

# **TERRORISM SINCE 9/11**

## **The American Cases**

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## The cases with arrest date and case type

Introduction				John Mueller
1	The shoe bomber	Dec 22, 2001	4	Jolie Yang
2	Padilla	May 8, 2002	2	Allison Barbo
3	Lackawanna	Sep 13, 2002	1	Blaise Katter
4	Columbus and the Brooklyn Bridge	Mar 1, 2003	2	Drew Herrick
		Nov 28, 2003	2	
5	Barot and the financial buildings	Aug 3, 2004	2	Tessa Reinhard
6	Albany	Aug 4, 2004	3	Michael Spinosi
7	Herald Square	Aug 27, 2004	3	Surili Sheth
8	Lodi	Jun 5, 2005	1	Andrew Ashbrook
9	JIS	Aug 31, 2005	2	Demetrius Daniels-Hill
10	Pipelines and the terrorism hunter	Dec 5, 2005	2	Shannon Buckner
11	Toledo	Feb 19, 2006	5	Meagan Woodall
12	Sears Tower	Jun 23, 2006	3	Lauren Brady
13	Transatlantic airliner bombings	Aug 9, 2006	2	Tyler Puhl

14	Rockford mall	Dec 6, 2006	3	Loud mouthed jihadist attracts attention of an informant and together they plot exploding grenades at a shopping mall in Rockford, IL	David Bernstein
15	Fort Dix	May 8, 2007	3	Small group target practices, buys guns, and plots to attack Ft. Dix, NJ, with the aid of informant who joins the case when the FBI is told they took a jihadist video into a shop to be duplicated	Jovan Galevski
16	JFK airport	Jun 2, 2007	2	Small group, with informant, plots to blow up fuel lines serving JFK airport in New York	Bryan Straub
17	Vinas	Oct 11, 2008	2	New York man travels to Pakistan and is accepted in al-Qaeda, but is being watched and talks after being arrested	David Dawson
18	Bronx synagogues	May 20, 2009	3	Four men, with crucial aid from an informant, plan to bomb synagogues in Bronx, NY, and shoot down a plane at a military base	David Bernstein
19	Little Rock	Jun 1, 2009	4	American man travels to Middle East to get training, but fails, and on return, working as a lone wolf, eventually shoots and kills one soldier at a military recruitment center in Little Rock, AK	Michael Coleman
20	Boyd and Quantico	Jul 27, 2009	2	Complicated conspiracy in North Carolina, including an informant, gathers weapons and may have targeted Quantico Marine Base	Kelly Stritzinger
21	Zazi	Sep 19, 2009	2	Afghan-American and two friends travel to Pakistan to join Taliban, but are recruited by al-Qaeda to plant bombs on NY subways instead, and are under surveillance throughout	Justin Heilmann
22	Springfield	Sep 23, 2009	3	Loud mouthed jihadist plots, with informants, to set off a bomb in Springfield, IL	Ronald Lieberman
23	Dallas skyscraper	Sep 24, 2009	3	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
24	Mehanna	Oct 21, 2009	2	Well-educated Muslim jihadist may have plotted briefly to shoot up a shopping center in the Boston area and tried to join insurgency in the Middle East, but is arrested for spreading jihadist propaganda	Malgorzata Mrozek
25	Killings at Fort Hood	Nov 5, 2009	4	Military psychiatrist, acting as a lone wolf, shoots up 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
26	The underwear bomber	Dec 25, 2009	4	Nigerian man tries to blow up a US-bound airliner with explosives in his underwear but is subdued by passengers and crew	Matthew Spade
27	Times Square	May 1, 2010	4	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

28	DC Metro: the bomb plot	Oct 27, 2010	3	Pakistani-American aids FBI operatives posing as al-Qaeda operatives in plot to bomb the DC Metro	
29	Oregon	Nov 26, 2010	3	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, OR	David Bernstein
30	DC Metro: Facebook	Dec 6, 2010	2	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
31	Baltimore	Dec 8, 2010	3	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
32	Texas	Feb 23, 2011	2	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
33	Seattle	Jun 22, 2011	3	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.	

### Case types

1. An Islamic extremist conspiracy or connection that, in the view of the authorities, might eventually develop into a plot to commit violence in the United States
2. An Islamic extremist terrorist plot to commit violence in the United States, no matter how embryonic, that is disrupted
3. An Islamic extremist plot to commit violence in the United States that was essentially created or facilitated in a major way by the authorities and then rolled up by arrest when enough evidence is accumulated
4. An Islamic extremist terrorist or terrorist group that commits, or tries to commit, violence in the United States
5. An Islamic extremist conspiracy to go abroad to fight American troops

## Introduction

John Mueller

July 23, 2011

This book 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. This book presents the results, and 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. 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.

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

Included are all the cases that have come to light of Islamic 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.

These cases, of course, comprise (or generate) the chief terrorism fear for Americans, yet information on them is remarkably far-flung. Only one case, Lackawanna (Case 3), 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.<sup>1</sup> 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,

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<sup>1</sup> 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.

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

1) Islamic extremist conspiracies or connections that, in the view of the authorities, might eventually develop into plots to commit violence in the United States (Cases 3, 8),

2) Islamic extremist terrorist plots to commit violence in the United States, no matter how embryonic, that have been disrupted (Cases 2, 4, 5, 9, 10, 13, 16, 17, 20, 21, 24, 30, 32),

3) Islamic extremist plots to commit violence in the United States that were essentially created or facilitated in a major way by the authorities and then 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 (Cases 6, 7, 12, 14, 15, 18, 22, 23, 28, 29, 31, 33), and

4) cases in which an Islamic extremist terrorist or terrorist group has committed, or tried to commit, violence in the United States (Cases 1, 19, 25, 26, 27).

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 11). 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 attack in the United States (Cases 17, 19, and 21).

There are also at least four cases that, by some standards, might have been included in this set.

One is the shooting attack at an El Al ticket counter at Los Angeles airport on July 4, 2002, in which a lone Egyptian, unconnected to any terrorist group, killed two before being killed himself. He was bent, it is said, on becoming a martyr and was opposed to Israel and to American policy in the Middle East. He was also, however, a failing businessman and deeply depressed because his wife had abandoned him, taking their children with her.<sup>2</sup>

Another involved a plot, or exercise in “Jihadi bravado,” concerning transit tunnels under New York’s Hudson River that led to the arrest of three suspects in Lebanon in 2006. FBI assistant director for New York Mark J. Mershon insisted that this was “the real deal” and suggested that the plotters were

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<sup>2</sup> Charles Feldman, “Federal investigators: L.A. Airport shooting a terrorist act,” [cnn.com](http://cnn.com), September 4, 2002.

“about to go to a phase” where they might “attempt to surveil targets.” Other counterterrorism officials discounted the ability of the conspirators to carry out an attack, and one noted that, even though talking about tunnels “lights people up,” there was little activity to back up the talk. It is difficult, observed some unnamed terrorism experts, to sort bravado from real treachery.<sup>3</sup>

A third involved Mohamed Reza Taheri-Azar who, in outrage at U.S. foreign policy drove a car around the campus of the University of North Carolina trying to run over people. Considered to be mentally deranged, he has been convicted of nine counts of attempted murder.<sup>4</sup>

And the fourth is the failed effort to set off parcel bombs that were contained within laser printers on cargo planes bound for the United States in October 2010. Al-Qaeda in the Arabian Peninsula took credit for the attempt, promised to continue to strike such blows, and explained that one of the packages contained a copy of Charles Dickens’ novel *Great Expectations* because the organization was “very optimistic” about the operation’s success.<sup>5</sup> The optimism, and thus far the promise, have gone unfulfilled.

If may be of interest, and instructive, to take note one 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.<sup>6</sup>

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 7 and 12).

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

<sup>3</sup> Spencer S. Hsu and Robin Wright, “Plot to Attack N.Y. Foiled: Transit Tunnels to N.J. Called Targets,” *Washington Post*, July 8, 2006.

<sup>4</sup> David Schanzer, Charles Kurzman, and Ebrahim Mooza, “Anti-Terror Lessons of Muslim-Americans,” Triangle Center on Terrorism and Homeland Security, January 6, 2010, 16

<sup>5</sup> “Cargo planes bomb plot,” Wikipedia, accessed May 3, 2011.

<sup>6</sup> Michael Barkun, *Chasing Phantoms: Reality, Imagination, and Homeland Security*. Chapel Hill, NC: University of North Carolina Press, 2011, 114-15.

three times as numerous as ones in which terrorism charges are actually pressed.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> Of his 46 cases, 24 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.<sup>10</sup>

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<sup>7</sup> 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 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.

<sup>8</sup> 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](http://www.law.umkc.edu/faculty/projects/ftrials/moussaoui/sheikhstmt.pdf)

<sup>9</sup> 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.

<sup>10</sup> 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.

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 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.<sup>11</sup>

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.<sup>12</sup> Of these, 25 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: 18, 19, 22, 23, 25, 26, 27, 28, 30. 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.<sup>13</sup>

6. In a forthcoming 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.<sup>14</sup> 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

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<sup>11</sup> “Top Twenty Plots to Know,” NYU School of Law, Center on Law and Security, July 6, 2010.

<sup>12</sup> Jerome P. Bjelopera and Mark A. Randol, “American Jihadist Terrorism: Combating a Complex Threat,” Washington, DC: Congressional Research Service, December 7, 2010.

<sup>13</sup> 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.

<sup>14</sup> Brooks, “Muslim ‘Homegrown’ Terrorism.”

experience and modifying tactics and targets to exploit perceived vulnerabilities and avoid observed strengths.<sup>15</sup>

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 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.<sup>16</sup> And for just about all of the cases where an FBI informant was plying his 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.

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 (Cases 14, 18, 22, 29, 31). 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, 5, 13, 21, 26, 27). 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 Little Rock and Fort Hood cases (19 and 25).<sup>17</sup>

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

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<sup>15</sup> Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009, 11.

<sup>16</sup> 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.

<sup>17</sup> In addition, the El Al case in Los Angeles in 2002, discussed briefly above, in which a lone gunman killed two people is sometimes taken to be an act of terrorism.

buildings; robbed banks; murdered diplomats; and blew up power 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.<sup>18</sup>

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.”<sup>19</sup> 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.<sup>20</sup> Not incidentally, except for the attacks of July 7, 2005, on the

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<sup>18</sup> Jenkins, *Would-Be Warriors*, 8-9.

<sup>19</sup> Shikha Dalmia, “What Islamist Terrorist Threat?” [reason.com](http://reason.com), February 15, 2011.

<sup>20</sup> 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,”

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.<sup>21</sup>

Moreover, it is not all that clear that even the bombers in Afghanistan and Pakistan, where explosive 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.<sup>22</sup>

### **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 shifts course and spins out several sentences on terrorist targets to conclude its discussion:

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

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*Washington Post*, November 7, 2010.

<sup>21</sup> Mette Eilstrup-Sangiovanni and Calvert Jones, “Assessing the Dangers of Illicit Networks,” *International Security*, Fall 2008.

<sup>22</sup> 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 Miniter 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 Miniter, was simply to supply some money (p. 157). For other KSM activity, see Case 4.

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."<sup>23</sup> 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."<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup> 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, 5, 7, 12, 16, 22, 23), 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

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<sup>23</sup> Office of Management and Budget, *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2011*, Washington, DC, 381.

<sup>24</sup> Department of Homeland Security, *National Infrastructure Protection Plan*, 15n.

<sup>25</sup> The very phrase, "homeland security," contains aspects of a similar inflation in its suggestion 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.

<sup>26</sup> 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 14). 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 9). 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 19). 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.<sup>27</sup>

### **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 3, 6, 12). 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.<sup>28</sup> 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 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

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<sup>27</sup> John Horgan, *Walking Away from Terrorism: Accounts of Disengagement from Radical and Extremist Movements*. London and New York: Routledge, 44.

<sup>28</sup> 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. 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.

pharmacy, was decidedly not a misfit or loser) who was substantially motivated by hostility toward, or at least discomfort with, American society (Case 24). 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 14 deaths caused by Islamic extremists since 9/11 have been inflicted—and only one of those killed was a civilian (Cases 19 and 25).

As noted, with one exception (Case 11), 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.<sup>29</sup> 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.<sup>30</sup> 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.<sup>31</sup> 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.

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 33). 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

<sup>29</sup> See also Brooks, “Muslim ‘Homegrown’ Terrorism.”

<sup>30</sup> See, in particular, Gary C. Jacobson, *A Divider, Not a Uniter*. New York: Pearson, 2006.

<sup>31</sup> See also Mark Sedgwick, “The Concept of Radicalization as a Source of Confusion, *Terrorism and Political Violence*, 2010, 479-94; Brooks, “Muslim ‘Homegrown’ Terrorism.”

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.”<sup>32</sup>

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 22 and 33), 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 three cases was the plot clearly suicidal. Moreover, two of these—the shoe and underwear bombers (Cases 1 and 26)—were hatched and carried out by foreigners. The one suicidal plot from within concerned Zazi and his friends (Case 21), who, trained and motivated in an overseas camp, apparently planned to go up with the explosions they were planning to set off in New York subway stations. 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 33 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

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<sup>32</sup> For sources and context, see Case 33.

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.”<sup>33</sup> 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.<sup>34</sup>

### 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.

The few interrelations are generally quite tenuous. The subjects in Case 4 and Case 19 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 4. In addition, two of the plots were serviced by the same informant (Cases 6 and 18), and some of them have had, or appear to have had, some connections to the radical American cleric Anwar al-Awlaki, who has been hiding out in Yemen since 2002 (Cases 26 and 27). Several more were impressed by his writings.

### 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 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.<sup>35</sup> 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 3).

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

<sup>33</sup> 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.

<sup>34</sup> Jason Uzman, “Are Muslim Americans being radicalized in U.S. prisons?” [washingtonpost.com](http://washingtonpost.com), June 14, 2011.

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

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 7, 8, 14, 15, 18, 29, 31).

### **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, 5, 13, and 26. Three of the cases in the early days (2, 3, and 4) 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 (17, 21, 27)—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 12), 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.”<sup>36</sup> 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 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 10), 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.

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<sup>36</sup> BBC News, "Text: Bin-Laden tape," [news.bbc.co.uk](http://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.

## 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.<sup>37</sup> Police did look at what had been recorded on Times Square after a bombing attempt was made there in 2010 (Case 27), 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 Lackwanna (Case 3), one from a Yemeni grocer eventually led to terrorism arrests in Miami (Case 12), 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 15). 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 26) 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.<sup>38</sup>

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

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.<sup>40</sup> This

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<sup>37</sup> Barkun, *Chasing Phantoms*, 45.

<sup>38</sup> 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.

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

<sup>40</sup> William Neuman, “In Response to M.T.A.’s ‘Say Something’ Ads, a Glimpse of Modern Fears,”

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.<sup>41</sup> 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.<sup>42</sup>

### **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 10, 23, 30, 31).

It could be useful in obtaining information about potential targets and other aspects of the plots. But it clearly didn't convey enough information to build a successful bomb since none of the people in these cases was able to do so successful bombs—though, as discussed in Case 32, 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.

### **CAIR**

The Council on American-Islamic Relations (CAIR) is viewed very suspiciously in some quarters.<sup>43</sup> In the cases in this book, however, it played almost no role whatever except for commenting on the cases after arrests were made.

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*New York Times*, January 7, 2008.

<sup>41</sup> 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).

<sup>42</sup> Donna Leinwand, "Psst--Leads from Public to FBI Rise," *USA Today*, August 15, 2008.

<sup>43</sup> 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.

### 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. 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.<sup>44</sup>

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 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.<sup>45</sup>

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.”<sup>46</sup> 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.”<sup>47</sup>

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

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<sup>44</sup> Graff, *Threat Matrix*, 366.

<sup>45</sup> Jenkins, *Will Terrorists Go Nuclear?* 250-51.

<sup>46</sup> [www.globalsecurity.org/security/library/report/2003/n0335167.pdf](http://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.

<sup>47</sup> Mueller, *Atomic Obsession*, xi.

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.<sup>48</sup> 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 3) when a smooth-talking agent returned to the upstate New York town in early 2000 and tried to convert young Yemini-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, each of which has tens of thousand of combatants and military adherents already.<sup>49</sup> The Toledo case (Case 11) 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.

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<sup>48</sup> 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.

<sup>49</sup> For a similar conclusion by Israelis about foreign Jews who came to join the fight, see Sageman, *Leaderless Jihad*, 74.

But maybe it isn't necessary. In the Vinas and the Zazi cases (17 and 21), 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 26). A Nigerian educated in the United Kingdom, he apparently was (inadequately) trained by the al-Qaeda franchise 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.<sup>50</sup>

In the early years after 9/11 the context for the authorities was one of massive, even overwhelming, alarm. As Rudy Giuliani, 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 number of trained al-Qaeda operatives in the United States was between 2,000 and 5,000.<sup>51</sup> 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."<sup>52</sup>

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."<sup>53</sup> 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.<sup>54</sup> And in 2004, Attorney General John Ashcroft, with FBI Director Mueller at his side, announced that "credible intelligence from multiple sources indicates that al

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<sup>50</sup> See also Brooks, "Muslim 'Homegrown' Terrorism."

<sup>51</sup> 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 Qaida Cells Attacked," UPI, October 31, 2002. See also the reflections Ross Douthat: "Death of a Failure," *New York Times*, May 1, 2011.

<sup>52</sup> Sale, "US al Qaida Cells."

<sup>53</sup> Testimony by Mueller can be found through [www.fbi.gov/congress/congress.htm](http://www.fbi.gov/congress/congress.htm).

<sup>54</sup> Press Office release, Department of Homeland Security, December 21, 2003

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.<sup>55</sup> (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.<sup>56</sup>

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 8), 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 the mission would trigger all kinds of crises: moral, political, professional and, in the end, financial."<sup>57</sup>

In his 2005 reflections, Giuliani 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.<sup>58</sup> Director Mueller, however, continued ominously to ruminate, "I remain very concerned about what we are not seeing."<sup>59</sup> 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,"

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<sup>55</sup> Mueller, *Overblown*, 162.

<sup>56</sup> Jane Mayer, *The Dark Side*. New York: Doubleday, 2008, 179-80.

<sup>57</sup> *Frontline*, The enemy within, pbs.org, October 10, 2006.

<sup>58</sup> 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.

<sup>59</sup> 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).

while more than 80 percent darkly expected “an attack on the scale of 9/11 within a decade.”<sup>60</sup>

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.<sup>61</sup> 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.<sup>62</sup> 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.”<sup>63</sup>

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, 3, and 4) 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, 5, 13, 17, 26), any real or imagined threat from terrorism within the country has been almost entirely “homegrown” from the beginning.<sup>64</sup> 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 19 and 25). However, those who find this

<sup>60</sup> “The Terrorism Index,” *Foreign Policy*, July/August 2006.

<sup>61</sup> 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.

<sup>62</sup> Spencer S. Hsu, “Homeland Security chief warns of threat from al-Qaeda sympathizers in U.S.,” *Washington Post*, 3 December 2009.

<sup>63</sup> 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 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.

<sup>64</sup> 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.”

“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.”<sup>65</sup>

### **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.”<sup>66</sup> 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 32 cases in this book is about 84). 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.”<sup>67</sup> Indeed, as 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.<sup>68</sup>

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 below documents.

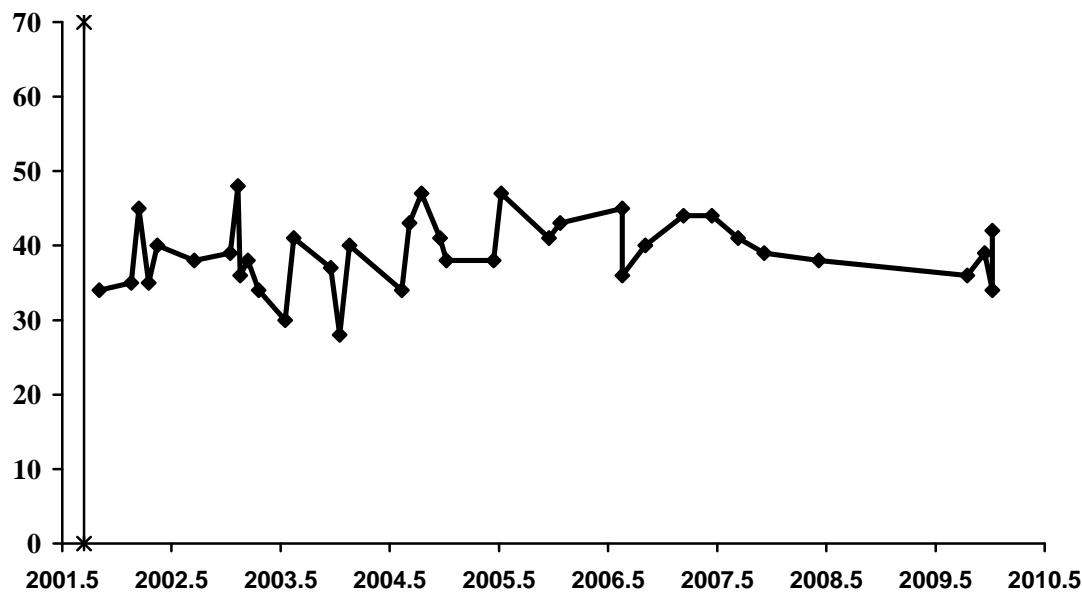
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<sup>65</sup> Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011. It could be taken to be a crisp example of the “managing by inbox” that the Department of Homeland Security has been accused of (James A. Thomson, “DHS AWOL? 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.

<sup>66</sup> Jenkins, *Would-Be Warriors*, 13.

<sup>67</sup> Jenkins, *Would-Be Warriors*, 4-5.

<sup>68</sup> Schanzer et al., “Anti-Terror Lessons,” 16.



### Worry about terrorism since 9/11

Percent very or somewhat worried

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?  
 CNN/US Today/Gallup/ORC

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 Islamic extremist attacks whatever 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 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.<sup>69</sup> 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.<sup>70</sup>

Moreover, failed plots can seem, or can to 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

<sup>69</sup> Richard A. Serrano, “U.S. faces ‘heightened’ threat level,” *Los Angeles Times*, February 10, 2011.

<sup>70</sup> Heather Mac Donald, “The ever-renewing terror threat,” [secularright.org](http://secularright.org), February 13, 2011.

particular, screwing up completely.<sup>71</sup> Thus, would-be terrorist Zazi planned in 2008 to set off four suicide bombs on the New York subway (Case 21). Various experts, including the Attorney General of the United States, opined that the attack, if successfully pulled off, might kill between 200 and 500.<sup>72</sup> 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 13.

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 12). 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, 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.

Thus the fears persist. It is possible, but far too early to be certain, that the death of Osama bin Laden in May 2011 will have a dampening effect on them.

### **The creation of witches and terrorists**

The police seem increasingly to be getting better at—but also more careful about—creating terrorists.<sup>73</sup> 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

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<sup>71</sup> See also Schneier, "Portrait of the Modern Terrorist."

<sup>72</sup> For sources, see Case 22.

<sup>73</sup> See also Brooks, "Muslim 'Homegrown' Terrorism;" Schneier, "Portrait of the Modern Terrorist."

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 14, 15, 18, 22, 23, 29, 31, 33). 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.

An interesting, if not entirely fair, comparison is with the creation of witches in Europe.<sup>74</sup> 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."<sup>75</sup> 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."<sup>76</sup>

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 "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."<sup>77</sup>

In Scotland, 50 witches were created and executed per year, whereas in England the number was only five.<sup>78</sup> 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

<sup>74</sup> 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*, forthcoming.

<sup>75</sup> Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined*. New York: Viking, 2011.

<sup>76</sup> Hugh R. Trevor-Roper, *The European Witch-Craze of the Sixteenth and Seventeenth Centuries and Other Essays*. New York, Harper & Row, 1960, 154, 156.

<sup>77</sup> Pinker, *Better Angels of Our Nature*.

<sup>78</sup> Trevor-Roper, *European Witch-Craze*, 162n2.

information deemed consequential from one al-Qaeda operative).<sup>79</sup> 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.<sup>80</sup> 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. In several instances (Cases 6, 7, 8, 10, 12, 14, 15, 16, 18, 22, 23, 29, 31, 33), it is highly questionable whether the created terrorists, if left to their own devices, would have ever done anything violent at all. But, then again, some of them might have. And there is no way to determine which ones.

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.<sup>81</sup> 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.”<sup>82</sup>

### 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 13). 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.

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<sup>79</sup> 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 insomnia*, 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.

<sup>80</sup> 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;” and Charlie Savage, “F.B.I. Casts Wide Net Under Relaxed Rules for Terror Inquiries, Data Show,” *New York Times*, March 26, 2011.

<sup>81</sup> 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.

<sup>82</sup> Jenkins, *Would-Be Warriors*, 10.

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 9) 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 accidentally 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 22). 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 schizophreneic, to lead a revolution to establish a caliphate by shooting up a few army recruitment centers (Case 9).

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 7). Or even more so, there is the wild fantasy of the leader of the Sears Tower plot (Case 12) 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 19).

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 13).

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 10, 23, 30, 31).

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 13).

Although the terrorism efforts documented in this book often demonstrate the would-be perpetrators to be, like those in “The Four Lions,” pathetic, even comical, the comedy remains a dark one. With a few possible exceptions (for example, Case 6), 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 credibility).

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.<sup>83</sup>

### 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.<sup>84</sup>

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.<sup>85</sup>

Then in 1992, the phrase was explicitly rendered into American law to include those weapons, but in the process of codification the definition was

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<sup>83</sup> John J. Miller, “FBI Response to Rolling Stone Magazine Article,” *Rolling Stone*, February 22, 2008.

<sup>84</sup> 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](http://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](http://cnn.com), December 5, 2008; Mueller, *Atomic Obsession*, 11–15.

<sup>85</sup> On this issue, see Mueller, *Atomic Obsession*, 11–13.

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 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 the counterterrorism plans and games.<sup>86</sup>

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.<sup>87</sup>

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.<sup>88</sup>

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, or when they uncritically relay the childish jihadist drivel of Mohamad Shnewer in the Fort Dix episode (Case 15), or when they exultantly tally the number of tips they have received on their terrorism hot lines without disclosing than none of these has led to a terrorist arrest.

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<sup>86</sup> Ian Lustick, *Trapped in the War on Terror*. Philadelphia: Pennsylvania University Press, 2006, 124, 171-72.

<sup>87</sup> Serrano, “U.S. faces ‘heightened’ threat level.”

<sup>88</sup> Shane Harris and Stuart Taylor Jr., “Homeland Security Chief Looks Back, and Forward,” GovernmentExecutive.com, March 17, 2008.

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?”<sup>89</sup>

Perhaps the ultimate 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 otherwise successful attacks roughly like the one attempted at Times-Square in 2010 (Case 27) *per day*.<sup>90</sup>

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.”<sup>91</sup>

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.<sup>92</sup>

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

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<sup>89</sup> For an extended discussion, see Mueller and Stewart, *Terror, Security, and Money*.

<sup>90</sup> Mueller and Stewart, *Terror, Security, and Money*, ch. 4.

<sup>91</sup> 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.

<sup>92</sup> Jenkins, *Would-Be Warriors*, 13.

seemed to diminish as legitimate threats.<sup>93</sup> 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.

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<sup>93</sup> 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> For more on this issue, see the discussion of the underwear bomber of 2009, Case 26.

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

<sup>2</sup> 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.

<sup>3</sup> 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

### 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 on three counts: attempted use of 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 has to pay a \$250,000 for each charge totaling to \$2 million.<sup>1</sup>

### 2. The nature of the adversary

When looking back to the shoe-bomber's past, it is perhaps easier to trace how his youth made him more 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."<sup>2</sup> 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

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<sup>1</sup> "Exchange between Reid, judge follows life sentence," CNN, January 30, 2003.

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

was jailed for the first time by 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.<sup>3</sup> 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.<sup>4</sup> 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.”<sup>5</sup> 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.<sup>6</sup> 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.”<sup>7</sup> 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.<sup>8</sup> 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

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

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

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

<sup>6</sup> “I knew exactly what I was doing,” *The Guardian*, August 24, 2006.

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

<sup>8</sup> “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."<sup>9</sup>

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 "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."<sup>10</sup> 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 compatibility 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..."<sup>11</sup>

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.<sup>12</sup> 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 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."<sup>13</sup> This strategy of targeting areas of

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

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

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

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

<sup>13</sup> 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.<sup>14</sup> 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.”<sup>15</sup>

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.<sup>16</sup> 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.<sup>17</sup> At Khalden, he was trained by al-Qaeda “master bomb maker” Midhat Mursi, also known as Abu Khabab al-Masri.<sup>18</sup>

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.<sup>19</sup> 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 Courtialler, a French convert to Islam, may have helped Reid find temporary employment in Rotterdam.<sup>20</sup> 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

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<sup>14</sup> Transcript of Usama Bin Laden Tape, November 2, 2005.

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

<sup>16</sup> “The Shoe Bomber’s World.” *Time*, February 16, 2002.

<sup>17</sup> “I knew exactly what I was doing,” *The Guardian*, August 24, 2006.

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

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

<sup>20</sup> “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.<sup>21</sup>

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.”<sup>22</sup> 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.<sup>23</sup> 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.”<sup>24</sup>

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.<sup>25</sup>

The shoe contained stabilized Triacetonetriperoxide (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.<sup>26</sup> Both TATP and

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

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

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

<sup>24</sup> Republic of France v. Rama, Magistrates’ Court of Paris.

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

<sup>26</sup> “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.<sup>27</sup>

It would be a mistake to assume that the failure of denotation 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.<sup>28</sup>

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.<sup>29</sup> Explosive experts remark that dropping PETN or setting it on fire is usually not enough to detonate it.<sup>30</sup> 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 26).

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.<sup>31</sup>

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."<sup>32</sup>

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<sup>27</sup> "TATP is suicide bombers' weapon of choice," *Times Online*, July 15, 2005.

<sup>28</sup> "JTIC Briefing: Terrorist Use of TATP Explosive," *OSINFO*, July 25, 2005.

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

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

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

<sup>32</sup> 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."<sup>33</sup> 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.<sup>34</sup>

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.<sup>35</sup> 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.<sup>36</sup>

## 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.<sup>37</sup> 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 Qa'eda network, the Armed Islamic Group, and the Salafist Group for Call and Combat.<sup>38</sup>

## 9. Depiction by the authorities

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

<sup>34</sup> "The Shoe Bomber's World." *Time*, February 16, 2002.

<sup>35</sup> Republic of France v. Rama, Magistrates' Court of Paris.

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

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

<sup>38</sup> 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 just and righteous. It was the will of Allah that I did not succeed."<sup>39</sup>

## 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, there have been previously captured terrorists that were detained in Guantanamo Bay that 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 as connections between 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 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.<sup>40</sup> Reid also used the

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<sup>39</sup> "I knew exactly what I was doing," *The Guardian*, August 24, 2006.

<sup>40</sup> "A Shoe Bomber's World," *Time*, February 16, 2002.

internet as a source for obtaining information on constructing a bomb, though he also had had extensive training as well 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 Stg. 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 it 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. There are also new technologies that can detect individual explosive molecules that are being used as part of the airport security process.<sup>41</sup> 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 Americas continue to fight the war on terrorism, it is important to understand how the problem is changing. Simply focusing on military interventions 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 network that exist in their allies' countries.

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<sup>41</sup> "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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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.

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<sup>1</sup> 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.

<sup>2</sup> Suskind, *One Percent*, 100, 111, 115, 121. Mayer, *Dark Side*, 179.

<sup>3</sup> Suskind, *One Percent*, 117. Mayer, *Dark Side*, 155-56.

It is often claimed that Zubaydah's torture led to "actionable intelligence."<sup>4</sup> 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.<sup>5</sup>

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

<sup>5</sup> Mayer, *Dark Side*, 155-56, 176.

## Case 2: Padilla

Allison Barbo

June 3, 2011

### 1. Overview

Jose Padilla, a US 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 because of a New York warrant from the attacks of September 11, 2001.

A month of detainment as a material witness passed before President Bush issued an order to Secretary of Defense Donald Rumsfeld. On June 9, 2002, Padilla became 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. "I had no idea what he was talking about. I thought he was making a joke."<sup>1</sup> 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 whether or not Padilla's detainment as a material witness was valid.

The change of Padilla's status to enemy combatant meant that he was under the control of the Department of Defense. This led to his subsequent transfer from civilian prison to a military brig in South Carolina and was done without any notification to Padilla's 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. They included, (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.<sup>2</sup> 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.

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

<sup>2</sup> White House Memorandum to the Secretary of Defense,  
<http://fl1.findlaw.com/news.findlaw.com/hdocs/docs/padilla/padillabush60902det.pdf>

On December 18, 2003, the US Court of Appeals ordered Padilla's release from military custody within thirty days for the Second Circuit. 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.<sup>3</sup> 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 logistical complication left the case undecided. On October 25, 2005, Padilla appealed that ruling and the Bush administration was given a November 28 deadline for filing arguments. However, this appeal process abruptly halted with Padilla's formal indictment.

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 affect Padilla's detainment. If the Court of Appeals had conducted their retrial, Padilla may have faced a different outcome. Padilla's lawyer said that, "...the administration is seeking to avoid a Supreme Court showdown over the issue."<sup>4</sup>

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 attempt. Padilla's third appeal attempt was dismissed by the Supreme Court on April 3, 2006. In October, Padilla claimed that he had been 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 of military torture that 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."<sup>5</sup> However, discrepancies with her testimony nullified her evidence, and Padilla was determined to be 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

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<sup>3</sup> Rumsfeld v. Padilla, 542 U.S. 426 (2004).

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

<sup>5</sup> "Padilla 'Not Fit to Stand Trial,'" BBC, February 22, 2007.

maim and kidnap, conspiracy to materially aid terrorists, and providing material support to terrorists. These charges fell under United States Codes 371 and 18, 2339. Combined, the charges held a maximum sentence of life imprisonment.

The proceedings lasted three months; the prosecution rested its case on July 13. The jury delivered its verdict after only a day and a half a day of deliberation. On August 16, 2007 it was announced that Padilla was guilty of "conspiring to murder, kidnap and maim" people overseas.<sup>6</sup> On January 22, 2008, Padilla received his sentencing. He was given seventeen years and four months in prison. His mother was relieved, as the ruling was less than his 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."<sup>7</sup>

On June 12, 2009, Padilla filed a civil suit against John Yoo, a US Department of Justice lawyer and chief legal theorist under the Bush administration. Yoo had authored legal documents legitimizing various methods of interrogation that some deemed to be torturous. In response to power abuse accusations of the executive branch, 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."<sup>8</sup>

## 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 was employed at various hourly jobs like Taco Bell and a local golf course. He was described by neighbor Nelly Ojeda as "...a very nice person ... a very sweet person...And I have nothing bad to say about him ... nothing at all."<sup>9</sup> However, his repeated violent offenses and intense gang inclusion contrast rather 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.<sup>10</sup> Padilla was convicted of manslaughter after fatally kicking a gang member. While incarcerated, Padilla physically attacked a deputy.<sup>11</sup>

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<sup>6</sup> Abby Goodnough and Scott Shane, "Padilla is Guilty on all Charges in Terror Trial," *New York Times*, August 17, 2007.

<sup>7</sup> "Padilla Given Long Jail Sentence," BBC, January 23, 2008.

<sup>8</sup> Bob Egelko, "9/11: Five Years Later Bush Continues to Wield Power," *San Francisco Chronicle*, September 10, 2006.

<sup>9</sup> "'Dirty Bomb' Suspect's Criminal Record," CNN, June 11, 2002.

<sup>10</sup> "Profile: Jose Padilla," BBC, 17 August 2007.

<sup>11</sup> "'Dirty Bomb' Suspect's Criminal Record," CNN.

Also during that jail term, he converted to Islam, and his religious conversion was the 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 “Abdullah the immigrant.”<sup>12</sup> Padilla met other Islamic converts; one was also eventually charged with conspiracy. Padilla’s new identity signaled strong association to the Muslim faith.<sup>13</sup> 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 perhaps 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.<sup>14</sup> 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.<sup>15</sup> Hassoun has been convicted of many charges ranging from providing material support to terrorists to perjury, and other offenses concerning weapons and assault.<sup>16</sup> Hassoun’s colleague, Kifah Wael Jayyousi was also charged and convicted during the trial.

Padilla left the United States 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 these 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.”<sup>17</sup>

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

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<sup>12</sup> “Padilla Gets 17 Years in Conspiracy Case,” *New York Times*, January 23, 2008.

<sup>13</sup> 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.

<sup>14</sup> Susan Candiotti, “Feds Arrest Man Linked to ‘Dirty Bomb’ Suspect,” CNN, January 25, 2007.

<sup>15</sup> “UN List of Affiliates of al-Qaeda and the Taliban,” United Nations, October 17, 2007.

<sup>16</sup> “Two Defendants Charged in Florida with Providing Material Support to Terrorists,” United States Department of Justice.

<sup>17</sup> Steven Emerson, *Jihad Incorporated: A Guide to Islam in the U.S.* Amherst, New York: Prometheus Books, 2006, 72.

His lack of technical education and his poor performance during high school suggest indicate the reality of his capacity as a terrorist. While he received bomb-making training from al-Qaeda, the technical complexities of such a complicated task outreached his mental capacity. Even tasking him with identifying vulnerable radiological materials would be a difficult stretch considering his meager intellectual and employment history.

During 2001 he 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 impermeable character seem to have been stronger factors. Padilla strived for group involvement and acceptance his entire life. Brian Jenkins' observation seems to fit: "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."<sup>18</sup> 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."<sup>19</sup>

### 5. Plans for Violence

Padilla's first plan for violence with al-Qaeda involved bombing apartment buildings with natural gas. His second tasked plot was to wrap uranium with explosives in order to create a dirty bomb which would then be detonated in U.S. high rise buildings.<sup>20</sup>

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

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<sup>18</sup> 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.

<sup>19</sup> Jenkins, 20.

<sup>20</sup> Emerson, *Jihad*, 73.

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 they can use to identify their attackers, unravel their plots, and—sometimes—disrupt their operations before they cause additional harm."<sup>21</sup>

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.<sup>22</sup>

## 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 notes of Padilla, "there is no question of his al-Qaeda connection."<sup>23</sup> 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 the detonation of a radiological dirty bomb in as many as 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.<sup>24</sup> In Pakistan Padilla produced the most incriminating evidence of his trial: a fingerprinted al-Qaeda document claimed to serve as an application.<sup>25</sup>

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

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<sup>21</sup> Michael Kenney, "'Dumb'" Yet Deadly: Local Knowledge and Poor Tradecraft Among Islamist Militants in Britain and Spain," *Studies in Conflict & Terrorism*, October 2010.

<sup>22</sup> "Backgrounder: Jose Padilla," *IntelWire*, April 2004.

<sup>23</sup> Jenkins, 27.

<sup>24</sup> Emerson, *Jihad*, 73.

<sup>25</sup> James Jay Carafano, *Backgrounder: U.S. Thwarts 19 Terrorist Attacks Against America Since 9/11*, Heritage Foundation 13 November 2007

Padilla was not an active participant of the Muslim community in America. After his conversion, he maintained relationships with a few members of the community. However, for the most part, he remained an outlier until his global travel and terrorist training. Padilla's social marginalization continued even after his religious conversion, which contributed in major ways to his radicalization. It has been argued that "The 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 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."<sup>26</sup> 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 dramatically delivered the announcement 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 granted significant power expansion to the President over detainees. The AUMF drew its justification from homeland security, stemming from the September 11 attacks. "Such acts 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."<sup>27</sup>

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 the executive branch's view of the case. Luttig's opinion rebuked the Bush administration for two reasons. The first was that Padilla was detained for such a prolonged period of time without indictment. The second complaint stated that the 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 compromised its credibility before the courts.<sup>28</sup> The timely indictment demeaned the judicial system by eliminating the law's interpretational influence on the case.

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

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<sup>26</sup> Charles Kurzman, Ebrahim Moosa and David Schanzer, "Anti-Terror Lessons of Muslim-Americans," National Institute of Justice, January 6, 2010.

<sup>27</sup> "Authorization for Use of Military Force," Public Law 107-40, September 18, 2001.

<sup>28</sup> Michael McGough, "How Do You Solve a Problem Like Padilla?" *Pittsburgh Post-Gazette*, January 2, 2006.

would be monitoring Padilla's trial to make sure that he received the protections, "guaranteed to all federal criminal defendants."<sup>29</sup> The Supreme Court's influence on the case depicted a role free of bias, comparably different from the Bush administration.

## 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 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 11 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."<sup>30</sup>

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 were outraged 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."<sup>31</sup>

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."<sup>32</sup>

The liberal media emphasized Padilla's alleged torture as grotesque human rights abuses. The *Christian Science Monitor* reported that "Padilla's cell

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<sup>29</sup> "Judge Roberts, Meet Jose Padilla," *St. Petersburg Times*, September 25, 2005.

<sup>30</sup> Bruce Schneier, *Beyond Fear, Thinking Sensibly About Security in an Uncertain World*. New York: Copernicus, 2003, 165.

<sup>31</sup> Sargent, "Jose Padilla."

<sup>32</sup> "Attorney: U.S. Won't Give Padilla Forum to Defend Himself," CNN Justice, June 1, 2004.

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.”<sup>33</sup> 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 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.<sup>34</sup> 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 either his recruitment to al-Qaeda, although it is very plausible that the internet assisted Padilla's communication with terrorists. There is evidence that Padilla used the internet to research a “nuclear improvised bomb.”<sup>35</sup> 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

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<sup>33</sup> Warren Richey, “U.S. Government Broke Padilla Through Intense Isolation,” *Christian Science Monitor*, August 14, 2007.

<sup>34</sup> *Cost of Imprisonment*, Florida Department of Corrections, June 2009.

<sup>35</sup> Emerson, *Jihad*, 73.

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 certainly will be enraged at the American judicial system. Padilla's extreme frustration coupled with his aggressive history and 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.<sup>36</sup>

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 undoubtedly would have continued with his violent tendencies. His involvement with al-Qaeda would 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

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<sup>36</sup> Jessica Stern, *Terror in the Name of God*. New York: Harper Collins, 2003.

detainment without his right of habeas corpus and with allegations of severe interrogation 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 their overbearing 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 severely 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, it was impermissible in court. Had the administration allowed the courts to try Padilla in civilian court, or had they used acceptable forms of questioning, his incriminating dirty bomb evidence would have produced a much harsher sentencing. 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.

