supporting terrorism, and he "liked" and "loved" Facebook posts of ISIS propaganda. Of the numerous photos he posted was a propaganda picture of a Santa Claus standing next to a box of dynamite in New York City's Time Square with the caption, "We meet at Christmas in New York... soon."⁷

Jameson espoused radical jihadi beliefs and was eager to "join the cause against darul kuffar," a derogatory term denoting unbeliever of the west. He wrote his extremist beliefs explicitly and publicly on his Facebook page. He used this social media platform to communicate with other users whom he presumed would share his jihadi beliefs. The undercover FBI agents were not the first people he corresponded with on the platform, but descriptions of other correspondents are unknown. He offered to use his employer-owned tow truck to commit acts of terror on behalf of others. Jameson's family approved of his converting to Islam, although they jokingly nicknamed him "ISIS" and referenced him "blowing things up."⁸

KPIX CBS Bay Area interviewed the suspect's father, Gordon Jameson, who was shocked, confused and "dumbfounded" at the thought of his son planning such an attack. He said it was hard to take, describing his son as a generous man of faith.⁹ Gordon Jameson who describes himself as devout Pentecostal, mentioned that his son "did not like" when President Trump named Jerusalem the capital of Israel, but he personally was glad "that Trump did what he did." The last time he saw his son was several days prior to the arrest, when they attended an Oakland Raiders football game. Jameson had told his father he was not radical.

His step-sister, Jaden Jameson said, "he'd never do something like this. He'd never even think of it. So, I'm really shocked." His sister, Chantelle

⁴ Rob Parsons, "Details emerge about Modesto man FBI says planned attack for San Francisco's Pier 39," fresnobee.com, December 22, 2017.

⁵ "Everitt Aaron Jameson." everipedia.org.

⁶ Melanie Woodrow, "Guns, ammo, will and letter seized from Pier 39 Terror Plot suspect's home," abc7news.com, December 22, 2017.

⁷ Michael Daly, "ISIS Leader: 'See You in New York,'" thedailybeast.com, June 14, 2014.

⁸ Fernandez, "Former U.S. Marine charged."

⁹ Melissa Caeon, "FBI Foils Alleged Terrorist Attack by Modesto Man Who Targeted S.F. Pier 39," youtube.com, December 22, 2017.

Jameson also defended her brother, and in an emotional statement called him a great man and father to his two young children. Jameson was politically tuned-in and expressed his opinions of the United States government in a letter found when the FBI raided his home. In the letter Jameson condemned President Donald Trump's recognition of Jerusalem as Israel's capital (which had occurred in early December), and blamed him and the Jewish race for this, "godless society."

3. Motivation

Jameson's primary motivations were supporting ISIS and offering justice for jihadi. He supported ISIS inspired attacks including the 2015 mass shooting in San Bernardino, California and the 2017 incident in New York City when a truck drove into a bike path, killing 8 people (cases 76 and 115). Jameson believed that Jerusalem was the capital of Palestine, and proved his contempt toward nonbelievers and confession to the terror plot in a handwritten note:

I Abdallah adu Everitt ibn Gordon have committed these acts upon the Kuffar, in the name of Dar al Islam, Allahu AKbar! You all have brought this upon yourselves. There are no innocent Kuffar! Each and every Kuffar in this Nationalistic, Godless society has a hand in this. You've Allowed Donald J Trump to give away Al Quds to the Jews. Both You and he are wrong, it belongs to the Muslemeen. We have penetrated and infiltrated your disgusting country. These Acts will continue until the Lions of Islam overtake you. Turn to Allah, make tawbah and fight with us, the soldiers who fight in the day and the night. Allah SWT is most forgiving, I am not. Long live Isil, Long Live Abu Bakr- al Baghdadi. Allahu Akbar!
Abdallah abu Everitt ibn Gordon al-Amriki¹⁰

4. Goals

In order to support the designated foreign terrorist organization of ISIS, Jameson thought his best bet was to organize an attack of his own. Inspired by the ISIS attacks in San Bernardino and New York City, he wanted to carry out an Islamic State-inspired suicide bombing that combined elements from both the attacks, using both firearms and a vehicle. Jameson filled out a, "Franchise Tow Truck Driving Application" with the Modesto Police Department on November 3, 2017, almost two months after conspiring with the undercover agents.¹¹ There is no explanation for why he needed the permit. He told an undercover agent that he "did not plan an escape route" because he was "ready to die."¹²

Jameson selected San Francisco's Pier 39, a popular tourist destination with restaurants, shopping, and attractions. He "had been there before and knew it was a heavily crowded area" where guns, explosives, and a tow truck could be used to cause great damage. He planned to carry out the attack on Christmas Day.