### Case 3: 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>

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.<sup>4</sup>

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 in their hearts and on their minds.”<sup>5</sup> However, arrests in the Lackawanna case

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

<sup>2</sup> Temple-Raston, *Jihad Next Door*, 201-2.

<sup>3</sup> Temple-Raston, *Jihad Next Door*, 206-10, 254.

<sup>4</sup> Temple-Raston, *Jihad Next Door*, 195-98

<sup>5</sup> 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.

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.<sup>6</sup>

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.”<sup>7</sup> 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.”<sup>8</sup> 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.”<sup>9</sup>

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 President of the United States that “We are ninety-nine percent sure that we can stop these guys from doing something.”<sup>10</sup> Most ominous is Mueller's comment,

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<sup>6</sup> Temple-Raston, *Jihad Next Door*, 1-9, 146-47

<sup>7</sup> Temple-Raston, *Jihad Next Door*, 216

<sup>8</sup> Temple-Raston, *Jihad Next Door*, 216

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

<sup>10</sup> Temple-Raston, *Jihad Next Door*, 154

also noted by Blaise Katter, “What you’re looking for is a group of individuals who, together, have the capability of undertaking an attack.”<sup>11</sup> 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.<sup>12</sup>

The agent in charge considers that anonymous letter-writer to be “a hero” and has mused, “What if we had never got that letter?”<sup>13</sup> 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 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

<sup>11</sup> Interview: Robert Mueller, Chasing the Sleeper Cell, *Frontline*.

<sup>12</sup> Temple-Raston, *Jihad Next Door*, 124

<sup>13</sup> Temple-Raston, *Jihad Next Door*, 125

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 3: Lackawanna

Blaise Katter

June 3, 2011

### 1. Overview

The Lackawanna case concerns were a group of twenty-something Muslim boys from Lackawanna, New York, outside Buffalo. These men were in many ways simply ordinary youth. They lived in Lackawanna, a former steel industrial town 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 youth 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.<sup>1</sup> Two of the six were released earlier in 2020 with the remaining four to be released by mid-2011.<sup>2</sup>

### 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. However, steelwork did not last and by 1983, the plant that once employed over

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<sup>1</sup> 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.

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

20,000 workers laid off its final 500 and closed its gates for good.<sup>3</sup> 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.<sup>4</sup> Although this greatly weakened their cultural Muslim heritage,<sup>5</sup> they were able to survive.

The second generation of the Yemeni, which include the seven, grew up in this watered-down Muslim environment.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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 sessions at his apartment. These hang out sessions, as described by the many

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

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

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

<sup>6</sup> Temple-Raston, *Jihad Next Door*, 11-20.

<sup>7</sup> Temple-Raston, *Jihad Next Door*, 28.

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

youth 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.<sup>9</sup>

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.”<sup>10</sup>

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 plights of their oppressed Muslim brothers abroad.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup> Derwish and al-Dosari, aptly named “the closer,” had succeeded in supplying Osama bin Laden with potential recruits carrying American passports.

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<sup>9</sup> Temple-Raston, *Jihad Next Door*, 54.

<sup>10</sup> Temple-Raston, *Jihad Next Door*, 63.

<sup>11</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>12</sup> Temple-Raston, *Jihad Next Door*, 86-88.

<sup>13</sup> “Chronology: The Lackawanna Investigation,” *Frontline*, pbs.org.

The al-Farooq training camp, located close to the Afghan-Pakistan border, graduated around 70,000 recruits in between 1989 and 2001.<sup>14</sup> 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 Kalashnikov, the M16, RPG grenade launcher, 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 will 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.<sup>15</sup> He would remark that they were becoming “too Americanized,” telling them they would have problems on Judgment Day. Also, Islam became something of a mythical solution

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<sup>14</sup> 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.

<sup>15</sup> 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 be include an al-Qaeda recruiter. Max Abrahms, “What Terrorists Really Want,” *International Security*, Spring 2008.

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.<sup>16</sup>

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.<sup>17</sup> 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.<sup>18</sup> However, a few weeks in, the training camps were too much even for Derwish's charisma to overcome. All six 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 extended recruitment efforts 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.<sup>19</sup>

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 terrorists reduced standards.<sup>20</sup>

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-

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<sup>16</sup> Temple-Raston, *Jihad Next Door*, 61-63.

<sup>17</sup> Temple-Raston, *Jihad Next Door*, 115.

<sup>18</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>19</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>20</sup> Temple-Raston, *Jihad Next Door*, 127-30.

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.<sup>21</sup> 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 11<sup>th</sup>, al-Dosari returned to Lackawanna and was preparing to take another contingent of youth over to the training camps.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup> 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 terrorist 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.<sup>25</sup>

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 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

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<sup>21</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

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

<sup>23</sup> Chronology: The Lackawanna Investigation, *Frontline*, pbs.org.

<sup>24</sup> Temple-Raston, *Jihad Next Door*, 154.

<sup>25</sup> Temple-Raston, *Jihad Next Door*, 124-25.

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.<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup> 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.<sup>29</sup> 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."<sup>30</sup> 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-carrying members of al-Qaeda."<sup>31</sup> It is believed they were part of the pre-9/11 recruitment of American members for the terrorist organization. And there is also,

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<sup>26</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>27</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>28</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>29</sup> Temple-Raston, *Jihad Next Door*, 152-53.

<sup>30</sup> Temple-Raston, *Jihad Next Door*, 154-55.

<sup>31</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

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.<sup>32</sup>

## 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 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.<sup>33</sup> 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.<sup>34</sup> 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 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

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<sup>32</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>33</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>34</sup> Temple-Raston, *Jihad Next Door*, 124.

authorities. Slowly, but surely, the community began to distrust the authorities more and more.<sup>35</sup>

## 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."<sup>36</sup> President Bush announced at a Press conference in Camp David that "One by one, we're hunting the killers down,"<sup>37</sup> 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."<sup>38</sup> 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.<sup>39</sup> 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."<sup>40</sup>

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 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

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<sup>35</sup> Temple-Raston, *Jihad Next Door*, 168-72.

<sup>36</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>37</sup> Temple-Raston, *Jihad Next Door*, 162.

<sup>38</sup> Chronology: The Lackawanna Investigation, *Frontline*, pbs.org.

<sup>39</sup> Temple-Raston, *Jihad Next Door*, 162-65.

<sup>40</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

“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.<sup>41</sup> 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.<sup>42</sup> 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.<sup>43</sup>

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

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

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<sup>41</sup> Temple-Raston, *Jihad Next Door*, 161.

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

<sup>43</sup> Temple-Raston, *Jihad Next Door*, 189.

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.<sup>44</sup> 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 counter-terrorism 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.<sup>45</sup> 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.<sup>46</sup> 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 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

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<sup>44</sup> [www.payscale.com](http://www.payscale.com).

<sup>45</sup> 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.

<sup>46</sup> US Bureau of Justice Statistics.

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.<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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, the FBI's main goal was to investigate and arrest criminal acts that had 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 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

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<sup>47</sup> Interview with Sahim Alwan, *Frontline*, pbs.org.

<sup>48</sup> Temple-Raston, *Jihad Next Door*,

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

something," he said. "And we did. Obviously nothing happened. So we all did our job."<sup>50</sup>

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."<sup>51</sup> 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."<sup>52</sup>

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 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

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<sup>50</sup> Bergman and Perdy, "Unclear Danger: Inside the Lackawanna Terror Case."

<sup>51</sup> Temple-Raston, *Jihad Next Door*, 167.

<sup>52</sup> Temple-Raston, *Jihad Next Door*, 191.

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."<sup>53</sup>

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<sup>53</sup> Interview with FBI Director Robert Mueller, *Frontline*, pbs.org.

### Case 4: 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 Statue 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.

## Case 4: Columbus and the Brooklyn Bridge

Drew Herrick

June 3, 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.<sup>1</sup> 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.<sup>2</sup>

Later in 2002, Faris traveled to New York City under orders from KSM to survey possible terror targets within the United States.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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<sup>1</sup> U.S. v. Abdi, (S.D. OH.), No. 2:04CR88, Opinion and Order, Filed July 23, 2007.

<sup>2</sup> NEFA Foundation, The Columbus Mall Plot, August 2007.

<sup>3</sup> U.S. v. Faris, (E.D. VA), No. 03-189-A, Statement of Facts, Filed June 19, 2003.

<sup>4</sup> Eric Lichtblau, "Threats and Responses: Terror; U.S. Cities Al Qaeda in Plot to Destroy Brooklyn Bridge," *New York Times*, June 20, 2003.

<sup>5</sup> James Risen and Eric Lichtblau, "Bush Lets U.S. Spy on Callers Without Courts," *New York Times*, December 16, 2005.

<sup>6</sup> Ibid.

It was this role as an informant that help lead to the arrest of Abdi.<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup>

## 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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

Faris and Bowling had severe marital disputes and at one point Faris was contemplating suicide.<sup>15</sup> In early 2000, Faris' neighbors filed noise complaints but

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<sup>7</sup> U.S. v. Abdi, (S.D. OH.), No. 2:04CR88, Indictment, Filed June 14, 2004.

<sup>8</sup> U.S. v. Abdi, Opinion and Order.

<sup>9</sup> NEFA, Columbus Mall Plot.

<sup>10</sup> Ibid.

<sup>11</sup> This timeline is reconstructed based on Lichtblau 2003; NEFA, Columbus Mall Plot; and GlobalSecurity.Org, "Movements of Iyman Faris," 2010.

<sup>12</sup> Lichtblau 2003; Pierre Thomas, Mary Walsh, and Jason Ryan, "Officials Search for Terrorist Next Door," ABC News, September 8, 2003.

<sup>13</sup> Lichtblau 2003.

<sup>14</sup> Thomas et al. 2003; Daniel Eisenberg, "The Triple Life of a Qaeda Man," *Time*, June 22, 2003.

<sup>15</sup> Thomas et al. 2003; Eisenberg 2003.

this was primarily a product of loud music and not of any intentional malice.<sup>16</sup> 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.<sup>17</sup> 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 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.<sup>18</sup> 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

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<sup>16</sup> Lichtblau 2003; Eisenberg 2003.

<sup>17</sup> Lichtblau 2003.

<sup>18</sup> NEFA Foundation, KSM's Brooklyn Bridge Plot, August 2007.

training camp likely instructed him on asymmetrical techniques and 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.<sup>19</sup> 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.<sup>20</sup> In 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 the curriculum are sketchy.<sup>21</sup> In fact, *USA Today* reports that Abdi did not even reach the camp but instead "spent the 3,000 dollars he had been given in hotels and restaurants."<sup>22</sup> 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.<sup>23</sup> Around this time, he owned or managed a cell phone shop and had a family.<sup>24</sup> 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

<sup>19</sup> NEFA, KSM's Brooklyn Bridge Plot; Eisenberg, 2003.

<sup>20</sup> Michelle Malkin, "America's Insane asylum for Terrorists," *Townhall*. 2003; John Ashcroft, "Abdi Indictment Announcement." June 14, 2004.

<sup>21</sup> Jarrett Murphy, "Feds Allege Ohio Mall Terror Plot," CBS News, June 14, 2004.

<sup>22</sup> Richard Willing, "Terrorism suspects often seem far from al-Qaeda's 'A' Team," *USA Today*. May 14, 2007.

<sup>23</sup> Ibid.

<sup>24</sup> 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 U.S. for foreign policies and 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).<sup>25</sup> Moreover, Abdi blatantly disregarded U.S. immigration laws twice and exhibited no inhibitions about killing innocent U.S. citizens. Furthermore, Abdi made 40 phone calls to people associated with terrorist related activities even after the FBI had initially interviewed him.<sup>26</sup> 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.<sup>27</sup> All of Abdi's actions seem to demonstrate a strong willingness to conspire but little technical or logistical knowhow.

Unlike the other two men, Christopher Paul seems to be highly sophisticated both mentally and physically.<sup>28</sup> 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 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.

### 3. Motivation

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<sup>25</sup> NEFA, Columbus Mall Plot; U.S. v. Abdi, Opinion and Order

<sup>26</sup> U.S. v. Abdi, Opinion and Order.

<sup>27</sup> Willing 2007.

<sup>28</sup> NEFA, Columbus Mall Plot.

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 very close relationship with Abdi and Paul, who both had also radicalized.<sup>29</sup> 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 a 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.

Abdi's confessed motivation of U.S. foreign policy therefore may

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<sup>29</sup> Eisenberg 2003; Lichtblau 2003; NEFA, Columbus Mass Plot.

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 either (i) force U.S. force realignment, (ii) fulfill a revenge capacity for all the injustices, and/or (iii) 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 was 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.<sup>30</sup> 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

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<sup>30</sup> 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 to weakening the supports without being spotted. More importantly, Morris fails to indicate that Faris could not acquire a simple blowtorch let along 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 causalities 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 supposed to check into things further, seems to have not even conducted the 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.<sup>31</sup> 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.

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<sup>31</sup> Willing 2007.

He was not found to possess any materials on bomb making or any weapons. Third, Abdi was physically out of shape, and seems to have been somewhat disparaged by Faris and Paul on this score.<sup>33</sup> 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.<sup>32</sup> 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, Ohio. 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.<sup>33</sup> 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

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<sup>32</sup> Max Abrahms, "What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy," *International Security*, Spring 2008.

<sup>33</sup> "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.<sup>34</sup>

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 Pakistani would be relocated.<sup>35</sup>

## 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.

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<sup>34</sup> James Risen and Eric Lichtblau, "Bush Lets U.S. Spy on Callers Without Courts," *New York Times*, December 16, 2005.

<sup>35</sup> 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 Faris' 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 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.<sup>36</sup> 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.<sup>37</sup> 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

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<sup>36</sup> Willing 2007.

<sup>37</sup> U.S. v. Faris, (E.D. VA), No. 03-189-A, Statement of Facts, Filed June 19, 2003.

months later, and sentenced on October 28, 2003. There were several agents 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.<sup>38</sup> 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 anyway. 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

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<sup>38</sup> Eisenberg 2003; U.S. v. Faris, (E.D. VA), No. 03-189-A, Statement of Facts, Filed June 19, 2003.

individual is particularly startling. Both the government and the media have 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 5: 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 9, 12, and 18).

## Case 5: Barot and the Financial Buildings

Tessa Reinhard

June 3, 2011

### 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>2</sup> 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.<sup>1</sup>

In October of 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.<sup>3</sup> 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 not

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<sup>1</sup> 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.

<sup>2</sup> Richard A. Oppel, Jr., "Threats and Responses: Suspects; London Court Is Told of Wide Investigation," *New York Times*, August 19, 2010.

<sup>3</sup> Sean O'Neill, "Did Al-Qaeda Leader Pass on His Plans from inside Prison?" *The Times*, July 3, 2007.

plead—was found guilty of conspiracy to murder after a trial that also ended in June, and he received a fifteen year sentence.<sup>4</sup>

## 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.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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.<sup>7</sup> 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.”<sup>8</sup> 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.”<sup>9</sup> 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.<sup>6</sup>

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 refers to these

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<sup>4</sup> Home Staff, "Al-Qaeda Bomb Plot Commander's Team Follow Him to Prison," *The Times*, June 16, 2007.

<sup>5</sup> Adam Fresco, "How Radical Islam Turned a Schoolboy into a Terrorist," *The Times*, November 7, 2006.

<sup>6</sup> "Dhiren Barot." *Wikipedia*. Accessed October 23, 2010.

<sup>7</sup> NEFA Foundation, Target: America, The East Coast Buildings Plot. Report no. 4, October 2007, 15.

<sup>8</sup> “Al-Hindi” translates into “the Indian”

<sup>9</sup> Al-Hindi, 'Esa. *The Army of Madinah in Kashmir*. Birmingham: Maktabah Al Ansaar, 1999, 13. Print.

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”<sup>10</sup> 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.”<sup>11</sup> 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.”<sup>12</sup> 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 ‘lieutenant,’ while the remaining individuals were more junior.”<sup>13</sup> Their roles included contributing expertise, accessing specialist libraries, and supplying

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<sup>10</sup> Al-Hindi, *The Army*, 127

<sup>11</sup> Michael Isikoff and Mark Hosenball, “Bin Laden’s Mystery Man,” *Newsweek*, August 17, 2004.

<sup>12</sup> Oppel, “Threats and Responses.”

<sup>13</sup> NEFA Foundation, East Coast Buildings, 3.

vehicles, false identities, and travel documents.<sup>11</sup> 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.<sup>14</sup> 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.<sup>15</sup>

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.”<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> 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 multiple different places at the same time for maximum effect, similar to the strategy used by the 9/11 terrorists or by those who carried out the 1998 African embassy bombings.<sup>17</sup>

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<sup>14</sup> Al-Hindi, *The Army*, 127.

<sup>15</sup> Al-Hindi, *The Army*, 107-108.

<sup>16</sup> Home Staff, "The Al-Qaeda Challenge," *The Times*, November 10, 2006.

<sup>17</sup> NEFA Foundation, East Coast Buildings, 4.

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-Qaeda<sup>18</sup> 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."<sup>19</sup> 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.<sup>15</sup> 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)."<sup>20</sup>

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 to do this were never developed, and all we can go off of are the very thorough packages Barot created which detail potential plots for each building.

In the Citigroup Center package, Barot provides background information the center, and ranks the main offices by what he judges as their importance.<sup>21</sup> He also provides facts about the building material, height, number of floors, and attached pictures and diagrams of the building's layout.<sup>22</sup> After a general overview, Barot goes on to describe the building's features in greater detail. For

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<sup>18</sup> Fresco, "Schoolboy."

<sup>19</sup> NEFA Foundation, East Coast Buildings, 15.

<sup>20</sup> Dhiren Barot, "Rough Presentation for Gas Limos Project." Released by the Metropolitan Police Service, published on the web by the NEFA Foundation.

<sup>21</sup> Dhiren Barot, targeting package on the Citigroup Center. Released by the Metropolitan Police Service, published on the web by the NEFA Foundation, 5.

<sup>22</sup> Barot, Citigroup, 13.

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).<sup>23</sup> 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 twenty-six different categories total that he believes to be necessary for developing a successful plan of attack.<sup>24</sup>

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.”<sup>25</sup> 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.<sup>26</sup> Unlike the Citigroup Center, Barot concludes by choosing what he believes to be the best method in this case—arson.<sup>27</sup>

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.”<sup>28</sup> 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 right underneath the main offices. This suggestion very closely mirrors the detailed plans he developed for a gas limos project in London.<sup>29</sup> However, Barot—always thorough—does offer an alternative option to ram trucks “straight in through the glass front entrance into the lobby area.”<sup>30</sup>

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<sup>23</sup> Barot, Citigroup, 22-23.

<sup>24</sup> Barot, Citigroup, 25.

<sup>25</sup> Barot, Citigroup, 36-37.

<sup>26</sup> Barot, Citigroup.

<sup>27</sup> NEFA Foundation, East Coast Buildings, 6.

<sup>28</sup> NEFA Foundation, East Coast Buildings, 7.

<sup>29</sup> Dhiren Barot, targeting package on the Prudential Plaza, Released by the Metropolitan Police Service, published on the web by the NEFA Foundation, 31.

<sup>30</sup> Barot, Prudential Plaza, 32.

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.<sup>31</sup>

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.<sup>32</sup>

## 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.<sup>33</sup>

## 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."<sup>34</sup> 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."<sup>32</sup> 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 Gujurat, Pakistan.<sup>35</sup> The prosecutor believed that Barot had "returned to Pakistan in early 2004, apparently to seek approval and financing for his plans."<sup>36</sup> 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.

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<sup>31</sup> Lee Glendinning, "The videos that sent al-Qaeda plotter to jail," *The Times*, November 7, 2006.

<sup>32</sup> Isikoff and Hossenback, "Mystery Man"

<sup>33</sup> Oppel, "Threats and Responses."

<sup>34</sup> Isikoff and Hosenball, "Mystery Man."

<sup>35</sup> NEFA Foundation, East Coast Buildings, 14.

<sup>36</sup> Alan Cowell, "British Court Hears of Qaeda Plans for 'Black Day,'" *New York Times*, November 7, 2006.

The group of Britons arrested in conjunction with these conspiracies is referred to as a terrorist cell. This, coupled with the necessity to send in the potential attacks 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,<sup>37</sup> 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.<sup>35</sup> And when they were sentenced, they received extensive periods of time in jail, ranging from fifteen to forty years,<sup>38</sup> 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.”<sup>39</sup> Clarke also said he believed that Barot had received permission to carry out his plans and would do so in late 2004.<sup>40</sup> 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.<sup>40</sup> And another counter-terrorist source claimed, “His plans, had he not been arrested, would have caused the death of hundreds if not thousands of innocent people...al-Qaeda has lost an experienced, utterly dedicated and vicious terrorist.”<sup>41</sup>

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,

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<sup>37</sup> Oppel, “Threats and Responses.”

<sup>38</sup> Home Staff, “Commander’s Team.”

<sup>39</sup> Alan Cowell, “British Muslim Sentenced in Terror Attacks,” *New York Times*, November 7, 2006.

<sup>40</sup> Sean O’Neill, “Forty years in jail for plotting carnage in the capital” *The Times*, November 8, 2006.

<sup>41</sup> Fresco, “Schoolboy.”

was meant to bolster President Bush's standing as a president tough on terrorism.”<sup>42</sup>

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,<sup>42</sup> 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 own 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 were willing to publish the alarmist reactions by authority figures, but 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.”<sup>43</sup>

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.”<sup>44</sup> If anything, 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

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<sup>42</sup> David Johnston and Eric Lichtblau, “3 Indicted in Suspected Plot on East Coast Finance Sites,” *New York Times*, April 13, 2005.

<sup>43</sup> Cowell, “British Muslim Sentenced.”

<sup>44</sup> Jane Perlez and Elaine Sciolino, “Openness Sought in British Terror Trials,” *New York Times*, May 25, 2007.

too great, and petitioned the British government to allow media to be more open.<sup>45</sup>

## 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."<sup>46</sup> 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.<sup>46</sup> 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.<sup>46</sup>

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.<sup>47</sup> "The complexity of the case also convinced police and security services of the need to expand and improve high-tech investigative capabilities."<sup>47</sup> 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."<sup>43</sup> By this time, the United States had become aware that they 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."<sup>48</sup> The arrests occurred in August 2004, but Barot was not sentenced until 2006 and the 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

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<sup>45</sup> Home Staff, "The face of terror," *The Times*, November 8, 2006.

<sup>46</sup> Sean O'Neill, "A manual for death and destruction," *The Times*, November 8, 2006.

<sup>47</sup> O'Neill, "Forty years in jail."

<sup>48</sup> Johnston, "3 Indicted."

the messages were coded and sent from internet cafes.<sup>49</sup> 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.”<sup>50</sup>

### 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.<sup>51</sup> Apparently officials worried about his influence over other 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

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<sup>49</sup> NEFA Foundation, East Coast Buildings, 3.

<sup>50</sup> Dhiren Barot, targeting package on the International Monetary Fund, Released by the Metropolitan Police Service, published on the web by the NEFA Foundation, 16.

<sup>51</sup> Sean O’Neill, “Did al-Qaeda leader pass on his plans from inside prison?” *The Times*, July 3, 2007.

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."<sup>52</sup>

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.<sup>52</sup>

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.<sup>53</sup> 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 and 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.

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."<sup>54</sup> 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

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<sup>52</sup> NEFA Foundation, East Coast Buildings, 4.

<sup>53</sup> NEFA Foundation, East Coast Buildings, 15.

<sup>54</sup> Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

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.

**Case 6: 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 6: Albany

Michael Spinosi

June 3, 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

### 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.<sup>4</sup> 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 forced to survive on UN subsidies alone. In Damascus he worked as a gardener, and even upon his arrival to the United States he could only find job as a janitor.<sup>5</sup> However, nowhere has it been mentioned that Aref was thought of as economically destitute or impoverished. It has been stated that Aref disagreed with the Bush

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<sup>1</sup> Wikipedia, Yassin M. Aref; accessed December 1, 2010.

<sup>2</sup> www.justice.gov; National Security Division – Statistics on Unsealed International Terrorism and Terrorism-Related Convictions

<sup>3</sup> Muslim Solidarity Committee website, Aref & Hossain.

<sup>4</sup> Muslim Solidarity Committee website, Fact Sheet on the Case.

<sup>5</sup> Muslim Solidarity Committee website, Fact Sheet.

administration's foreign policy to some degree, but Aref never seemed to express any feelings of being politically downtrodden or unhappy.<sup>6</sup> 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.<sup>7</sup> Aref showed no signs of being insecure, imbalanced, 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 Aref had ties to terrorist groups and leaders, and that justified the sting operation organized around him.<sup>8</sup> Aref, before this case, had no criminal record.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup>

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 imbalanced. He was neither politically distraught, nor unhappy with his life in the United States.<sup>12</sup> He was religious, but no more so than any other pious believer. Hossain had no criminal record.<sup>13</sup>

### 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

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<sup>6</sup> PBS, *America at a Crossroads: Security Versus Liberty: The Other War*, Washington, D.C., WETA, 2007.

<sup>7</sup> [www.yassinaref.com](http://www.yassinaref.com)

<sup>8</sup> Brendan Lyons, "Suspects Raise Domestic Spy Issue," *Albany Times Union*, January 5, 2006.

<sup>9</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>10</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>11</sup> PBS, *Crossroads*.

<sup>12</sup> PBS, *Crossroads*.

<sup>13</sup> Muslim Solidarity Committee, Fact Sheet.

terrorist acts.<sup>14</sup> 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 it 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.<sup>15</sup> 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.<sup>16</sup>

The goals with anything related to terrorism all regarded the FBI. The goal of the FBI itself was to take potential terrorist threats out of society. It worked under preemptive tactics, trying to ensure that nothing would happen in the future. In regards to Aref Hossain, the ultimate goal was to get to Aref.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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

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<sup>14</sup> PBS, Crossroads.

<sup>15</sup> PBS, Crossroads.

<sup>16</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>17</sup> Lyons, "Suspects."

<sup>18</sup> PBS, Crossroads.

<sup>19</sup> PBS, Crossroads.

<sup>20</sup> Muslim Solidarity Committee website, Legal Activity, Legal Motions (Aref)

money given to politically charged groups often ends up in the wrong hands. He is also stated saying that, 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.<sup>21</sup>

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.<sup>22</sup> 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.<sup>23</sup> 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, or even agreed with, by Aref or Hossain. Neither man ever offered their support for the plans or for the terrorist groups in question, and avoided talking about terrorist plots in any specific manner.<sup>24</sup> Neither Aref nor Hossain had any interest in seeing the plan carried-out, nor would they have been able to carry 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 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.<sup>25</sup>

The FBI informant was a Pakistani immigrant named Shahed Hussain, who went by the name "Malik" during the sting operation.<sup>26</sup> He cooperated with

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<sup>21</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>22</sup> PBS, Crossroads

<sup>23</sup> Andy Coates, "Defending Muslims in Albany, NY," Found via: Muslim Solidarity Committee, News Media; Andy Coates' Article on the Press Conference, November 3, 2006.

<sup>24</sup> PBS, Crossroads.

<sup>25</sup> PBS, Crossroads.

<sup>26</sup> 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 the hoped they could use him to get Hossain, and get to Aref through Hossain.<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup> 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.<sup>31</sup>

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

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<sup>27</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>28</sup> [www.findlaw.com](http://www.findlaw.com), United States of America v. Yassin Muhiddin Aref and Mohammed Mosharref Hossain

<sup>29</sup> PBS, Crossroads.

<sup>30</sup> PBS, Crossroads.

<sup>31</sup> Coates, "Defending Muslims"

Bronx a few years after the arrests of Aref and Hossain (Case 18).<sup>32</sup> 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.<sup>33</sup> Aref's name was found in buildings that the government believed to be terrorist safe-houses, as well.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup> His only connections were to the FBI informant to Aref. Hossain 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

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<sup>32</sup> Zachary Roth, "Defense Lawyer on Newburgh Informant: 'A Real Snake,'" *TPMMuckraker*, May 25, 2009. Found via: <http://www.talkingpointsmemo.com/>

<sup>33</sup> Lyons, "Suspects."

<sup>34</sup> PBS, Crossroads.

<sup>35</sup> Lyons, "Suspects."

<sup>36</sup> Brendan Lyons, "Terror Suspect Wants Own Trial," *Albany Times Union*, December 10, 2005.

<sup>37</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>38</sup> Jarrett Murphy, "Error In Albany 'Terror' Case," CBS News, August 18, 2004

<sup>39</sup> Wikipedia

<sup>40</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>41</sup> 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.<sup>42</sup> 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.<sup>43</sup>

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.<sup>44</sup> The founding members of the MSC have been awarded by the New York Civil Liberties Union.<sup>45</sup> The MSC has stated its intent to offer continuing support for Aref and Hossain throughout the appeals process, which the defense attorneys hope to continue during 2010.<sup>46</sup> 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.<sup>47</sup>

## 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.<sup>48</sup> The FBI also went out of its way to make Aref and Hossain seem far more malignant 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.<sup>49</sup> As mentioned before, they translated "brother" to mean "commander" when referring to how Aref was labeled in the terrorist camp notebooks. The government also withheld information from the defense about the notebooks

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<sup>42</sup> Danielle Sanzone, "'Injustice' Decried in Conviction of Muslims," *Troy Record*, August 5, 2009

<sup>43</sup> Muslim Solidarity Committee website.

<sup>44</sup> Muslim Solidarity Committee website.

<sup>45</sup> Wikipedia

<sup>46</sup> Sanzone, "'Injustice'"

<sup>47</sup> Project SALAM, Amicus Brief.

<sup>48</sup> Wikipedia.

<sup>49</sup> Muslim Solidarity Committee, Fact Sheet.

found in Iraq, labeling it as classified, even though the defense had been granted security clearances.<sup>50</sup>

The government is said to have used the tactic known as preemptive prosecution in order to make sure that any terrorist threat, even if ultimately innocent, is put behind bars.<sup>51</sup> The government has stuck to its decision thus far, even refusing to entertain appeals.<sup>52</sup> Even appeals to the United States Supreme Court have been refused.<sup>53</sup> 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.<sup>54</sup> 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.<sup>55</sup> 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 heavily 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.<sup>56</sup> 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, Project SALAM, and [www.yassinaref.com](http://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.<sup>57</sup> 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.<sup>58</sup>

Currently, the situation is being compiled into documentaries, biographies, and even public broadcasting productions. There are a number of

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<sup>50</sup> Wikipedia.

<sup>51</sup> Project SALAM, Amicus Brief.

<sup>52</sup> Sanzone, “Injustice”

<sup>53</sup> Project SALAM, Amicus Brief.

<sup>54</sup> Project SALAM, Amicus Brief.

<sup>55</sup> [www.justice.gov](http://www.justice.gov); National Security Division – Progress Report.

<sup>56</sup> Coates, “Defending Muslims”

<sup>57</sup> Murphy, “Error”

<sup>58</sup> PBS, Crossroads.

books being published regarding the case, including one by Yassin Aref himself.<sup>59</sup> 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.<sup>60</sup> They also had to organize raids to seize further evidence from Aref's home and Mosque.<sup>61</sup> 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.<sup>62</sup>

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.<sup>63</sup> 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 in person. All evidence is recorded in video of the face-to-face interactions between the two defendants and the informant.<sup>64</sup>

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<sup>59</sup> [www.yassinaref.com](http://www.yassinaref.com) (see the site for more information on titles, dates, etc.)

<sup>60</sup> Wikipedia

<sup>61</sup> Lyons, "Own Trial"

<sup>62</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>63</sup> Wikipedia.

<sup>64</sup> PBS, Crossroads.

### 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.<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup> 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 18). That case was conducted in a similar manner, with much of the public believing entrapment to be at play.<sup>68</sup> The Muslim Solidarity Committee, Project SALAM, and other such organization have all taken an interest in seeing justice delivered the Muslims of such cases that they believe to be wrongfully convicted.<sup>69</sup> There were also connections to the case involving the Fort Dix plot (Case 15). The government used the same expert witness, Evan Kohlmann, to testify about how the political 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.<sup>70</sup> Furthermore, the

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<sup>65</sup> PBS, Crossroads.

<sup>66</sup> Muslim Solidarity Committee website, Fact Sheet.

<sup>67</sup> Wikipedia.

<sup>68</sup> Roth, "Newburgh."

<sup>69</sup> Project SALAM.

<sup>70</sup> Lynne Jackson, "Fort Dix 5," Project SALAM.

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 in commemoration of Yassin Aref.<sup>71</sup>

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.<sup>72</sup> 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.<sup>73</sup>

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.<sup>74</sup>

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.<sup>75</sup> While the

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<sup>71</sup> Sanzone, “Injustice.”

<sup>72</sup> Brian Michael Jenkins, *Would-Be Warriors*. Santa Monica, CA: RAND Corporation, 2010, 23.

<sup>73</sup> Fred LeBrun, “History Will Remember Albany Terrorism Sting as a Witch Hunt,” *Times Union*, January 12, 2007.

<sup>74</sup> 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.

<sup>75</sup> Wikipedia.

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.<sup>76</sup>

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 deal with cases like this with more balanced intuition.

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<sup>76</sup> PBS, Crossroads.

**Case 7: 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 7: Herald Square

Surili Sheth

June 3, 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.<sup>1</sup> 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 involved.<sup>2</sup>

A confidential informant, alias Osama Eldawoody,<sup>3</sup> 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.<sup>4</sup> He ended up being sentenced to 30 years on January 8, 2007.<sup>5</sup>

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.<sup>6</sup>

### 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 consistently academically, with grades mainly in the 60's. He performed similarly

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<sup>1</sup> Alan Feuer and William Rashbaum, "2 Charged With Plotting To Bomb Train Station," *New York Times*, August 29, 2004.

<sup>2</sup> Christopher Dickey, *Securing the City*. New York: Simon & Schuster, 2009,

<sup>3</sup> 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.

<sup>4</sup> William K. Rashbaum, "Terror Case May Offer Clues Into Police Use of Informants," *New York Times*, April 24, 2006.

<sup>5</sup> Dickey, *Securing the City*, 198; William K. Rashbaum, "Man Gets 30 Years in Subway Bomb Plot," *New York Times*, January 9, 2007.

<sup>6</sup> Associated Press, "Manhattan: Man Gets Five Years in Plot to Bomb Subway," *New York Times*, March 3, 2007.

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 playing 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 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.<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup> 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."<sup>10</sup> 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.<sup>11</sup>

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..."<sup>12</sup> 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."<sup>13</sup> 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 of his wrote to the court that he "...is a grown up child; he looks big in size but

<sup>7</sup> NEFA Foundation, "The Herald Square Plot," March 2008.

<sup>8</sup> Dickey, *Securing the City*, 188.

<sup>9</sup> Robin Shulman, "The Informer: Behind the Scenes, or Setting the Stage?" *Washington Post*, May 29, 2007.

<sup>10</sup> Dickey, *Securing the City*, 188.

<sup>11</sup> Dickey, *Securing the City*, 188.

<sup>12</sup> NEFA.

<sup>13</sup> Shulman, "The Informer."

[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.<sup>14</sup> 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."<sup>15</sup> 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.<sup>16</sup> 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.? I deliver the pizza, O.K.'"<sup>17</sup>

Siraj had been arrested on assault charges twice before the Herald Square Plot arrest.<sup>18</sup> The most recent had happened two months before the arrest. He had gotten into a fight with a customer at the bookstore he worked at in a dispute over a phone card.<sup>19</sup>

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.<sup>20</sup> He also

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<sup>14</sup> NEFA.

<sup>15</sup> NEFA.

<sup>16</sup> Craig Horowitz, "Anatomy of a Foiled Plot," *New York Magazine*, May 21, 2005.

<sup>17</sup> William K. Rashbaum, "Reporter's Notebook; At Trial on Subway Bomb Plot, Informer Finishes Star Turn," *New York Times*, May 9, 2006.

<sup>18</sup> NEFA.

<sup>19</sup> Andrea Elliott, "A Terror Case That Resonates Close to Home," *New York Times*, March 6, 2006.

<sup>20</sup> 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.<sup>21</sup> He had delusions and was in a psychiatric ward in June 2004—just two months before his arrest for the Herald Square Plot.<sup>22</sup> He dropped out of school after failing to complete the ninth grade three times.<sup>23</sup> 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.<sup>24</sup> 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.”<sup>25</sup> “Big, ugly, awkward, and unstable, he didn’t fit in anywhere as he grew up on Staten Island.”<sup>26</sup>

Elshafay converted to Islam at the age of twelve at the insistence of his father.<sup>27</sup> 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.”<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup> 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.”<sup>31</sup> The informant, Eldawoody, also nourished Elshafay’s growing piety.<sup>32</sup>

Elshafay was confused about his identity, did not have a job, and had virtually no friends other than Siraj.<sup>33</sup> He was socially marginalized, became religiously fanatical, and was uneducated. A born loser, he was lonely, in need of friendship and camaraderie, unhappy, psychologically imbalanced, 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

<sup>21</sup> Rashbaum, “S.I. Man.”

<sup>22</sup> Rashbaum, “S.I. Man.”

<sup>23</sup> Rashbaum, “S.I. Man.”

<sup>24</sup> Rashbaum, “S.I. Man”; NEFA.

<sup>25</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>26</sup> Dickey, *Securing the City*, 189.

<sup>27</sup> Mitchell Silber and Arvin Bhatt, *Radicalization in the West: The Homegrown Threat*, NYPD Intelligence Division, 2007.

<sup>28</sup> Dickey, *Securing the City*, 189.

<sup>29</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>30</sup> Dickey, *Securing the City*, 190.

<sup>31</sup> NEFA.

<sup>32</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>33</sup> NEFA.

[Eldawoody's] education, and clearly he liked the time and attention this fifty-year-old man devoted to him.”<sup>34</sup> Siraj called Eldawoody “brother” at various times on the tape, and Eldawoody sometimes referred to him as “son.”<sup>35</sup>

### 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 Middle East and reports of abuses by US soldiers.<sup>36</sup> 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 *Illuminati 9-11*. “While American coverage was all about victory, what Siraj could read and see from Muslim sources was all about victims.”<sup>37</sup> 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.<sup>38</sup> 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.”<sup>39</sup>

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.”<sup>40</sup> Throughout the tapes that Eldawoody later recorded and were played during Siraj’s trial, Siraj praised Osama bin Laden and the 9/11 attacks and repeatedly talked about killing Jews.<sup>41</sup> 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.”<sup>42</sup> Siraj’s motivations for committing an act that he

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<sup>34</sup> Dickey, *Securing the City*, 189.

<sup>35</sup> Dickey, *Securing the City*, 189.

<sup>36</sup> Shulman, “The Informer.”

<sup>37</sup> Dickey, *Securing the City*, 190.

<sup>38</sup> Shulman, “The Informer.”

<sup>39</sup> NEFA.

<sup>40</sup> William K. Rashbaum, “Undercover Officer Testifies in Bomb Plot Trial,” *New York Times*, May 18, 2006.

<sup>41</sup> William K. Rashbaum, “Closing Arguments in Trial of Subway Bombing Case,” *New York Times*, May 23, 2006.

<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup> 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.<sup>45</sup> However, at another point, he said, “I want at least 1,000 to 2,000 to die in one day.”<sup>46</sup>

#### 5. Plans for violence

The Herald Square plot came about after many discussions between the three men. When Elshafay was introduced to Eldawoody by Siraj in April 2004, the informant 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 that he gave to Siraj, who in turn showed it to Eldawoody. “Are you crazy?” Eldawoody said when Siraj showed it to him. “You’d better get rid of that.” Siraj stuck the map between some volumes on a shelf in the bookstore.<sup>47</sup> 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 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 in

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<sup>43</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>44</sup> Rashbaum, “S.I. Man.”

<sup>45</sup> Elliott, “A Terror Case That Resonates Close to Home.”

<sup>46</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>47</sup> Horowitz, “Anatomy of a Foiled Plot.”

its final direction.<sup>48</sup>

Siraj admitted upon arrest that the plan to bomb the subway station was his.<sup>49</sup> 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 that Siraj, Elshafay, and Eldawoody had for bombing the Herald Square subway station. How much of his Siraj’s intent was urged or planted by informant Eldawoody before incriminating tapes were recorded is debatable.<sup>50</sup> 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.<sup>51</sup> 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.<sup>52</sup>

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.<sup>53</sup>

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.”<sup>54</sup>

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.

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<sup>48</sup> Rashbaum, “S.I. Man.”

<sup>49</sup> Rashbaum, “S.I. Man.”

<sup>50</sup> On this issue, see also the discussion for Case 29.

<sup>51</sup> William K Rashbaum, “Terror Jury Hears Talk of Bombing Subway Stop,” *New York Times*, April 27, 2006.; Feuer and Rashbaum, “2 Charged.”

<sup>52</sup> Rashbaum, “Terror Jury.”

<sup>53</sup> Rashbaum, “Police Informer.”

<sup>54</sup> Rashbaum, “Terror Jury.”

It is possible that he just loved discussing these master plans, being seen as a planner, having the respect and attention of an older, educated man, and being included in a group of friends—and experience which he had never had before.

On August 21, 2004, Eldawoody picked Elshafay and Siraj up 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.”<sup>55</sup> 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.<sup>56</sup> 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.”<sup>57</sup>

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-

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<sup>55</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>56</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>57</sup> Dickey, *Securing the City*, 194.

fourth Street?” Eldawoody said, “yes.” Elshafay started to back out of the plan at 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.<sup>58</sup>

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.<sup>59</sup> Elshafay was sitting on the steps on the steps of the Noor Al mosque on Richmond Terrace when he was arrested.<sup>60</sup> Eldawoody had already left town because he had been notified of the men’s arrest beforehand.<sup>61</sup>

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.”<sup>62</sup>

When arrested, Siraj and Elshafay had diagrams of the subway station and two maps of police precincts and bridges on Staten Island.<sup>63</sup> 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.<sup>64</sup> 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

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<sup>58</sup> For the transcript of this conversation, see the Appendix.

<sup>59</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>60</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>61</sup> Shulman, “The Informer.”

<sup>62</sup> Dickey, *Securing the City*, 198.

<sup>63</sup> Rashbaum, “Confusion at Arrest.”

<sup>64</sup> Rashbaum, “Terror Case May Offer Clues Into Police Use of Informants.”

form waiving them.<sup>65</sup> He also said that he was not allowed to make a phone call until the questioning was over.<sup>66</sup>

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.<sup>67</sup> 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.<sup>68</sup>

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

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<sup>65</sup> Rashbaum, “Confusion at Arrest.”

<sup>66</sup> Rashbaum, “Confusion at Arrest.”

<sup>67</sup> Rashbaum, “Reporter’s Notebook.”

<sup>68</sup> Rashbaum, “Man Gets 30 Years.”

provided testimony that undercut the defense argument that Siraj was not predisposed to violence before he met Eldawoody.<sup>69</sup>

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 that he had ever provided testimony in court.

He was born in Bangladesh and was 23 years 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.”<sup>70</sup>

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.<sup>71</sup> 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.<sup>72</sup> 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.”<sup>73</sup> 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.”<sup>74</sup> Over the course of many months, Pasha wrote up seventy-two contacts with Siraj.<sup>75</sup>

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

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<sup>69</sup> William K. Rashbaum, “Trial Spotlights Undercover Contact With Bomb Plot Suspect,” *New York Times*, May 17, 2006.

<sup>70</sup> Dickey, *Securing the City*, 187.

<sup>71</sup> Dickey, *Securing the City*, 187.

<sup>72</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>73</sup> Dickey, *Securing the City*, 188.

<sup>74</sup> William K. Rashbaum, “Undercover Officer Testifies in Bomb Plot Trial,” *New York Times*, May 18, 2006.

<sup>75</sup> Dickey, *Securing the City*, 189.

and came to the United States in the mid-1980s. Unable to find work as an engineer, he struggled, first as an ice cream vendor and taxi driver and later in the restaurant business and real estate in New Jersey.<sup>76</sup> He has “small, pale eyes, badly yellowed teeth and a tendency to gesture wildly and wander conversationally.”<sup>77</sup> 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.<sup>78</sup> He claims that he began working as an informant to protect his new country.<sup>79</sup>

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.<sup>80</sup> At first, Eldawoody was dispatched to mosques and cafes and told to keep his “eyes and ears open for any radical thing.”<sup>81</sup> He did this for several months.<sup>82</sup>

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.”<sup>83</sup>

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.<sup>84</sup> This shows that Eldawoody obviously needed

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<sup>76</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>77</sup> Shulman, “The Informer.”

<sup>78</sup> Elliott, “A Terror Case that Resonates Close to Home.”

<sup>79</sup> Rashbaum, “Terror Jury.”

<sup>80</sup> Shulman, “The Informer.”

<sup>81</sup> William K. Rashbaum, “Informer in Bomb Plot Trial Tells of His Visits to Mosques,” *New York Times*, May 2, 2006.

<sup>82</sup> Shulman, “The Informer.”

<sup>83</sup> Andrea Elliott, “Between Two Worlds in Brooklyn; To Lead the Faithful in a Faith Under Fire,” *New York Times*, March 6, 2006.

<sup>84</sup> Horowitz, “Anatomy of a Foiled Plot.” See also Elliott, “Between Two Worlds.”

money, and was very possibly trying to entrap the imam. According to Rimawi, it was after the imam turned him down twice and told Eldawoody to not come see him anymore, that Eldawoody “turned his attention to Siraj.”<sup>85</sup>

After getting reports about Siraj for months, the NYPD began to investigate the location.<sup>86</sup> After Eldawoody 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.<sup>87</sup> The “odd seduction” began around Ramadan.<sup>88</sup> Eldawoody 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 Eldawoody’s car. “They talked about the world, Islam, conspiracies against Muslims, and more and more about jihad.”<sup>89</sup> Over time, Siraj asked him about making bombs and provided him with a CD-ROM that had instructions on how to make conventional explosives.<sup>90</sup> When the talk turned toward the idea of planting a bomb, Eldawoody said, “I told them, ‘I believe it’s time to record.’”<sup>91</sup>

After Siraj introduced Elshafay to Eldawoody, the latter found that religion was an easy way for them to bond, and Eldawoody nourished Elshafay’s growing piety. They went to the mosque and prayed together. Eldawoody 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.<sup>92</sup> Furthermore, Eldawoody 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.<sup>93</sup> Eldawoody very plausibly aided in the radicalization of the younger men, who saw him as their leader.

Eldawoody 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.<sup>94</sup> Secretly, Eldawoody recorded audio and/or video footage of roughly 24 conversations—over 30 hours worth—about the plot during summer 2004.

The nature of Eldawoody’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...Eldawoody had a kind of avuncular style that I think just kind of blended

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<sup>85</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>86</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>87</sup> NEFA.

<sup>88</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>89</sup> NEFA.

<sup>90</sup> Rashbaum, “Police Informer.”

<sup>91</sup> Shulman, “The Informer.”

<sup>92</sup> Horowitz, “Anatomy of a Foiled Plot.”

<sup>93</sup> Rashbaum, “S.I. Man.”

<sup>94</sup> Horowitz, “Anatomy of a Foiled Plot.”

with this kid. And he had a relationship with the mosque, and it was just a more comfortable fit.”<sup>95</sup>

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.<sup>96</sup> 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.<sup>97</sup> 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.<sup>98</sup> 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.<sup>99</sup> 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.<sup>100</sup>

Siraj obviously looked up to Eldawoody. Siraj referred to Eldawoody 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.”<sup>101</sup> 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.<sup>102</sup>

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

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<sup>95</sup> Dickey, *Securing the City*, 191

<sup>96</sup> Shulman, “The Informer.”

<sup>97</sup> William K. Rashbaum, “Police Informer in Terror Trial Takes Stand,” *New York Times*, April 25, 2006.

<sup>98</sup> Shulman, “The Informer.”

<sup>99</sup> Elliott, “Between Two Worlds”.

<sup>100</sup> Elliott, “Close to Home”

<sup>101</sup> Shulman, “The Informer.”

<sup>102</sup> Shulman, “The Informer.”

not permitted. That is why the defense of entrapment exists.”<sup>103</sup> He also made the 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.”<sup>104</sup> 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.”<sup>105</sup>

Eldawoody says that had he not intercepted Siraj, the younger man eventually would have joined a real terrorist sleeper cell.<sup>106</sup> 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.”<sup>107</sup> 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.<sup>108</sup>

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.”<sup>109</sup> 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.<sup>110</sup>

Being an informant was economically extremely helpful for Eldawoody and his family (a wife and daughter) who were struggling on the money they were making. Eldawoody was paid nearly \$100,000 by the department over the course of almost 3 years.<sup>111</sup> The department paid him about \$25,000 over the 13 months he spent befriending Siraj and Elshafay.<sup>112</sup> He was paid \$75,000, including

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<sup>103</sup> William K. Rashbaum, “Closing Arguments in Trial Of Subway Bombing Case,” *New York Times*, May 23, 2006.

<sup>104</sup> Rashbaum, “Closing Arguments”.

<sup>105</sup> Rashbaum, “Man Gets 30 Years”.

<sup>106</sup> Shulman, “The Informer.”

<sup>107</sup> Rashbaum, “Closing Arguments”.

<sup>108</sup> Rashbaum, “Man Gets 30 Years”.

<sup>109</sup> Jennifer Lee, “Entrapment Evidence Lacking, Jurors Say,” *New York Times*, May 25, 2006.

<sup>110</sup> Rashbaum, “Man Gets 30 Years”.

<sup>111</sup> Rashbaum, “Police Informer.”

<sup>112</sup> Shulman, “The Informer.”

relocation costs, over 20 more months leading up to the trial.<sup>113</sup> He remained unemployed in 2007 even though police helped him look for a job. The NYPD covered his rent, plus he received \$3,200 a month. A police spokesman said direct payments were to continue indefinitely.<sup>114</sup> He publicly criticized the police department for paying him too little.<sup>115</sup>

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.<sup>116</sup>

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.<sup>117</sup> Eldawoody told the boys that this Brotherhood would supply explosives, but the Brothers needed Siraj's knowledge of the subway to place the bombs.<sup>118</sup> Siraj and Elshafay were essentially self-motivating, lone-wolf terrorists.<sup>119</sup> 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.<sup>120</sup>

<sup>113</sup> Shulman, "The Informer."

<sup>114</sup> Shulman, "The Informer."

<sup>115</sup> Dickey, *Securing the City*, 198.

<sup>116</sup> Shulman, "The Informer."

<sup>117</sup> Shulman, "The Informer."

<sup>118</sup> Shulman, "The Informer."

<sup>119</sup> Horowitz, "Anatomy of a Foiled Plot."

<sup>120</sup> Horowitz, "Anatomy of a Foiled Plot."

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 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.<sup>121</sup>

The imam said that those that did not come to mosque very often, especially youngsters, attend much more frequently now, and he is worried about the Islamic men who attend his mosque's sense of alienation after 9/11. 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.<sup>122</sup>

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 mosque at Islamic Society of Bay Ridge, Brooklyn, he said that initially "while many people 'cursed America,' there was no talk of attacking the United States."<sup>123</sup>

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."<sup>124</sup> It said, "in the years since September 11, diplomacy has given way to defensiveness."<sup>125</sup> The Muslim community was outraged that there was a secret informant that had been attending their mosque and can recite a list of cases where Muslims in America have been falsely accused of terrorism.<sup>126</sup>

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<sup>121</sup> 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.

<sup>122</sup> Elliott, "Between Two Worlds."

<sup>123</sup> Rashbaum, "Police Informer."

<sup>124</sup> Rashbaum, "Undercover Work Deepens Police-Muslim Tensions."

<sup>125</sup> Elliott, "Between Two Worlds."

<sup>126</sup> Elliott, "Between Two Worlds."

Many in Muslim community see that police tactics have been aggressive and underhanded.<sup>127</sup> One of the founders of the Islamic Society of Bay Ridge, Zein 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 TB 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."<sup>128</sup>

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."<sup>129</sup> 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."<sup>130</sup>

## 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."<sup>131</sup> However,

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<sup>127</sup> Rashbaum, "Undercover Work."

<sup>128</sup> Horowitz, "Anatomy of a Foiled Plot."

<sup>129</sup> Shulman, "The Informer."

<sup>130</sup> Horowitz, "Anatomy of a Foiled Plot."

<sup>131</sup> Rashbaum, "Man Gets 30 Years."

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 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."<sup>132</sup> 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.<sup>133</sup> 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."<sup>134</sup>

Police Commissioner Raymond Kelly said, "This is New York City. Running a program like this is sensitive."<sup>135</sup> 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]."<sup>136</sup>

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."<sup>137</sup> 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.<sup>138</sup>

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<sup>132</sup> Rashbaum, "Window Opens."

<sup>133</sup> Shulman, "The Informer."

<sup>134</sup> Horowitz, "Anatomy of a Foiled Plot."

<sup>135</sup> Dickey, *Securing the City*, 198.

<sup>136</sup> Rashbaum, "Window Opens."

<sup>137</sup> Horowitz, "Anatomy of a Foiled Plot."

<sup>138</sup> NYPD, "Radicalization in West, The Homegrown Threat."

## 10. Coverage by the media

During and after the Herald Square plot case, the media covered both human interest pieces, especially focusing on Muslim communities and leaders in America and their feelings about terrorism, police tactics and informants, as well as 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.<sup>139</sup> 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.<sup>140</sup>

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."<sup>141</sup> 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."<sup>142</sup> 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.<sup>143</sup> 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.<sup>144</sup> 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."<sup>145</sup> 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

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<sup>139</sup> William K. Rashbaum, "Terror Case May Offer Clues into Police Use of Informants," *New York Times*, April 24, 2006.

<sup>140</sup> William K. Rashbaum, "Police Informer in Terror Trial Takes Stand," *New York Times*, April 25, 2006.

<sup>141</sup> Rashbaum, "Police Use of Informants."

<sup>142</sup> Rashbaum, "Police Use of Informants."

<sup>143</sup> Rashbaum, "Police Use of Informants."

<sup>144</sup> Rashbaum, "Police Use of Informants."

<sup>145</sup> Rashbaum, "Police Use of Informants."

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."<sup>146</sup> Pasha started 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."<sup>147</sup>

The media reported on the tactics of the NYPD uses in infiltrating 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.<sup>148</sup> Over 13 months, Eldawood attended 575 prayer services at Bay Ridge mosque and another mosque in Staten Island, sometimes four or five a day.<sup>149</sup> 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 worked at.<sup>150</sup> The Special Services Unit oversaw Kamil Pasha, who was instructed "to be a member of the community," hang out with the young men there, and collect information.

The media thus provided a lot of scrutiny about expanded police powers implying their effect on privacy, focusing on the fact that Eldawood 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.<sup>151</sup> 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.<sup>152</sup> 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."<sup>153</sup> 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."<sup>154</sup>

Police Commissioner Raymond Kelly and David Cohen, the department's deputy commissioner for intelligence and a former senior official in the CIA, took

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<sup>146</sup> William K. Rashbaum, "Detective Was 'Walking Camera' Among City Muslims, He Testifies," *New York Times*, May 19, 2005.

<sup>147</sup> Rashbaum, "'Walking Camera'."

<sup>148</sup> William K. Rashbaum, "Window Opens On City Tactics Among Muslims," *New York Times*, May 28, 2006.

<sup>149</sup> Shulman, "The Informer."

<sup>150</sup> Rashbaum, "Window Opens."

<sup>151</sup> Rashbaum, "Informer."

<sup>152</sup> Horowitz, "Anatomy of a Foiled Plot."

<sup>153</sup> Rashbaum, "Police Informer."

<sup>154</sup> Rashbaum, "Window Opens."

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.”<sup>155</sup>

The media also covered some information about Siraj’s family. His parents and sister were detained by immigration authorities 1 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.<sup>156</sup>

## 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 they at least 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 had 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.<sup>157</sup> The department continues to cover his rent and gives him \$3,200 per month, payments that are to continue indefinitely.<sup>158</sup>

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 off the internet. However, the majority of the “intelligence” the two gathered seems to have been more from scouting and conducting surveillance 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

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<sup>155</sup> Rashbaum, “Police Use of Informants.”

<sup>156</sup> William K. Rashbaum, “3 Relatives Of Plotter Are Held By Officials,” *New York Times*, January 10, 2007.

<sup>157</sup> Rashbaum, “Police Informer.”

<sup>158</sup> Shulman, “The Informer.”

safety has perhaps improved due to their arrests but only marginally. The main argument here is that dumb people can blow things up, too.<sup>159</sup> Most likely, 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 as to the real consequences of the attack Siraj and Elshafay were plotting. They had no idea about what the strength of 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 that they talked about. Siraj also specifically said that he did not want to kill people, in which case the fictitious types of bombs they were talking about putting in Herald Square Plot 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 Eldawood's furthering of the plot and Siraj's hesitation to actually go through with the plot.

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<sup>159</sup> The El-Nosair group in 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 thought he was costing too much and not delivering enough prosecutable terrorism. The conspirators replaced him with 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 trial<sup>160</sup>

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?

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<sup>160</sup> "Band of Brothers," *Harper's Magazine*, October 2006.

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.

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 8: Lodi**

John Mueller

June 3, 2011

As with the Lackawanna situation (Case 3), 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 8: Lodi

Andrew Ashbrook

June 3, 2011

### 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."<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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."<sup>5</sup> Khan secretly taped his conversations with Hamid. On several of these tapes Hamid talks about his hatred for America and the need for Muslims to participate in Jihads<sup>6</sup>.

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<sup>1</sup> Daniel B. Wood, "US Arrests Renew Terror Concerns," *Christian Science Monitor*, June 10, 2005.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Maria La Ganga and Tempest, Rone, "2 Lodi Men to Be Deported; U.S. Will Drop Charges," *Los Angeles Times*, July 16, 2005.

<sup>5</sup> Frontline, "The Enemy Within," pbs.org.

<sup>6</sup> Ibid.

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.<sup>7</sup>

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.<sup>8</sup> Charles DeMore, the agent in charge from Immigration and Customs Enforcement, declined to comment as to why Hamid was on the "no fly" list.<sup>9</sup> 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.<sup>10</sup>

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."<sup>11</sup> 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.<sup>12</sup> 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 during the trial he served approximately 330 days in jail and four months of home confinement.<sup>13</sup>

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<sup>7</sup> "United States of America v. Hamid Hayat" June 3, 2005. Affidavit, 4.

<sup>8</sup> Ibid., 2

<sup>9</sup> Michael Isikoff and Mark Hosenball, "Terror Watch: New Terror Camp?" *Newsweek*, June 2005.

<sup>10</sup> "U.S. v. Hayat" Affidavit, 2.

<sup>11</sup> Ibid., 3.

<sup>12</sup> Department of Justice. Hamid Hayat Sentenced to 24 Years in Connection with Terrorism Charges, Justice.gov, September 10, 2007.

<sup>13</sup> Department of Justice, Hamid Hayat Sentenced.

## 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.<sup>14</sup> 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.<sup>15</sup> Before this case, Umer had pled guilty to one count of battery in 2001.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> 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 wrestling<sup>19</sup>.

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”<sup>20</sup>. According to Max Abrahms’ social outcasts are more likely to join terrorist groups in order to feel solidarity with other people.<sup>21</sup> 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,”<sup>22</sup> 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 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

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<sup>14</sup> "Interview with Umer Hayat" Frontline: The Enemy Within. Pbs.org, October 10, 2006.

<sup>15</sup> "Hamid Hayat: A "Jihadi Heart and a Jihadi Mind"?" Frontline: The Enemy Within, Pbs.org, September 10, 2007.

<sup>16</sup> Hood, Jeff, “Longtime Investigation Led to Arrest of Lodi Men” recordnet.com, June 9, 2005.

<sup>17</sup> Frontline, “Hamid Hayat.”

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security*, Spring 2008.

<sup>22</sup> Frontline, “The Enemy Within.”

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 from when Hamid is in Pakistan (between 2003 and 2005) when Khan tells Hamid 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 following Khan's attempted coercion, Hamid appeared to have refused to attend a camp.<sup>23</sup> This shows that Hamid may not have been as radical as his earlier conversations with Khan. 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.<sup>24</sup> 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".<sup>25</sup> 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 the sentencing Justice, 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.<sup>26</sup>

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

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<sup>23</sup> Ibid

<sup>24</sup> Frontline, Hamid Hayat.

<sup>25</sup> Ibid

<sup>26</sup> Bohm, Layla. "Hamid Hayat Sentenced" *Lodi News-Sentinel*, 10 September, 2007. Web.

while Hamid was in Pakistan. Hamid told Khan that “I’m not going to go . . .”<sup>27</sup> 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 . . .”<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup> 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

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<sup>27</sup> Frontline, “The Enemy Within.”

<sup>28</sup> Department of Justice, *Hamid Hayat Sentenced*

<sup>29</sup> Frontline, “The Enemy Within.”

<sup>30</sup> “U.S. v. Hayat” Affidavit

FBI informant because the FBI was beginning to investigate the two Lodi Imams around the same time.<sup>31</sup>

In December of 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.<sup>32</sup> 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 may have 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 Californian mosques in 1993.<sup>33</sup> In an interview with PBS' *Frontline*, U.S. attorney McGregor Scott doubted Khan's claim as a "situation of mistaken

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<sup>31</sup> *Frontline*, "The Enemy Within."

<sup>32</sup> *ibid*

<sup>33</sup> Wright, Lawrence. *The Looming Tower: Al-Qaeda and the Road to 9/11*. New York: Knopf, 2006, 203 (paperback edition).

identification.”<sup>34</sup> 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.”<sup>35</sup>

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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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.”<sup>39</sup> 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.<sup>40</sup> Shortly afterwards, the authorities confirmed that the camp was run by al-Qaeda<sup>41</sup> and the media began speculating about al-Qaeda sleeper cells operating within the United

<sup>34</sup> “The Enemy Within,” *Frontline*, PBS, 2006.

<sup>35</sup> “Lodi: The FBI’s Response,” *Frontline: The Enemy Within*, PBS, 10 October 10, 2006. Web.

<sup>36</sup> *Frontline*, “The Enemy Within.”

<sup>37</sup> *Frontline*, “FBI’s Response.”

<sup>38</sup> *ibid*

<sup>39</sup> “Interview With James Wedick,” *Frontline: The Enemy Within*. Pbs.org.

<sup>40</sup> “U.S. v. Hayat” Affidavit, 4.

<sup>41</sup> “Interview With McGregor Scott,” *Frontline: The Enemy Within*. Pbs.org.

States.<sup>42</sup> However, Scott later clarified that the Hayats were not an al-Qaeda sleeper cell within the United States.<sup>43</sup>

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."<sup>44</sup> 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.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup>

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

<sup>42</sup> Isikoff, "New Terror Camp."

<sup>43</sup> *Frontline*, "Scott Interview"

<sup>44</sup> *ibid*

<sup>45</sup> *Frontline*, "The Enemy Within."

<sup>46</sup> *Frontline*, "Scott Interview."

<sup>47</sup> Rone Tempest, "Prosecutors Rest Case in Terrorism Trial," *Los Angeles Times*, March 29, 2006.

<sup>48</sup> *ibid*

<sup>49</sup> *Frontline*, "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,<sup>50</sup> and felt as if the U.S. government unjustly accused them.<sup>51</sup> According to one member of the community, nobody believed that the Hayats were terrorists.<sup>52</sup> 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.<sup>53</sup> 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.<sup>54</sup>

## 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.<sup>55</sup> 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."<sup>56</sup> 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."<sup>57</sup> This shows that from the time of

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<sup>50</sup> "Lodi Muslim Community Shocked at Hayat's Sentence" *American Muslim Perspective*, September 11, 2007.

<sup>51</sup> "Lodi Muslims: Under the "Eye of Suspicion" " Frontline: *The Enemy Within*. Pbs.org. Web.

<sup>52</sup> Frontline, Hamid Hayat.

<sup>53</sup> Frontline, "Hayat Interview."

<sup>54</sup> Frontline, "Lodi Muslims."

<sup>55</sup> Frontline, "Scott Interview."

<sup>56</sup> Tempest, "Prosecutors Rest."

<sup>57</sup> 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.<sup>58</sup>

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.<sup>59</sup> 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.<sup>60</sup>

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<sup>58</sup> *Frontline*, "Scott Interview."

<sup>59</sup> For example see: Wood, "US Arrests."

<sup>60</sup> *Frontline*, "The Enemy Within."

Therefore, the media was simply reporting the information that was being released to it by the federal government.

After the trial and sentencing though, the local and national media approached the Lodi case with more caution. For example, the *Los Angeles Times*,<sup>61</sup> the *New York Times*,<sup>62</sup> and the *Lodi News-Sentinel*<sup>63</sup> 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.<sup>64</sup> 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.<sup>65</sup> Meanwhile, other sites such as *Jihad Watch* supported the prosecution entirely and criticized the defense.<sup>66</sup> 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.<sup>67</sup> As noted, Khan was paid approximately \$230,000 for these four years of work.<sup>67</sup>

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<sup>61</sup> Tempest, "Prosecutors Rest."

<sup>62</sup> Carolyn Marshall, "24-Year Term for Californian in Terrorism Training Case," *New York Times*, September 11, 2007.

<sup>63</sup> Bohm, "Hamid Sentenced."

<sup>64</sup> Frontline, "Wedick Interview."

<sup>65</sup> AMP, "Lodi Community Shocked."

<sup>66</sup> 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](http://www.jihadwatch.org/2007/09/hamid-hayat-sentenced-to-24-years-for-attending-pakistani-jihad-training-camp.html)

<sup>67</sup> Frontline, "FBI's Response."

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 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.<sup>68</sup> 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.<sup>69</sup> 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.<sup>70</sup> 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."<sup>71</sup> 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.<sup>72</sup> 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

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<sup>68</sup> Frontline, "Wedick Interview."

<sup>69</sup> Department of Justice, Hamid Hayat Sentenced.

<sup>70</sup> *ibid*

<sup>71</sup> Frontline, "Wedick Interview."

<sup>72</sup> "U.S. v. Hayat" Affidavit.

and the terrorist training camp. So what may have been afoot we may never know.<sup>73</sup> 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 . . ."<sup>74</sup> 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,"<sup>75</sup> one that, 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."<sup>76</sup> 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.<sup>77</sup> 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.<sup>78</sup> Wedick argues that,

"They [Hamid and Umer] were attempting to return home, to go back to their house. . . They had repeatedly denied attending any

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<sup>73</sup> Frontline, "FBI's Response."

<sup>74</sup> Department of Justice, Hamid Hayat Sentenced.

<sup>75</sup> Frontline, "Scott Interview."

<sup>76</sup> Frontline, "The Enemy Within."

<sup>77</sup> "U.S. v. Hayat" Affidavit.

<sup>78</sup> Frontline, "The Enemy Within."

camp, being associated with any terrorist activities, but then finally at some point, if 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.”<sup>79</sup>

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.<sup>80</sup>

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.<sup>81</sup> 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.<sup>82</sup>

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 3), 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 6), 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

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<sup>79</sup> Frontline, “Wedick Interview.”

<sup>80</sup> Frontline, “The Enemy Within.”

<sup>81</sup> Frontline, “Wedick Interview.”

<sup>82</sup> *ibid*

case to prosecute the accused terrorists. Instead, as Wedick suggests, the FBI relied on “hysteria” in the United States to convict the Hayats and not the facts of the case.<sup>83</sup>

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.

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<sup>83</sup> Frontline, “Wedick Interview.”

## Case 9: 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.”<sup>1</sup> 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.<sup>2</sup> 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 19) where a terrorist shot two recruiters and was

<sup>1</sup> NEFA Foundation, “Target: America: The L.A. Plot to Attack U.S. Military, Israeli Government, & Jewish Targets,” January 2008, 5.

<sup>2</sup> 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 9: JIS

Demetrius Daniels-Hill

June 3, 2011

### 1. Overview

Few cases of homegrown terrorism have come closer to implementation than that of Jama'at Ul-Islami As Sahih or JIS.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> He then founded JIS and recruited several other inmates to join his terrorist organization.<sup>4</sup> The recruits participated in martial arts training before and after Islamic prayer services in the prison.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

Once out of prison, Washington began to recruit other like-minded individuals to join their terrorist cell.<sup>9</sup> He met Hammad Samana, a Pakistani, and Gregory Patterson, an African American, at the Jamaat-E-Masijudal mosque in Inglewood, California.<sup>10</sup>

The same month the three men met, they acquired an apartment in south central Los Angeles.<sup>11</sup> 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.<sup>12</sup> Everyone in the group concluded that the United States was hostile to Islam and that direct action needed to be taken. Samana took

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<sup>1</sup> NEFA Foundation, "Target: America: The L.A. Plot to Attack U.S. Military, Israeli Government, & Jewish Targets," January 2008, 3.

<sup>2</sup> NEFA, "Target: America," 1.

<sup>3</sup> NEFA, "Target: America," 1.

<sup>4</sup> Jeffrey Cozzens and William Rosenau, "Training for Terror: The 'Homegrown' Case of Jami'at al-Islam al-Sahih, *CTC Sentinel*, August 2009, 21.

<sup>5</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>6</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>7</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>8</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>9</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>10</sup> NEFA, "Target: America," 2.

<sup>11</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>12</sup> Cozzens and Rosenau, "Training for Terror," 22.

a personal oath of allegiance to Washington and both Samana and Patterson promised to fight as mujahedeen or holy warriors.<sup>13</sup>

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.<sup>14</sup> James directed his agents to strike at religious, political, and military targets in the United States.<sup>15</sup> In his opinion, these targets had received less attention than other parts of America’s national infrastructure such as electrical and transportation networks.<sup>16</sup> James directed Washington and his subordinates to acquire guns and explosives with detonators to attack targets of their choosing in California.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup> The pair robbed a dozen gas stations from May through June of 2005.<sup>20</sup> 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.<sup>21</sup> Washington already owned a pump-action shotgun. They practiced shooting the guns for one day.

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 on Manhattan Beach. All of these targets were within a twenty-mile radius of the L.A. apartment that was their base of operations.<sup>22</sup> 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.<sup>23</sup> The attacks were to begin on September 11, 2005.<sup>24</sup>

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<sup>13</sup> NEFA, “Target: America,” 2.

<sup>14</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>15</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>16</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>17</sup> Cozzens and Rosenau, “Training for Terror,” 21.

<sup>18</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>19</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>20</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>21</sup> NEFA, “Target: America,” 7.

<sup>22</sup> Cozzens and Rosenau, “Training for Terror,” 22.

<sup>23</sup> Cozzens and Rosenau, “Training for Terror,” 23.

<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> 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 and left it at the scene of the crime.<sup>27</sup> 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.<sup>28</sup> Washington and Patterson were arrested for the gas station robberies and also charged with conspiracy to wage war against the United States government.<sup>29</sup> The documents that authorities found on the computer in the apartment included Modes of Attack, the target list written by Samana.<sup>30</sup> He was also arrested and confessed to robbing two gas stations.<sup>31</sup> Police also recovered a letter written from James to Washington, linking him to the plot.<sup>32</sup> 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.<sup>33</sup> In 2008 the same judge sentenced Levar Washington to twenty-two years in prison for his role in the conspiracy.<sup>34</sup> Gregory Patterson pled guilty to charges of conspiracy to wage war against the United States and conspiring to possess and discharge firearms.<sup>35</sup> He was sentenced to a prison term of 151 months or nearly thirteen years in prison.<sup>36</sup> Hammad Samana upon his arrest was evaluated for mental illness and was found to be schizophrenic.<sup>37</sup> He pleaded guilty to one count of conspiracy to commit terrorism and was sentenced to seventy months in prison.<sup>38</sup> 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 robberies.<sup>39</sup> Although there were allegedly other people that James recruited to be

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<sup>25</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>26</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>27</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>28</sup> Rob Harris, "Kevin James and the JIS Conspiracy," Frontline, PBS.

<sup>29</sup> Harris, "Kevin James and the JIS Conspiracy."

<sup>30</sup> Harris, "Kevin James and the JIS Conspiracy."

<sup>31</sup> Harris, "Kevin James and the JIS Conspiracy."

<sup>32</sup> Harris, "Kevin James and the JIS Conspiracy."

<sup>33</sup> FBI press release, March 6, 2009.

<sup>34</sup> FBI press release, March 6, 2009.

<sup>35</sup> Daniel Pipes, "Guilty Pleas By Would Be Los Angeles Terrorists," Danielspipes.org. August 26, 2009.

<sup>36</sup> FBI press release, March 6, 2009

<sup>37</sup> Pipes, "Guilty Pleas."

<sup>38</sup> Pipes, "Guilty Pleas."

<sup>39</sup> Pipes, "Guilty Pleas."

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.<sup>40</sup>

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.<sup>41</sup>

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 so 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.<sup>42</sup>

The involvement of Samana and Patterson, recruited by Washington at the Inglewood mosque after he was paroled, is more of a mystery. Samana was a Pakistani national who was a legal resident in the United States.<sup>43</sup> He attended Santa Monica College and came from a family that was well adjusted to life in the United States.<sup>44</sup> Patterson was an African American who also attended the mosque occasionally. Neither of the men had a criminal record.<sup>45</sup> It would later

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<sup>40</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>41</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>42</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>43</sup> NEFA, "Target: America," 2.

<sup>44</sup> NEFA, "Target: America," 2.

<sup>45</sup> NEFA, "Target: America," 2.

be discovered that Samana suffered from schizophrenia.<sup>46</sup> Literature on terrorist networks suggests that youths that 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 on behalf of the victim, turned terrorist.<sup>47</sup>

Washington, then, was the only one of the three men operating in the cell that had any operational experience in breaking the law.<sup>48</sup>

### 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.<sup>49</sup> As part of this, James reserved a special hatred for Israel and for the government of the United States and the United States military.<sup>50</sup> 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.<sup>51</sup> 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.<sup>52</sup> James stated in his writings that membership in this community of international jihad superseded the needs and the importance of the individual being.<sup>53</sup>

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.<sup>54</sup> Washington turn 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.<sup>55</sup> Kevin James was the main source of motivation for the JIS plot.

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<sup>46</sup> Pipes, "Guilty Pleas."

<sup>47</sup> Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill*. New York: Harper Collins, 2003.

<sup>48</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>49</sup> United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

<sup>50</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>51</sup> United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

<sup>52</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>53</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>54</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>55</sup> 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.<sup>56</sup> 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.<sup>57</sup>

#### 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.<sup>58</sup>

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.<sup>59</sup>

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 that 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."<sup>60</sup>

#### 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

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<sup>56</sup> Cozzens and Rosenau, "Training for Terror," 21.

<sup>57</sup> NEFA, "Target: America," 7.

<sup>58</sup> United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

<sup>59</sup> NEFA, "Target: America," 8.

<sup>60</sup> NEFA, "Target: America," 4.

maintain secrecy at all times because of the dangers of being caught by law 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 drivers 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.<sup>61</sup> 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.<sup>62</sup> 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, 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 of the robbery. 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.<sup>63</sup> 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.

The group 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 daily

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<sup>61</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>62</sup> United States, Department of Justice, U.S. v James Exhibit Summary, 2007.

<sup>63</sup> Cozzens and Rosenau, "Training for Terror," 22.

ritual of physical training in martial arts that Washington learned from James while he was in prison.<sup>64</sup>

Much more dangerous than robbing gas stations were the targets that Washington and his companions selected for their future planned terrorist attacks. 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 of the JIS plotters were several recruiting stations for the military, a military base on Manhattan Beach, and the Israeli consulate and Jewish synagogues.<sup>65</sup>

Washington planned to attack the recruiting stations on September 11, 2005, and the synagogues on the Jewish holiday of Yom Kippur.<sup>66</sup> 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.<sup>67</sup>

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.<sup>68</sup> However, they never were able to acquire any explosives for use in their planned attacks.<sup>69</sup> 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.<sup>70</sup> 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. The plan was to attack and then flee in the car that they had driven to the location. The group planned to withhold taking responsibility for the attack until they had hit all ten recruitment centers on their list.<sup>71</sup>

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

<sup>64</sup> NEFA, "Target: America," 7.

<sup>65</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>66</sup> NEFA, "Target: America," 8.

<sup>67</sup> NEFA, "Target: America," 4.

<sup>68</sup> Davis, "Convicted Terrorists."

<sup>69</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>70</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>71</sup> NEFA, "Target: America," 4-5.

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 may be inelegant, but they are effective and do not require much training or skill to handle.<sup>72</sup> 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 much more mental strain 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.<sup>73</sup>

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.<sup>74</sup>

## 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 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.<sup>75</sup> Critics would point out that Washington first met Samana and Patterson at the Jamaat-E-Masjidul mosque in Inglewood, California, possibly showing that served as a

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<sup>72</sup> Cozzens and Rosenau, "Training for Terror," 23.

<sup>73</sup> Cozzens and Rosenau, "Training for Terror," 22.

<sup>74</sup> NEFA, "Target: America," 7.

<sup>75</sup> Cozzens and Rosenau, "Training for Terror," 22.

symbol for terrorist recruitment within the Muslim community.<sup>76</sup> However, Samana and Patterson were not radical at all before they met Washington and the 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.<sup>77</sup>

Given that these events transpired before Major Nadal Hassan’s Fort Hood shooting (Case 25) and Faisal Hassan’s attempted Times Square Bombing (Case 27), 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.<sup>78</sup> 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

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<sup>76</sup> NEFA, “Target: America,” 2.

<sup>77</sup> NEFA, “Target: America,” 3-4.

<sup>78</sup> NEFA, “Target: America,” 16.

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 conspirator and reports on his history with James and the fact that he became a converted Islamic 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."<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup>

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.<sup>82</sup> 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.<sup>83</sup> Local police in Torrance shadowed Washington and Patterson for two days

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<sup>79</sup> "Terror Plot Hatched in California Prison," ABC News, August 16, 2005.

<sup>80</sup> "Accused Terror Plot Mastermind Arraigned," ABC 7 KABC-TV, Los Angeles, September 26, 2005.

<sup>81</sup> Christopher Goffard, "Founder of prison-based terrorist group sentenced to 16 years," *Los Angeles Times*, March 7, 2009.

<sup>82</sup> NEFA, "Target: America," 16.

<sup>83</sup> Harris, "Kevin James and the JIS Conspiracy."

following the tip and then arrested them while they attempted to rob a Chevron in Fullerton, California.<sup>84</sup> There was no paid informant in the case or 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.<sup>85</sup> 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.<sup>86</sup> 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 terrorists 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, and dates, and apparently the determination to see their plot through to the end.<sup>87</sup> 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 that 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 Islamic extremism, and that prison radicalization appears to be most prevalent among high population areas on the west coast and in the

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<sup>84</sup> "Accused Terror Plot Mastermind Arraigned."

<sup>85</sup> Pipes, "Guilty Pleas."

<sup>86</sup> NEFA, "Target: America," 6.

<sup>87</sup> NEFA, "Target: America," 4.

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.<sup>88</sup> These trends are evidenced by the JIS plot, which featured homegrown terrorists that 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.<sup>89</sup>

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 that 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 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

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<sup>88</sup> NEFA, "Target: America," 12-13.

<sup>89</sup> Harvey Kushner, *Holy War On The Home Front*. New York: Penguin, 2004, 36-43.

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 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 10: Pipelines and the Terrorism 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.<sup>1</sup> But that was the least of Reynolds' delusional problems.

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<sup>1</sup> 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 10: Pipelines and the Terrorism Hunter

Shannon Buckner

June 4, 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.<sup>1</sup> 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 to and from the house from 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.<sup>2</sup> 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

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<sup>1</sup> “Michael Curtis Reynolds,” Wikipedia. Accessed November 30, 2010.

<sup>2</sup> 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 them 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.<sup>3</sup>

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

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<sup>3</sup> 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.”<sup>4</sup> 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 as 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.<sup>5</sup> Rossmiller is considered by the FBI to be a very credible informant.<sup>6</sup>

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.

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<sup>4</sup> “Her Story,” shannenrossmiller.com.

<sup>5</sup> “Her Story.”

<sup>6</sup> Lubrano and Schiffman, “Federal Authorities.”

Reynolds was in the beginning stages of his plan when arrested on possession of a hand grenade, and the police used this 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, one of which was acquitted 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.<sup>7</sup>

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 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 withdraw, which

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<sup>7</sup> "United States of America vs. Michael Curtis Reynolds, Superseding Indictment" Investigative Project [http://www.investigativeproject.org/documents/case\\_docs/334.pdf](http://www.investigativeproject.org/documents/case_docs/334.pdf).

gave a new court appointed counsel to Reynolds, who later 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 enough to justify the guilty verdict and the subsequent sentence. Reynolds claimed that he could not have been guilty as a computer monitor was not in his possession, which is required to send emails, before the date of 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 emails regarding the suspected terrorist plot, did in fact come from an email addressed registered to Reynolds and were sent in the region in Pennsylvania Reynolds was residing in. As the government could prove the emails were from Reynolds, the fact Reynolds did not have a working computer in his possession is 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.<sup>8</sup>

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.<sup>9</sup> His first two attorneys requested to be removed from the trial. Reynolds was far from an ideal client especially regarding his various pro se motions entered against the advice of his court appointed legal counsel.

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<sup>8</sup> For details on the appeals, see the appendix to this case report.

<sup>9</sup> “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 an example of. 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."<sup>10</sup>

The letter demonstrates the confrontational tone used throughout. Reynolds seems to be under the impression he is in charge and there is no chance he will be convicted. This attitude is interesting because while he began to plan his attack and a subsequent fleeing from the United States, he expressed fear in being tried as a traitor and then sentenced to death.<sup>11</sup> This change in attitude can be summed up as 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 he 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 write ups in major newspapers such as the *Washington Post*, and a good number of articles about it 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.

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<sup>10</sup> "Letter from Reynolds to Judge" [www.investigativeproject.org/case/188](http://www.investigativeproject.org/case/188) The Investigative Project on Terrorism US v. Michael Curtis Reynolds

<sup>11</sup> 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 focus on Rossmiller's turn from mother to terrorism hunter. After the events of September 11, many Americans felt powerless, so the idea a mother living in Montana helping catch terrorists around the world makes it seem as if 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 his 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 policing 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 would have had access to the proper finances and if he managed to develop a skill at bomb making, there is a slight chance that he may 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 1995.<sup>12</sup> 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. This lack of employment led both of them to the road, where they developed an identity revolving around self reliance.

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<sup>12</sup> "Timothy McVeigh Biography," Biography.com.

During this time venturing the country, they both had a profound moment in which they began to see the government as an enemy who must be punished for their 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."<sup>13</sup> 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 September 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 the average American does not feel 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 issued competency test, and he showed through his emails 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.

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<sup>13</sup> Brian Michael Jenkins, *Would-Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States Since September 11, 2001*. Santa Monca, 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. As Reynolds had the burden to show substantive evidence to back up his claim, and could not successfully do this.

4. For the claim that he was denied his constitutional right to a speedy trial to be justified, 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 3rd, 2006 and his trial was held on July 9, 2007. However, a motion was filed on January 12, 2006 by Reynolds’ counsel to reevaluate the decisions made by a magistrate judge regarding his detention. A week later irreconcilable differences caused Reynolds’ counsel to remove themselves from the case. His original counsel was replaced by the court a few months later in March 2006, an ex parte motion was filed by the defense with the purpose of granting the authority for expert services to be sought out, as well as a withdrawn motion regarding Reynolds’ bail. During those last couple of months, Reynolds had taken it upon himself to file various pro se motions to be reviewed by the court. Eventually his second court appointed attorney resigned, and on July 17, 2006, Reynolds began work with a new counsel, but there was a movement to find a new counsel shortly after. During the rest of the summer in 2006, Reynolds did not heed the advice of his court appointed legal counsel, and moved to enter several more pro se motions to the court. As the District Court reviewed Reynolds case, they discovered that there were a number of outstanding motions that needed to be reviewed, with the exception of the eight day time period between Reynolds’s arraignment and the court’s motion to assessment of his detention as well as nine days between March 14 and March 28 in 2006. Then on October 3, 2006, four more charges were handed down by the court as part of a superseding indictment. The introduction of these new charges brought up a new speedy trial period, independent from the first as it was not attached to the first indictment. The court also mandated a competency exam to see if Reynolds was fit to stand

trial. The time for this exam, which ran from October 11 to January 5, 2007, was properly excluded. Throughout this time line, Reynolds continued to regularly file pro se motions. These motions were excluded by the District Court as well as motions for “enlargements of time to file pretrial motions, defense motions for continuance of trial, and defense motions for pretrial relief from the time between Reynolds’s arraignment on the superseding indictment and the commencement to trial pursuant.” In conclusion, the District Court decided that there was very minimal non-excluded time and therefore that the Speedy Trial Act was not violated for either indictment.