¹⁰ "Everitt Aaron Jameson," everipedia.org.

¹¹ Justin Carissimo, "FBI: Man planned ISIS-inspired Christmas Day terror attack in San Francisco," cbsnews.com, December 22, 2017.

¹² Amy B. Wang, "FBI thwarts alleged plan to carry out terrorist attack in San Francisco on Christmas," washingtonpost.com, December 23, 2017.

Jameson wanted to support the Islamic State of Iraq and ISIS however he could. He said he was willing to provide weapons, donate money, and travel to Syria--anything to carry out Allah's will.¹³

5. Plans for violence

Jameson intended to funnel people into a congregated area at Pier 39 where he could inflict casualties.¹⁴ Between October and December of 2017, he planned the bombing by messaging people he thought to be affiliates of the Islamic State. His co-conspirers, as will be discussed more fully in section 6, were all undercover FBI agents.

Having earned his sharpshooter rifle qualification in Marine Corps basic training, Jameson said he had, "been trained in combat and things of war." He trained with both M-16 and AK-47 rifles. During his correspondence with the undercover agents Jameson stated these as his weapons of choice. The suspect also explained he would require ammunition, powder, tubing, and nails. He claimed to be "well-versed in the Anarchists Cookbook," an instruction book to make explosives.¹⁵ Jameson also needed timers and remote detonators to make a rudimentary bomb. He planned to build the devices in the mountains and confirmed he could rent a storage unit to house the items prior to the attack. Jameson prepared to carry out the attack on his own.

On October 29 he wrote to the undercover agents, "... make me more useful. I can blend in. Or shock and awe." Jameson met with one of the undercover FBI employees, for the first and only time on December 16. The agent posed as a subordinate of Islamic State leader Abu Bakr al-Baghdadi.¹⁶ During the meeting, Jameson reaffirmed his need for equipment and planned on making this a suicide mission, saying, "he was ready to die."¹⁷ The two met in a vehicle, where the suspect explained he needed the following equipment: PVC pipes, powder, nails, timers and detonators, to build an explosive device. Jameson offered to build the device in the mountains and then return home to store them. The undercover agent told him to hold off from acting until his superiors gave approval. Jameson apparently acknowledged he understood this and did not take concrete steps toward carrying out the attack like buying guns or materials to build explosives.¹⁸

The operation was almost blown when an FBI employee accidentally called Jameson's cell phone from the Washington D.C. 202 area code, on December 18. Jameson answered in Arabic, and the FBI agent immediately terminated the call. Jameson called back and heard the voicemail of the agent, which identified only his name, not the agency that employed him.¹⁹

¹³ "Everitt Aaron Jameson," everipedia.org.

¹⁴ Carissimo, "FBI: Man planned."

¹⁵ Garth Stapley, "15 years in prison for would-be ISIS terrorist from Modesto who plotted Pier 39 bombing," modbee.com, August 6, 2018.

¹⁶ Ravani, "Marine turned terrorist gets 15 years."

¹⁷ Rhea Mahbubani and Brendan Weber, "FBI Arrests Man Suspected of Plotting ISIS-Inspired Christmas Terror Attack at San Francisco's Pier 39," nbcbayarea.com, December 26, 2017.

¹⁸ Fernandez, "Former U.S. Marine charged."

¹⁹ Wang, "FBI thwarts alleged plan."