**Case 11: 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 11: Toledo

Meagan Woodall

June 4, 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.<sup>1</sup> 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.<sup>2</sup> 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 U.S. permanent citizen 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. The third was a self-employed businessman

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<sup>1</sup> 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](http://www.justice.gov/opa/documents/indictment_22006.pdf)

<sup>2</sup> Michael Isikoff, “The Secret Agent,” *Newsweek*, July 3, 2008.

with several kids.<sup>3</sup> 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 of 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.”<sup>4</sup> 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 organization’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 trainer and told him that he and two brothers wanted to train with firearms and learn 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 on a computer, Amawi sang along in a foreign language words to the effect of: “Blow them up! Blow them up! Blow them up!”<sup>5</sup>

In February 2005, Amawi, El-Hindi, and Mazloum debated about what the Iraqi insurgency needed most: money, weapons, or manpower. They also

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<sup>3</sup> “New Information Emerges about Terrorism Suspects,” WTol11. [www.wtol.com/global/Story.asp?s=4537992](http://www.wtol.com/global/Story.asp?s=4537992)

<sup>4</sup> “3 men in Toledo terrorism case are sentenced.” WTol.com, October 22, 2009, [www.wtol.com/global/story.asp?s=11356307](http://www.wtol.com/global/story.asp?s=11356307)

<sup>5</sup> 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](http://www.investigativeproject.org/documents/case_docs/377.pdf)

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.<sup>6</sup> Vulnerabilities were taken into consideration, but ultimately all that mattered to the organization 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.<sup>7</sup> 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.<sup>8</sup> The potential for suicide was there 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.<sup>9</sup> It appears that the three men were 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

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

<sup>7</sup> 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](http://www.justice.gov/opa/pr/2008/June/08-nsd-535.html)

<sup>8</sup> 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](http://www.foxnews.com/story/0,2933,185551,00.html).

<sup>9</sup> United States. Dept. of Justice, Three Convicted of Conspiring to Commit Terrorist Acts Against Americans Overseas.

group's plot.<sup>10</sup> 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.<sup>11</sup> Griffin, who spoke Farsi and some Arabic, altered his appearance and lifestyle to accommodate his new role.

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

The defense contended during the trial that Griffin had invented the plot in order to justify the \$350,000 he made during the course of his investigation. However, based on audio 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 KindHearts' assets.<sup>13</sup> An actual connection between the two organizations was never made clear, however.

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

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<sup>10</sup> “3 men in Toledo terrorism case are sentenced.”

<sup>11</sup> Tim Andrassy, “Informant: Terror Suspects Sought Him,” [foxtoledo.com](http://foxtoledo.com), May 10, 2008.

<sup>12</sup> 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](http://www.fbi.gov/news/stories/2010/july/toledo-terror/toledo-terror)

<sup>13</sup> Porteus, “Three Charged in Plan to Attack U.S. Military in Iraq.”

attacks in Iraq's western province of Anbar.”<sup>14</sup> 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.<sup>15</sup>

## 8. Relation to the Muslim community

The three men worshipped at a small, storefront, local Toledo mosque together.<sup>16</sup> 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.”<sup>17</sup> 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 specifically dealt with in the media at a frequent level.

## 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 to 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 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.

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<sup>14</sup> United States v. El-Hindi, 3:06CR719, 2009 WL 1373268 (N.D. Ohio May 15, 2009) [Doc. 926, at 9].

<sup>15</sup> Michael Isikoff, “The Secret Agent.”

<sup>16</sup> “Terrorism Suspects Worshipped at Monroe Street Mosque,” [wtol.com/global/Story.asp?s=4544771](http://wtol.com/global/Story.asp?s=4544771)

<sup>17</sup> “Religious Leaders Talk about Terror Arrests,” [wtol.com/global/Story.asp?s=4546628](http://wtol.com/global/Story.asp?s=4546628).

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. Additionally, the informant was paid close to \$350,000 for his work and the government paid for the investigative costs. The total for all this is unknown. 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 October 21, 2009. All in all, the grand total of time spent on this particular plot, from inception to end lasted 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 for an agent, Agent Gubanich, to testify 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.<sup>18</sup> The jury was shown multiple videos, primarily downloaded by Amawi, from various websites showing "acts of violence and death, including the deaths, or likely deaths of American soldiers in Iraq. There were beheadings, sniper shootings, roadside bombs, suicide bombings at checkpoints and similarly violent events."<sup>19</sup> 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

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<sup>18</sup> "Toledo Terror Trial: FBI agent testifies about arrest interview, evidence collection," *Toledo Blade*, May 14, 2008.

<sup>19</sup> United States v. El-Hindi, 3:06CR719, 2009 WL 1373268 (N.D. Ohio May 15, 2009)

lands...in your home or with a group of your brothers, you too can begin to execute the training.”<sup>20</sup>

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.”<sup>21</sup> Whether or not that is the case, terrorist cases like this one could serve as inspiration, or lesson, for others interested in carrying out a jihad against the United States. Are these men in prison now? Yes. Does that mean that we, as a whole, are safer? Yes. However, the knowledge and training that these men provided to others overseas still is available to others. None of the internet sites they had accessed are necessarily down; new internet jihadist sites spring up every day, serving as an inspiration to homegrown terrorists in the country. Plainly, we are safer due to the fact that these three men are behind bars, but the threat of terrorism obviously still exists. We cannot contain terrorism as much as we would like to nor can we stop it altogether. However, to the extent that American soldiers in Iraq safer now than they were while Amawi, El-Hindi and Mazloum were in the real world, 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 working for the government could be controversial, it clearly does help the government in its quest to fight terrorism.

Amawi, El-Hindi, and Mazloum demonstrate the normality of terrorists. What may seem most surprising to the American public is that terrorists more often than not live seemingly normal, mundane lives. They work, they have families, they have hobbies. One cannot walk down the street and pinpoint a homegrown terrorist on sight. Perhaps this is something that proves most

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<sup>20</sup> Isikoff, “The Secret Agent.”

<sup>21</sup> Mike Wilkinson and Christina Hall, “3 charged in terror plot; local suspects planned attacks in Iraq. U.S. says,” *Toledo Blade*, February 22, 2006.

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 how to produce weapons, bombs, and martial arts. Together, these guides present an issue to the government; more homegrown terrorists could receive information they otherwise would not have readily accessed due to the internet.

## Case 12: 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,”<sup>1</sup> 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.<sup>2</sup> 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 Zakiyah. 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

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<sup>1</sup> Pincus, “FBI Role.”

<sup>2</sup> 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."<sup>3</sup>

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 7).

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."<sup>4</sup>

In part perhaps because of such criticism, the Sears Tower case (like the Albany episode of 2004, Case 6) 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."<sup>5</sup> 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.

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<sup>3</sup> Pincus, "FBI Role."

<sup>4</sup> Richard Cohen, "Terror Alert: Severe Risk of Hype," *Washington Post*, June 27, 2006.

<sup>5</sup> "FBI Terror Stings: Entrapment or Prevention?" CBS News, November 30, 2010.

## Case 12: Sears Tower

Lauren Brady

June 4, 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.<sup>1</sup> 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.<sup>2</sup>

Batiste first came to the government’s attention in October 2005 when he spoke to a local grocer, who happened to be an FBI informant, about contacting al-Qaeda.<sup>3</sup> 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.<sup>4</sup> However, the plots never moved beyond the discussion phase, and no concrete attack plans were ever developed.<sup>5</sup> In April 2006 one group member moved away,<sup>6</sup> and Batiste expressed that there was disagreement within the group and it seemed to be disbanding.<sup>7</sup> 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 them appear nonthreatening to a jury.

They 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.<sup>8</sup> 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.<sup>9</sup>

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<sup>1</sup> Steven Emerson. *Jihad Incorporated: a Guide to Militant Islam in the US*. Amherst, NY: Prometheus, 2006, 74-75.

<sup>2</sup> Walter Pincus, "FBI Role in Terror Probe Questioned," *Washington Post*, September 2, 2006. Web.

<sup>3</sup> NEFA, "The Miami Plot to Bomb Federal Buildings and the Sears Tower," January 2008. [www.nefafoundation.org/miscellaneous/Miami\\_Plot.pdf](http://www.nefafoundation.org/miscellaneous/Miami_Plot.pdf)., 7.

<sup>4</sup> NEFA, "Miami Plot," 3-4.

<sup>5</sup> 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. Web.

<sup>6</sup> Peter Whoriskey, "Man Acquitted in Terror Case Faces Deportation," *Washington Post*, March 2, 2008.

<sup>7</sup> NEFA, "Miami Plot," 6-7.

<sup>8</sup> Jerome P. Bjelopera and Mark A. Randolph. "American Jihadist Terrorism: Combating a Complex Threat," Congressional Research Service, September 10, 2010, 96-97.

<sup>9</sup> 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.<sup>10</sup> Lawyers for those convicted stated that they would most certainly appeal the convictions,<sup>11</sup> 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.<sup>12</sup>

## 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.<sup>13</sup>

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.<sup>14</sup> He married after high school and he and his wife eventually had four children.<sup>15</sup> At least one other member of the group was married,<sup>16</sup> and another became married after the arrests.<sup>17</sup> At least one member other than Batiste had children.<sup>18</sup>

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.<sup>19</sup> After high school, Batiste worked as a FedEx driver in Chicago, but

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<sup>10</sup> Bjelopera and Randol, "American Jihadist," 97.

<sup>11</sup> "5 Convicted in 'Liberty City' Terror Trial," CNN.com, May 12, 2009.

<sup>12</sup> Jay Weaver, "Acquitted Member of Liberty City Seven Fights Deportation," MiamiHerald.com, December 15, 2010.

<sup>13</sup> Shane, Scott, and Andrea Zarate. "F.B.I. Killed Plot in Talking Stage, a Top Aide Says," *New York Times*, June 24, 2006.

<sup>14</sup> Rabin, Charles, and Susannah A. Nesmith. "Accused Terror Plot Leader Was Once a Guardian Angel," *Miami Herald*, June 27, 2006.

<sup>15</sup> Ibid.

<sup>16</sup> Whoriskey, "Man Acquitted".

<sup>17</sup> "Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaida Pledge," Associated Press, August 23, 2009.

<sup>18</sup> Whoriskey, "Man Acquitted."

<sup>19</sup> Rabin and Nesmith, "Accused."

filed for bankruptcy in 2001.<sup>20</sup> 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.<sup>21</sup> The small construction business was described as struggling, but it employed all members of the Liberty City Seven at one point or another.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup> The Moorish Science Temple does not recognize the legitimacy of the U.S. government.<sup>25</sup>

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.<sup>26</sup> 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.<sup>27</sup> One neighbor claimed that he attempted to become a pastor at a local church, but was denied.<sup>28</sup> 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."<sup>29</sup> 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.

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<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Kirk Semple, "U.S. Falters in Terror Case Against 7 in Miami," *New York Times*, December 7, 2007.

<sup>23</sup> Emerson, *Jihad Incorporated*, 74-75.

<sup>24</sup> "Moorish Science Temple of America (religious Movement), *Britannica Online Encyclopedia*. Web.

<sup>25</sup> Amanda Ripley, "Preemptive Terror Trials: Strike Two," *Time*, December 13, 2007.

<sup>26</sup> Rabin and Nesmith, "Accused."

<sup>27</sup> Whoriskey, "Man Acquitted."

<sup>28</sup> Rabin and Nesmith. "Accused."

<sup>29</sup> Whoriskey, "Man Acquitted."

They were said to practice witchcraft<sup>30</sup> and study martial arts.<sup>31</sup> They wore uniforms with the Star of David on them and studied both the Bible and the Quran.<sup>32</sup> Neighbors interviewed after the arrests claimed that Batiste and his teachings were “intriguing” but never spoke of violence.<sup>33</sup> Many family members of the group maintained that their relatives were Christians,<sup>34</sup> and the mother of one group member even claimed that he woke up every morning and claimed that he loved Jesus.<sup>35</sup>

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.<sup>36</sup> 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.<sup>37</sup> 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 vice-versa.

There are no official reports describing Batiste or any members of the Liberty City Seven as psychologically imbalanced 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.<sup>38</sup> He said that Batiste had changed after his mother died in 2000, and that one day without a word he packed up his family, moved to Miami, and the father had not had contact with him since.<sup>39</sup> 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

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<sup>30</sup> “Families Insist Suspects Not Terrorists,” CNN.com, June 26, 2006.

<sup>31</sup> Shane and Zarate, “FBI Killed.”

<sup>32</sup> Ibid.

<sup>33</sup> Shane and Zarate, “FBI Killed.”

<sup>34</sup> “Families Insist.”

<sup>35</sup> Ibid.

<sup>36</sup> “Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaida Pledge.”

<sup>37</sup> Shane and Zarate, “FBI Killed”.

<sup>38</sup> Pincus, “FBI Role”.

<sup>39</sup> 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".<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup>

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."<sup>43</sup> He also said, "I want to fight some jihad. That's all I live for."<sup>44</sup> The result of the war would be the establishment of a Moorish state within the U.S.<sup>45</sup>

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

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<sup>40</sup> United States of America v. Batiste Et Al. United States District Court Southern District of Florida. 22 Jan. 2006, 1.

<sup>41</sup> Ripley, "Preemptive Terror."

<sup>42</sup> "Liberty City 7 Member: 'Nobody Had Heart In' Al-Qaeda Pledge."

<sup>43</sup> Shane and Zarate, "FBI Killed."

<sup>44</sup> NEFA, "Miami Plot," 7.

<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup> 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.”<sup>48</sup> 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.”<sup>49</sup> 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.<sup>50</sup> He also spoke of waging a “full ground war” against the United States with the goal of establishing a Moorish nation.<sup>51</sup> 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.<sup>52</sup> Another was that it would smash into the prison and free the Muslim prisoners.<sup>53</sup>

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.<sup>54</sup> Aside from the amateur surveillance photos of the outside

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<sup>46</sup> Emerson, *Jihad Incorporated*, 75.

<sup>47</sup> Pincus, “FBI Role.”

<sup>48</sup> NEFA, “Miami Plot,” 7.

<sup>49</sup> Shane and Zarate, “FBI Killed.”

<sup>50</sup> NEFA, “Miami Plot,” 2.

<sup>51</sup> Pincus, “FBI Role.”

<sup>52</sup> Ripley, “Preemptive Terror.”

<sup>53</sup> Ibid.

<sup>54</sup> 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 interesting 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.<sup>55</sup> 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."<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup> 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."<sup>59</sup>

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

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<sup>55</sup> Pincus, "FBI Role."

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> NEFA, "Miami Plot," 4. Ripley, "Preemptive Terror."

<sup>59</sup> 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.<sup>60</sup>

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.<sup>61</sup>

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.<sup>62</sup> 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.”<sup>63</sup>

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 Zakiyah. 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.”<sup>64</sup> 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.<sup>65</sup> Lemorin stopped going to group meetings and distanced himself from Batiste, and he and his wife moved to

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<sup>60</sup> 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,

<sup>61</sup> Pincus, “FBI Role.”

<sup>62</sup> Pincus, “FBI Role.”

<sup>63</sup> Whoriskey, “Man Acquitted.”

<sup>64</sup> Pincus, “FBI Role.”

<sup>65</sup> NEFA, “Miami Plot,” 6-7.

Atlanta and began working at a mall.<sup>66</sup> 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.”<sup>67</sup> It was at this meeting that he recorded saying “I want to fight some jihad. That’s all I live for.”<sup>68</sup>

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.”<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup> 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.<sup>73</sup> He used the money to move with his girlfriend to Miami, where he was eventually arrested on domestic battery charges.<sup>74</sup> While in jail, he called his contact at the NYPD, who put him in touch with the FBI, who helped secure his release.<sup>75</sup> 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

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<sup>66</sup> Whoriskey, “Man Acquitted.”

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ripley, “Preemptive Terror.”

<sup>70</sup> Pincus, “FBI Role.”

<sup>71</sup> Ripley, “Preemptive Terror.”

<sup>72</sup> Bob Norman, “Liberty City Seven Trial Travesty,” *Miami New Times*, November 22, 2007.

<sup>73</sup> Ibid.

<sup>74</sup> Bjelopera and Randol, “American Jihadist,” 50.

<sup>75</sup> 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.<sup>76</sup>

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.<sup>77</sup> Like Al-Saidi, Assad was also once arrested on domestic battery charges.<sup>78</sup> 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 have never been hired to work the Liberty City Seven case.<sup>79</sup> 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."<sup>80</sup> However, Judge Leonard barred Wedick's testimony and would not allow any testimony regarding Assad's failed polygraph.<sup>81</sup>

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.<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup> 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.<sup>85</sup> Overall it appears

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<sup>76</sup> Ibid.

<sup>77</sup> Bjelopera and Randol, "American Jihadist," 50.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Norman, "Trial Travesty."

<sup>81</sup> Ibid.

<sup>82</sup> "Transcript of Press Conference Announcing Florida Terrorism Indictments." NEFA, June 23, 2006.

<sup>83</sup> Pincus, "FBI Role".

<sup>84</sup> Frank Main, "Dad: Sears Tower Suspect under Spell of Man," *Chicago Sun-Times*, January 25, 2006.

<sup>85</sup> 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.<sup>86</sup> 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.<sup>87</sup> After their arrest, many relatives of the group insisted the men were Christians.<sup>88</sup>

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."<sup>89</sup> 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.<sup>90</sup> 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."<sup>91</sup> This description inaccurately depicts them as sophisticated,

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<sup>86</sup> Ibid.

<sup>87</sup> Shane and Zarate, "FBI Killed."

<sup>88</sup> Ibid.

<sup>89</sup> Main, "Dad."

<sup>90</sup> Main, "Dad."

<sup>91</sup> 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.”<sup>92</sup> 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.”<sup>93</sup>

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.”<sup>94</sup> 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.<sup>95</sup> 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.<sup>96</sup> Most articles seized on Pistole’s now popular phrase, “more aspirational than operational.”<sup>97</sup> 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.

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<sup>92</sup> O’Neil, “Terror Plot”.

<sup>93</sup> “Prepared Remarks of Attorney General Alberto R. Gonzales,” *GlobalSecurity.org*, June 23, 2006.

<sup>94</sup> “Transcript of Press Conference.”

<sup>95</sup> “Transcript of Press Conference.”

<sup>96</sup> O’Neil, “Terror Plot.” Shane and Zarate, “FBI Killed.”

<sup>97</sup> Ari Shapiro, “U.S. Arrests 7 Accused of Chicago Bomb Plot,” *NPR : National Public Radio*, 23 June 2006. “Seven Charged over ‘Chicago Plot,’ BBC News - Home. June 23, 2006. “Seven Charged in Terrorism Plot,” *PBS: 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"<sup>98</sup> and "U.S. Falters in Terror Case Against 7 in Miami."<sup>99</sup> 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."<sup>100</sup> 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.<sup>101</sup> 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."<sup>102</sup> 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.<sup>103</sup> *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."<sup>104</sup>

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."<sup>105</sup> 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

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<sup>98</sup> Pincus, "FBI Role".

<sup>99</sup> Semple, "U.S. Falters."

<sup>100</sup> Pincus, "FBI Role."

<sup>101</sup> Ibid.

<sup>102</sup> Damien Cave, "Mistrial Is Declared for 6 Men in Sears Tower Terror Case," *New York Times*, April 17, 2008.

<sup>103</sup> Cave, "Mistrial".

<sup>104</sup> Ripley, "Preemptive Terror."

<sup>105</sup> "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.<sup>106</sup> 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.<sup>107</sup> 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.<sup>108</sup> 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.<sup>109</sup>

Three lengthy, high-profile trials also drove up the cost of the case. The trials and sentencing spanned over a two year period, 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 that 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

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<sup>106</sup> "Prepared Remarks."

<sup>107</sup> Pincus, "FBI Role."

<sup>108</sup> 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.

<sup>109</sup> 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.<sup>110</sup> He still claimed to want to wage jihad,<sup>111</sup> 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

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<sup>110</sup> NEFA, "Miami Plot," 7.

<sup>111</sup> Ibid.

case of entrapment, the Sears 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.”<sup>112</sup> 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.<sup>113</sup> 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.<sup>114</sup> 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.”<sup>115</sup>

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<sup>112</sup> 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.

<sup>113</sup> 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.

<sup>114</sup> Ibid.

<sup>115</sup> 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 29). Authorities remarked on how far the FBI's role-playing has come since the earlier Miami case.<sup>116</sup> 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 Sears 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."<sup>117</sup> 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.

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<sup>116</sup> "FBI Terror Stings: Entrapment or Prevention?" *CBS News*, November 30, 2010.

<sup>117</sup> Ibid.

### Case 13: 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.”<sup>1</sup>

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.”<sup>2</sup> 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 noting 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.<sup>3</sup> 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 26).

<sup>1</sup> James Loy, “Al-Qaeda’s undimmed threat,” *Washington Post*, November 7, 2010.

<sup>2</sup> 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

<sup>3</sup> 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,<sup>4</sup> 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.<sup>5</sup> 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.

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<sup>4</sup> 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.

<sup>5</sup> Sara Kehaulani Goo, "Going the Extra Mile," *Washington Post*, April 9, 2004.

## Case 13: Bombing Transatlantic Airliners

Tyler Puhl

June 4, 2011

### 1. Overview

On August 9, 2006,<sup>1</sup> 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.<sup>2</sup>

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 the attack off. 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

### 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 ages of 17 and 36 at the time of the arrest.<sup>6</sup> While they were not all lifelong friends and

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<sup>1</sup> The arrest date varies from August 9 and August 10 because the arrests were made before and after midnight.

<sup>2</sup> Sandra Laville, Richard Norton-Taylor, and Vikram Dodd, "A plot to commit murder on an unimaginable scale," *Guardian*, August 11, 2006.

<sup>3</sup> Germain Difo, "Ordinary Measures, Extraordinary Results: An Assessment of Foiled Plots Since 9/11," American Security Project, May 2010.

<sup>4</sup> "Would-be suicide bombers jailed for life," BBC, July 12, 2010.

<sup>5</sup> Sean O'Neill, "Bomb plot leader's friends convicted of terror offences," *Times*, December 10, 2009.

<sup>6</sup> "Who are the terror plot suspects," BBC, August 11, 2006.

family members (some were),<sup>7</sup> most of those arrested are second- or third-generation British citizens hailing from the war-torn Kashmir region of Pakistan.<sup>8</sup>

It is difficult to pigeon hole the men into a specific terrorist. 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.<sup>9</sup>

Abdullah Ahmed Ali, the apparent ringleader<sup>10</sup> 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,<sup>11</sup> he attained a bachelor's degree in computer science engineering from a respectable British university,<sup>12</sup> and had a wife, Cossar Ali,<sup>13</sup> 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.<sup>14</sup>

Assad Ali Sarwar was a 28 year old dropout and is described by Bruce Hoffman as "A loser with little ambition and few prospects who is thus prime cannon-fodder for a terrorist movement looking for someone who himself is looking for some purpose or meaning for his life."<sup>15</sup> 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

<sup>7</sup> 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 Hoffman).

<sup>8</sup> Brian Bennett and Douglas Waller, "Thwarting the Airline Plot: Inside the Investigation," *Time*, August 10, 2006.

<sup>9</sup> 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.

<sup>10</sup> Gordon Corera, "Bomb Plot—the al-Qaeda connection," BBC, September 9, 2008.

<sup>11</sup> Dan Van Natta Jr., Elaine Sciolino and Stephen Grey, "Details Emerge in British Terror Case," *New York Times*, August 28, 2006.

<sup>12</sup> 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, 1106.

<sup>13</sup> "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.

<sup>14</sup> Hoffman, "Radicalization and Subversion," 1106-1107.

<sup>15</sup> Hoffman, "Radicalization and Subversion," 1107.

involvement in the Middle East. In Sarwar description, Ali had the characteristics of a leader, compared to his own weak character.<sup>16</sup>

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.<sup>17</sup>

Rashid Rauf, 25, arrested at the same time in Pakistan, was never in the UK during the planning<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> No motive has ever found named for the murder.<sup>21</sup>

### 3. Motivation

The transatlantic plotters were motivated particularly by Western foreign policy in the Middle East focused 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 they were achieving justice for past atrocities committed by Western countries and defending Islam. Considering that all the men were born in Britain, this fact reinforces their religious devotion (some would say fanaticism) to Muslims and their lands.

Authorities were given insight into the member's motivations by a set of martyrdom digital videos that explained the reasons for the attacks.<sup>22</sup> These were recorded by Assad Sarwar and recovered after the arrests were made,<sup>23</sup> although MI5 had followed and recorded the men for three months<sup>24</sup> including the period when the tapes were being made.<sup>25</sup> Six of the men recorded seven martyr videos,<sup>26</sup> 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 language spoken was English, making the concept of killing Westerners especially ironic or peculiar.<sup>27</sup>

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<sup>16</sup> Peter Walker and Vikram Dodd, "Video tirades seal case against liquid bomb plot," *Guardian*, September 9, 2008.

<sup>17</sup> "Airliner bomb pilot: Profiles," *Guardian*, September 7, 2009.

<sup>18</sup> Though his exact whereabouts were unknown, it is widely suspected that Rauf was in Pakistan.

<sup>19</sup> NEFA Foundation, "Bojinka II: The Transatlantic Liquid Bomb Plot," April 2008, 11.

<sup>20</sup> Ian Cobain and Matthew Weaver, "Rashid Rauf," *Guardian*, November 22, 2008.

<sup>21</sup> Ian Cobain, "The mysterious disappearance of an alleged terrorist mastermind," *Guardian*, January 8, 2008.

<sup>22</sup> Hoffman, "Radicalization and Subversion," 1105.

<sup>23</sup> Walker and Dodd, "Video Tirades."

<sup>24</sup> The three months MI5 investigated the men in operation Overt were May, June and July, and arrests were made on August 9, 2006.

<sup>25</sup> Walker and Dodd, "Video Tirades."

<sup>26</sup> Natta Jr., Sciolino and Grey, "Details Emerge."

<sup>27</sup> Walker and Dodd, "Video Tirades." Some of the words in the tapes are inaudible or in another language, which made 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."

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, brave and 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."<sup>28</sup> It is strange that his opening of the outburst is about himself and 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. The last excerpt shows where authorities may have incriminated Ali. 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.<sup>29</sup> As noted earlier, Sarwar viewed Ali as having leading characteristics, while Sarwar viewed himself to have a "weak character."<sup>30</sup> 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 operation should be done "again and again until people come to their senses and realize, don't mess with Muslims."<sup>31</sup>

None of the members mentioned spoke of their hatred of Western ideals. It appears that most of those involved on a problem with American or British foreign policy in the Middle East which constituted, as one of the tapes puts it, waging "war against Muslims."<sup>32</sup> Some terrorists and groups may be motivated by their shear 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."<sup>33</sup>

#### 4. Goals

The plotters' motivations are clear, but the goals they hoped to accomplish with their martyrdom are much more vague. There is no mention anywhere on the tapes of the plot itself. That is, none of the six men<sup>34</sup> taped mentioned any specific, concrete act they would commit in order to garner an achievement in their eyes.<sup>35</sup>

<sup>28</sup> Hoffman, "Radicalization and Subversion," 1105.

<sup>29</sup> Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton: Princeton University Press, 2009, 14-15.

<sup>30</sup> Walker and Dodd, "Video Tirades."

<sup>31</sup> Walker and Dodd, "Video Tirades."

<sup>32</sup> 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.

<sup>33</sup> Hoffman, "Radicalization and Subversion," 1105.

<sup>34</sup> Natta Jr., Sciolino and Grey, "In Receipts."

<sup>35</sup> Walker and Dodd, "Video Tirades."

However, it seems clear from the tapes that the goal of the transatlantic plot was to exert pain upon the West by exposing, and counteracting, what the plotters viewed as political wrongdoing in foreign policy and to obtain 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 as well.

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."<sup>36</sup> 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, other wise expect floods of martyr operations against you and we will take our revenge and anger."<sup>37</sup> 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 British policies in Iraq, Afghanistan and Lebanon.<sup>38</sup> This defense obviously proved futile.

## 5. Plans for violence

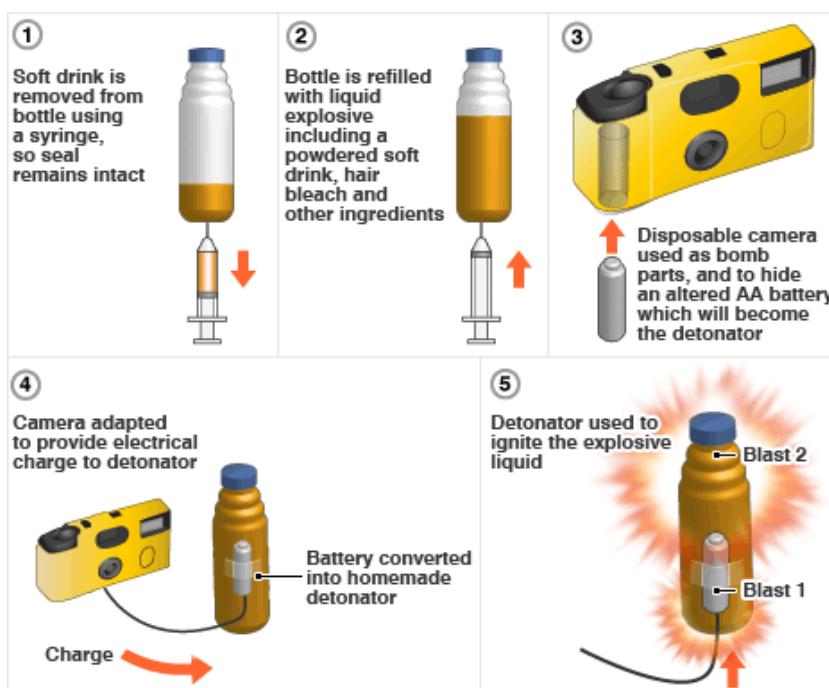
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<sup>36</sup> NEFA, "Bojinka II."

<sup>37</sup> Hoffman, "Radicalization and Subversion," 1105.

<sup>38</sup> Hines, "Terror mastermind guilty."

The means to be employed in the terrorist act were as sophisticated as they were simple.<sup>39</sup> The bombs, to be detonated in midflight, would be homemade and each bomber would carry the necessary products needed to create and detonate them.<sup>40</sup>



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,<sup>41</sup> used so as to not tamper with the factory sealed top of the drink.<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup> The key, though, is that the liquids must be able to pass through airport security, so these ingredients should be commercially available.<sup>45</sup> The main ingredient in the mixture would be hydrogen peroxide<sup>46</sup> mixed with other organic materials. To increase the power of the explosion, the sugary drink Tang was to be added.<sup>47</sup>

<sup>39</sup> Hoffman, “Radicalization and Subversion,” 1105.

<sup>40</sup> “Airliners Plot: The Allegations,” BBC, April 3, 2008.

<sup>41</sup> From “Three guilty of airline bomb plot,” BBC, September 7, 2009.

<sup>42</sup> 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 covered with great understanding.

<sup>43</sup> Dodd, “Drink.”

<sup>44</sup> Richard Edwards and Duncan Gardham, “Airline terror plot: The bomb-making plan,” *Telegraph*, April 3, 2008.

<sup>45</sup> Hoffman, “Radicalization and Subversion,” 1105.

<sup>46</sup> 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.

<sup>47</sup> Transportation Security Administration, “UK Liquid Explosives Plot Trial Overview,” September 7, 2009.

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 HMTD<sup>48</sup> (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.<sup>49</sup> 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.<sup>50</sup>

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.<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup>

Police believe plans were first drawn up during Ali’s several trips to the lawless region on the border of Pakistan and Afghanistan,<sup>54</sup> but it is unclear whether the idea came from Ali or an al-Qaeda member in Pakistan. The plan was finalized during a trip to Pakistan in 2005, according to counter-terrorism officials.<sup>55</sup> 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.<sup>56</sup>

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.<sup>57</sup> Many

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<sup>48</sup> 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.

<sup>49</sup> Edwards and Gardham, “Bomb-making plot.”

<sup>50</sup> Dodd, “Drink.”

<sup>51</sup> Sebastian Rotella, “Britain Looks for Links to Transit Blasts,” *Los Angeles Times*, August 15, 2006.

<sup>52</sup> TSA, “UK Trial.”

<sup>53</sup> Hoffman, “Radicalization and Subversion,” 1106.

<sup>54</sup> Hines, “Terror mastermind.”

<sup>55</sup> “Airline Bomb Plot Profiles,” *Telegraph*, September 7, 2009.

<sup>56</sup> Corera, “al-Qaeda connection.”

<sup>57</sup> “Airline Bomb Plot Profiles.”

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 making<sup>58</sup> and of purchasing material for the bombs,<sup>59</sup> as well as video taping the martyrdom videos.<sup>60</sup>

Ali's apartment was purchased, in cash, for \$250,000 in June of 2005, and it became the venue for a bomb-making factory<sup>61</sup> and the recording of the martyrdom tapes.<sup>62</sup> While Ali was living in the apartment he codified his plans in his handwritten diary. During the trial, pages taken from this contained incriminating evidence about the planning and execution of the plot, as well as about the clever bits about getting through airport security, such as pornographic magazines and condoms.<sup>63</sup>

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.<sup>64</sup> In the months that followed, investigators found evidence on a computer memory stick belonging to Ali that indicated Ali had identified seven flights across four different airlines, all leaving from Heathrow Airport in London, that he wanted to attack: Air Canada, American Airlines, and United Airlines flight to San Francisco, Toronto, Montreal, Washington D.C., and New York City, and two to Chicago.<sup>65</sup> 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.<sup>66</sup> 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.<sup>67</sup>

These large planes (777, 767 or 763 jets) were carrying between 241 and 285 each.<sup>68</sup> Some analysts and reports estimated that the attacks could have led to thousands of more deaths if they brought down over American cities.<sup>69</sup> 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."<sup>70</sup>

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<sup>58</sup> TSA, "UK Trial."

<sup>59</sup> Hoffman, "Radicalization and Subversion," 1107.

<sup>60</sup> Hoffman, "Radicalization and Subversion," 1107.

<sup>61</sup> NEFA, "Bojinka II," 7.

<sup>62</sup> Hoffman, "Radicalization and Subversion," 1107.

<sup>63</sup> TSA, "UK Trial."

<sup>64</sup> NEFA, "Bojinka II," 3.

<sup>65</sup> "Airliner's Plot: The Allegations."

<sup>66</sup> TSA, "UK Trial."

<sup>67</sup> Duncan Gardham, "Airline terror trial: The bomb plot to kill 10,000 people," *Telegraph*, September 7, 2009.

<sup>68</sup> "Airliner's Plot: The Allegations."

<sup>69</sup> There is a discrepancy to whether the terrorists planned to bring the planes down over land or 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's report of the trial claims that, "The liquid explosives would have been detonated while flying over the Atlantic Ocean."

Therefore, it is unclear to determine the target location of the detonation.

<sup>70</sup> Gardham, "Plot to kill 10,000."

Commercial aviation was not the only target researched by the London terrorist group. During the trial, the prosecution characterized their ambitions as “limitless,”<sup>71</sup> 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.<sup>72</sup>

Many have been skeptical of the feasibility of the airline plot and believed 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.<sup>73</sup> 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.<sup>74</sup> 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 showed Sarwar disposing of a large amount of hydrogen peroxide bottles at a recycling site, suggesting that preparations and experimenting may have been undertaken.<sup>75</sup> Moreover, when asked what the time frame was by a conspirator, Ali responded by saying, “a couple of weeks.”<sup>76</sup> 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 easier and less dangerous mixture to detonate. Additionally, as noted, Sarwar showed extensive skill in working with hydrogen peroxide during the trial.<sup>77</sup>

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.<sup>78</sup> 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

<sup>71</sup> Richard Edwards, Gordon Rayner and Duncan Gardham, “Terror suspects planned nuclear station strike,” *Telegraph*, April 4, 2008.

<sup>72</sup> Hoffman, “Radicalization and Subversion,” 1106.

<sup>73</sup> Patrick Smith, “Ask the Pilot,” *Salon.com*, September 15, 2006.

<sup>74</sup> “Timetable for Passport Applications,” Identity and Passport Services UK.

<sup>75</sup> Dominic Casciani, “Liquid bomb plot: What happened,” BBC, September 9, 2008.

<sup>76</sup> Duncan Gardham, “Airline bomb plot: investigation one of the biggest since WWII,” *Telegraph*, September 8, 2009.

<sup>77</sup> Vikram Dodd, “The drink that could have downed a plane,” *Guardian*, September 7, 2009.

<sup>78</sup> “Three guilty of airline plot,” BBC, September 7, 2009.

plane, but it still returned safely to Hong Kong.<sup>79</sup> 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.<sup>80</sup> 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 phones 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.<sup>81</sup>

There are also problems with the notion that if the planes had been blown 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.<sup>82</sup> 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.<sup>83</sup> 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 killed on the ground.<sup>84</sup> 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.<sup>85</sup>

The investigation took everything that the British authorities had. On July 5, 2006, MI5 devoted all available resources to the investigation, named Operation

<sup>79</sup> “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.

<sup>80</sup> Craig Skehan, “Valve in Oxygen Cylinder the Culprit of 747 Explosion”, *The Age*, July 29, 2008.

<sup>81</sup> Susan Sward, “The voice of the survivors,” *San Francisco Chronicle*, April 21, 2002.

<sup>82</sup> M. M. Charles, “Aircraft Accident Report No 2/90 (EW/C1094),” Department of Transportation, December 21, 1988.

<sup>83</sup> Doug Alexander and Chris Dolmetsch, “Continental Plane Reported Icing Before Crashing,” Bloomberg News, February 19, 2009.

<sup>84</sup> “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.

<sup>85</sup> Van Natta, Sciolino and Grey, “In Receipts.”

Overt. 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.<sup>86</sup>

## 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.<sup>87</sup> According to Hoffman, authorities were greatly helped by this informant.<sup>88</sup> 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 more than a year of surveillance before the terrorist group was arrested.<sup>89</sup> During the operation, authorities heard the terrorists discuss smuggling bombs onto a plane, making martyrdom videos and talking of hydrogen peroxide.<sup>90</sup>

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 for this insufficient amount of information distributed: tight-lipped British trial procedure and the extensive use of audio and video surveillance. 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.<sup>91</sup>

## 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.

<sup>86</sup> Gardham, "WWII." The paragraph derives from Gardham's extremely detailed work.

<sup>87</sup> "Agent infiltrated terror cell," CNN, August 10, 2006.

<sup>88</sup> NEFA, "Bojinka II," 15.

<sup>89</sup> "Hunt for Rashid Rauf that ended with hellfire," *Sunday Times*, November 23, 2008.

<sup>90</sup> Duncan Gardham, "Airline Bomb Plot: investigation 'one of biggest since WW2,'" *Telegraph*, September 8, 2009.

<sup>91</sup> Hoffman, "Radicalization and Subversion," 1110.

Tablighi Jamaat is a Pakistani-based missionary organization that ties several individuals from this plot together.<sup>92</sup> 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."<sup>93</sup> 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, a former schoolteacher of Ali noticed he had a growing Islamic militancy.<sup>94</sup> 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.<sup>95</sup>

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.<sup>96</sup> It is claimed that after a Pakistani earthquake, funds donated to help these struggling people may have been funneled to conspirators.<sup>97</sup>

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.<sup>98</sup> 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.<sup>99</sup>

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.<sup>100</sup> 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

<sup>92</sup> "Bojinka II," NEFA 17.

<sup>93</sup> Susan Sachs, "A Muslim Missionary Group Draws New Scrutiny in US," *New York Times*, July 14, 2003.

<sup>94</sup> Hoffman, "Radicalization and Subversion," 1106.

<sup>95</sup> Hoffman, "Radicalization and Subversion," 1110.

<sup>96</sup> NEFA, "Bojinka II," 12.

<sup>97</sup> Brian Ross and Vic Walter, "Islamic Charity's Assets Frozen for Alleged Connection to Terrorism," ABC News, August 24, 2006.

<sup>98</sup> Corera, "al-Qaeda connection."

<sup>99</sup> NEFA, "Bojinka II," 14.

<sup>100</sup> NEFA, "Bojinka II," 14. DHS Secretary Michael Chertoff said 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.

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.<sup>101</sup> 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.<sup>102</sup>

## 8. Relation to the Muslim community

Britain has a substantial minority of Muslims living in the state, comprising some 4 percent of the total population of Britain,<sup>103</sup> whereas the Muslim population makes up about 0.8 percent of the population of the United States.<sup>104</sup> 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, 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.<sup>105</sup>

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.<sup>106</sup>

Several members of this plot are known to have frequented the Queen's Road Mosque, where Ali, the plot leader, was a regular member.<sup>107</sup> There is a question into how these mosques affect the radicalization young men and 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."<sup>108</sup> The Masjid-E-Umer Mosque served as another contact for the British suspects.<sup>109</sup> 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.

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<sup>101</sup> Corera, "al-Qaeda connection."

<sup>102</sup> NEFA, "Bojinka II," 10.

<sup>103</sup> Richard Kerbaj, "Muslim population rising 10 times faster than population," *Times*, January 30, 2009.

<sup>104</sup> "Mapping the Global Muslim Population," Pew Research Center, October 2009.

<sup>105</sup> Rotella, "Link."

<sup>106</sup> See Connections section for all sources and information.

<sup>107</sup> Duncan Gardham, "Biggest investigation since WWII," *Telegraph*, September 8, 2009.

<sup>108</sup> Jason Burke, "Muslim anger: the real story," *Guardian*, August 20, 2006.

<sup>109</sup> NEFA, "Bojinka II," 17.

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."<sup>110</sup> 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.<sup>111</sup> Muslim community leaders warned that a third case of unfounded or exaggerated allegations would enhance the growing bitterness of British Muslims.<sup>112</sup>

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 to it in that there is evidence there is a growing number of Muslims believing British foreign policy ignores their concerns, which in turn leads 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. Muslim leaders pointed out the British participation in Iraq and Lebanon as a reason for radicalization of young Muslims as well.<sup>113</sup> 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.<sup>114</sup> The British government was unmoved, and transport Minister replied, "Frankly, no government worth its salt would allow its foreign policy to be dictated under the threat of terrorism."<sup>115</sup> Also relevant is that France and Germany, countries that have not taken military action in Iraq, face a similar threat from Islamic militants.<sup>116</sup>

## 9. Depiction by the authorities

After the arrests authorities announced 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 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."<sup>117</sup> However, as more evidence came out in the months after the arrests, many came to wonder whether this dire language was needed.

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<sup>110</sup> "Muslims Skeptical of Airline Plot," 9 News, August 11, 2006.

<sup>111</sup> Murphy, "Bomb Plot Immense."

<sup>112</sup> Kim Murphy, "Bomb Plot Evidence 'Immense' British Say," *Los Angeles Times*, August 22, 2006.

<sup>113</sup> Kim Murphy and Josh Meyer, "More Suspects Sought in Alleged Bomb Plot," *Los Angeles Times*, August 13, 2006.

<sup>114</sup> "Muslim letter 'misjudged'—Reid," BBC, August 13, 2006.

<sup>115</sup> Murphy and Meyer, "Suspects Sought."

<sup>116</sup> Burke, "Muslim Anger."

<sup>117</sup> NEFA, "Bojinka II," 7.

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 or preventing the plotters of 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 arrest, perhaps out of fear that those arrested might inform on them.<sup>118</sup> After the arrests, however, no more suspects were detained.

The group was under surveillance for months by British, American and Pakistani security agencies,<sup>119</sup> and there was a massive amount of intelligence in hand. Considering all this, it seems that the language and rhetoric used by officials was alarmist and overstated the potential danger. There was no 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.<sup>120</sup> 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 the 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."<sup>121</sup>

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.<sup>122</sup>

## 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

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<sup>118</sup> Sandra Laville, Richard Norton-Taylor, and Vikram Dodd, "A plot to commit murder on an unimaginable scale," *Guardian*, August 11, 2006.

<sup>119</sup> John Judis, "Fear Factor," *New Republic*, September 5, 2006.

<sup>120</sup> Philip Shenon and Neil A. Lewis, "British were willing to wait," *New York Times*, August 13, 2006.

<sup>121</sup> Bill Durodie, "Terrorism Expert of UK Plot," *Australian Broadcasting Company*, August 11, 2006.

<sup>122</sup> Judis, "Fear Factor." Judis describes this as a mere speculation.

officials, the number of flights targeted by the plotters ranged widely.<sup>123</sup> 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 operatives<sup>124</sup> 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 imminency 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.”<sup>125</sup> Once the media started to question the government on the imminency and likelihood of success of the attack, reporting started to become more coherent and rational.<sup>126</sup> 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.<sup>127</sup> 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 USC 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.<sup>128</sup> 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 those security measures cost their company £100m, while Easy and Ryanair also

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<sup>123</sup> NEFA, “Bojinka II,” 3-4.

<sup>124</sup> NEFA, “Bojinka II,” 4.

<sup>125</sup> Judis, “Fear Factor.”

<sup>126</sup> 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.

<sup>127</sup> Gardham, “WWII.” Gardham’s article is a virtual encyclopedia for the costs of the work that went into foiling the plot.

<sup>128</sup> “Airline bomb plot by the numbers,” *Telegraph*, September 7, 2009.

announced massive losses.<sup>129</sup> 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.<sup>130</sup>

## 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 for overseas communication and for gathering logistical information including about flight schedules, although these uses were also a vital source of intelligence for counterterrorism officials, helping them to foil the devastating operation. Kip Hawley, head of the Transportation Security Administration, said, “they were clicking online all over the place.”<sup>131</sup>

Communication with Rashid Rauf in Pakistan was accomplished daily through email<sup>132</sup> and phone calls.<sup>133</sup> Rauf offered advice and encouragement while maintaining his connections to al-Qaeda operatives in Pakistan. British authorities intercepted these emails and they were imperative 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.<sup>134</sup> Authorities were given a high incentive to act when internet traffic increased heavily and certain men disappeared from the intelligence radar.<sup>135</sup> 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.”<sup>136</sup> The world is clearly safer with Ali,

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<sup>129</sup> NEFA, “Bojinka II,” 21-22.

<sup>130</sup> NEFA, “Bojinka II,” 22.

<sup>131</sup> NEFA, “Bojinka II,” 6.

<sup>132</sup> 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.

<sup>133</sup> Gardham, “WWII.”

This article was one of the only reports to have the emails between Rauf and the plotters.

<sup>134</sup> Gardham, “WWII.”

<sup>135</sup> Philip Webster, Sean O’Neill, and Stewart Tendler, “A ‘plan to commit unimaginable mass murder,’ *Times*, August 11, 2006.

<sup>136</sup> Hoffman, “Radicalization and Subversion,” 1105.

Tanvir Hussain, Sarwar,<sup>137</sup> Savant, Khan, Zaman,<sup>138</sup> Khatib, Uddin and Nabeel Hussain<sup>139</sup> 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,<sup>140</sup> the counterterrorism officials showed its 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.

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 this would make travel 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. After the ban on liquids, airports saw a 20% surge in checked luggage, and airport screeners have been forced to hurry so that checked bags may not be properly inspected for explosives or other dangerous materials thereby actually decreasing security.<sup>141</sup>

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 terrorist 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.<sup>142</sup> In his work, Schneier has both scolded the work of airport security and lauded that of investigative teams because he views that 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 assumption about Al Qaeda’s capabilities and intentions, given that the movement seems undeterred from the same grand homicidal ambitions it demonstrated on 9/11.”<sup>143</sup>

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<sup>137</sup> 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 by the press. I have cited numerous works by him in the paper that are enormously insightful.

<sup>138</sup> “Would be suicide bombers jailed for life,” BBC, July 12, 2010.

<sup>139</sup> Sean O’Neill, “Bomb plot leader’s friends convicted of terror offences,” *Times*, December 10, 2009.

<sup>140</sup> Patrick Smith, “Ask the Pilot,” *Salon.com*, September 15, 2006.

<sup>141</sup> Thomas Frank, “Checked luggage strains security,” *USA Today*, August 24, 2006.

<sup>142</sup> Bruce Schneier, “Bruce Schneier: Focus on terrorists, not tactics,” *Minneapolis-St. Paul Star Tribune*, August 12, 2006.

<sup>143</sup> Hoffman, “Radicalization and Subversion,” 1111.

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 a future attempt for 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, 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.<sup>144</sup> 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, only different in the name of the oceans, Atlantic and Pacific.<sup>145</sup>

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.<sup>146</sup> Though she does not reference this transatlantic case, her work can be applied to the role of Abdullah Ahmed Ali.<sup>147</sup>

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.<sup>148</sup> 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

<sup>144</sup> NEFA, "Bojinka II," 21.

<sup>145</sup> NEFA, "Bojinka II," 20-21. All information from this section was found in this source.

<sup>146</sup> Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*. Princeton: Princeton University Press, 2009, 14-15.

<sup>147</sup> Rashid Rauf may have helped connect the plotters to al-Qaeda operatives in Pakistan that may have come up with the plan, but Ali was the operational leader in the UK.

<sup>148</sup> Max Abrahms, "What Terrorists Really Want," *International Security*, Spring 2008, 95-96.

foreign policy,<sup>149</sup> 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 hearts 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 if there was no counterterrorism work being completed against them potentially leading to the deaths of 1750 passengers<sup>150</sup> 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<sup>151</sup> was unparalleled. Their commitment to 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.

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<sup>149</sup> Nico Hines, "Terror mastermind Abdulla Ahmed Ali guilty of bomb plot," *Times*, September 8, 2008.

<sup>150</sup> Not including any that might be killed on the ground if the planes were bombed over land.

<sup>151</sup> Credit should also be given to the US and Pakistan for their work in gathering intelligence.

### Case 14: 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-Jihad, 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." It's a thought.<sup>1</sup>

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<sup>1</sup> 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 14: Rockford Mall

David Bernstein

June 4, 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.<sup>1</sup>

The plot began when Shareef informed an unknown acquaintance that he ““he wanted to commit acts of violent jihad against targets in the United States as well as commit other crimes.””<sup>2</sup> This acquaintance, who has never been identified in public reports, immediately reported Shareef’s behavior to the FBI immediately reported Shareef’s behavior to the FBI, who 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.<sup>3</sup> Shareef, who had bounced around places to live, accepted the invitation and, according to the informant, began discussing jihad early on in their relationship.<sup>4</sup>

After two months of friendship, Shareef told the informant, who went by the name of Jamaal but was later identified as William Chrisman,<sup>5</sup> of his intent to carry out an act of terrorism.<sup>6</sup> After discussing many potential targets for an attack with the informant that included 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.<sup>7</sup> During the first walk-through of the mall on November 30, Shareef concluded that he could cause great damage by

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<sup>1</sup> “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](http://www.nefafoundation.org/miscellaneous/Chicago/DOJPR_Indictment.pdf).

<sup>2</sup> Mike Robinson, “Man Charged With Planning Mall Attack,” AP Online, December 9, 2006.

<sup>3</sup> John Christofferson, “Hearing Shows Informant’s Work,” Associated Press, December 1, 2007.

<sup>4</sup> Christofferson, “Hearing.”

<sup>5</sup> Guy Lawson, “The Fear Factory,” *Rolling Stone*, February 7, 2008. Christofferson, “Hearing.”

<sup>6</sup> U.S. v. Abu-Jihad, (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-Jihad\\_FBIInvus.pdf](http://nefafoundation.org/file/FeaturedDocs/U.S._v_Abu-Jihad_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-Jihad. Also included is an FBI interview with Shareef.

<sup>7</sup> U.S. v. Abu-Jihad, Chrisman, interview.

throwing grenades at intervals around the mall with Chrisman's help. Shareef and the source picked December 22, 2006 as the attack day because the Friday would be one of the busiest times for the mall of the entire year. 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 by the after placing the dub weapons in Chrisman's trunk.<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup> On September 30, 2008, Shareef was sentenced for 35 years for attempting to use a weapon of mass destruction.<sup>11</sup>

## 2. Nature of the adversary

Derrick Shareef, also known as Talib Abu Salam Ibn Shareef, was born on September 30, 1984.<sup>12</sup> Information on his early life is limited, but his mother, Marie Dunn,<sup>13</sup> said that they moved around a lot as a family.<sup>14</sup> As a child, Shareef's parents were divorced and he was raised by his mother, who eventually remarried. His mother is a self-described Christian, but allowed her children to pursue whichever religion they felt comfortable with.<sup>15</sup> At age sixteen, Shareef, an African-American, decided to convert to his father's religion, Islam, while living in Detroit.<sup>16</sup> Shareef's father was also a member of the Nation of Islam.<sup>17</sup> According to his mother, Shareef lacked a proper male role model once his parents divorced and "got linked with the wrong crowd" and became "radical."<sup>18</sup> His mother also has said that when he started to become radical, he began to wear traditional Muslim clothing, which made the family uncomfortable because they

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<sup>8</sup> Andrew Harris, "U.S. Charges Illinois Man With Plotting Mall Attack," Bloomberg News, December 8, 2006.

<sup>9</sup> Robinson, "Man Charged".

<sup>10</sup> "Rockford Man Pleads Guilty in Foiled Plan to Set Off Grenades in Rockford Shopping Mall," Department of Justice Press Release, November 28, 2007, [http://nefafoundation.org/miscellaneous/FeaturedDocs/U.S.\\_v\\_Shareef DOJPR\\_GuiltyPlea.pdf](http://nefafoundation.org/miscellaneous/FeaturedDocs/U.S._v_Shareef DOJPR_GuiltyPlea.pdf).

<sup>11</sup> Nicole Vrsansky, "24 Year Old Derrick Shareef Sentenced to 35 Years In Prison," WIFR.com, September 30, 2008.

<sup>12</sup> U.S. v. Abu-Jihad, Chrisman, interview.

<sup>13</sup> Shareef's mother is also called Marie Schultz in many news articles, she remarried a man named Schultz.

<sup>14</sup> 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.

<sup>15</sup> Lisa Smith, "Suspect had mother worried," *Chicago Daily Herald*, December 9, 2006.

<sup>16</sup> Korecki et al., "Mall a terror target"

<sup>17</sup> "Illinois Man Sentenced for Planning Holiday Mall Attack," ADL.org, October 13, 2008.

<sup>18</sup> Leonard M. Fleming, "Guilty plea in plot to blow up Rockford mall," *Chicago Sun-Times*, November 29, 2007.

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 developing into a young jihadist was his relationship with Hassan Abu-Jihad, 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.<sup>19</sup> Abu-Jihad gave Shareef a ride home from the Islamic Community Center of Phoenix. They immediately bonded, and Shareef shortly later accepted an offer from Abu-Jihad to move in with him.<sup>20</sup> While living with Abu-Jihad from, Shareef experienced both positive and negative motivation from Abu-Jihad, who Shareef grew to view as a brother and mentor.<sup>21</sup> At age 18, Shareef had not finished school, but Abu-Jihad convinced him to get his G.E.D. Shareef also later enrolled for a time in community college classes before he had to stop because of lack of funds to pay for it. When they met, Shareef expressed a desire to move to Sudan, but when Abu-Jihad questioned Shareef's intentions for moving, he changed his mind.<sup>22</sup> Abu-Jihad even tried to convince Shareef to enlist in the Navy, which Abu-Jihad 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. However, Abu-Jihad also 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 his only police record turned up four traffic tickets issued by the DeKalb County Courthouse, where Shareef lived from 2005 to 2006, and were for minor incidents such as driving without a license and driving without insurance.<sup>23</sup> 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."<sup>24</sup> 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-Jihad. 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

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<sup>19</sup> U.S. v. Abu-Jihad, 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."

<sup>20</sup> U.S. v. Abu-Jihad, Chrisman, interview.

<sup>21</sup> U.S. v. Abu-Jihad, Chrisman, interview.

<sup>22</sup> U.S. v. Abu-Jihad, Chrisman, interview.

<sup>23</sup> Corina Curry, "Little known about would-be terrorist," *Rockford Register Star*, December 9, 2006 and updated November 28, 2007.

<sup>24</sup> 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.<sup>25</sup> According to his defense attorney, Shareef has now become the Imam of the Metropolitan Correctional Facility, where he is serving his sentence.<sup>26</sup> 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 from his initial 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.”<sup>27</sup> 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. Shareef eventually came to feel that Abu-Jihaad had “become soft,” and then returned to Illinois.<sup>28</sup>

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.” Because he was taught “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 of 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 FBI recorded conversations with Chrisman, after the war Shareef began to seriously plan and scope out synagogues in DeKalb County where he could assassinate a Rabbi in retribution to Israeli action against Muslims in Lebanon. Ultimately, however, he decided against it.<sup>29</sup>

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<sup>25</sup> Jeff Coen, “Man Gets 35 Years in ’06 Terror Plot,” *Chicago Tribune*, October 1, 2008.

<sup>26</sup> Mike Robinson, “35 years for man who offered speakers for grenades,” USA Today, September 30, 2008.

<sup>27</sup> 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.

<sup>28</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>29</sup> 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.”<sup>30</sup> 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.”<sup>31</sup> 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.”<sup>32</sup> 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.<sup>33</sup> Educated on Islamic websites and an avid reader of propagandist sources, Shareef had said that he had been on edge for a year, and the 2006 Israeli-Lebanese War pushed him over the edge.<sup>34</sup> As Shareef began to conduct surveillance on CherryVale Shopping Mall, he 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.<sup>35</sup> 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.<sup>36</sup> 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.”<sup>37</sup> Through this video, Shareef shows that he was motivated by trying to bring fear

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<sup>30</sup> Michael P. Mayko, “FBI Informant Testifies in Terror Case,” *Connecticut Post*, November 30, 2007.

<sup>31</sup> Ben Bradley, “Special Segment: The Making of a Terrorist,” WLS News, February 15, 2011.

<sup>32</sup> 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](http://nefafoundation.org/file/FeaturedDocs/U.S._v_Shareef_Complaint.pdf). This is the original complaint from the government against Derrick Shareef.

<sup>33</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>34</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 4.

<sup>35</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 5.

<sup>36</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>37</sup> 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 enumerated. 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.<sup>38</sup>

#### 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.<sup>39</sup> 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.<sup>40</sup>

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.<sup>41</sup> 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.<sup>42</sup> 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.<sup>43</sup>

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.<sup>44</sup> However, he did not

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<sup>38</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>39</sup> Christofferson, "Hearing."

<sup>40</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>41</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>42</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 1.

<sup>43</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 2.

<sup>44</sup> 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.<sup>45</sup> During this planning, Shareef showed no concern that he would be killing women and instead for justification from an online video that this is allowed when carrying out jihad.<sup>46</sup>

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 for his plan to attack the mall.<sup>47</sup>

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

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<sup>45</sup> [en.wikipedia.org/wiki/M67\\_grenade](http://en.wikipedia.org/wiki/M67_grenade)

<sup>46</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 2-3.

<sup>47</sup> 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.<sup>48</sup>

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.<sup>49</sup>

When Chrisman said that all he would need is \$100, Shareef still could not come up with that amount of money.<sup>50</sup> 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"<sup>51</sup> 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.<sup>52</sup>

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, who was 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.<sup>53</sup>

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<sup>48</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 1-5.

<sup>49</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 2-3.

<sup>50</sup> Lawson, "The Fear Factory," 62.

<sup>51</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>52</sup> U.S. v. Shareef, (N.D. IL), No. 06-CR-919, Complaint, Filed December 8, 2006.

<sup>53</sup> 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."<sup>54</sup> 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.<sup>55</sup>

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.<sup>56</sup>

## 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.<sup>57</sup> 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

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<sup>54</sup> "Federal Task Force Arrest Rockford Man in Foiled Plan."

<sup>55</sup> "Federal Task Force Arrest Rockford Man in Foiled Plan."

<sup>56</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>57</sup> 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.<sup>58</sup> After September 11, 2011, Chrisman 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.”<sup>59</sup>

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.<sup>60</sup> 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.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup>

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.<sup>64</sup> 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

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<sup>58</sup> Christofferson, “Hearing.”

<sup>59</sup> Mayko, “FBI Informant.”

<sup>60</sup> Christofferson, “Hearing.”

<sup>61</sup> U.S. v. Abu-Jihad, Chrisman, interview, 2-3.

<sup>62</sup> U.S. v. Abu-Jihad, Chrisman, interview, 4.

<sup>63</sup> Lawson, “The Fear Factory,” 62.

<sup>64</sup> U.S. v. Abu-Jihad, Chrisman, interview, 8-9.

guilty.<sup>65</sup> However, in court, Shareef argued that he was “coerced and trapped into doing things.”<sup>66</sup> 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).<sup>67</sup>

For his work as an undercover informant, Chrisman has been described by the FBI as a reputable and valuable asset.<sup>68</sup> 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.<sup>69</sup> Although it is unknown if Chrisman is continuing has continued his work with the FBI since 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.<sup>70</sup>

## 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

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<sup>65</sup> Lawson, “The Fear Factory,” 65.

<sup>66</sup> Lawson, “The Fear Factory,” 65.

<sup>67</sup> Mayko, “FBI Informant.”

<sup>68</sup> Christofferson, “Hearing.”

<sup>69</sup> Mayko, “FBI Informant.”

<sup>70</sup> 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.”<sup>71</sup>

## 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].”<sup>72</sup> Grant also accurately described Shareef’s plot as “unsophisticated” immediately after his arrest.<sup>73</sup> 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.<sup>74</sup>

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.<sup>75</sup> 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.”<sup>76</sup> 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 “wanna-be jihadi” and incapable of causing violence without the assistance of the FBI undercover informant. In a published letter-to-the-editor 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

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<sup>71</sup> Robinson, “Man Charged.”

<sup>72</sup> “Federal Task Force Arrest Rockford Man in Foiled Plan.”

<sup>73</sup> Harris, “U.S. Charges.”

<sup>74</sup> Bradley, “Making of a Terrorist.”

<sup>75</sup> 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.

<sup>76</sup> 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.<sup>77</sup> 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 Robinson<sup>78</sup> 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.<sup>79</sup>

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 has received more media attention when 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 settle on the price of two stereo speakers.<sup>80</sup> 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 if the FBI had not come up with the idea for the swap. 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."<sup>81</sup> According to Bradley, Shareef is arguing that he was

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<sup>77</sup> John J. Miller, "FBI Response to Rolling Stone Magazine Article," *Rolling Stone*, February 22, 2008.

<sup>78</sup> Robinson, "Man Charged."

<sup>79</sup> Rob Olmstead and Joseph Ryan, "FBI thwarts mall attack: Arrest made in Rockford area," *Chicago Daily Herald*, December 9, 2006.

<sup>80</sup> Lawson, "The Fear Factory," 62.

<sup>81</sup> Bradley, "Making of a Terrorist."

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.<sup>82</sup>

## 11. Policing costs

Total policing and trial costs entailed by the Rockford plot have never been explicitly stated. 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 years in prison. For two months, the FBI paid informant Chrisman to report on Shareef's discussions and behavior. Chrisman was paid \$8,500 for approximately two months of work for this investigation.<sup>83</sup> Additionally, FBI agents were used for surveillance when Shareef and Chrisman were conducting reconnaissance trips to the CherryVale Shopping Mall. Also, an undercover FBI agent posed as Chrisman's weapon-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.<sup>84</sup> According to the Rockford police chief in December 2006, the cooperation between the levels of law enforcement in Illinois were "not good."<sup>85</sup> In "The Fear Factory," Lawson argues that the FBI consumed a huge amount of resources to bring about a conviction of Shareef, but never gave any kind of numeric cost.

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.<sup>86</sup>

## 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-Jihad showed Shareef certain radical websites that backed up the jihadist ideology that Abu-Jihad was discussing with the younger man.<sup>87</sup>

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 used to frequent the website Kavkazcenter.com that provided "news from a different view point."<sup>88</sup> In

<sup>82</sup> Bradley, "Making of a Terrorist."

<sup>83</sup> Mayko, "FBI Informant."

<sup>84</sup> Lawson, "The Fear Factory," 65.

<sup>85</sup> Korecki et al., "Mall a terror target."

<sup>86</sup> "Rockford Man Pleads Guilty in Foiled Plan."

<sup>87</sup> U.S. v. Abu-Jihad, Chrisman, interview, 8-12.

<sup>88</sup> U.S. v. Abu-Jihad, Chrisman, interview, 11.

addition to other terrorist-related websites, Shareef 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.<sup>89</sup> 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 content he viewed found on the internet gave Shareef immediate motivation and justification to continue his actions.<sup>90</sup>

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 crimes, 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 violent plans for jihad. Although a strong argument could be made that the FBI facilitated Shareef's mall plot, Shareef could have been brought in by any terrorist plot to be a willing and anxious partner in their plans to cause harm to the American public and government. On many separate occasions, Shareef exclaimed his commitment to the plot and believed he was enacting 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.<sup>91</sup>

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 is 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 harm to innocent people.

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<sup>89</sup> U.S. v. Abu-Jihaad, Chrisman, interview, 8-12.

<sup>90</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

<sup>91</sup> U.S. v. Abu-Jihaad, Chrisman, interview.

## 14. Conclusions

According to the Terrorist Trial Report Card prepared by terrorism expert, 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."<sup>92</sup> 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 18), 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 all 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 more guided by their social and communal bonds to their terrorist group rather than maximizing political goals.<sup>93</sup> Although his argument is based more on terrorist organizations, Shareef's radicalization process may have followed along Abrahms theory. According to Shareef, he became a radical Muslim because of the people he was friends with and only gave it a second thought when he had already been imprisoned.<sup>94</sup> Furthermore, Shareef added that he looked to Abu-Jihaad, the person who taught Shareef much of what he knew about jihad, like a mentor or brother.<sup>95</sup> 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.<sup>96</sup> As the Rockford plot bears resemblance to many other recently prosecuted terrorist plotters because of the FBI's use of an undercover informant in them, the FBI's anti-domestic terrorism methods should be analyzed to ensure they are ensnaring actually violent radicals instead of loud idiots who discuss grand actions but have no means or ability to bring them about.

Although their methods of investigation are questionable, in the Shareef's case, the FBI and Justice Department imprisoned a young man who had a great

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<sup>92</sup> Stewart Ain, "Implications of Riverdale Case Unclear," *Jewish Week*, October 12, 2010.

<sup>93</sup> Max Abrahms, "What Terrorists Really Want," *International Security*, Spring 2008, 78-105.

<sup>94</sup> Bradley, "Making of a Terrorist".

<sup>95</sup> U.S. v. Abu-Jihaad, Chrisman, interview

<sup>96</sup> Lawson, "The Fear Factory," 65.

deal of hate in his heart. Justifying this imprisonment are the many recorded discussions and videos of Shareef adamantly stating that he wants nothing more than to do the will of Allah through jihad by killing innocent Americans.<sup>97</sup>

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 befriending 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.

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<sup>97</sup> 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.<sup>98</sup>

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.<sup>99</sup>

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<sup>98</sup> 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](http://www.justice.gov/opa/pr/2009/April/09-nsd-306.html).

<sup>99</sup> U.S. v. Abu-Jihaad, Chrisman, interview. See "defensive jihad" and 8-12.

## Case 15: 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.

## Case 15: Fort Dix

Jovan Galevski

June 4, 2011

### 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 “Allah Akbar’.”<sup>1</sup> 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.<sup>2</sup>

Upon conviction, Dritan and Shain Duka were sentenced to life in prison plus 30 years,<sup>3</sup> 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.<sup>4</sup>

### 2. Nature of the adversary

The six men were all foreign born.<sup>5</sup>

The Duka family was of Albanian ethnicity and originated from Debar, Macedonia<sup>6</sup>. The family entered the United States illegally, through Mexico in 1984 and settled in Texas, moving shortly after 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.”<sup>7</sup> In 1989, the father of the accused three Duka brothers, Ferik Duka, applied for asylum<sup>8</sup> with the Immigration and Naturalization Service and acknowledged that the family was residing in the

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<sup>1</sup> 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. “Allah Akbar” literally means “God is Greatest.” Muslims use the word 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 halal fashion, and when they fire guns and go to battle.

<sup>2</sup> Russakoff and Eggen. “Six Charged in Plot to Attack Fort Dix.”

<sup>3</sup> “3 brothers get life for Fort Dix plot,” United Press International, April 28, 2009.

<sup>4</sup> “Fifth Man Convicted in Fort Dix Terror Plot Sentenced to 33 Years in Prison,” Associated Press, Fox News, April 28, 2009.

<sup>5</sup> Russakoff and Eggen, “Six Charged in Plot to Attack Fort Dix.”

<sup>6</sup> 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%).

<sup>7</sup> Amanda Ripley, “The Fort Dix Conspiracy,” *Time*, December 17, 2007.

<sup>8</sup> In order for one to obtain asylum in the United States, they has to prove a well-founded fear of being persecuted for any reasons, mostly political and religious, if they were to return to their country of origin.

country illegally.<sup>9</sup> 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.”<sup>10</sup> 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 and purchased 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 up their own roofing businesses<sup>11</sup> and continued to operate them 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.<sup>12</sup> In total, the brothers had 50 traffic violations, including for driving without a license, speeding, and driving while license was under 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 have been previously arrested, the former on drug charges and the later for disorderly conduct and drug possession.<sup>13</sup> 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.”<sup>14</sup> None of the brothers managed to graduate from high school.

While attending high school, they 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

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<sup>9</sup> John Apuzzato, “Father of Fort Dix suspects arrested on immigration charges,” *Star-Ledger*, May 10, 2007.

<sup>10</sup> Michael Isikoff and Mark Hosenball, “Fort Dix Suspects Illegally in U.S. for 20 Years.” *Newsweek*, May 16, 2007.

<sup>11</sup> 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.

<sup>12</sup> Dina Temple-Raston, “Fort Dix Suspects Skirted Law Enforcement,” NPR, May 10, 2007.

<sup>13</sup> “Report #13 in a NEFA series, ‘Target: America’.” NEFA Foundation, January 2008.

<sup>14</sup> Jason Laughlin, “Suspects in Terror Case Fought Hard to Fit In,” *Courier-Post*, May 14, 2007.

bright.”<sup>15</sup> Unlike the other five, he graduated from high school and attended Camden Country College, but dropped out in order to help support his family.<sup>16</sup> 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.<sup>17</sup> Shnewer’s sister 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.<sup>18</sup> Shnewer is the brother in law of Eljvir Duka and the youngest of the six. It seems he was also the butt of many jokes in the group and worked hard to impress the others.<sup>19</sup> Shnewer, unlike the Dukas, had never been arrested or had a 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.<sup>20</sup> 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.”<sup>21</sup> 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.”<sup>22</sup> 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,”<sup>23</sup> 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,<sup>24</sup> the family entered the United States—ironically through Fort Dix—and settled in Williamstown, New Jersey.<sup>25</sup> He attended Williamstown High School, dropping out to focus on his job as a janitor at ShopRite.<sup>26</sup> 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

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<sup>15</sup> George Anastasia, “A Radical Shift in Reputation for Six Men,” *Philadelphia Inquirer*, May 14, 2007.

<sup>16</sup> *Ibid.*

<sup>17</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>18</sup> *Ibid.*

<sup>19</sup> This notion can also be used to explain his relationship with Omar.

<sup>20</sup> He did receive a G.E.D. shortly after dropping out his junior year.

<sup>21</sup> John Doyle and Patrick Gallahue, “‘Plotters’ Blended in Like Bunch of Regular Guys,” *New York Post*, May 9, 2007.

<sup>22</sup> Kareem Fahim and Andrea Elliott, “Religion Guided 3 Held in Fort Dix Plot,” *New York Times*, May 10, 2007.

<sup>23</sup> 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.

<sup>24</sup> This was the same lottery that the Duka family attempted to enter in 1995.

<sup>25</sup> U.S. v. Abdullahu. (D. N.J.), No. 1:07-CR-00459-RBK.

<sup>26</sup> *Ibid.*

Kosovo. He is depicted as nothing more than a gun enthusiast and had no criminal record.<sup>27</sup>

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 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.<sup>28</sup> 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.<sup>29</sup> There is also evidence to suggest that the group's beliefs were strengthened by jihadist videos which the informant provided, and the group distributed amongst each other. 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.<sup>30</sup>

### 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, each of 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 each other, 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 did not suggest and/or provide them.

### 4. Goals

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

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<sup>27</sup> *Ibid.*

<sup>28</sup> "Report #13 in a NEFA series, 'Target: America,'" NEFA Foundation, January 2008.

<sup>29</sup> Fahim and Elliott. "Religion Guided 3 Held in Fort Dix Plot."

<sup>30</sup> U.S. v. Duka, Complaint. (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

grenades and RPGs, 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 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 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 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..."<sup>31</sup> The idea was to use assault rifles and grenades in the attack.<sup>32</sup> 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 to the location on numerous occasions. It was based on these two criteria that the group "selected" the base for their operation.<sup>33</sup> 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 the map, 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.<sup>34</sup>

The six men, along with four others, visited the Poconos for the first time on January 3, 2006. They practiced shooting various semi-automatic weapons at targets while shouting "Allah 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.<sup>35</sup> The prosecution, on the other hand, would later claim that because the men were firing

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<sup>31</sup> U.S. v. Duka, Complaint. (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

<sup>32</sup> Russakoff and Eggen, "Six Charged in Plot to Attack Fort Dix."

<sup>33</sup> 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.

<sup>34</sup> U.S. v. Duka, Complaint. (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

<sup>35</sup> 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.

the weapons while kneeling and walking, their actions are considered “militia-like style” training.<sup>36</sup>

It was after this trip that the Duka brothers brought their infamous recording to the employee of Circuit City that 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.<sup>37</sup> 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 the next day who called in the FBI.<sup>38</sup> In March 2006, the first of the FBI informants, Omar, infiltrated the group.

The men, along with eight others, 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.<sup>39</sup> With the FBI was 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.<sup>40</sup> On February 5, some members of the group were recorded discussing “bombs, nitroglycerin, and the explosive C-4,”<sup>41</sup> and whether to attack a warship when it was docked in Philadelphia during an annual football game.<sup>42</sup> The prosecution used a snippet of Elvir Duka saying that the trip “had been a training mission”<sup>43</sup> 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.

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.”<sup>44</sup> Other sources say that the defendants simply loved paintball and saw it as a hobby and a game, not a training exercise.<sup>45</sup>

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<sup>36</sup> U.S. v. Abdullahu. (D. N.J.), No. 1:07-CR-00459-RBK.

<sup>37</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>38</sup> “Report #13 in a NEFA series, ‘Target: America’,” NEFA Foundation, January 2008, at [www.nefafoundation.org/miscellaneous/fortdixplot.pdf](http://www.nefafoundation.org/miscellaneous/fortdixplot.pdf).

<sup>39</sup> Dunstan McNichol and John Martin, “Pa. Playground Becomes Terror Training Ground,” *Newark Star-Ledger*, May 20, 2007.

<sup>40</sup> U.S. v. Abdullahu. (D. N.J.), No. 1:07-CR-00459-RBK.

<sup>41</sup> *Ibid.*

<sup>42</sup> David Kocieniewski, “The Role of an F.B.I. Informer Draws Praise as Well as Questions About Legitimacy,” *New York Times*, May 10, 2007.

<sup>43</sup> U.S. v. Duka. Complaint. (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

<sup>44</sup> U.S. v. Duka. Complaint. (D. N.J.), No. 1:07-CR-00459-RBK. Filed May 7, 2007.

<sup>45</sup> Geoff Mulvihill, “Paintball training dispute wraps up 13th day of Fort Dix informant testimony,” Associated Press. November 20, 2008.

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.<sup>46</sup> 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.<sup>47</sup> 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.”<sup>48</sup> 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,<sup>49</sup> 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 personnel<sup>50</sup> 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 showing respect for suicide bombers but claiming that they are “too scared to blow themselves up.”<sup>51</sup> 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.<sup>52</sup> The Duka brothers and Agron Abdullahu also suggested that

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<sup>46</sup> The fort dix plot

<sup>47</sup> “Before the Fact: Homegrown terrorist in the post-9/11 world,” Need to Know, PBS, September 10, 2010.

<sup>48</sup> Russakoff and Eggen. “Six Charged in Plot to Attack Fort Dix.”

<sup>49</sup> 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.

<sup>50</sup> Joel Rose, “Fort Dix Trail May Be Tied To Informant’s Story,” NPR, November 14, 2008.

<sup>51</sup> U.S. v. Shnewer et al.. Criminal. (D.N.J.), No. 07-0459 (RBK). Filed June 5, 2007.

<sup>52</sup> Dave Schratwieser. “Suspect Applied to be Police Officer”. WTXF (Fox29). May 22, 2007.

they “train with the American army...learn all the tactics...and then turn on them.”<sup>53</sup>

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 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.<sup>54</sup> He had been charged with “opening bank accounts, depositing bogus checks and then trying to draw down the accounts”.<sup>55</sup> For these charges, he was ordered to pay Patriot Back, the bank he committed fraud against, \$9,550 in restitution.<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup> 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.<sup>59</sup> The United States government had also failed on two occasions to deport Omar.<sup>60</sup> 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.<sup>61</sup> The case was dropped entirely in September 2006, shortly after Omar provided the FBI with a recording of Mohamad Shnewer talking about Fort Dix.<sup>62</sup>

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<sup>53</sup> U.S. v. Shnewer et al.. Criminal. (D.NJ.), No. 07-0459 (RBK). Filed June 5, 2007.

<sup>54</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>55</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>56</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>57</sup> “Informant To Take Stand In Fort Dix Terror Trial,” CBS4, October 25, 2008.

<sup>58</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>59</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>60</sup> “Report #13 in a NEFA series, ‘Target: America’,” NEFA Foundation. January 2008, at [www.nefafoundation.org/miscellaneous/fortdixplot.pdf](http://www.nefafoundation.org/miscellaneous/fortdixplot.pdf) (November 12, 2010).

<sup>61</sup> Ripley, “The Fort Dix Conspiracy.”

<sup>62</sup> Ripley, “The Fort Dix Conspiracy.”

Sources say that, while working for the FBI, Omar managed to sell his Social Security card for \$3,000.<sup>63</sup> 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.”<sup>64</sup>

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 and pled guilty to them, and 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.<sup>65</sup>

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.”<sup>66</sup> 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.<sup>67</sup> 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 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 and described what he had to say as a “matter of national security.”<sup>68</sup> 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 provided Shnewer and Omar with the map of Fort Dix, he in turn became part of the plot which he was initially warning

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<sup>63</sup> “Informant To Take Stand In Fort Dix Terror Trial.”

<sup>64</sup> Geoff Mulvihill, “Informants scrutinized in Fort Dix terror trial,” Associated Press, December 19, 2008.

<sup>65</sup> “Report #13 in a NEFA series, ‘Target: America’,” NEFA Foundation. January 2008.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> Tony Graham, “Phila. Police officer testifies at Fort Dix trial,” *Philadelphia Inquirer*, November 26, 2008.

authorities about and as a result would incriminate himself as well. Therefore he needed to retract his statements.<sup>69</sup>

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 to<sup>70</sup> and was wanted for shooting a man.<sup>71</sup> 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 with the convicted. 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."<sup>72</sup> 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.<sup>73</sup> 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 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 for 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

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<sup>69</sup> Amanda Ripley, "The Fort Dix Verdict: A Victory for Pre-emptive Prosecutions." *Time*, December 23, 2008.

<sup>70</sup> *Ibid.*

<sup>71</sup> Kevin Whitmer, "Fort Dix five guilty of conspiracy to kill soldiers," *New Jersey Real-Time News*, December 22, 2008.

<sup>72</sup> Kocieniewski, "Role of an F.B.I. Informer Draws Praise as Well as Questions."

<sup>73</sup> 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.

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 iman 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.”<sup>74</sup>

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 or gave 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. However, the friends and families of the six, however, protested the trial and to this day are working on repealing the verdicts.<sup>75</sup>

## 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.”<sup>76</sup> Acting U.S. Attorney Ralph J. Marra said, “I think that had the FBI and their partners not caught these men, we

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<sup>74</sup> Fahim and Elliott, “Religion Guided 3 Held in Fort Dix Plot.”

<sup>75</sup> Burim Duka, the youngest of the Duka brothers, who was not indicted in the plot, has set up a website ([www.freefortdixfive.com](http://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 terrorist to “bring justice” for their family members.

<sup>76</sup> “Before the Fact: Homegrown terrorist in the post-9/11 world,” Need to Know, PBS.

would have been attending funerals of military personnel at Fort Dix.<sup>77</sup> 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.”<sup>78</sup> 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 groups 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 convict’s writing and concluded that the letter was not written by him.<sup>79</sup> 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.<sup>80</sup> In essence, most major media outlets gave a mixed conclusion of the case, neither stating that the six accused men where 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, Mahmuod 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 of bugged 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. District Judge Robert B. Kugler, is quoted on numerous occasions as stating that the case cost multi-millions.<sup>81</sup>

## 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

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<sup>77</sup> “Three Brothers Sentenced to Life Prison Terms for Conspiring to Kill U.S. Soldiers,” Department of Justice. April 28, 2009.

<sup>78</sup> Dina Temple-Raston, “Fort Dix Convictions Seem To Validate FBI Strategy,” NPR, December 2008.

<sup>79</sup> Amanda Ripley-Washington, “Playing Tricks with the Fort Dix Six?” *Time*, January 14, 2008.

<sup>80</sup> “Before the Fact: Homegrown terrorist in the post-9/11 world,” Need to Know, PBS.

<sup>81</sup> “The Fort Dix 5 are Innocent, yet Convicted of Conspiracy,” FreeFortDixFive.com, 2009.

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, who as this report notes at many points spouted off repeatedly; but he is the only one that seems to have been serious about doing anything, but 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 by overexerting its purpose.

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 as if it was 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 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 radicalized and headed in the direction of conducting the attack once the informants entered the picture. Both informants, especially Omar, egged on the young men and pressured them to go through with the “plan.” The sentencing of the six also seem 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 16: 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 16: JFK Airport

Bryan Straub

June 4, 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.<sup>1</sup>

### 2. Nature of the adversary

The conspirators in this case are considerably older than the norm, not outcasts seeking a place in society, or politically un-represented. Moreover, none had criminal records or had served 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.<sup>2</sup> Others have described his propensity for get-rich-quick schemes, which he often thought about, but apparently never put into practice.<sup>3</sup> Defreitas was reportedly impacted by the horror of the 9/11 attacks.<sup>4</sup> Watching on television, he apparently stated that he could not understand how terrorists could kill so many innocents.<sup>5</sup> 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.<sup>6</sup> 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 civil engineering at the University of Guyana. He spent time in Venezuela before

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<sup>1</sup> Madeleine Gruen, "A NEFA Report on the JFK Plot," NEFA Foundation, November 2008, 2.

<sup>2</sup> 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.

<sup>3</sup> Jess Wisloski, Xana O'Neill, and Dave Goldiner, "I was so close to evil & didn't know," *New York Daily News*, June 4, 2007.

<sup>4</sup> Quoted in Wisloski et al, "Close to evil" The credibility of these comments is questionable.

<sup>5</sup> Ibid. Corresponds to his later assertion that the attack should minimize the loss of life.

<sup>6</sup> Gruen, "NEFA Report," 2.

receiving a further degree in civil engineering. His political career blossomed in the 1990s—he served as mayor from 1994-1996 and as an MP in 2001. He was an imam at a Shia Islamic Center which allegedly received funding from Iran.<sup>7</sup> Identified by an intermediary, he was thought to have connections in Venezuela and Iran that would be useful in the plot.<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup>

Besides these four men, seven other “associates” are identified in court documents with varying minor connections.<sup>14</sup>

### 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.<sup>15</sup> He thus appears to be anti-Semitic in addition to being opposed to U.S. foreign policy vis-à-vis Israel.

### 4. Goals

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<sup>7</sup> Gruen, “NEFA Report,” 3-4.

<sup>8</sup> Campbell et al., “United States v. Defreitas,” 6.

<sup>9</sup> “2 JFK Airport Bomb Plot Suspects Convicted,” CBS News, August 2, 2010.