An undercover agent attempted to arrange a follow-up meeting that evening, but Jameson responded that he was, “very busy tonight.” He then backed out of the plan altogether, saying, “I also don’t think I can do this after all. I’ve reconsidered.” The employee prodded him remarking, “We only can do Allah’s will.” Jameson replied, “In Sha Allah one day I can. But I can’t.”²⁰ It is unclear whether Jameson backed out of the plan due to the suspicious phone call.

An FBI complaint was filed on December 16, 2017 in the United States Court of Sacramento. The FBI sting operation obtained a search warrant for Jameson’s Modesto, California home and, on December 20, t agents found a .22 caliber Winchester rifle, a Ruger M77 rifle, a 9 mm handgun, several .45-caliber magazines, ammunition, fireworks, a will, and handwritten letter confessing to having already committing acts against non-Muslims. The confession letter was signed December 16. The suspect was interviewed during the FBI raid, and at various points, Jameson professed his support of ISIS, of terrorism, and of his willingness and happiness at the prospect of carrying out an attack.²¹ He was arrested and held for a December 28 detention hearing where he faced up to 20 years in prison.

FBI agents also spoke with Jameson after his arrest. He did not waver in his support of ISIS and terrorism, “and discussed aspects of the plan to carry out an attack, noting that he would be happy if an attack was carried out.” He later denied these allegations at a federal court hearing.²²

Charged with attempting to provide material support to a terrorist organization, Jameson pled guilty on June 4, 2018 and was sentenced to 15 years in federal prison and a lifetime of supervised release by Judge Lawrence Joseph O’Neil.²³

6. Role of informants

A credible FBI Confidential Human Source tipped the FBI off to Jameson's Facebook page on September 19, 2017. This person had previously reported national security issues with accuracy.²⁴ The agency then began investigating. Two employees posed as Islamic State affiliates, and corresponded with Jameson for about two months. The agents made initial contact via Facebook messenger.

7. Connections

While Jameson was an adamant supporter of ISIS, he has no confirmed links to authentic terrorist sources domestically or abroad.

8. Relation to the Muslim Community

²⁰ Wang, “FBI thwarts alleged plan.”

²¹ Criminal Complaint from the United States District Court for the Eastern District of California, December 22, 2017.

²² Wang, “FBI thwarts alleged plan.”

²³ Sernoffsky, “Terror plot on SF’s Pier 39.”

²⁴ Criminal Complaint.

After converting to Islam in 2015, Jameson attended the Islamic Center of Merced two or three times a week to pray. He wanted to carry out an “Islamic State inspired suicide bombing.” There is no record of acknowledgement by the Muslim community about this case. Calls from the *Washington Post* to the Islamic Center of Merced were not immediately returned.²⁵

9. Depiction by the authorities

The authorities swiftly condemned the suspect and informed the press of measures to heighten security. They saw this fit not only because of Jameson's terrorist plot, but because of the packs of people that populate the plotted attack area of Pier 39 and other tourist destinations in the city. San Francisco Acting Mayor London Breed announced there were no other known threats besides Jameson, and that police presence would increase throughout the city. She released an official statement, saying,

San Francisco is a city that proudly champions democracy, freedom and liberty. Sadly, that makes our home a target. We will not allow the thwarted attempts of one dangerous individual to disrupt our way of life. We will remain vigilant and continue to protect our city from any threat.

The goal of Jameson's attack was to specifically target “kuffars,” or nonbelievers of the Islamic God, as stated in his confession letter. From this I can infer his intent to hurt the religious liberty that is offered in the United States.

Former FBI agent Manny Gomez shares a similar insecurity. He feels grateful that this suspect was caught but alludes to the fact that there may be other terrorists off the radar of the FBI or local law enforcement.²⁶ Attorney General Jeff Sessions clearly drew the line in the sand between Americans and radical Islamic terrorism:

The threat from radical Islamic terrorism is real-and it is serious- but the American people can be assured that the Department of Justice remains vigilant in protecting our homeland.²⁷

10. Coverage by the media

The media was competent in explaining the facts of the case, though some details were blurred together. One report stated Jameson got cold feet after receiving the accidental 202 area code call from the FBI employee,²⁸ but other accounts say his backing out of the attack for this reason cannot be confirmed.²⁹ ³⁰ It was helpful of ABC News to offer viewers the full documents for themselves on their website.