<sup>10</sup> Gruen, “NEFA Report,” 2-3.

<sup>11</sup> Campbell et al., “United States v. Defreitas,” 10.

<sup>12</sup> Gruen, “NEFA Report,” 4.

<sup>13</sup> Campbell et al., “United States v. Defreitas”

<sup>14</sup> Gruen, “NEFA Report,” 5.

<sup>15</sup> 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.<sup>16</sup> 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.”<sup>17</sup>

## 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.<sup>18</sup> 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.<sup>19</sup> According to the informant, Mr. Defreitas desired to shoot down a passenger jet while he worked at the airport with a rocket, 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.<sup>20</sup> From his time working at the airport, Defreitas had some knowledge of the security at JFK.<sup>21</sup>

Although the 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.<sup>22</sup> Kadir was believed to have some knowledge of pipeline construction from his background in civil engineering.<sup>23</sup>

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

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<sup>16</sup> Ibid.

<sup>17</sup> Anthony Faiola and Steven Mufson, “N.Y. Airport Target of Plot, Officials Say,” *Washington Post*, June 3, 2010.

<sup>18</sup> Campbell et al., “United States v. Defreitas,” 7.

<sup>19</sup> Gruen, “NEFA Report,” 7.

<sup>20</sup> Gruen, “NEFA Report,” 8.

<sup>21</sup> Gruen, “NEFA Report,” 5-7.

<sup>22</sup> Gruen, “NEFA Report,” 7.

<sup>23</sup> Ibid.

through New Jersey, Staten Island, and Queens.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup>

## 6. Role of informants

As with many domestic Islamic terrorist cases, the FBI hired an informant. Steven Francis<sup>28</sup> was 36 years old in 2007 and had worked with them since 2004. According to court documents released on [thesmokinggun.com](http://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.<sup>29</sup> In 2003, the long-time cocaine dealer was convicted of possessing over two million dollars of cocaine.<sup>30</sup> Now convicted twice of drug trafficking charges, Francis agreed to cooperate with the government in exchange for a reduced sentence and money.<sup>31</sup>

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.<sup>32</sup>

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

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<sup>24</sup> Campbell et al., "United States v. Defreitas," 3-4.

<sup>25</sup> Wisloski et al., "Close to evil."

<sup>26</sup> Faiola and Mufson, "N.Y. Airport Target of Plot."

<sup>27</sup> Faiola and Mufson, "N.Y. Airport Target of Plot."

<sup>28</sup> "2 JFK Airport Bomb Plot Suspects Convicted," CBS News.

<sup>29</sup> 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](http://thesmokinggun.com)

<sup>30</sup> *Ibid.*

<sup>31</sup> Gruen, "NEFA Report," 11.

<sup>32</sup> 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.<sup>33</sup>

He provided the conspirators with Google Earth imagines 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.<sup>34</sup> 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."<sup>35</sup> 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.<sup>36</sup> Although the group's leader was on trial at the time, the conspirators (and Francis) decided to fly to Trinidad to meet with JaM anyway in May 2007.<sup>37</sup> 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.<sup>38</sup> The leader of JaM later stated that the plot was "insane" and that he feared entrapment by the U.S. government.<sup>39</sup>

CBS News reported that 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 for assistance.<sup>40</sup> According to the government's legal brief, Ibrahim sought connections with the revolutionary movement in Iran as well as an associate in the United Kingdom.

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<sup>33</sup> Campbell et al., "United States v. Defreitas," 4-11.

<sup>34</sup> "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.

<sup>35</sup> Quoted in "Two convicted in JFK airport bomb plot," BBC News, August 2, 2010.

<sup>36</sup> Campbell et al., "United States v. Defreitas," 6.

<sup>37</sup> Campbell et al., "United States v. Defreitas," 8-9.

<sup>38</sup> Faiola and Mufson, "N.Y. Airport Target of Plot."

<sup>39</sup> Gruen, "NEFA Report," 9.

<sup>40</sup> "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 21), presumably for helping to train Zazi in Pakistan,

These sources were to provide money, which was going to be deposited in the mosque's bank account held by Kadir.<sup>41</sup>

## 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.<sup>42</sup> Attorney Mauskopf continued, "The devastation that would be caused had this plot succeeded is just unthinkable."<sup>43</sup> Senator Arlen Specter added, "It had the potential to be another 9/11."<sup>44</sup> 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."<sup>45</sup>

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."<sup>46</sup>

## 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.<sup>47</sup> The account describes Defreitas as both the "mastermind" and "the architect of a plot to kill thousands of New Yorkers"—an obvious stretch.<sup>48</sup>

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<sup>41</sup> Campbell et al., "United States v. Defreitas," 11.

<sup>42</sup> Bruce Schneier, "Portrait of the Modern Terrorist as an Idiot," *Wired*, June 14, 2007

<sup>43</sup> These comments also appear in the *Washington Post*. Faiola, "Target."

<sup>44</sup> Schneier, "Portrait."

<sup>45</sup> Quoted in Faiola and Mufson, "N.Y. Airport Target of Plot."

<sup>46</sup> Quoted in Schneier, "Portrait."

<sup>47</sup> Wisloski et al., "Close to evil"

<sup>48</sup> 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.”<sup>49</sup> 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.”<sup>50</sup>

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.”<sup>51</sup>

## 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.<sup>52</sup>

A request for an anonymous jury and additional protective measures for jurors was made by the U.S. government in the case.<sup>53</sup> 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.<sup>54</sup> Jurors were to be kept together as a group during trial recesses as well as provided lunch and transportation through the trial process.<sup>55</sup>

## 12. Relevance of the internet

Although 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,<sup>56</sup> the conspirators 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

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<sup>49</sup> Faiola and Mufson, “N.Y. Airport Target of Plot.”

<sup>50</sup> Ibid.

<sup>51</sup> Paul Kurtz, “Foiled Terror Plot Analysis,” with Julie Chen. The Early Show, CBS News. June 5, 2007.

<sup>52</sup> Gruen, “NEFA Report,” 14.

<sup>53</sup> Campbell et al., “United States v. Defreitas,” 2.

<sup>54</sup> Ibid. Similar accommodations have been made in other terrorism related trials.

<sup>55</sup> Ibid.

<sup>56</sup> 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.<sup>57</sup>

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, industry, and media interests well.

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<sup>57</sup> Campbell et al., “United States v. Defreitas,” 3.

## Case 17: 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.<sup>1</sup> 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

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<sup>1</sup> 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.”<sup>2</sup>

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<sup>2</sup> “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 17: Vinas

David Dawson

June 4, 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.<sup>1</sup> 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.<sup>2</sup>

### 2. Nature of the adversary

Bryant Vinas was born in Queens, New York, and lived in Medford, a suburb near 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.<sup>3</sup> He also had a younger sister named Lisa. He had a typical childhood, liking the same activities

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<sup>1</sup> *United States v. John Doe*. Guilty Plea. 08-CR-823. United States Courthouse, Brooklyn, New York. January 28: 2009, 9.

<sup>2</sup> “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](http://www.adl.org/main_Terrorism/vinas_guilty_plea.htm)

<sup>3</sup> Presumably Vinas knew Spanish; his parents were Spanish immigrants. He would later listen to Puerto Rican music, and have friends of Hispanic descent.

of any other normal American boy; at one time he was a Boy Scout.<sup>4</sup> 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.<sup>5</sup>

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, due to 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, eventually becoming too much for her to handle; she transferred custody of Vinas to his father, who he moved in with shortly after.

At Longwood High School he grew out his hair 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.<sup>6</sup>

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.

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

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<sup>4</sup> Claire Suddath, "Bryant Neal Vinas: An American in al-Qaeda," *Time*, July 24, 2009.

<sup>5</sup> 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.

<sup>6</sup> Cruickshank et al., "Radicalization."

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 zealousness in its beliefs but is also thought of in counterterrorism circles as apolitical.<sup>7</sup>

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, “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.<sup>8</sup> Kulian attended this mosque, as well, and so can provide an eyewitness account of Vinas’ conversion. With the 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.<sup>9</sup> 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.<sup>10</sup>

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 worked in various jobs, including at a car wash and as a truck driver, but failed to find consistent employment.<sup>11</sup>

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 exposed him to. Vinas found others at his mosque that 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.<sup>12</sup>

Instead of just taking a normal vacation, he decided to illegally enter Cuba and try to receive additional boxing training. He ended up spending several months there, warning very few about his departure. By all accounts, he found the experience vastly rewarding. He did not follow a strict Islamic lifestyle while he was there, and gained a reputation as a womanizer. On a second trip later that

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<sup>7</sup> Cruickshank et al., “Radicalization.”

<sup>8</sup> Sebastian Rotella and Josh Meyer, “U.S.-born militant who fought for al-Qaeda is in custody,” *Los Angeles Times*, July 23, 2009.

<sup>9</sup> *Ibid.*

<sup>10</sup> Cruickshank et al., “Radicalization.”

<sup>11</sup> Rotella and Meyer, “Militant in custody.”

<sup>12</sup> Cruickshank, et al., “Radicalization.”

year, he moved in with the daughter of his boxing instructor 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. When he was unable to return to Cuba a third time, forcing him to end his relationship, he became extremely depressed.<sup>13</sup>

### 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 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."<sup>14</sup>

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.<sup>15</sup> 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 they 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. Their worry is that the Society's rhetoric makes violence acceptable. It provides an outlet for young and impressionable Muslims like Vinas that may inspire them to a level of radicalization that might

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<sup>13</sup> Cruickshank et al., "Radicalization."

<sup>14</sup> Cruickshank et al., "Radicalization."

<sup>15</sup> Cruickshank et al., "Radicalization."

not have been achieved without such an opportunity. Their calls for violent action, whether they do anything or not, are still dangerous for the enthusiasm they foster in others.<sup>16</sup>

Vinas was a prime target for the 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. When 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, 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 introduced Vinas to its members. He began to make friends that were also 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 U.S. support for Israel and the wars it wages in Iraq and Afghanistan. Like Vinas, he felt that the “evil American empire” was waging a war against Islam itself.<sup>17</sup> 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. Their 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 Zarinni and Qayyum, attending several meetings with them but not actively participating in the group beyond that. Zarinni also knew the group’s spokesperson, Khattab, very well, who Vinas met 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

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<sup>16</sup> 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.

<sup>17</sup> Cruickshank, et al. “Radicalization.”

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.<sup>18</sup> After a particularly bitter verbal confrontation with the mosque's caretaker, one of Vinas' closest friends when he first began going there, he 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 he 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 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 that 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 he and others that came were simply there to visit him and hear his conversion 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 that 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, is known to have fought U.S., N.A.T.O. and Afghan forces on numerous occasions throughout south-eastern Afghanistan. Within three weeks of arriving in Pakistan, Vinas had successfully made contact and joined with an organization

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<sup>18</sup> Cruickshank et al., "Radicalization."

that would prove to be decidedly more violent than any he had affiliated with in New York.<sup>19</sup>

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.<sup>20</sup>

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. In addition to the benefits he could provide as an American, 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.<sup>21</sup>

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, explosive 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 for explosives theory. Around this time he had also appeared in an al-Qaeda propaganda video, later pointing himself out to authorities.<sup>22</sup>

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<sup>19</sup> Sebastian Rotella and Josh Meyer, "A young American's journey into al-Qaeda," *Los Angeles Times*, July 24, 2009.

<sup>20</sup> Nic Robertson and Paul Cruickshank, "New Yorker says he would have been suicide bomber," CNN, July 24, 2009.

<sup>21</sup> 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 email, 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.

<sup>22</sup> Ibid.

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; it 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.<sup>23</sup> Vinas testimony revealed that al-Qaeda recruited from Europe’s criminal elements; one Belgian he met there had been a bank robber.<sup>24</sup> For security purposes, he went by the name Ibrahim, which he took for himself back at the Selden mosque, when he first converted to Islam. Fellow fighters called him by a different nickname, Bashir el-Ameriki, “the American.”<sup>25</sup>

#### 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.<sup>26</sup> Having proven his worth as a capable and intelligent fighter, he was now a fully 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 their war against Islam. For these reasons, he began to work with al-Qaeda leaders to plan an attack in the place where he had grown up and lived his earlier life.

#### 5. Plans for violence

Vinas talked to al-Qaeda chiefs 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 took this train nearly every day while working in New York. As such, he would have been familiar with its layout and general security.

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

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<sup>23</sup> Rotella and Meyer, “A young American’s journey.”

<sup>24</sup> Mike Powell, “U.S. recruit revels how Qaeda trains foreigners,” *New York Times*, July 23, 2009.

<sup>25</sup> Rotella and Meyer, “A young American’s journey.”

<sup>26</sup> Powell, “U.S. Recruit.”

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 would have been an isolated bombing to inspire fear, or a more coordinated assault that would go off in conjunction with the rest of 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 and indications 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 that their plan represented. The attack was plausible, but the group had not taken tangible steps to set the plan in motion.<sup>27</sup>

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.<sup>28</sup> Investigators say that he was there to get supplies and contact a cell of terrorists operating in Belgium. U.S. counter-terrorism investigators had been monitoring the Belgian group's emails, and may have tracked down Vinas by intercepting his communications.<sup>29</sup>

One thing to note about Vinas' capture 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.

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. Rather, 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.<sup>30</sup>

Vinas gave a witness statement in the trial of a Belgian terror cell that was arrested in Brussels in December, 2008. These operatives had received the same training as Vinas, in the same geographical location. In addition, according to his

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<sup>27</sup> 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."

<sup>28</sup> Powell, "U.S. Recruit."

<sup>29</sup> Rotella and Meyer, "Militant in Custody."

<sup>30</sup> Josh Meyer and Sebastian Rotella, "American forged own path into al-Qaeda," *Los Angeles Times*, July 26, 2009.

testimony, Vinas met at least once with the leader of the cell while training with al-Qaeda.<sup>31</sup>

## 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 and 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 the 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.<sup>32</sup>

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.<sup>33</sup>

## 10. Coverage by the media

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<sup>31</sup> Robertson, et al., "New Yorker says."

<sup>32</sup> Cruickshank, et al., "Radicalization."

<sup>33</sup> "FBI warns of Thanksgiving terrorist threat," *The Telegraph*, November 26, 2008.

The media coverage was somewhat sensationalist. The fear was the possibility of synchronized bomb attacks in a heavy traffic metropolitan transit system, and 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.<sup>34</sup> 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.<sup>35</sup>

## 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 infrastructure developed during 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, Vinas' 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

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<sup>34</sup> “Juval Aviv Interviewed About Possible Thanksgiving Terrorist Attack,” December 8, 2008. <http://youtube/1fKMOsL084Y>

<sup>35</sup> “FBI warns of Thanksgiving.” “Feds Warn Of Possible NYC Terror Plot,” CBS News, November 26, 2008.

led Vinas to the Islamic Thinkers Society,<sup>36</sup> 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 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.<sup>37</sup> By any measure, this intelligence has enabled a major step forward in the tactical situation in Afghanistan and Pakistan.

There is no worry of 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 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 21). 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.<sup>38</sup> 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.

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<sup>36</sup> The Islamic Thinkers Society website can be accessed in English at [www.islamicthinkers.com](http://www.islamicthinkers.com).

<sup>37</sup> Rashbaum and Mekhennet, "L.I. Man."

<sup>38</sup> 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.<sup>39</sup> 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 about his experience.

The Vinas case suggests a different perspective of 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 who 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.<sup>40</sup>

What is shocking about his case, is the relative ease of 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. 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 America 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.

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<sup>39</sup> Max Abrahms, "What Terrorists Really Want," *International Security*, Spring 2008.

<sup>40</sup> Meyer, "American forged own path."

### Case 18: 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 14) and Fort Dix (Case 15), 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 6)—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.

## Case 18: Bronx Synagogues

David Bernstein

June 4, 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.<sup>1</sup> 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,<sup>2</sup> met with an FBI informant at Masjid al-Ikhlas, a mosque in Newburgh, on June 28, 2008 and where he expressed his disgust with Muslim deaths caused by United States military action in Afghanistan.<sup>3</sup> 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.<sup>4</sup> In October, the informant and Cromitie began to meet with the other conspirators, David Williams, then aged 27, Oonta Williams, 32, and Laguerre Payen, 27, in a house in Newburgh that the FBI had set up with surveillance equipment.<sup>5</sup>

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.<sup>6</sup> 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 their explosives and surface-to-air missile (SAM) from what they believed to be the informant’s connections, but in actuality the conspirators received inert and nonfunctional explosives and a SAM provided by the FBI.<sup>7</sup> On May 20, the group then put their plans into action and was arrested in an elaborate sting operation by authorities after the conspirators planted what they thought to be working bombs in cars outside of the two synagogues.<sup>8</sup>

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<sup>1</sup> Al Baker and Javier C. Hernandez, “4 Accused of Bombing Plot at Bronx Synagogues,” *New York Times*, May 20, 2009.

<sup>2</sup> 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.

<sup>3</sup> Sewell Chan and Nate Schweber, “Updates in Terror Plot,” *New York Times*, May 22, 2009.

<sup>4</sup> Sewell Chan, “4 Arrested in New York Terror Plot,” *New York Times*, May 21, 2009.

<sup>5</sup> Wilson, “Missteps Caught on Tape.”

<sup>6</sup> Chan, “4 Arrested.”

<sup>7</sup> Chan, “4 Arrested.”

<sup>8</sup> 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.”<sup>9</sup> After a lengthy and chaotic trial in which the defense attempted to argue entrapment, the four conspirators were convicted on October 18, 2010.<sup>10</sup> Cromitie and David Williams were convicted on all eight 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.<sup>11</sup> Onta Williams and Laguerre Payen were found guilty on all but one charge, attempting to kill officers and employees of the United States, because they met the informant later in the investigation.<sup>12</sup> All the men could face life in prison upon sentencing.<sup>13</sup> 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.<sup>14</sup>

## 2. Nature of the adversary

James Cromitie was born in Brooklyn on December 24, 1964<sup>15</sup> into the middle of a family of 10 children and raised on the Lower East Side in Manhattan. His father left the family when he was three years old.<sup>16</sup> 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.<sup>17</sup> According to both his sister, Wanda Walker, Cromitie first went to jail at 14 or 15 years old and had been in and out of prison ever since.<sup>18</sup> His most recent incarceration, in 1998, was for selling cocaine to an undercover police officer near a Bronx school.<sup>19</sup>

Cromitie was raised Episcopalian but attended church only infrequently.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup> According to an assistant imam at Masjid al-

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<sup>9</sup> Jonthan Dienst, “Alleged Terror Plotters Face Federal Indictments,” *NBC New York*, June 2, 2009.

<sup>10</sup> Kareem Fahim, “4 Convicted of Attempting to Blow Up 2 Synagogues,” *New York Times*, October 18, 2010.

<sup>11</sup> Fahim, “4 Convicted.”

<sup>12</sup> Fahim, “4 Convicted.”

<sup>13</sup> Fahim, “4 Convicted.”

<sup>14</sup> Doyle Murphy, “Judge adjourns Newburgh 4 sentencing,” *Times Herald-Record*, April 4, 2011.

<sup>15</sup> Baker, “Suspects.”

<sup>16</sup> Chan and Schweber, “Updates.”

<sup>17</sup> Baker, “Suspects.”

<sup>18</sup> Chan and Schweber, “Updates.”

<sup>19</sup> Baker, “Suspects.”

<sup>20</sup> Chan and Schweber, “Updates.”

<sup>21</sup> Baker, “Suspects.”

<sup>22</sup> 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.<sup>23</sup>

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."<sup>24</sup> 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.<sup>25</sup> 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."<sup>26</sup>

David Williams IV was born February 9, 1981 and raised in Brooklyn, NY. He took his Muslim religion out of respect for his father despite fact that he abandoned the family early<sup>27</sup> and despite the fact that his mother's family is Catholic.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup> Williams referred to himself as Daoud when he spoke with his co-conspirators.<sup>31</sup> Williams' girlfriend, Cassandra McKoy, claimed that he became much more devoted to Islam while in prison.<sup>32</sup> According to his family, Williams never spoke of politics except that he had been excited to vote for Barack Obama.<sup>33</sup>

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."<sup>34</sup> 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,

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<sup>23</sup> Chan and Schweber, "Updates."

<sup>24</sup> Chan and Schweber, "Updates."

<sup>25</sup> Kareem Fahim, "On Tapes, Terror Suspects Brags and Reveals His Hate," *New York Times*, August 30, 2010.

<sup>26</sup> Baker, "Suspects."

<sup>27</sup> Chan and Schweber, "Updates."

<sup>28</sup> Baker, "Suspects."

<sup>29</sup> Baker, "Suspects."

<sup>30</sup> Baker, "Suspects."

<sup>31</sup> Baker, "Suspects."

<sup>32</sup> Chan and Schweber, "Updates."

<sup>33</sup> Chan and Schweber, "Updates."

<sup>34</sup> Baker, "Suspects." It is unclear whether Williams attempted to read an Arabic or English version of the Koran.

such love.”<sup>35</sup> However, the U.S. attorneys prosecuting Williams attempted to profile mine 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.<sup>36</sup> His prior criminal record was drug-related charges and 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, Williams in 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 prior to his release from prison in 2007. Williams has been previously 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.<sup>37</sup>

Laguerre Payen was born on September 24, 1981 in Haiti.<sup>38</sup> 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.<sup>39</sup> In 2002, Payen was arrested for shooting two teenagers with a BB gun that struck the targets in their head and served fifteen months in prison.<sup>40</sup> Payen converted to Islam while in prison and received counseling from an assistant imam at the Masjid al-Ikhlas mosque who said that Payen’s understanding of Islam was “shallow and misguided.”<sup>41</sup> He was also trying to win custody over his three-year-old son.<sup>42</sup> 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.”<sup>43</sup> 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.”<sup>44</sup> Payen was also on medication for schizophrenia and was illiterate.<sup>45</sup>

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<sup>35</sup> Baker, “Suspects.”

<sup>36</sup> Baker, “Suspects.”

<sup>37</sup> Baker, “Suspects.”

<sup>38</sup> Baker, “Suspects.”

<sup>39</sup> Chan and Schweber, “Updates.”

<sup>40</sup> Baker, “Suspects.”

<sup>41</sup> Baker, “Suspects.”

<sup>42</sup> Chan and Schweber, “Updates.”

<sup>43</sup> Chan and Schweber, “Updates.”

<sup>44</sup> Baker, “Suspects.”

<sup>45</sup> Jim Fitzgerald and Michael Hill, “Bumbling Bomb Plotters ‘Intellectually Challenged,’” *Associated Press and NBC New York*, May 22, 2009.

There are common traits among the Newburgh Four. Cromitie and both David and Onta Williams are African-Americans while Laguerre Payen is a Black immigrant from Haiti.<sup>46</sup> 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.<sup>47</sup> 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 became very friendly only after living houses away from each other and met around 2007.<sup>48</sup> 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.<sup>49</sup> Although they all attended the Masjid al-Ikhlas mosque though, according to the imam Salahuddin Mustafa Muhammad, none of them were active members.<sup>50</sup>

One might suspect that they were radicalized to the point of wanting to do a terrorist act in prison. According to a former inmate that 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 in jail: 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, the federal Bureau of Prisons said they were keeping a close eye on the possibility that prisoners are becoming radicalized.<sup>51</sup>

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.<sup>52</sup> Because Cromitie was the original focus of investigation by the informant and because he was more than ten years older than the other men,<sup>53</sup> he has been painted as the ringleader of the Newburgh Four by

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<sup>46</sup> Baker and Hernandez, "4 Accused."

<sup>47</sup> Baker, "Suspects."

<sup>48</sup> Chan and Schweber, "Updates."

<sup>49</sup> 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 articles referenced.

<sup>50</sup> Chan and Schweber, "Updates."

<sup>51</sup> Daniel J. Wakin, "Imams Reject Talk That Islam Radicalizes Inmates," *New York Times*, May 23, 2009.

<sup>52</sup> 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.

<sup>53</sup> 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?”<sup>54</sup> It seems the group may have operated without much of 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.”<sup>55</sup> 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.<sup>56</sup> 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.”<sup>57</sup> 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.<sup>58</sup> However, in later recorded conversations (taping began in October 2008), Cromitie and others also discussed not getting caught for their acts.<sup>59</sup> 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.<sup>60</sup> In other taped conversations Cromitie complained how Jewish people treated him and discussed “jumping up and killing one of them.”<sup>61</sup> 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.”<sup>62</sup> 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 over this case is certainly debatable and will be discussed more fully later, the men were undeniably motivated in some part by their anti-

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<sup>54</sup> Kareem Fahim, “In Bronx Bomb Plot, Tapes Shed Light on Informer,” *New York Times*, September 8, 2010.

<sup>55</sup> Chan, “4 Arrested.”

<sup>56</sup> Wilson, “Missteps Caught on Tape.”

<sup>57</sup> Wilson, “Missteps Caught on Tape.”

<sup>58</sup> Chan, “4 Arrested.”

<sup>59</sup> Fahim, “Informer says Defendant.”

<sup>60</sup> Chan, “4 Arrested.”

<sup>61</sup> Fahim, “On Tapes.”

<sup>62</sup> 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.<sup>63</sup> 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.”<sup>64</sup>

#### 4. Goals

Fueled with hate for the American military foreign policy and 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 Jews abroad.<sup>65</sup>

#### 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.<sup>66</sup> The FBI fitted it out with audio and video surveillance equipment to monitor the development, planning, and eventual execution of a terrorist plot.<sup>67</sup> Cromitie wanted to bomb synagogues and military aircraft at the Stewart Air National Guard base in Newburgh.<sup>68</sup> 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 also expressed interest in blowing up a synagogue again on the trip to Philadelphia.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> Cromitie also refused to attempt to recruit more

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<sup>63</sup> Jaish-e-Mohammad is the terrorist organization which the conspirators believed the informant belonged to.

<sup>64</sup> Fahim, “In Bronx Bomb Plot.”

<sup>65</sup> Wilson, “Missteps Caught on Tape.”

<sup>66</sup> Wilson, “Missteps Caught on Tape.”

<sup>67</sup> Wilson, “Missteps Caught on Tape.”

<sup>68</sup> Wilson, “Missteps Caught on Tape.”

<sup>69</sup> 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.

<sup>70</sup> Wilson, “Missteps Caught on Tape.”

<sup>71</sup> 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 from his synagogue.<sup>72</sup> 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 to the to execute their plans.<sup>73</sup>

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.<sup>74</sup> The conspirators chose the Riverdale Jewish Center, a modern Orthodox Jewish congregation and the Riverdale Temple, a Reform Jewish congregation, as targets.<sup>75</sup> They decided these synagogues, only six blocks away from each other,<sup>76</sup> would be easy to bomb by leaving remote-detonating bombs in parked cars.<sup>77</sup> 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.<sup>78</sup> Cromitie wanted to shoot a plane parked on the ground next to others to create a bigger explosion.<sup>79</sup>

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 left to pick up the weapons at the Stamford, CT warehouse wired with surveillance devices by the FBI and drove them back to a storage facility in Newburgh.<sup>80</sup> 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.<sup>81</sup> The FBI gave the conspirators three 37-pound C-4 plastic explosives, which were actually made of regular, non-explosive plastic,<sup>82</sup> and a Stinger SAM which was disabled and rendered useless by the FBI.<sup>83</sup> 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

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<sup>72</sup> Fahim, "Suspect Wavering."

<sup>73</sup> Fahim, "Suspect Wavering."

<sup>74</sup> Wilson, "Missteps Caught on Tape."

<sup>75</sup> Wilson, "Missteps Caught on Tape."

<sup>76</sup> Baker and Hernandez, "4 Accused."

<sup>77</sup> Wilson, "Missteps Caught on Tape."

<sup>78</sup> Wilson, "Missteps Caught on Tape."

<sup>79</sup> Bruce Golding, "Alleged Riverdale bomb plotter James Cromitie not willing to die for cause: recording," *New York Post*, August 21, 2010.

<sup>80</sup> Wilson, "Missteps Caught on Tape."

<sup>81</sup> 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.

<sup>82</sup> Daly, "Terror suspect."

<sup>83</sup> Wilson, "Missteps Caught on Tape."

described by David Williams as a “supreme Bloods gang leader.” He purchased a 9 millimeter handgun for \$700, paid for by the informant.<sup>84</sup>

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.<sup>85</sup> 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 a 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.<sup>86</sup> After they planted the bombs, Cromitie asked one of the others if they had turned on the switch the explosive on to arm it. The co-conspirator replied he did not know he was supposed to turn a switch on.<sup>87</sup>

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.<sup>88</sup> 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.<sup>89</sup>

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.<sup>90</sup>

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.<sup>91</sup>

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

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<sup>84</sup> Chan and Schweber, “Updates.” Wilson, “Missteps Caught on Tape.”

<sup>85</sup> Baker and Hernandez, “4 Accused.”

<sup>86</sup> Baker and Hernandez, “4 Accused.”

<sup>87</sup> 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.

<sup>88</sup> Baker and Hernandez, “4 Accused.”

<sup>89</sup> Daly, “Terror suspect.”

<sup>90</sup> Gendar, “Too dopey to turn on explosive device.”

<sup>91</sup> 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.<sup>92</sup>

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 their terrorist attack had a high risk ending in his death. Their belief that they could walk away from the plot unharmed with only a pistol for protection further demonstrates their 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-Ikhlas 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.<sup>93</sup> 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.<sup>94</sup> 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.<sup>95</sup> 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.<sup>96</sup> 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 scheme exciting and enticing enough 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,<sup>97</sup> and did a variety of jobs.<sup>98</sup> However in 2002, he

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<sup>92</sup> Fahim, "In Bronx Bomb Plot."

<sup>93</sup> Chan, "4 Arrested."

<sup>94</sup> Chan, "4 Arrested."

<sup>95</sup> Kareem Fahim, "In Bronx Bomb Plot, Tapes Shed Light on Informer," *New York Times*, September 8, 2010.

<sup>96</sup> Fahim, "Suspect Wavering."

<sup>97</sup> Fahim, "Informer."

<sup>98</sup> 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 money to illegally acquire driver's licenses.<sup>99</sup> To avoid deportation, Hussain agreed to inform on the driver's license scheme and eventually worked on more than 20 cases with the FBI.<sup>100</sup>

He 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 6).<sup>101</sup> 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.<sup>102</sup> In this case, many also felt that he led victims to 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.<sup>103</sup> 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."<sup>104</sup>

Hussain was called upon again by the FBI in 2008 to investigate the Masjid al-Ikhlas mosque under the assumed identity of a wealthy Pakistani import-export businessman.<sup>105</sup> 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.<sup>106</sup> According to an assistant imam at Masjid al-Ikhlas, Hussain would try to take members, especially young, black members, of the mosque to lunch, offer them gifts such as phones and computers,<sup>107</sup> and ask about their views on Afghanistan and the Middle East.<sup>108</sup> However, older members of the mosque realized in time that he was a government informant and kept their distance from him,<sup>109</sup> and would warn whoever they saw him talking to and tell them to stay away from the strange man.<sup>110</sup> The mosque's assistant imam, Hamim Rashada, said that if he ever seen Laguerre Payen, whom he was counseling, with Hussain he would have instructed Payen to "stay the hell away from him" Hussain.<sup>111</sup> However, Cromitie apparently

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<sup>99</sup> Rashbaum and Fahim, "Informer's Role."

<sup>100</sup> Rashbaum and Fahim, "Informer's Role."

<sup>101</sup> Rashbaum and Fahim, "Informer's Role."

<sup>102</sup> 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 besides the one in Albany.

<sup>103</sup> Fred LeBrun, "History will remember Albany terrorism sting as a witch hunt," *Albany Times Union*, January 12, 2007.

<sup>104</sup> Zachary Roth, "Defense Lawyer On Newburgh Informant: 'A Real Snake,'" *Talkingpointsmemo.com*, May 25, 2009.

<sup>105</sup> Kareem Fahim, "Agent Tied to Informant Testifies in Bomb Plot Case," *New York Times*, August 25, 2010.

<sup>106</sup> Fahim, "Agent."

<sup>107</sup> Rashbaum and Fahim, "Informer's Role."

<sup>108</sup> 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.

<sup>109</sup> Rashbaum and Fahim, "Informer's Role."

<sup>110</sup> Kemp, Gendar, and Schapiro, "Informant."

<sup>111</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate," *Jewish Telegraphic Agency*, May 25, 2009.

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.”<sup>112</sup> When he was further pressed by defense attorneys, Agent Fuller said that Hussain was paid around \$100 a day as an informant.<sup>113</sup> 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.<sup>114</sup> 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?”<sup>115</sup> 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 that would work for the money, but not for the cause.<sup>116</sup> 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.<sup>117</sup> 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.<sup>118</sup> 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.”<sup>119</sup>

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.<sup>120</sup> Additionally, David Williams was recorded saying “This is not anything to do with money. This

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<sup>112</sup> Fahim, “Agent.”

<sup>113</sup> Fahim, “Agent.”

<sup>114</sup> A.G. Sulzberger, “Defense Cites Entrapment in Terror Case,” *New York Times*, March 17, 2010.

<sup>115</sup> Sulzberger, “Defense.”

<sup>116</sup> Sulzberger, “Defense.”

<sup>117</sup> Fahim, “Agent.”

<sup>118</sup> Associated Press, “Judge Refuses to Dismiss Bronx Synagogue Bomb-Plot Case,” *New York Times*, May 19, 2010. Fahim, “Suspect Wavering.”

<sup>119</sup> Fahim, “Suspect Wavering.”

<sup>120</sup> Kareem Fahim, “In Bronx Bomb Plot, Tapes Shed Light on Informer,” *New York Times*, September 8, 2010.

has everything to do with Allah.”<sup>121</sup> 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.”<sup>122</sup>

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.”<sup>123</sup> 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?”<sup>124</sup>

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.<sup>125</sup> 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.<sup>126</sup> In the end, the jury decided that the conspirators were self-motivated enough to convict them for their actions.<sup>127</sup>

In a March 2, 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 to attempt to swindle Hussain out of hundreds of thousands of dollars.<sup>128</sup> The article coincides 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

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<sup>121</sup> Fahim, “Suspect Wavering.”

<sup>122</sup> Associated Press, “Judge.”

<sup>123</sup> Fahim, “4 Convicted.”

<sup>124</sup> Stewart Ain, “Implications of Riverdale Case Unclear,” *The Jewish Week*, October 12, 2010.

<sup>125</sup> Fahim, “Informer says Defendant.” These conversations were unrecorded and based solely on Hussain’s testimony.

<sup>126</sup> Fahim, “4 Convicted.”

<sup>127</sup> Fahim, “4 Convicted.”

<sup>128</sup> Graham Rayman, “Were the Newburgh 4 Really Out to Blow Up Synagogues? A Defendant Finally Speaks Out,” *Village Voice*, March 2, 2011.

member a terrorist organization in Pakistan. And they believed that they were able 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.<sup>129</sup> However, these connections to Afghanistan were pure bravado as Cromitie was born in Brooklyn and his father left his family at a young age.<sup>130</sup>

## 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, Masjid al-Ikhlas, the mosque that Cromitie met the informant at, insisted that none of the arrested men were active mosque members.<sup>131</sup> 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."<sup>132</sup>

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.<sup>133</sup> Rashada said that he sought to correct Payen's twisted view of Islam with accurate peaceful, loving teachings of the Koran.<sup>134</sup> Despite the fact that mosque leaders were 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 it.<sup>135</sup>

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).<sup>136</sup> According to MANA, the conference was an annual meeting of workshops and talks that focused on the theme of "Forging an American Muslim Agenda."<sup>137</sup> No evidence surfaced that showed this conference affected Cromitie's opinions or ideology,

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<sup>129</sup> Fahim, "Informer says Defendant."

<sup>130</sup> Baker, "Suspects."

<sup>131</sup> Chan and Schweber, "Updates."

<sup>132</sup> Amira Hess, "Did FBI informant actually inspire Bronx synagogue plot?" *Haaretz*, June 15, 2009.

<sup>133</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>134</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>135</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>136</sup> According to the Jewish Anti-Defamation League, the MANA is a mostly African-American organization that "seeks to strengthen Muslim communities through empowering mosques" "Four Convicted in New York for Terrorist Plot Against Synagogues," *Jewish Defamation League. NY Daily News Staff*, "Inside the terror plot to bomb two Jewish temples."

<sup>137</sup> <http://www.mana-net.org/conference.php>

although he was recorded having early discussions of targets for attack while in Philadelphia with Hussain.<sup>138</sup>

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.<sup>139</sup> 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.<sup>140</sup> 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 at there or by its Imam.<sup>141</sup> However, because of this case, the Imam was frustrated that an informant was around stirring up conversations of jihad.<sup>142</sup> 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?"<sup>143</sup>

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 29). 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."<sup>144</sup> 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.<sup>145</sup>

## 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

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<sup>138</sup> *NY Daily News* Staff, "Inside the terror plot to bomb two Jewish temples."

<sup>139</sup> Chan and Schweber, "Updates."

<sup>140</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>141</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>142</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>143</sup> Alex Weisler, "Newburgh mosque leaders: We don't preach hate."

<sup>144</sup> "Trial By Entrapment," CAIR.com, December 3, 2010.

<sup>145</sup> "CAIR Applauds FBI for Preventing Attacks on NY Jewish Sites," CAIR.com, May 21, 2009.

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 another terrorist group. This incident shows that we must always be vigilant against terrorism--foreign or domestic.”<sup>146</sup>

Law enforcement authorities released similar statements in the wake of the arrest of the Newburgh Four. On the day after the arrest, Raymond Kelly, New York Police Department Police 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.”<sup>147</sup> 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.’”<sup>148</sup>

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’s made specific mention 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 bombs<sup>149</sup> 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.<sup>150</sup> 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

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<sup>146</sup> Baker and Hernandez, “4 Accused.”

<sup>147</sup> Javier C. Hernandez and Sewell Chan, “N.Y. Bomb Plot Suspects Acted Alone, Police Say,” *New York Times*, May 21, 2009.

<sup>148</sup> Hernandez and Chan, “Suspects Acted Alone.”

<sup>149</sup> The FBI rigged the bomb with 500 ball-bearings which, though the bombs were fake, would increase lethality greatly. Fahim, “Agent.”

<sup>150</sup> Kareem Fahim, “Focus as Bomb-Plot Trial Nears End: Were 4 Men Predisposed to Commit a Crime?” *New York Times*, October 4, 2010.

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 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.”<sup>151</sup> 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.<sup>152</sup> 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.”<sup>153</sup> 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.”<sup>154</sup>

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.”<sup>155</sup> When Fuller

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<sup>151</sup> Fahim, “4 Convicted.”

<sup>152</sup> Baker and Hernandez, “4 Accused.”

<sup>153</sup> Fitzgerald and Hill, “Bumbling Bomb Plotters.”

<sup>154</sup> Gendar, “Too dopey to turn on explosive device.”

<sup>155</sup> Fahim, “Agent.”

was further pressed by defense attorneys, Agent Fuller said that Hussain was paid around \$100 a day as an informant.<sup>156</sup> Hussain also provided the plotters with some money, gifts, and expenses to enable their participation in the plot as all of the men were unemployed before their arrests. Hussain additionally purchased a \$700 9mm handgun from an illegal dealer in Brooklyn.<sup>157</sup>

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, a manned the cameras and microphones. The FBI also set up a warehouse in Stamford, Connecticut, in conjunction with the Stamford, CT police, for the conspirators to pick up their fake explosives and inoperable Stinger missile, all of which were provided by the FBI.<sup>158</sup> It FBI tailed the men when they drove to Connecticut.<sup>159</sup> 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.<sup>160</sup>

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 measure 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.<sup>161</sup>

## 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.<sup>162</sup> 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

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<sup>156</sup> Fahim, “Agent.”

<sup>157</sup> Baker, “Suspects.”

<sup>158</sup> Wilson, “Missteps Caught on Tape.”

<sup>159</sup> Fahim, “Surveillance.”

<sup>160</sup> Chan, “4 Arrested.”

<sup>161</sup> Chan, “4 Arrested.”

<sup>162</sup> Alex Weisler, “Newburgh mosque leaders: We don’t preach hate.”

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 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."<sup>163</sup>

#### 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."<sup>164</sup> 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-Ikhlas 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.<sup>165</sup>

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."<sup>166</sup> 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

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<sup>163</sup> Fahim, "On Tapes."

<sup>164</sup> Ain, "Implications."

<sup>165</sup> Jerry Markon, "Tension grows between Calif. Muslims, FBI after informant infiltrates mosque," *Washington Post*, December 5, 2010.

<sup>166</sup> Risa Brooks, "Muslim 'Homegrown Terrorism' in the United States: How Serious is the Threat?" *International Security*, forthcoming.

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 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 dangerous and growing domestic terrorism threat out there. The plotters were extremely incompetent and would be 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 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 four poor, incompetent, and unintelligent ex-convicts back into prison for the rest of their lives.

## Case 19: 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.<sup>1</sup> 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”).<sup>2</sup> 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 terrorist, 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 Fort Hood killings, also accomplished by shootings, that occurred later in 2009 (Case 25), this miserably pathetic, if murderous, venture is 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.

<sup>1</sup> NEFA Foundation, “Target: America: A NEFA report on the Little Rock, Arkansas Recruiting Station Shooting,” nefafoundation.org, June 2009, 3.

<sup>2</sup> NEFA Foundation, “The Little Rock, Arkansas Recruiting Station Shooting,” 2.

Also of interest: the Little Rock and Fort Hood 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 19: Little Rock

Michael Coleman

June 4, 2011

### 1. Overview

On June 1, 2009 around 10:20am,<sup>1</sup> Abdulhakim Mujahid Muhammad, a convert to Islam, fired an SKS semiautomatic assault rifle<sup>2</sup> at soldiers outside an Army recruitment center in Little Rock, Arkansas, killing Private William Long and wounding Private Quinton Ezeagwula<sup>3</sup> in a self-professed Jihadist attack. Approximately 12 minutes after the shootings,<sup>4</sup> Muhammad was arrested by the Little Rock Police Department near a highway intersection.<sup>5</sup>

He has been charged with capital murder, attempted capital murder, aggravated assault, and 16 counts of committing a terrorist act.<sup>6</sup> Despite his desire to plead guilty, he is unable to do so under Arkansas state law because he faces the death penalty.<sup>7</sup> Prior to his first and only attack, Muhammad had planned several jihadist attacks on U.S. military centers as well as on Jewish institutions in multiple American cities.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> After his arrest, Muhammad underwent a psychological evaluation at Arkansas State Hospital.<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> In 2003, just before his 18th birthday, he was involved in a criminal incident. After a

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<sup>1</sup> "One Shot, One Dead Outside LR. Recruiting Office," Wreg.com, June 1. 2009.