²⁵ Wang, “FBI thwarts alleged plan.”

²⁶ Jeff Pegues, “Terror Plot Targeting San Francisco Foiled,” youtube.com, December 22, 2017.

²⁷ “California Man Arrested for Attempting to Provide Material Support to a Terrorist Organization,” justice.gov, December 22, 2017.

²⁸ Melissa Cacon, “FBI Foils Alleged Terrorist Attack by Modesto Man Who Targeted S.F. Pier 39.”

²⁹ Wang, “FBI thwarts alleged plan.”

³⁰ Lisa Fernandez, “Former U.S. Marine charged with planned Pier 39 terrorist attack denied bail.”

11. Policing costs

The San Francisco Police Department (SFPD) stepped up patrols at tourist destinations throughout the city. This action was implemented across the country after hearing ISIS had recently encouraged terror attacks during the holidays.³¹ A KPIX CBS SF Bay Area reporter described heightened security at Pier 39 specifically but noted that more security is generally present each year during the holiday season.

12. Relevance of the internet

The initial source that tipped off the FBI reported Jameson's Facebook page, filled with extremist content. All other facets of the suspects life appeared normal. He did not espouse his beliefs publicly in the form of rallies, marches, and protests. His family would joke with him about "blowing things up," to which he replied, "we're the good ones."³² Without the internet and social media Jameson's beliefs would not have been brought to the light.

13. Are we safer?

In her public statement San Francisco Acting Mayor London Breed says terrorism is an inevitable possibility in a free society. While Jameson was caught, I wonder (like former FBI agent Manny Gomez) about other possible terror plots that remain under wraps. In November of 2019, an Ohio man pleaded guilty to plotting to carry out a terrorist attack in downtown Cleveland. He discussed plans to travel to San Francisco on behalf of Al-Qaeda.³³ I only feel slightly safer that this one plotter has been sentenced. The length of the sentence seemed surprising. He faced up to 40 years in prison yet was only sentenced to 15 years. Based on the evidence of intent to commit terror presented by the FBI's sting operation and Jameson's confession, it would have made sense to have extended the sentence. However, Jameson admitted under a plea deal with federal prosecutors in June that he tried to aid a foreign terrorist organization.³⁴

14. Conclusions

The terror plot conceived by Everitt Aaron Jameson highlights one of several prominent incidences of homegrown terrorism. The suspect's radicalization was measured, not a psychotic rampage fluke. He took his shahada--an Islamic creed, testimony that declares the oneness of God and the acceptance of Muhammad as the messenger of Allah--two years before planning the attack at the Merced Islamic Center. Jameson restrained his desire to carry out the attack until the "appropriate time," at the request of one of the undercover agents.

What is most notable about this case is Jameson's willingness to commit suicide. This factor is rare in American cases. Additionally, Jameson's openness about his faith speaks to his amateurism as a terrorist. His identity as a white,

³¹ Eva Pilgrim, "Authorities in two states investigate possible terror plots," youtube.com, December 23, 2017.

³² Fernandez, "Former U.S. Marine charged."

³³ Steven Stalinsky, "San Francisco As A Jihadi Target," memri.org, January 15, 2020.

³⁴ "Man sentenced to 15 years for plotting San Francisco attack," apnews.com, August 6, 2018.

American man from Modesto, California who happened to practicing Islam likely raised eyebrows in his community. However, openly professing his devoutness to jihad via a public Facebook account seemed like a large oversight on his part.



An ISIS propaganda poster threatening a New York City bombing during the Christmas holiday.



People walking in Pier 39, a famous tourist destination in San Francisco known for restaurants and attractions.

Case 998: 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.

Case 998: New York Stock Exchange

Jake A. Douglas

April 4, 2015

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-Hanafī, 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 126-1.

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.

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 of 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

typographical and other minor corrections November 19, 2011

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-recruited, 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

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 Othman 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 Mazloun 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.

¹⁰ “3 men in Toledo terrorism case are sentenced.”

¹¹ Tim Andrassy, “Informant: Terror Suspects Sought Him,” *foxtledo.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 Mazloun 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 Mazloun 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.