<sup>2</sup> A Soviet semi-automatic carbine. See "SKS," Wikipedia, accessed December 3. 2010.

<sup>3</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2009.

<sup>4</sup> David Goins, "Little Rock Shooter May Have Had Other Targets," FOX16.com, Little Rock, AR, June 3. 2009.

<sup>5</sup> "One Shot."

<sup>6</sup> Kristina Goetz, "Muslim Who Shot Soldier in Arkansas Says He Wanted to Cause More Death," Knoxnews.com., November 13. 2010. Web. 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* over the course of his incarceration, the details of which are reported verbatim in the article.

<sup>7</sup> Bob Smietana, "The Iconoclast," *New English Review*, July 29, 2010.

<sup>8</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 3.

<sup>9</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 1.

<sup>10</sup> Goetz, "Muslim Who Shot Soldier."

<sup>11</sup> Goetz, "Muslim Who Shot Soldier."

<sup>12</sup> Goetz, "Muslim Who Shot Soldier."

<sup>13</sup> Goetz, "Muslim Who Shot Soldier."

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.<sup>14</sup> The case stayed out of the courts and was instead handled by juvenile authorities.<sup>15</sup> According to the police report, Muhammad was affiliated with the M.O.B. gang.<sup>16</sup>

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.<sup>17</sup>

After the incident, Muhammad began exploring various religions to turn his life around and quickly abandoned his childhood religion of Christianity because he could not comprehend the trinity.<sup>18</sup> Although he was attracted to Judaism because of monotheism, he says he was turned away from synagogues because he was black.<sup>19</sup> He found the religion to be full of racial pride and instead moved on to Islam.<sup>20</sup> He started attending the Masjid As-Salam mosque<sup>21</sup> 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. While still in the United States, he considered himself a Mujahid—one who participates in jihad—a term he selected as his middle name in 2006.<sup>22</sup>

In the 2010 psychiatric report, 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.<sup>23</sup>

Shortly thereafter, he dropped out of college and started living in cheap apartments around the Memphis area.<sup>24</sup> On March 26, 2006, he legally changed his name from Carlos Leon Bledsoe to Abdulhakim Mujahid Muhammad.<sup>25</sup> In 2006 and 2007, he made several trips to Columbus, Ohio and attended the same

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<sup>14</sup> Goetz, "Muslim Who Shot Soldier."

<sup>15</sup> Goetz, "Muslim Who Shot Soldier."

<sup>16</sup> 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. Web.

<sup>17</sup> Goetz, "Muslim Who Shot Soldier."

<sup>18</sup> Goetz, "Muslim Who Shot Soldier."

<sup>19</sup> Goetz, "Muslim Who Shot Soldier."

<sup>20</sup> Goetz, "Muslim Who Shot Soldier."

<sup>21</sup> Goetz, "Muslim Who Shot Soldier."

<sup>22</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4

<sup>23</sup> Goetz, "Muslim Who Shot Soldier."

<sup>24</sup> Goetz, "Muslim Who Shot Soldier."

<sup>25</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

mosque<sup>26</sup> once frequented by convicted terrorists Nuradin Abdi, Iyman Faris, and Christopher Paul (Case 4), although it is uncertain whether he had any ties with them.<sup>27</sup>

On September 11, 2007, he moved to Yemen to teach English with the British Council. He also took Arabic classes at the City Institute and studied Islam.<sup>28</sup> In Yemen, Muhammad converted to Sunni Islam and married an elementary school teacher to whom he taught English.<sup>29</sup> Later, he would regard English as the language of the enemy.<sup>30</sup> 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.”<sup>31</sup>

On November 14, 2008, just two months after his marriage, Muhammad was arrested at a roadside checkpoint in Aden for overstaying his visa.<sup>32</sup> The police found him in possession of fake Somali passport, videos about the daily operations of Muslim soldiers, and literature by Anwar al-Awlaki,<sup>33</sup> 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. He was imprisoned in Yemen’s Political Security Organization for two months, during which he is reported to have started planning his jihadist attacks.<sup>34</sup> During his incarceration, the FBI interrogated him on several occasions with concerns that he was being trained by terrorist cells in Somalia.<sup>35</sup>

He had moved to Yemen to join his Mujahideen brothers and to get training in car bomb making and weapons use where he was encouraged by his brothers 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 said had he made it to Somalia for training, the drive-by attack he eventually committed in Little Rock would have been a drive-in.<sup>36</sup>

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.<sup>37</sup> As a result, the FBI could not wire tap his phone or put him under surveillance.

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<sup>26</sup> 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.

<sup>27</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

<sup>28</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 5.

<sup>29</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 5.

<sup>30</sup> Goetz, "Muslim Who Shot Soldier."

<sup>31</sup> Goetz, "Muslim Who Shot Soldier."

<sup>32</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 6.

<sup>33</sup> He is thought to have encouraged Hasan to execute the Ft. Hood shootings (Case 25). See Goetz, "Muslim Who Shot Soldier."

<sup>34</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 6.

<sup>35</sup> Goetz, "Muslim Who Shot Soldier."

<sup>36</sup> Goetz, "Muslim Who Shot Soldier."

<sup>37</sup> 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.<sup>38</sup> Days before the shootings, Muhammad was seen driving a Little Rock Hilton Hotel sightseeing van.<sup>39</sup> A 2010 psychiatric evaluation at the time of his later trial corroborated his claim to gang membership and concluded he was sane and able to stand trial.<sup>40</sup>

### 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"<sup>41</sup> 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.<sup>42</sup> 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 enemy<sup>43</sup> 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.<sup>44</sup> According to Muhammad, more American bloodshot would ensue if these "goals" were not accomplished.<sup>45</sup> From his jihadist attacks, he sought to send a simple message: leave the Middle East or more American bloodshed will ensue.

### 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.<sup>46</sup>

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.<sup>47</sup> While in Nashville, he lit and threw a Molotov cocktail at what he

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<sup>38</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

<sup>39</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 8; little supporting evidence.

<sup>40</sup> Goetz, "Muslim Who Shot Soldier."

<sup>41</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2.

<sup>42</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2.

<sup>43</sup> Goetz, "Muslim Who Shot Soldier."

<sup>44</sup> James Dao and David Johnston, "Report of Motive in Recruiter Attack," *New York Times*, June 2, 2009.

<sup>45</sup> Goetz, "Muslim Who Shot Soldier."

<sup>46</sup> Goetz, "Muslim Who Shot Soldier."

<sup>47</sup> Goetz, "Muslim Who Shot Soldier."

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 explode.<sup>48</sup> After this blunder, he drove to an Army recruiting center in Florence, Kentucky. He had researched recruiting centers using Google Maps<sup>49</sup> and chose one in Florence because "it was near an interstate and bordered Ohio. Easy to get away."<sup>50</sup> The office, however, was closed.<sup>51</sup>

Muhammad told the Arkansas state psychiatrist that the Little Rock shooting was actually unplanned<sup>52</sup>—a reference to the subversive video he watched just before the shooting that allegedly sparked him into action.<sup>53</sup> On June 1, 2009, he used a SKS semiautomatic assault rifle in a drive-by attack to shoot and kill an army recruitment officer while wounding another outside an Army recruiting center in the Ashley Square Shopping Center in Little Rock, Arkansas,<sup>54</sup> just three miles from his apartment. The soldiers, dressed in fatigues, were on a smoke break outside of the recruitment center when Muhammad drove by in his Ford Sport Trac SUV and opened fire.<sup>55</sup> 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.<sup>56</sup> Muhammad surrendered without a fight. The police found 562 rounds of ammunition, homemade silencers, and military books in his car.<sup>57</sup> He had intended to kill more soldiers in the Little Rock shooting and in future attacks against military recruiting offices, Jewish organizations, and day-care centers in New York, Atlanta, Philadelphia, and Louisville.<sup>58</sup>

After his arrest in Little Rock, Muhammad wrote seven letters to the *Commercial Appeal* in Memphis stating his plans to kill further, confirming FBI suspicions of his false Somali passport: he had planned to travel to Somalia to join his Mujahideen brothers in weapons training and car bomb making. Originally, he planned to attack military recruiting centers 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.<sup>59</sup>

In prison he has 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.

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<sup>48</sup> Goetz, "Muslim Who Shot Soldier."

<sup>49</sup> Thomas et. al., "Recruiter Shooting"

<sup>50</sup> Goetz, "Muslim Who Shot Soldier."

<sup>51</sup> Goetz, "Muslim Who Shot Soldier."

<sup>52</sup> Goetz, "Muslim Who Shot Soldier."

<sup>53</sup> Thomas et. al., "Recruiter Shooting."

<sup>54</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 1.

<sup>55</sup> Goetz, "Muslim Who Shot Soldier."

<sup>56</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 1.

<sup>57</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 2.

<sup>58</sup> Pierre Thomas et. al., "Recruiter Shooting Suspect Had Ties to Extremist Locations," ABC News/Politics, ABC News, June 3, 2009.

<sup>59</sup> Goetz, "Muslim Who Shot Soldier."

## 7. Connections

Muhammad moved to Yemen where he studied Arabic and taught English to make money.<sup>60</sup> As noted, he had planned to travel to Somalia to receive 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 Islamic 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, 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.<sup>61</sup> 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.<sup>62</sup> However, the publication does not indicate that AQAP had sent him to commit the Little Rock shooting. He also claimed to have watched a video of "subversive activities" prior to his attack, which spurred him into action. 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."<sup>63</sup>

## 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 in Memphis and frequented a mosque in Columbus, Ohio in 2006 and 2007.<sup>64</sup> 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.<sup>65</sup> 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 Somalia passport. Authorities also reported that he dropped out of Tennessee State University, changed his name, and converted to Islam in 2004. They were

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<sup>60</sup> Goetz, "Muslim Who Shot Soldier."

<sup>61</sup> ADL

<sup>62</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

<sup>63</sup> Thomas et. al., "Recruiter Shooting."

<sup>64</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 4.

<sup>65</sup> Goetz, "Muslim Who Shot Soldier."

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.<sup>66</sup> They also knew that his attack was a form of retribution against the U.S. military for its killing of Muslims in the Middle East.<sup>67</sup> 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 on 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 day cares.<sup>68</sup> Additionally, the FBI's Joint Terrorist Task Force had interrogated Muhammad while he was imprisoned in Yemen and on several occasions when he was deported back to the United States in January 2009.<sup>69</sup> 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.<sup>70</sup> 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. Articles by the *New York Times* and ABC News commented on Muhammad's suspected ties to extremist locations<sup>71</sup> and their suspicions were corroborated with 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 was competent and responsible.

Muhammad's lawyer, James Hensley,<sup>72</sup> 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.<sup>73</sup> 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

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<sup>66</sup> Thomas et. al., "Recruiter Shooting."

<sup>67</sup> Dao and Johnston, "Report of Motive."

<sup>68</sup> Thomas et.al., "Recruiter Shooting."

<sup>69</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

<sup>70</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 7.

<sup>71</sup> Thomas et. al., "Recruiter Shooting."

<sup>72</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 8.

<sup>73</sup> "Lawyer: Arkansas Shooting Suspect 'brainwashed'," CNN.com., June 5, 2009. Web.

client.<sup>74</sup> 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

The FBI interrogated Muhammad on two separate occasions when he was arrested in Yemen under possession of 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.<sup>75</sup>

## 12. Relevance of the internet

Muhammad used Google Maps to research the locations of military recruitment offices, Jewish organizations, and day care centers in New York, Philadelphia, Atlanta, Louisville, and Memphis.<sup>76</sup>

## 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 amateur 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, Mohammad 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.

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<sup>74</sup> NEFA Foundation, "The Little Rock, Arkansas Recruiting Station Shooting," 8.

<sup>75</sup> Goetz, "Muslim Who Shot Soldier."

<sup>76</sup> Thomas et. al., "Recruiter Shooting."

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.<sup>77</sup> 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 starting 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.<sup>78</sup> 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 jihad<sup>79</sup> 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 practice jihad—and departed for Yemen on the sixth anniversary of the 9/11 attacks. He read literature on 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.”

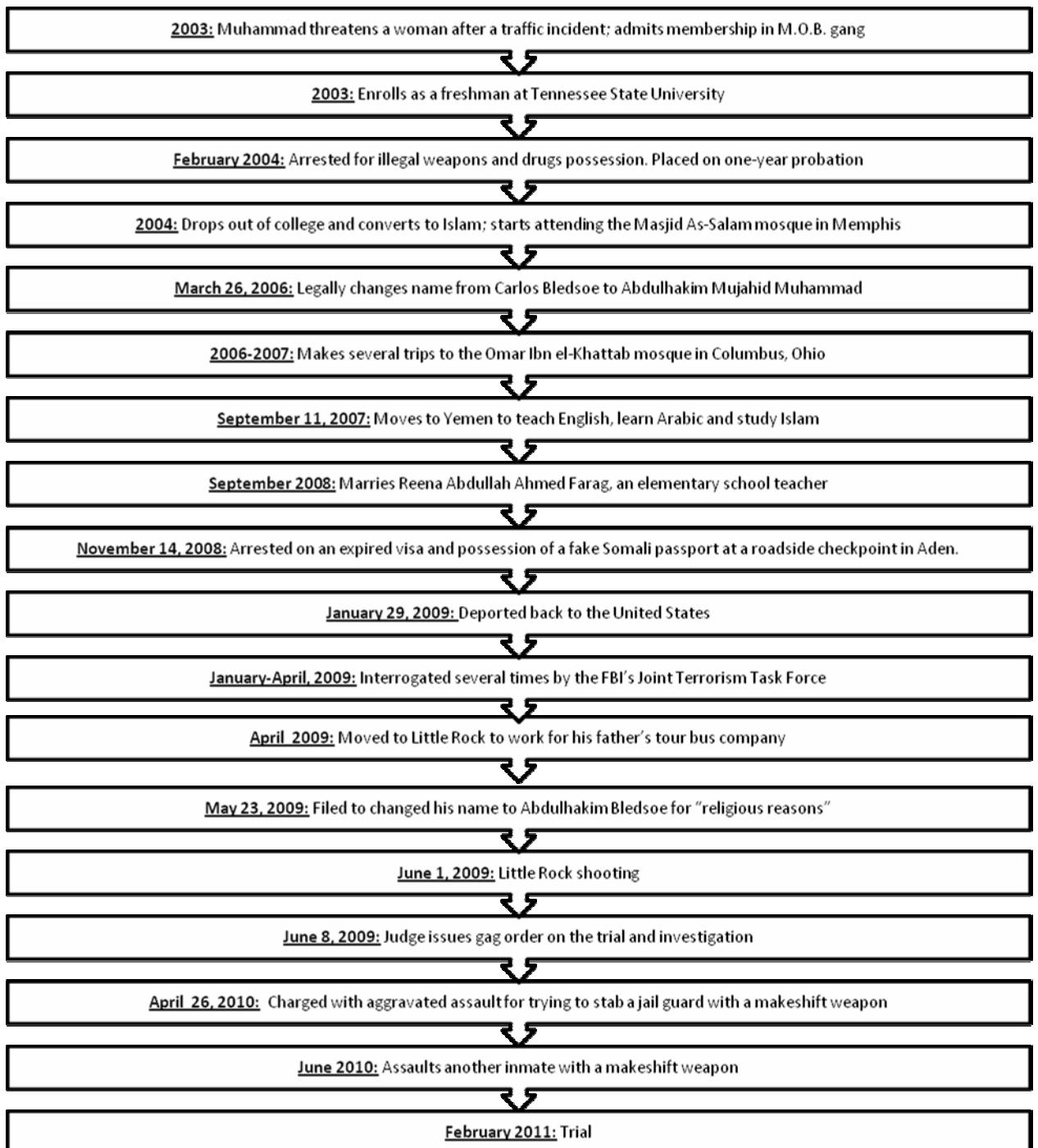
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<sup>77</sup> Goetz, “Muslim Who Shot Soldier.”

<sup>78</sup> Goetz, “Muslim Who Shot Soldier.”

<sup>79</sup> Goetz, “Muslim Who Shot Soldier.”

## Appendix: Timeline of events



**Case 20: 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."<sup>1</sup>

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<sup>1</sup> Reuters, "North Carolina man guilty in terrorism case," February 10, 2011.

## Case 20: Boyd and Quantico

Kelly Stritzinger

June 4, 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.<sup>1</sup> Boyd, 39, a US citizen and North Carolina resident is considered the ringleader.<sup>2</sup>

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.

Arrests took place on July 27, 2009 and involved more than 100 law enforcement officers, four SWAT teams from several states, and an FBI Hostage Rescue Team. All the men (another is thought to be in Pakistan) 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.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

### 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 hair, Boyd was born in the US and raised an Episcopalian by his parents Thornton

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<sup>1</sup> 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](http://dig.abclocal.go.com/wtvd/Boyd%20Indictment.pdf)

<sup>2</sup> NEFA Foundation, “The North Carolina Jihad Cell and the Quantico Marine Base Plot,” November 2009.

<sup>3</sup> Kelcey Carlson and Stacy Davis, “Terrorism suspects held without bond, moved to Virginia,” WRAL, August 2009.

<sup>4</sup> NBC 17, “Attorneys Ask For Extension In Triangle Terror Suspects Case,” November 2010.

<sup>5</sup> Wikipedia. Reuters, “North Carolina man guilty in terrorism case,” Feburary 10, 2011.

and Patricia Boyd. His father was a US Marine Corps captain, and the family moved around very frequently. Prior to their divorce, his parents separated in 1974, and Daniel began living under much more difficult conditions with his single mother. At one point in time, 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.”<sup>6</sup>

Daniel’s mother later re-married William Saddler, a lawyer from Washington, DC, who was also 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 also converted to Islam just before their marriage ceremony at a mosque at the Massachusetts Institute of Technology.<sup>7</sup>

An FBI agent 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.<sup>8</sup>

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. After 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.<sup>9</sup> 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.<sup>10</sup> The officials who interacted with Boyd and his brother during this incident all noted that they were very well-behaved and even sought 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

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<sup>6</sup> “The Nicest Terrorist I Ever Met,” CBS News, July 30, 2009.

<sup>7</sup> M.J. Stephey, “Daniel Boyd: A Homegrown Terrorist?” *Time*, July 30, 2009.

<sup>8</sup> NEFA Foundation, “The North Carolina Jihad Cell and the Quantico Marine Base Plot, Training.”

<sup>9</sup> “The Nicest Terrorist I Ever Met.”

<sup>10</sup> Stephey, “Daniel Boyd: A Homegrown Terrorist?”

Muslim practices, the family attempted to return to practicing Muslim.”<sup>11</sup> 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 US, Boyd filed for bankruptcy while he had a job in Raleigh working as a metal framer, and 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.<sup>12</sup>

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.<sup>13</sup>

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.”<sup>14</sup> 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.”<sup>15</sup> 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.

<sup>11</sup> NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Background.”

<sup>12</sup> NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Background.”

<sup>13</sup> “The Nicest Terrorist I Ever Met.”

<sup>14</sup> Stephey, “Daniel Boyd: A Homegrown Terrorist?”

<sup>15</sup> 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.”<sup>16</sup> 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.

Other books or 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 Usama bin Laden’s 1998 “Fatwah Urging Jihad Against Americans.”<sup>17</sup> 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.<sup>18</sup> He says he had “complete trust and confidence in his father about everything and anything.”<sup>19</sup> 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.”<sup>20</sup> 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

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<sup>16</sup> NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Radicalization of Others.”

<sup>17</sup> NEFA Foundation, “Daniel Patrick Boyd: Radicalization of Others.”

<sup>18</sup> NEFA Foundation. “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Dylan Boyd.”

<sup>19</sup> U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

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 email 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.<sup>23</sup>

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.’”<sup>24</sup> 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.<sup>25</sup> Yaghi’s background reveals previous crimes, such as where he plead 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.<sup>26</sup>

Hassan 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 assaulting his girlfriend.<sup>27</sup>

Anes Subasic, 33, a naturalized US 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.<sup>28</sup> When Subasic’s home was searched in 2009, ammunition, knives, a rifle scope

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<sup>21</sup> NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Zakariya Boyd.”

<sup>22</sup> U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

<sup>23</sup> NEFA Foundation. “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Hysen Sherifi.”

<sup>24</sup> U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

<sup>25</sup> Sarah Ovaska and Mandy Locke, “FBI Agent: Boyd Spoke of ‘Jihad Right Here,’ *News & Observer*, August 5, 2009.

<sup>26</sup> “Boyd’s Co-Defendants’ Histories Come to Light,’ *News & Observer*, August 5, 2009.

<sup>27</sup> Sarah Ovaska, “Terror Arrests Weren’t First Brush With Law,” *News & Observer*, July 29, 2009.

<sup>28</sup> 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.

box, counterterrorism literature and CDs labeled “September 11, 2001” were found along with a handgun permit.<sup>29</sup> 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.”<sup>30</sup>

Jude Kenan Mohammad, 21, who reportedly first met Dylan Boyd in 2007, moved from Pakistan to the US 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 also had a laptop and hidden knife when he was arrested.<sup>31</sup> His location is not currently known, but he was believed to be in Pakistan.<sup>32</sup>

### 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 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 US 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 US 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.”<sup>33</sup> This bulletin seems to evoke an exaggeratedly large

<sup>29</sup> 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.

<sup>30</sup> U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, FBI interview of Dylan Boyd, Filed August 25, 2009.

<sup>31</sup> Declan Walsh and Daniel Nasaw, “American Jihad or FBI Blunder? The Riddle of the “North Carolina Taliban,” *The Guardian*, September 3, 2009.

<sup>32</sup> “Delay Sought In Terror Case,” *Cary News*, November 24, 2010.

<sup>33</sup> “The Nicest Terrorist I Ever Met,” CBS News, July 30, 2009.

amount of terrorists, who all might follow relatively similar paths towards radicalism. Instead, the diverse backgrounds of all of the men indicted alongside 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 other men initially indicted 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."<sup>34</sup> 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.<sup>35</sup>

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."<sup>36</sup>

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."<sup>37</sup> It is hard to believe that Boyd's sons Zak and Dylan should share as much responsibility for the conspiracy, seeing how 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 that showing how the two were intending to carry out an attack on the US Marine Base in

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<sup>34</sup> Mandy Locke, Josh Shaffer, Sarah Ovaska, and Yonat Shimron, "Bulk of Terror Evidence Concerns Boyd," *News & Observer*, August 6, 2009.

<sup>35</sup> Declan Walsh and Daniel Nasaw, "Background: 'North Carolina Taliban,'" *Guardian*, September 3, 2009.

<sup>36</sup> NEFA Foundation, "The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Training."

<sup>37</sup> Locke et al., "Bulk of Terror Evidence."

Quantico. On June 12, Boyd “conducted reconnaissance at the base,” and ten days later was 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.”<sup>38</sup>

## 6. Role of informants

An unnamed informant who befriended Boyd and began “feigning enthusiasm for violent jihad,” 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.<sup>39</sup> 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.

## 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.<sup>40</sup> 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

Daniel Boyd, Hysen Sherifi, and others were indicted with charges of conspiring to commit terrorist acts, but this shocked many members of their community. On October 24, 2009, law enforcement officials attended a “town hall” meeting where they interacted with members of the Muslim community in an exercise “aimed at restoring trust between the two communities.”<sup>41</sup> 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

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<sup>38</sup> U.S. v. Boyd (E.D.N.C.). No 5:09-CR-216-1-FL, Superseding indictment, Filed September 24, 2009.

<sup>39</sup> Locke et al., “Bulk of Terror Evidence.”

<sup>40</sup> “The Nicest Terrorist I Ever Met.”

<sup>41</sup> “Muslims, Law Officials Meet in Apex,” *News & Observer*, November 4, 2009.

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 masjid was seen by some as the point where his ideas began to radicalize noticeably.

CAIR became involved in the investigation with regards to the informant. “In July, CAIR 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.”<sup>42</sup>

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.”<sup>43</sup>

## **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.”<sup>44</sup> 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

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<sup>42</sup> Carrie Johnson and Robin Shulman. “Probes Test Trust That Authorities Strove to Win From U.S. Muslims,” *Why Muhammad*, October 13, 2009.

<sup>43</sup> “The Nicest Terrorist I Ever Met.”

<sup>44</sup> “The Nicest Terrorist I Ever Met.”

particular profile. Nevertheless, one local resident stated he worshiped with the suspects and was “not surprised they were arrested.”<sup>45</sup>

## 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.<sup>46</sup>

## 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 email.<sup>47</sup> However, since Sherifi was plotting along with Boyd to attack the Quantico Marine Base, this email 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.<sup>48</sup> Also, Daniel Boyd’s sons represent one instance where sons adopt their father’s jihadist belief systems quite easily. Finally, homegrown terrorism is continuing to grow domestically and may occur in mountains or rural areas.

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<sup>45</sup> Sheyenne Rodriguez, “Leaders Speak Out About Terror Arrests,” ABC Local News, August 2, 2009.

<sup>46</sup> Declan Walsh and Daniel Nasaw, “Background: ‘North Carolina Taliban’,” *Guardian*, September 3, 2009.

<sup>47</sup> NEFA Foundation, “The NC Jihad Cell and the Quantico Marine Base Plot, Daniel Patrick Boyd: Hysen Sherifi.”

<sup>48</sup> Carrie Johnson and Spencer S. Hsu, “From Suburban D.C. Childhood to Indictment on Terror Charges,” *Washington Post*, July 29, 2009.

## Case 21: 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."<sup>1</sup> 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."<sup>2</sup>

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.<sup>3</sup> 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, 13, and 26 and possibly 5). 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.<sup>4</sup> 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.<sup>5</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> Lehrer NewsHour, PBS, 16 October 2009.

<sup>3</sup> Michael Wilson, "From Smiling Coffee Vendor to Terror Suspect," *New York Times*, September 26, 2009.

<sup>4</sup> Terry Frieden, "Top U.S. security officials share Afghan-Pakistan border concerns," *cnn.com*, September 30, 2009.

<sup>5</sup> 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.<sup>6</sup>

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 17), 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.

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<sup>6</sup> Johnson, "Weakened." Dina Temple-Raston, "Terrorism Case Shows Range Of Investigators' Tools," NPR, October 3, 2009.

## Case 21: Zazi

Justin Heilmann

June 4, 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.<sup>1</sup> 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 carrying out a "martyrdom attack" against the United States.<sup>3</sup> 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.<sup>4</sup> Zazi emailed himself nine pages of hand written 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.<sup>2</sup>

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 to construct the explosive.<sup>2</sup> In the meantime, British intelligence intercepted emails between Zazi and an al-Qaeda leader discussing the construction of the explosives.<sup>3</sup> They alerted authorities in the United States of the threat, and the FBI was monitoring Zazi's email and phone lines even before he began to construct the bombs. Accordingly, they 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 used in the 2005 London subway bombings and by the shoe bomber (Case 1).<sup>4</sup> 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. 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 about him. Finally

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<sup>1</sup> "Zazi Pleads Guilty to Charges," Press Release, U.S. Department of Justice, February 22, 2010.

<sup>2</sup> "Zazi reveals chilling details on al-Qaeda training and plot to blow up subways," *New York Daily News*, February 23, 2010.

<sup>3</sup> "British Spies help prevent attack," *Telegraph*, November 9, 2009.

<sup>4</sup> Bobby Ghosh, "An Enemy Within: The Making of Najibullah Zazi," *Time*, February 23, 2010.

realizing 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.<sup>5</sup>

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.<sup>6</sup> 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 charges of "conspiracy to use weapons of mass destruction."

On February 22, 2010, Zazi pled guilty to this charge, along with additional charges of conspiracy to commit murder and providing material aid to a terrorist organization.<sup>7</sup> 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.<sup>8</sup>

## 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.<sup>9</sup> 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.<sup>10</sup>

In 2006, he married a woman in Afghanistan in an arranged marriage, and had two children. Zazi worked to raise money, sending it back to his wife and children in Afghanistan, and he wanted to bring them to the United States in the future.<sup>11</sup> He opened many different credit card accounts, built up a debt of over fifty thousand dollars, and eventually declared bankruptcy.<sup>12</sup>

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<sup>5</sup> John Marzuli, "Zazi, al-Qaeda pals planned rush-hour attack on Grand Central, Times Square subway stations," *New York Daily News*, April 11, 2010.

<sup>6</sup> Catherine Tsai, "Timeline of events in NYC terror probe," Associated Press, September 21, 2009.

<sup>7</sup> Benton Campbell, "United States of America v. Najibullah Zazi: Conspiracy to use weapons of Mass Destruction," United States Department of Justice, September 24, 2009.

<sup>8</sup> "Zazi reveals chilling details," *New York Daily News*, February 23, 2010.

<sup>9</sup> Michael Wilson, "From Smiling Coffee Vendor to Terror Suspect," *New York Times*, September 25, 2009.

<sup>10</sup> Samantha Gross, David Caruso, Michael Rubinkam, "Radical Influences all around NYC terror suspect," *Omaha World-Herald*, September 25, 2009.

<sup>11</sup> Ghosh, "An Enemy Within," *Time*, February 23, 2010.

<sup>12</sup> Tsai, "Timeline."

### 3. Motivation

Zazi and his friends flew in 2008 to Pakistan with the intention of joining the Taliban in their fight against the United States. They were motivated because they were unhappy with the 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.<sup>13</sup> They were not actively recruited, they were self motivated to seek out the Taliban and offer their assistance.<sup>14</sup>

### 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.<sup>15</sup> He claims that the American media had forgotten about the war in Afghanistan and continued to ignore it even as it was expanding.<sup>16</sup> 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."<sup>17</sup>

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 explosives, backpack bombs, very similar to the explosives 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 emails between Zazi and an al-Qaeda leader discussing the construction of the explosives,<sup>18</sup> the FBI was monitoring Zazi's email and phone lines even before he began to construct the bombs. As it happened, Zazi had

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<sup>13</sup> Adam Goldman, "NYC subway bomb plotter's cooperation could lead to expansion of case, charges against others," *New York Daily News*, February 24, 2010.

<sup>14</sup> "Criminal Complaint; US v. Zazi," September 19, 2009.

<sup>15</sup> "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

<sup>16</sup> "Queens Imam Involved in Terror Plot Appears in Court," *NY1 News*, March 4, 2010.

<sup>17</sup> "Zazi reveals chilling details," *New York Daily News*, February 23, 2010.

<sup>18</sup> "British Spies help prevent attack," *Telegraph*, November 9, 2009.

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."<sup>19</sup>

It is unknown if Zazi was ever successful at building explosives large enough to carry out their attack. Zazi claims that they were successfully built, however they were dismantled and the evidence was destroyed by Zazi and his friends when they realized that the authorities were on to them. Since the authorities never recovered the explosives, it cannot be said 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 emailed to himself from the training camp.<sup>20</sup>

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 against America.

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.<sup>21</sup> 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.<sup>22</sup> 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

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<sup>19</sup> Philip Mudd, "Evaluating the Al-Qa`ida Threat to the U.S. Homeland," *CTC Sentinel*, August 2010.

<sup>20</sup> "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

<sup>21</sup> 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.

<sup>22</sup> Ghosh, "An Enemy Within," *Time*, February 23, 2010.

seen or heard from them in many years.<sup>23</sup> After the police left, Afzali called Zazi's father and told him that "they" had shown up and asked questions about Zazi.<sup>24</sup> 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?"<sup>25</sup> Zazi said no, even though his laptop, containing the bomb plans, was in the car.<sup>26</sup> With the information from Afzali, Zazi destroyed the evidence and fled 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.<sup>27</sup> He initially pleaded 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.<sup>28</sup> 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.<sup>29</sup>

## 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.<sup>29</sup> 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.<sup>30</sup> 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

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<sup>23</sup> "Letter from Ronald Kuby to Hon. Frederic Block re US v Afzali," December 11, 2009.

<sup>24</sup> "Filed under Seal; Complaint & Affidavit in Support of Arrest Warrant; US v Afzali," September 29, 2009.

<sup>25</sup> Steven Paulson, "FBI: Notes on the bomb-making in Zazi's handwriting," Yahoo News. September 20, 2009.

<sup>26</sup> "NYC Terror Suspect Held Without Bail in Connection to Alleged Transit Bomb Plot," Fox News, September 21, 2009.

<sup>27</sup> Amir Efrati, "Imam Pleads Guilty in New York Terror Case," *Wall Street Journal*, March 4, 2010.

<sup>28</sup> "Two charged with Terror Violations in Connection with New York Subway Plot," *Euro Weekly*, March 1, 2010.

<sup>29</sup> "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

<sup>30</sup> 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 a similar situation as himself.<sup>31</sup> 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.<sup>32</sup> 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.<sup>33</sup> 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 that went with him to Pakistan.<sup>34</sup>

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 that the attack was scheduled to take place

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<sup>31</sup> Wilson, "From Vendor to Terror Suspect," *New York Times*, September 25, 2009.

<sup>32</sup> Gross et al., "Radical Influences all around NYC Terror Suspect."

<sup>33</sup> Ghosh, "An Enemy Within," *Time*, February 23, 2010.

<sup>34</sup> Gross et al., "Radical Influences all around NYC Terror Suspect."

during. The extensive intelligence gathered in this case allowed the authorities 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 maybe 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.<sup>35</sup> 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.<sup>36</sup>

These claims are possibly exaggerated because of the level of security and intelligence gathered about Zazi and his friends, and the fact that it was never confirmed that Zazi was able to build the explosives necessary to carry out this large scale of an attack.

Since we now know that it is unlikely Zazi was able to construct the explosives, it appears that the threat against our nation was not as strong as it originally appeared to be.<sup>37</sup> 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 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 then 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

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<sup>35</sup> "Justice Department Oversight – Part 1 – Newsflash," Associated Press, April 14, 2010.

<sup>36</sup> Tom Hays, "Feds: Terror suspects' mingling fed NYC threat," KIDK.com, September 26, 2009.

<sup>37</sup> Mudd, "Evaluating the Al-Qa`ida Threat."

gathering intelligence, talking to informants, and investigating after Zazi fled New York.<sup>38</sup> 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.<sup>39</sup>

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. Another unidentified man in connection 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 have plead 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.<sup>40</sup>

## 12. Relevance of the internet

While the internet was not used for recruiting in this case, Zazi did (unwisely) use email to communicate directly with al-Qaeda leaders, and he emailed himself the notes he took in al-Qaeda's training camp on explosives.<sup>41</sup> Zazi also made use of the internet in order to do research on constructing the explosive, use of hydrochloric acid, and to scout locations to buy products containing the necessary chemicals to construct the explosives.<sup>42</sup> He also used the internet to plan the most effective time and place for the attack to occur.

The authorities used the internet in order to gather intelligence and prevent this attack from taking place, intercepted the emails between Zazi and an al-Qaeda leader discussing the construction of the explosives and then monitoring Zazi's email and phone lines in order to collect intelligence. This, of course, led to the downfall of the plot.

## 13. Are we safer?

After the arrests and guilty pleas and almost everyone involved 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 are the ones truly responsible for planning this attack, Zazi just accepted the mission and did the work for them.<sup>43</sup> As long as there are people like

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<sup>38</sup> Ghosh, "An Enemy Within," *Time*, February 23, 2010.

<sup>39</sup> Harvey Morris, "Afghan admits NY subway bomb plot," *Financial Times*, February 23, 2010.

<sup>40</sup> "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

<sup>41</sup> "Zazi Reveals Chilling Details," *New York Daily News*, February 24, 2010.

<sup>42</sup> "Zazi Pleads Guilty," Press Release, Department of Justice, February 22, 2010.

<sup>43</sup> Adam Goldman, "NYC Bomb Plotter Plea Deal," ABC News, February 24, 2010.

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 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.<sup>44</sup>

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.<sup>45</sup> 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 terrorist 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 adapt and make use of people who are legal residents of the United States as they did with Zazi in this case. The terrorist networks such as al-Qaeda are able to learn from and adapt to the security measures that are put in place to stop them. Our most effective strategy to deter them has to rely on intelligence gathering, because we cannot possibly afford to provide adequate security at every possible target. Intelligence gathering will prove to be the most effective measure to prevent terrorist attacks.

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 by 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 and conduct a terrorist attack. Although our efforts in Afghanistan have done a lot of damage to al-Qaeda's core leadership, they are still able to recruit and train terrorists and 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 intercepts of communications.

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<sup>44</sup> Mudd, "Evaluating the Al-Qa`ida Threat."

<sup>45</sup> "British Spies help prevent attack," *Telegraph*, November 9, 2009.

**Case 22: 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 23).

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 22: Springfield

Ronald Lieberman

June 4, 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 lead 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, IL at the time of his arrest. His hometown is Visalia, CA according to his MySpace page and he attended high school in Warren, MI, but was expelled for fighting a teacher.<sup>1</sup> 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.<sup>2</sup> For these crimes 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.<sup>34</sup>

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, and reasonably good-looking, but to me, I was a moron, and a freak.”<sup>5</sup> He goes on

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<sup>1</sup> "Michael Finton," *Wikipedia*. Accessed November 30, 2010.

<sup>2</sup> "Finton," *Wikipedia*.

<sup>3</sup> Dirk Johnson, "Suspect in Illinois Bomb Plot 'Didn't Like America Very Much'," *New York Times*, September 27, 2007.

<sup>4</sup> Bruce Rushton, "Man Accused in Bombing Plot Known for Strong Stance on Islam," *Pjstar.com*. September 24, 2007.

<sup>5</sup> Rushton, "Man Accused."

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.<sup>6</sup> 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,” an individual Finton claimed to idolize in an interview with police.<sup>7</sup> 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. With this in mind, the FBI placed him on the terrorist watch list.

After the 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 allowed him to only maintain 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 (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 tenants of Islam in an attempt to “keep him on the right track.” Finton’s other neighbor, Vivian Laster felt similarly, saying that she could never see Finton committing such an act.<sup>8</sup>

However, Finton’s fellow workers noted that he “didn’t like America very much” and believed that America was “at war with Islam.”<sup>9</sup> 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 they are alone to blame. Finton’s failure to realize this gives 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

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<sup>6</sup> Rushton, “Man Accused.”

<sup>7</sup> United States of America v. Michael C. Finton (a/k/a “Talib Islam”). 2. Central District Court of Illinois, September 24, 2009, Nefafoundation.org.

<sup>8</sup> Johnson, “Suspect in Illinois Bomb Plot.”

<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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,<sup>12</sup> 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.”<sup>13</sup>

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.<sup>14</sup> Finton told the confidential informant that “Abiba” was a Shaykh in Saudi Arabia who wanted him to marry his daughter.<sup>15</sup> 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 email 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.<sup>16</sup> 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.<sup>17</sup>

Much of Finton’s inspiration, motivation, and influence were 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.<sup>18</sup>

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<sup>10</sup> United States v. Finton, 6.

<sup>11</sup> Johnson, “Suspect in Illinois Bomb Plot.”

<sup>12</sup> United States v. Finton, 5.

<sup>13</sup> Greg Bishop, “A Suspected Terrorist Speaks,” Theintelhub.com, September 25, 2010.

<sup>14</sup> United States v. Finton, 4.

<sup>15</sup> Rushton, “Man Accused.”

<sup>16</sup> Rushton, “Man Accused.”

<sup>17</sup> Bishop, “A Suspected Terrorist.”

<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> 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 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.<sup>22</sup>

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

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<sup>19</sup> Rushton, “Man Accused.”

<sup>20</sup> United States v. Finton, 7.

<sup>21</sup> “IL Federal Building Targeted by Muslim Convert,” Homelandsecurityus.com, Northeast Intelligence Network, Sept 24, 2009. Web.

<sup>22</sup> 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.<sup>23</sup>

#### 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 battlefield in the Middle East to America, in order to maintain peace. Finton often conflated this goal with the idea 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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> The plan for violence Michael Finton

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<sup>23</sup> United States v. Finton, 12.

<sup>24</sup> United States v. Finton, 16.

<sup>25</sup> United States v. Finton, 21.

<sup>26</sup> United States v. Finton, 1.

had (at least the one he was arrested for) was to blow up the Paul Findley Federal Building and Courthouse in Springfield, Illinois, causing both 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.<sup>27</sup> 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 entirely the work of a FBI undercover agent who he believed to be an al-Qaeda agent.<sup>28</sup>

## 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.<sup>29</sup>

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 after they began to believe Finton was a terrorist threat, especially in the context of his trip to Saudi Arabia and further discovery of radical Islamist documents. 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.<sup>30</sup>

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.<sup>31</sup> 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

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<sup>27</sup> United States v. Finton, 1.

<sup>28</sup> United States v. Finton, 9.

<sup>29</sup> United States v. Finton, 10.

<sup>30</sup> United States v. Finton, 4.

<sup>31</sup> United States v. Finton, 6.

military training, especially the kind seen in the attacks on Mumbai, India, in late 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).<sup>32</sup>

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.<sup>33</sup> 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 he 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.<sup>34</sup> 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."<sup>35</sup> 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 them up to the wrongs of their "war against Islam." They would realize the error of their ways or they would be destroyed; either result was satisfactory. Hence, any 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.<sup>36</sup> Finton

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<sup>32</sup> United States v. Finton, 7.

<sup>33</sup> United States v. Finton, 9.

<sup>34</sup> United States v. Finton, 13, 18.

<sup>35</sup> United States v. Finton, 12.

<sup>36</sup> United States v. Finton, 18.

walked into the building alone to get an even better look, but was told by the 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.<sup>37</sup>

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.<sup>38</sup> 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.<sup>39</sup> 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.”<sup>40</sup>

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 be have been approached

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<sup>37</sup> United States v. Finton, 26.

<sup>38</sup> United States v. Finton, 7.

<sup>39</sup> United States v. Finton, 23.

<sup>40</sup> United States v. Finton, 17.

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.<sup>41</sup>

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 allowing him to vent while supplying Finton 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).”<sup>42</sup> 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 their “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 sentence, he was granted parole and began sporadically attending the only mosque in Decatur, Masjid Wali Hasan Islamic Center.<sup>43</sup>

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.<sup>44</sup> 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

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<sup>41</sup> “IL Federal Building,” Northeast Intelligence Network.

<sup>42</sup> “Finton,” Wikipedia.

<sup>43</sup> “Finton,” Wikipedia.

<sup>44</sup> Rushton, “Man Accused.”

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?<sup>45</sup>

Part of the reason Finton may have continued down his radical path was because he was unable to make a connection with more centrist general 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.<sup>46</sup> 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.<sup>47</sup>

### **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.<sup>48</sup>

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<sup>45</sup> Johnson, “Suspect in Illinois Bomb Plot.”

<sup>46</sup> Jamie Holguin, “Fighting Terrorism With Trip Wires,” CBS News, October 29, 2003.

<sup>47</sup> Mike Robinson, “Man Charged with Plot to Bomb Federal Courthouse Building in Illinois,” TheGazette.com, September 24, 2009.

<sup>48</sup> Johnson, “Suspect in Illinois Bomb Plot.”

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 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, redhead American citizen could attempt terrorism against his own country can be frightening.<sup>49</sup>

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.<sup>50</sup>

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 18 month long 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.<sup>51</sup> 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—in all a fairly intense 18-month investigation by the authorities.<sup>52</sup>

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 use 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

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<sup>49</sup> Rushton, "Man Accused."

<sup>50</sup> Bishop, "A Suspected Terrorist."

<sup>51</sup> "Joint Terrorism Task Force," *Wikipedia*. Web. Accessed November 30, 2010.

<sup>52</sup> Rushton, "Man Accused."

occur in the very building Finton had attempted to bomb.<sup>53</sup> Herndon set a trial date for March 14, 2011, as Finton had just changed counsel and it will take a fair amount of time for the new counsel to come up to speed on the details of his case.<sup>54</sup> 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.<sup>55</sup> 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.<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup>

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.<sup>59</sup> 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.

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<sup>53</sup> Kurt Erickson, "Courthouse Bomber Trial Moved," Qctimes.com (Quad-City Times), November 23, 2010.

<sup>54</sup> Erickson, "Courthouse."

<sup>55</sup> "Man Charged in Ill. Courthouse Bomb Plot." Cbsnews.com, September 24, 2009. Web.

<sup>56</sup> "IL Federal Building," Northeast Intelligence Network.

<sup>57</sup> "IL Federal Building," Northeast Intelligence Network.

<sup>58</sup> "IL Federal Building," Northeast Intelligence Network. United States v. Finton, 5.

<sup>59</sup> United States v. Finton, 9.

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 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.<sup>60</sup> McVeigh was outraged at the American government for what he believed were attempts to restrict the rights of American citizens, in particular gun rights.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup> Finton was also angry with the government for restricting/attacking his way of life, i.e. Islam.<sup>64</sup>

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 chose 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.<sup>65</sup> Finally, attacking the government would garner serious attention from the government according to Finton, making it the superior choice.

Finton is a casebook 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

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<sup>60</sup> Lou Michel and Dan Herbeck, *American Terrorist: Timothy McVeigh & the Oklahoma City Bombing*, New York: HarperCollins, 2001, 1.

<sup>61</sup> Michel, *American Terrorist*, 160.

<sup>62</sup> Michel, *American Terrorist*, 166.

<sup>63</sup> Michel, *American Terrorist*, 167.

<sup>64</sup> Johnson, “Suspect.”

<sup>65</sup> United States v. Finton, 21.

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.

### Case 23: 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 18), 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 29).

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

### 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.<sup>1</sup> The bomb was inert and was provided by the FBI, who had undertaken an undercover operation on Smadi after discovering his violent remarks on an Islamic extremist website.<sup>2</sup> 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.<sup>3</sup> The agents also traveled with Smadi on reconnaissance missions to possible attack targets around Dallas.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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 attempting to use a weapon of mass destruction and one count bombing a public place.<sup>7</sup> The latter count was dropped in a plea bargain in which Smadi agreed to plead guilty to attempting to use a weapon of mass destruction in exchange for a reduced sentence.<sup>8</sup> 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.<sup>9</sup> The sentencing hearing focused on Smadi's mental state, and the defense argued that he suffered from depression and schizophrenia.<sup>10</sup> On October 19, 2010, Federal

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<sup>1</sup> 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.

<sup>2</sup> United States District Court, Northern District of Texas, *United States of America v. Hosam Maher Husein Smadi - Warrant for Arrest*, September 24, 2009, 3.

<sup>3</sup> United States District Court, *U.S. v. Smadi*, 4-5.

<sup>4</sup> United States District Court, *U.S. v. Smadi*, 7.

<sup>5</sup> United States District Court, *U.S. v. Smadi*, 6.

<sup>6</sup> United States District Court, *U.S. v. Smadi*, 11.

<sup>7</sup> Associated Press, "National Briefing | Southwest; Texas: Not-Guilty Plea In Bombing Case," *New York Times*, October 27, 2009.

<sup>8</sup> Jason Trahan, "Dallas Bombing Plotter Hosam Smadi Sentenced to 24 Years in Prison," *Dallas Morning News*, October 20, 2010.

<sup>9</sup> *Ibid.*

<sup>10</sup> James C. McKinley, "Texas: Jordanian Sentenced in Bomb Plot," *New York Times*, October 19, 2010.

District Court Judge Barbara M.G. Lynn sentenced Smadi to 24 years in prison and deportation upon release.<sup>11</sup>

## 2. Nature of the adversary

Hosam Smadi was born June 5, 1990 in Ajloun, Jordan.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> Smadi came to the United States with a student visa in March 2007 to have a change of environment.<sup>16</sup>

When Smadi first arrived in the U.S., he stayed in San Jose, California with the family of a retired Jordanian businessman that knew his family.<sup>17</sup> He stayed there for only three weeks, and then moved to a room above a restaurant where he had gotten a job.<sup>18</sup> While in California, Smadi 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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup>

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 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

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<sup>11</sup> Ibid.

<sup>12</sup> United States District Court, *U.S. v. Smadi*, 3.

<sup>13</sup> Melody McDonald, "Defense in Dallas Terror Plot to Depose Jordanians in Amman," *Dallas Morning News*, March 10, 2010.

<sup>14</sup> Scott Gordon, "Smadi Sentencing Highlights Mental Illness, Domestic Abuse," *NBC Dallas-Fort Worth*, October 21, 2010.

<sup>15</sup> McDonald, "Defense."

<sup>16</sup> Gordon, "Smadi."

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Gordon, "Smadi."

<sup>20</sup> McKinley, "Friends."

<sup>21</sup> Ibid.

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.<sup>22</sup>

In June 2008, Smadi married a local girl named Rosalinda Duron, who worked with him at Texas Best Smokehouse.<sup>23</sup> He told none of his friends about the marriage, and the couple separated after three months; they are not divorced, and remained friends.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> He attracted the attention of the FBI in January 2009 for his posts on an online extremist forum.<sup>27</sup>

Smadi did have a minor criminal past, being jailed briefly in Jordan in 2004 for begging and theft.<sup>28</sup> 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.<sup>29</sup> He would pray a lot, read the Quran, and talk about how Israel destroyed Gaza.<sup>30</sup>

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.<sup>31</sup>

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 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.

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<sup>22</sup> McKinley, "Friends."

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Gordon, "Smadi."

<sup>26</sup> McKinley, "Texas."

<sup>27</sup> Trahan, "Dallas."

<sup>28</sup> McKinley, "Friends."

<sup>29</sup> Trahan, "Sentence."

<sup>30</sup> Gordon, "Smadi."

<sup>31</sup> Trahan, "Sentence."

### 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”.<sup>32</sup> 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.<sup>33</sup>

### 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.<sup>34</sup>

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

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<sup>32</sup> United States District Court, *U.S. v. Smadi*, 4-5.

<sup>33</sup> Trahan, “Dallas.”

<sup>34</sup> United States District Court, *U.S. v. Smadi*, 3-7.

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.<sup>35</sup> His goal was to commit violent jihad by attacking America in order to harm a perceived enemy of Islam and 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.”<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup> 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.”<sup>40</sup>

Smadi considered additional targets along with the major financial centers. Inspired by the Little Rock, Arkansas attack, 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 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.<sup>41</sup>

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<sup>35</sup> United States District Court, *U.S. v. Smadi*, 6-7.

<sup>36</sup> United States District Court, *U.S. v. Smadi*, 3.

<sup>37</sup> United States District Court, *U.S. v. Smadi*, 7.

<sup>38</sup> Trahan, “Dallas.”

<sup>39</sup> United States District Court, *U.S. v. Smadi*, 9.

<sup>40</sup> United States District Court, *U.S. v. Smadi*, 7.

<sup>41</sup> United States District Court, *U.S. v. Smadi*, 7-9.

In July 2009, one of the undercover FBI agents dropped off Smadi 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 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.”<sup>42</sup> 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 born 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 remote 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.<sup>43</sup> 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,”<sup>44</sup> 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 that 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.<sup>45</sup> 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 three were native Arabic speakers and were previously employed by the FBI prior to this case.<sup>46</sup> An FBI undercover employee was part of an online group of extremists when he discovered Smadi posting violent jihadist remarks online.

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<sup>42</sup> United States District Court, *U.S. v. Smadi*, 9-10.

<sup>43</sup> United States District Court, *U.S. v. Smadi*, 10-11.

<sup>44</sup> United States District Court, *U.S. v. Smadi*, 5.

<sup>45</sup> Jason Trahan, “Would-be Dallas Bomber Hosam Smadi Appears Enthusiastic in Video Made for Bin Laden,” *Dallas Morning News*, October 21, 2010.

<sup>46</sup> United States District Court, *U.S. v. Smadi*, 4.

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.<sup>47</sup> 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.<sup>48</sup>

According to the government, the undercover employees did not encourage Smadi or develop the attack plans themselves.<sup>49</sup> 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 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.<sup>50</sup>

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<sup>47</sup> United States District Court, *U.S. v. Smadi*, 3-4..

<sup>48</sup> United States District Court, *U.S. v. Smadi*, 5-7.

<sup>49</sup> United States Attorney’s Office, “Press Release.”

<sup>50</sup> Trahan, “Dallas.”

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.<sup>51</sup> 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, who he believed to be 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.<sup>52</sup>

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.<sup>53</sup> 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.<sup>54</sup> 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.<sup>55</sup> He attended a Baptist school in Jordan with a student body split evenly between Christians and Muslims.<sup>56</sup> 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 Dallas.<sup>57</sup> 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:

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<sup>51</sup> United States Attorney's Office, "Press Release."

<sup>52</sup> Trahan, "Would-be."

<sup>53</sup> Gordon, "Smadi."

<sup>54</sup> Dave Tarrant, "Dallas Plot Suspect's Family Says He Was Troubled, Not a Terrorist," *Ammon NEWS / Front Page*, October 4, 2010.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Gordon, "Smadi."

Smadi had never shown a major interest in Islam or politics.<sup>58</sup> Smadi became a devout Muslim who read the Quran, prayed five times a day, and became increasingly concerned with conflicts in the Middle East.<sup>59</sup>

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.<sup>60</sup> 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.<sup>61</sup>

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,<sup>62</sup> 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 the 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"<sup>63</sup> and "Dallas Plot Suspect's Family Says he was Troubled, not a Terrorist."<sup>64</sup> Others focused on the issue of entrapment and the evolution of the

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> McKinley, "Friends."

<sup>61</sup> United States Attorney's Office, "Press Release."

<sup>62</sup> Jacquielynn Floyd, "What's Chilling about Dallas Bomb Plotter Hosam 'Sam' Smadi Is His Ordinariness," *Dallas Morning News*, October 22, 2010.

<sup>63</sup> Gordon, "Smadi."

<sup>64</sup> Tarrant, "Dallas Plot."

FBI's methods in combating homegrown terrorism with sting operations, with headlines such as "In Terrorism Stings, Questions of Entrapment."<sup>65</sup> 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."<sup>66</sup> 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 from January 2009 through September 2009, approximately nine months.<sup>67</sup> 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.<sup>68</sup> The FBI did provide Smadi with minor expenses, like travel for his reconnaissance missions.<sup>69</sup> 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.<sup>70</sup> 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 that could speak of Smadi's past.<sup>71</sup> 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 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."

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<sup>65</sup> Eric Schmitt and Charlie Savage, "In Terrorism Stings, Questions of Entrapment," *New York Times*, November 29, 2010.

<sup>66</sup> James McKinley and Julia Preston, "U.S. Can't Trace Foreign Visitors on Expired Visas - NYTimes.com," *New York Times*, October 11, 2009.

<sup>67</sup> United States District Court, *U.S. v. Smadi*, 3,11.

<sup>68</sup> United States Attorney's Office, "Press Release."

<sup>69</sup> United States District Court, *U.S. v. Smadi*, 7-8.

<sup>70</sup> Trahan, "Sentence."

<sup>71</sup> McDonald, "Defense."

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.<sup>72</sup> 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.<sup>73</sup> 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 solidarity rather than the political return that motivates terrorists.<sup>74</sup> However,

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<sup>72</sup> United States District Court, *U.S. v. Smadi*, 3-4.

<sup>73</sup> "FBI Terror Stings: Entrapment or Prevention?" CBS News, November 30, 2010.

<sup>74</sup> Max Abrahms, "What terrorists Really Want: Terrorist Motives and Counterterrorism Strategy." *International Security*, 2008. Marc Sageman, *Understanding Terror Networks*. Philadelphia: University of Pennsylvania, 2004.

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.<sup>75</sup> 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."<sup>76</sup> 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.

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

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<sup>75</sup> Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

<sup>76</sup> 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.

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 24: 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 24: Mehanna

Mal Mrozek

June 4, 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.<sup>1</sup>

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.<sup>2</sup> 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."<sup>3</sup>

The charge about conspiracy to kill in a foreign country is based on his previous travels to Yemen, and 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.<sup>4</sup>

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 email 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.<sup>5</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> Ibid, 10.

<sup>3</sup> Ibid, 65.

<sup>4</sup> Claire Suddath, "Two-Minute Bio: Alleged U.S. Terrorist Tarek Mehanna," *Time*, October 22, 2009.

<sup>5</sup> Mark Clayton, "How FBI traced Tarek Mehanna in his quest to become a jihadi," *Christian Science Monitor*, October 22, 2009.

not what Mehanna was arrested for in 2009. After this setback, the FBI claims 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.<sup>6</sup> (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.<sup>7</sup>

Mehanna became radicalized before 9/11.<sup>8</sup> 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 American and across the globe are persecuted. He also expresses an admiration for Osama bin Laden, calling him "my real father."<sup>9</sup> 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

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<sup>6</sup> Abby Goodnough and Liz Robbins, "Mass. Man Arrested in Terrorism Case," *New York Times*, October 21, 2009.

<sup>7</sup> Tamer Mehanna, "Who is Tarek Mehanna?" *FreeTarek.com*, December 3, 2010.

<sup>8</sup> United States District Court. District of Massachusetts, Criminal Complaint, by Heidi L. Williams, October 21, 2009, 13.

<sup>9</sup> U.S. District Court, Proffer, 62

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 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.<sup>10</sup>

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.<sup>11</sup>

Mehanna is clearly motivated both by a hatred 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.<sup>12</sup>

#### 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 became an FBI informant in 2006 would meet to discuss Islam, and these meetings would sometimes venture into a discussion of jihad and possible attacks.<sup>13</sup> Abousamra seems to have been the leader of this tiny group. They planned on traveling to Pakistan to join terrorist training camp. Abousamra did so later in the year, but failed in his mission.<sup>14</sup> He was rejected by the Taliban for being too inexperienced, and by Lashkar e Tayyiba because he is not Pakistani.<sup>15</sup>

After giving up that plan, the three men began to think about shooting up a mall and assassinating two U.S. government officials.<sup>16</sup> They were inspired by the success of the D.C. Sniper in 2002, and modeled their plan after those attacks.<sup>17</sup> The mall plan involved having Mehanna shoot people at random while the other

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<sup>10</sup> U.S. District Court, Complaint.

<sup>11</sup> U.S. District Court, Complaint.

<sup>12</sup> U.S. District Court, Complaint.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid, 14.

<sup>15</sup> Clayton, "How FBI."

<sup>16</sup> Ibid, 16-17.

<sup>17</sup> Ibid, 15.

two guarded entrances and prevented emergency workers from entering.<sup>18</sup> 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 late 2003. They did not make any other efforts to obtain weapons. That is, they gave up fairly quickly after only one man 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 suicide attack. They believed that if the perpetrated this attack they would be able to escape.<sup>19</sup>

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 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, but were unsuccessful in their venture. They traveled around for about two weeks trying to meet terrorists who other connections had told them about, but they claimed that everyone they tried to meet was either on the hajj or in jail.<sup>20</sup> 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 American and his love of Osama bin Laden, and he derides himself for being a coward for not fighting like other jihadists.<sup>21</sup> However, despite his admiration for those who die for the cause, he expressed that he did not want to be a martyr.<sup>22</sup>

Though in internet conversations Mehanna did speak out against the United States, and though he did allegedly plan an attack in the United States on a mall and on two politicians, and though he did go to Yemen in the hopes of joining a terrorist organization, in all of these activities he never came close to actually hurting anyone. The internet transcripts read very much like ones

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<sup>18</sup> U.S. District Court, Complaint, 17.

<sup>19</sup> Clayton, "How FBI."

<sup>20</sup> U.S. District Court, Complaint, 18.

<sup>21</sup> U.S. District Court, Proffer, 55

<sup>22</sup> Clayton, "How FBI."

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

The third member of the group became an FBI informant in 2006, though he had been involved with his co-conspirators 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.<sup>23</sup> He would often meet with the other two to discuss Islam and later to discuss jihad between 2000 and 2008.

He was the group member who traveled to meet with Maldonado to discuss purchasing the automatic weapons.<sup>24</sup> 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 email from his family begging for his return.<sup>25</sup>

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 UAE 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 sources.

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<sup>23</sup> Ibid., 13.

<sup>24</sup> Clayton, "How FBI."

<sup>25</sup> U.S. District Court, Complaint, 20

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.<sup>26</sup>

## 8. Relation to the Muslim community

Tarek'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.<sup>27</sup> His family claims he was an upstanding Muslim and community member. During his sentencing hearing around 200 people came to the courthouse to support Tarek with posters and "Free Tarek" T-shirts.<sup>28</sup>

Tarek Mehanna's brother, Tamer, has created a website called [FreeTarek.com](http://FreeTarek.com). This 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 Tarek 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 Tarek's lawyer to ensure Tarek gets due process.<sup>29</sup>

## 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, claiming 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

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<sup>26</sup> U.S. District Court, Proffer.

<sup>27</sup> Mehanna, "Who is Tarek Mehanna."

<sup>28</sup> Shelly Murphy, "Taking refuge where his woes began," *Boston Globe*, February 1, 2010.

<sup>29</sup> Dan McDonald, "Terror suspect Tarek Mehanna writes about jail life," *MetroWest Daily News*, February 2, 2010.

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.<sup>30</sup> 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 family has openly spoken out about the characterization of the charges against Mehanna.<sup>31</sup>

## 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*,<sup>32</sup> *Time Magazine*,<sup>33</sup> and *Huffington Post*<sup>34</sup> 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.<sup>35</sup> The information about Tarek Mehanna was gathered through the use of informants and cooperating witnesses, such as Maldonado who

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<sup>30</sup> 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.”

<sup>31</sup> Mehanna, “Who is Tarek”

<sup>32</sup> Goodnough, “Mass. Man Arrested.”

<sup>33</sup> Suddath, “Two-Minute Bio.”

<sup>34</sup> Lavoie, “Boston Terror Arrest.”

<sup>35</sup> U.S. District Court, Complaint, 1.

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.

There are at least two U.S. attorneys building a case against Mehanna and they have to be paid.<sup>36</sup> 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.<sup>37</sup>

The internet was not important in the embryonic plots to shoot up a mall and assassinate politicians since those were planned between the three coconspirators in person.

The internet has also played a major role with the website [freetarek.com](http://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.<sup>38</sup> It contains fairly obvious things, one 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 Boys Scouts training: "Learn First Aid," "Be Physically Fit," "Learn to Swim and Ride Horses." The document is inflammatory, since it

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<sup>36</sup> [www.justice.gov/oarm/arm/hp/hpsalary.htm](http://www.justice.gov/oarm/arm/hp/hpsalary.htm)

<sup>37</sup> U.S. District Court, Proffer, 38-43.

<sup>38</sup> "39 Ways to Serve and Participate in Jihad," trans. At-Tibyan Publications.

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 his name as the translator—though Mehanna always meant that to be the case.<sup>39</sup> 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 results 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 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 only one person could not provide with the exact weapons they wanted, and this shows suggests that the plan many 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 he 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

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<sup>39</sup> U.S. District Court, Proffer, 12.

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 Sept. 11, 2001:

'AAB: it was soo unbelievable man ... it was so funny how clueless the americans were

MEHANNA: One question: ... how did it end?

hahhhahahahahahahahahaahahahaahahaha

'AAB: lol

MEHANNA:::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 25: 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 19), 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.<sup>1</sup>

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<sup>1</sup> James Fallows, “The Evolution of the TSA,” [www.theatlantic.com](http://www.theatlantic.com), December 8, 2010, emphasis in the original.

## Case 25: Killings at Fort Hood

Taylor Schmaltz

June 4, 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 being deployed to the war in Afghanistan. The rampage killed 12 military personnel and one civilian and wounded more than 30 more, and ended after Hasan was disabled by police.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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 biochemistry in 1997, while being an active member of the ROTC.<sup>4</sup> Many of

<sup>1</sup> Madeleine Gruen, "The Massacre at Fort Hood: Report 24 in the 'Target' America Series," NEFA Foundation, February 2010, 2-3.

<sup>2</sup> 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.

<sup>3</sup> Chittum and Valencia, "Suspected Fort Hood Shooter."

<sup>4</sup> Gruen, "Massacre at Fort Hood," 6.

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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup>

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 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 had been actively looking 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.<sup>8</sup>

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.<sup>9</sup> While Hasan had no criminal record and was deemed at least mentally stable

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<sup>5</sup> Chittum and Valencia. "Suspected Fort Hood Shooter."

<sup>6</sup> Gruen, "Massacre at Fort Hood," 7.

<sup>7</sup> Gruen, "Massacre at Fort Hood," 7.

<sup>8</sup> Gruen, "Massacre at Fort Hood," 12-13.

<sup>9</sup> Gruen, "Massacre at Fort Hood," 14.

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 Islamic views and his religious objection to the wars in the Middle East. Islamic 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.<sup>10</sup> If Hasan has indeed become radicalized over the years, it would be hard to accept these specific verses as taken literally while maintaining loyalty to the United States military.

According to this argument, it does appear that Hasan had followed a rather generic path in his radicalization process. First, Hasan started with his search for fulfillment through spiritual guidance. Hasan then became engaged with Jihad 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. Lastly, Hasan's communication with an online enabler, Anwar al-Awlaki, may have reinforced Hasan's hostility and finally led to his decision to kill.<sup>11</sup> 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.<sup>12</sup> 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

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<sup>10</sup> Raymond Ibrahim, "Nidal Hasan and Fort Hood: A Study in Muslim Doctrine," November 18, 2009.

<sup>11</sup> Brian M. Jenkins, "Going Jihad: The Fort Hood Slayings and Homegrown Terrorism," RAND Corporation, November 2009.

<sup>12</sup> Gruen, "Massacre at Fort Hood," 22.

also seem to realize the importance of media coverage even in failed attacks. Thus, al-Qaeda is recruiting homegrown terrorists, as media coverage of these incidents is even higher.<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

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.<sup>17</sup> However overstretched the army may seem, there continue

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<sup>13</sup> Peter Bergen and Bruce Hoffman, "Assessing the Terrorist Threat," The Bipartisan Policy Center: The National Security Preparedness Group, September 10, 2010, 17-18.

<sup>14</sup> "A Link to PTSD?" *Star Tribune*. November 5, 2009.

<sup>15</sup> Todd Essig, "Vicarious Traumatization: PTSD Is Contagious and Deadly," *True/Slant*, November 5, 2009.

<sup>16</sup> Ewen MacAskill, "Major Nidal Malik Hasan: Soldiers' Psychiatrist Who Listened to Stories from Frontline," *Guardian*, November 6, 2009.

<sup>17</sup> MacAskill, "Major Nidal Malik Hasan."

to be more troops deployed overseas, which may result in more attacks like Hasan's.

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 due to 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.<sup>18</sup> 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 on 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 that he believes could not reconcile their faith with their duty to their country and 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.<sup>19</sup> Thus, Hasan may have believed that his actions would show the importance of allowing all Muslims 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 the 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

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<sup>18</sup> Anne Davies, "Why Doctor Snapped," *The Age*, November 7, 2009.

<sup>19</sup> The slides can be seen at [www.nefafoundation.org/miscellaneous/Hasan2.pdf](http://www.nefafoundation.org/miscellaneous/Hasan2.pdf).

had distaste for violence.<sup>20</sup> The shooting occurred just weeks before 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.<sup>21</sup>

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 out 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.<sup>22</sup> 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.<sup>23</sup> 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

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<sup>20</sup> MacAskill. “Major Nidal Malik Hasan.”

<sup>21</sup> James Dao, “Fort Hood Suspect Was ‘Mortified’ About Deployment,” *New York Times*, November 5, 2009.

<sup>22</sup> Gruen, “Massacre at Fort Hood,” 6.

<sup>23</sup> Angela K. Brown and Michael Graczyk, “Witnesses in Fort Hood Case Tell of Hasan’s Gun Purchase, Training,” *Star-Telegram*, October 22, 2010.

from it. In addition to the pistol, Hasan also had a .357 S&W Magnum revolver on his person during the attack; however, whether or not he used it has yet to be officially stated.<sup>24</sup>

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.<sup>25</sup> He even gave one of his neighbors, who is not a Muslim, a copy of the Koran,<sup>26</sup> and this act may support the argument that Hasan was religiously motivated.

At approximately 1:30 pm 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, 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.<sup>27</sup>

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 remains paralyzed below the waist.<sup>28</sup>

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

<sup>24</sup> 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.

<sup>25</sup> Gruen, "Massacre at Fort Hood," 18.

<sup>26</sup> Maria Newman and Michael Brick, "Neighbor Says Hasan Gave Belongings Away Before Attack," *New York Times*, November 6, 2009.

<sup>27</sup> "Timeline: Fort Hood Shootings," BBC News, November 12, 2009.

<sup>28</sup> Chris Cuomo, "FBI Investigates Maj. Hasan Gun Purchase; Hero Cop Talks About Shooting," ABC News, November 12, 2009.

insanity defense plea. The exam to determine his mental state at the time of the shooting and his current mental state determining 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.<sup>29</sup> 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 pending the results of a military sanity board's evaluation of Hasan's mental state.<sup>30</sup>

## 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 26).<sup>31</sup> 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 to not only the easily understood content but also to his distribution using the internet via Facebook, YouTube, and other social media sites.<sup>32</sup> 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 email 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

<sup>29</sup> "Nidal Malik Hasan," Wikipedia, accessed November 29, 2010.

<sup>30</sup> Jeremy Schwartz, "Army Judge Recommends Hasan Trial with Possible Death Sentence," Statesman.com, November 17, 2010.

<sup>31</sup> Christopher Heffelfinger, "Anwar Al-'Awlaqi: Profile of a Jihadi Radicalizer," *CTC Sentinel*, March 2010, 1-4.

<sup>32</sup> Heffelfinger, "Anwar Al-'Awlaqi."

opinion on targeting the Jews in Israel, using religious validation of using missiles to target civilians. Al-Awlaki claims Hasan also inquired into ways in which he could transfer funds and participate in charitable movements.<sup>33</sup>

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 emails to the FBI's Washington field office. The Washington field office concluded that the content of the emails 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.<sup>34</sup>

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.<sup>35</sup> 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, commanding Hasan as a pioneer and role model. He cites military bases as high-value targets and suggests the possibility of attracting other such targets with some imagination and

<sup>33</sup> "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.

<sup>34</sup> Gruen, "Massacre at Fort Hood," 17.

<sup>35</sup> Daniel Zwerdling, "Did A File Error Stall FBI Inquiry Into Hasan?" National Public Radio, November 25, 2009.

preparation.<sup>36</sup> Other Islamic 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.<sup>37</sup>

## 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.<sup>38</sup>

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.<sup>39</sup>

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

<sup>36</sup> "Al-Qaeda on Alleged Fort Hood Killer: 'Ideal Role Model,'" *USA Today*, March 7, 2010.

<sup>37</sup> Patrick Johnson, "Fort Hood Shooting: Al Qaeda Now Portrays Nidal Hasan as Terrorism Star," *Christian Science Monitor*, October 19, 2010.

<sup>38</sup> Gruen, "Massacre at Fort Hood," 12-14.

<sup>39</sup> 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.<sup>40</sup>

### 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 this 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.<sup>41</sup> In addition to the authorities passing the blame, they began a thorough investigation of the attack.

Shortly after Hasan's shooting, 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.<sup>42</sup>

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<sup>40</sup> Michelle Boorstein, "Prominent Muslim Organizations Condemn Fort Hood Shootings," *Washington Post*, November 6, 2009.

<sup>41</sup> Richard Lardner, "DoD Review: Hasan Superiors Ignored Concerns," *Army News*, January 12, 2010.

<sup>42</sup> Richard Thompson, "Fort Hood Report: No Mention of Islam, Hasan Not Named," *Time*, January 20, 2010.

Another report released by the Department of Defense Independent Review Related to Fort Hood, which was 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 Islamic fundamentalist beliefs; rather, they are combined with all religious fundamentalism beliefs. In addition to refusing to name Islamic extremist 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 lessoned learned from the rise in Islamic 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 Islamic 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.<sup>43</sup>

## 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.<sup>44</sup>

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<sup>43</sup> Thompson, "Fort Hood Report."

<sup>44</sup> 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 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.<sup>45</sup>

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.<sup>46</sup>

## 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 email exchanges with al-Awlaki, Hasan was investigated by the FBI. The FBI had been tracking al-Awlaki and electronic

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<sup>45</sup> Jurkowitz, "Shooting Shakes Up Media Stories."

<sup>46</sup> "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 emails to the FBI's Washington field office. As noted, the Washington field office concluded that the time that the emails were sent and the content of the emails 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.<sup>47</sup> 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.<sup>48</sup> 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 Islamic extremist, perhaps in his own process of radicalization. It was due to Hasan's suspicious email exchanges with al-Awlaki, Hasan was investigated by the FBI.<sup>49</sup>

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

<sup>47</sup> Gruen, "The Massacre at Fort Hood." 17.

<sup>48</sup> Angela K. Brown, "Army Colonel Recommends Trial in Fort Hood Rampage," *Yahoo! News*, November 17, 2010.

<sup>49</sup> "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.<sup>50</sup> 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 grave 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 paralleled 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.”<sup>51</sup>

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.<sup>52</sup> 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,

<sup>50</sup> Heffelfinger, “Anwar Al-`Awlaqi.”

<sup>51</sup> “NidalHasan on Scribd,” Scribd, July 18. 2007, [www.scribd.com/NidalHasan](http://www.scribd.com/NidalHasan).

<sup>52</sup> 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.<sup>53</sup> 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 19). 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.<sup>54</sup> 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 more possible terrorists. Overall, Major Hasan provides an excellent case study for government officials to examine and scrutinize to prevent further devastating attacks in the future.

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<sup>53</sup> 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.

<sup>54</sup> "2009 Little Rock Recruiting Office Shooting," Wikipedia, accessed December 3, 2010.

## Case 26: 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.<sup>1</sup> 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.<sup>2</sup> 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,

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

<sup>2</sup> Anna Schecter and Brian Ross, "Obama Orders Air Marshal Surge by Feb. 1: 'Race Against Time,'" *abcnew.com*, January 6, 2010.

incidentally, that costs nothing at all.<sup>3</sup> 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."<sup>4</sup> Al-Awlaki actually underestimates the costs of airline security.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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<sup>3</sup> 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."

<sup>4</sup> Garrett M. Graff, *The Threat Matrix: The FBI at War in the Age of Global Terror* (New York: Little, Brown, 2011), 586.

<sup>5</sup> 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).

<sup>6</sup> Schecter and Ross, "Obama Orders Air Marshal Surge."

<sup>7</sup> 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.

## Case 26: The Underwear Bomber

Matthew Spade

July 12, 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 descended into 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 US 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 US soil," according to senior government officials.<sup>1</sup> 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.<sup>2</sup> Incarcerated at the Federal Corrections Institution in Milan, Michigan, he awaits further legal proceedings.<sup>3</sup>

### 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

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<sup>1</sup> Ed Henry, "White House reveals secret cooperation with Abdulmutallab family," CNN, February 3, 2010.

<sup>2</sup> Associated Press, "Man accused in bomb plot is allowed to be his own lawyer," *New York Times*, September 13, 2010.

<sup>3</sup> "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.<sup>4</sup>

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 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.”<sup>5</sup>

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!!!”<sup>6</sup> Shortly after this post, Farouk1986 writes 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 Islamic 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.<sup>7</sup> 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

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<sup>4</sup> Mark Hosenball, “The radicalization of Umar Farouk Abdulmutallab,” *Newsweek*, January 2, 2010.

<sup>5</sup> Leonard Greene, “Sex torment drove him nuts,” *New York Post*, December 31, 2009.

<sup>6</sup> Guy Chazan, “Web offers more clues on suspect,” *Wall Street Journal*, December 30, 2009.

<sup>7</sup> “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.<sup>8</sup> 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.<sup>9</sup>

While it is most likely that Abdulmutallab harbored the seeds of Islamic 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.<sup>10</sup> 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 US and Yemeni efforts against AQAP in Yemen. It is also apparent that Abdulmutallab was a critic, to say the least, of US 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 US’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 in 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

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<sup>8</sup> Adam Nossiter, “Lonely trek to radicalism for terror suspect,” *New York Times*, January 16, 2010.

<sup>9</sup> Matthew Cole et al., “Underwear Bomber: New video of training, martyrdom statements,” ABC News, April 26, 2010.

<sup>10</sup> “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 US 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 US-Yemeni campaign against AQAP in Yemen. It is difficult to see, however, how the destruction of a single US 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 in custody, "where he told them [US agents] that he was one of many bombers being groomed by the Yemeni al-Qaeda affiliate to attack American-bound aircraft."<sup>11</sup> The strategy seems aimed at forcing the US 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.<sup>12</sup>

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.

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<sup>11</sup> Giles Whittell and Adam Fresco, "I'm the first of many, warns airline 'bomber' Umar Farouk Abdulmutallab," *The Times*, December 29, 2009.

<sup>12</sup> "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. US 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.<sup>13</sup>

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.”<sup>14</sup> UK explosives expert Sidney Alford agrees, though the size of any theoretical hole has not been determined.<sup>15</sup>

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.<sup>16</sup> 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. Even if the initial explosion did not kill him, the ensuing crash, which he intended to cause, would. 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 US 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.

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<sup>13</sup> From “Explosives” section, CNN.com, November 4, 2010. “‘Murderous’ PETN links terror plots,” CNN.

<sup>14</sup> Carrie Johnson, “Explosives in Detroit terror case could have blown hole in airplane, sources say,” *Washington Post*, December 29, 2009.

<sup>15</sup> “PETN: The powder at the center of airline terror alert,” CNN.

<sup>16</sup> “Boeing 747 survives simulation bomb blast,” BBC, March 4, 2010.

## 7. Connections

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.<sup>17</sup> 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. US 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 US citizen to be placed on this list.<sup>18</sup>

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.<sup>19</sup> 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.<sup>20</sup>

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. This came in the form of 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.

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<sup>17</sup> Aamer Madhani, “Cleric al-Awlaki dubbed ‘bin Laden of the internet,’” *USA Today*, August 24, 2010.

<sup>18</sup> “Anwar al-Awlaki,” Wikipedia.org, accessed November 20, 2010.

<sup>19</sup> 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.

<sup>20</sup> “Umar Farouk Abdulmutallab,” Wikipedia.org.

He felt isolated and alone, which made him a more appealing target for 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.<sup>21</sup> 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.<sup>22</sup> 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 US-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,<sup>23</sup> each passenger was thoroughly screened and questioned by law enforcement.<sup>24</sup> New measures have been adopted at some airport 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.<sup>25</sup> 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.<sup>26</sup>

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<sup>21</sup> Paul Egan, "Atty. says he saw man try to help Nigerian onto flight without a passport," *Detroit News*, December 29, 2009.

<sup>22</sup> Richard Esposito et al., "Female suicide bombers may be heading here from Yemen," ABC News, January 22, 2010.

<sup>23</sup> Roey Rosenblith, "Over Detroit skies," Huffington Post, December 27, 2009.

<sup>24</sup> Peter Baker and Scott Shane, "Obama seeks to reassure U.S. after bombing attempt," *New York Times*, December 28, 2009.

<sup>25</sup> 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

## 10. Coverage by the media

Domestic press was outraged that Abdulmutallab was even allowed near a US-bound airplane. The media repeatedly accused the US 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 US'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 US intelligence agencies. The stated reason was that Abdulmutallab was part of a larger investigation of terrorist organization. The revocation of his visa had the potential to disrupt the investigation.<sup>26</sup> There has been no further information regarding this communication between State and other US 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.<sup>27</sup> All of these operations and costs can be attributed to Abdulmutallab's attempted attack.

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reportedly was found in TECS, a large database that enables customs and border enforcement to 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.

<sup>26</sup> "Umar Farouk Abdulmutallab," Wikipedia.org. "Flight 253 Patrick F. Kennedy Testimony," Youtube.com, accessed November 20, 2010.

<sup>27</sup> 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.<sup>28</sup> 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 US 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.<sup>29</sup>

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 US economy, and US 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.

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<sup>28</sup> Catharine Herridge, "Investigators recover SIM cards during searches of homes tied to Abdulmutallab," Fox News, December 28, 2009.

<sup>29</sup> 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 US 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 27: Times Square

John Mueller

June 5, 2011

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 and “lone wolf” operation, entirely planned and put together by one man. Partly in result, his preparations were not picked up by police.

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 disapproving parents 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 camp experience does not seem to have served him well. The bomb he threw away his life on 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.”<sup>1</sup> 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 snarling in a jail cell.

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.) And, numerically-challenged, Obama adviser Bruce Riedel declared that “we almost had” in the Times Square effort “a 9/11-type mass casualty attack.”<sup>2</sup>

They are 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. In this process, as Bart Kosko puts it, the

<sup>1</sup> “Car Bomb In Times Square Fails to Explode,” Weekend Edition, NPR, May 2, 2010.

<sup>2</sup> Bruce Riedel, speaking on his book, *Deadly Embrace*, on February 22, 2011 as telecast by C-SPAN2 on March 12, 2011.

“government plays safe by overestimating the terrorist threat, while the terrorists oblige by overestimating their power.”<sup>3</sup>

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<sup>3</sup> Bart Kosko, “Terror Threat May Be Mostly a Big Bluff,” *Los Angeles Times*, September 13, 2004.

## Case 27: Times Square

David Tan

June 5, 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.<sup>1</sup> 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.<sup>2</sup> 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.”<sup>3</sup>

At 7 pm, Shahzad called his landlord to let him in because, he said, he had lost his keys. In reality, he left the keys locked hanging from the ignition in the Nissan Pathfinder, which were analyzed and traced back to him.<sup>4</sup> 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.<sup>5</sup>

Every vehicle has a Vehicle Identification Number (VIN) and in this case, the VIN provided the linchpin for the investigation. The SUV’s VIN was found to be almost unidentifiable due to filing, and it had different license plates.<sup>6</sup> The police eventually retrieved the VIN from the bottom of its engine block, however, 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.<sup>7</sup> Investigators uncovered Shahzad’s name from a telephone number he submitted while returning to the United States from Pakistan. The number was entered into a “Customs and Border Protection agency database” as a call “made to or from the

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<sup>1</sup> Nick Allen and Gorden Rayner, “Times Square Car Bomb: Police Investigate South Park Link,” *The Telegraph*, May 2, 2010.

<sup>2</sup> 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.

<sup>3</sup> Al Baker and William K. Rashbaum, “Police Find Car Bomb in Times Square,” *New York Times*, May 1, 2010.

<sup>4</sup> James Barron and Michael S. Schmidt, “From Suburban Father to a Terrorism Suspect,” *New York Times*, May 4, 2010.

<sup>5</sup> Geraldine Baum, “Failed Times Square Bomber Faisal Shahzad Gets Life in Prison.” *Los Angeles Times*, October 5, 2010.

<sup>6</sup> Tom Hays and Deepti Hajela, “Times Square Bomb Investigation [UPDATE: ‘It Appears To Be A Car Bomb,’ Police Say],” *Huffington Post*, May 2, 2010.

<sup>7</sup> CNN Wire Staff, “Times Square Suspect Had Explosives Training, Documents Say,” CNN, May 5, 2010.

prepaid cellular phone" and it came up on May 3.<sup>8</sup> 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 to Dubai which he presumably planned to use as a gateway to disappear.<sup>9</sup>

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."<sup>10</sup> 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.<sup>11</sup>

## 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 economy stalled under hefty sanctions from the United States on Pakistan due to military dictator General Mohammad Zia's nuclear program. His 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 in his college with the University of Bridgeport in Connecticut, he transferred there on January 16, 1999.<sup>12</sup>

He was described as a confident young man who showed off his gym-honed muscles in tight T-shirts who was gregarious, popular and known to be a playboy.<sup>13</sup> His Certificate of Eligibility for Non-immigrant Student Status showed that he was awarded grant money to attend the school beginning in January 1999.<sup>14</sup> 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 junior financial analyst at Affinion Group in Norwalk.<sup>15</sup> Thus, Shahzad enjoyed the

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<sup>8</sup> Masuike Hiroko, "Times Square Bomb Attempt (May 1, 2010)," [nytimes.com](http://nytimes.com), May 24, 2010.

<sup>9</sup> CNN, "Times".

<sup>10</sup> CNN, "Times".

<sup>11</sup> Baum, "Failed Times Square Bomber."

<sup>12</sup> Andrea Elliott, Sabrina Tavernise, and Anne Barnard. "For Times Sq. Suspect, Long Roots of Discontent," *New York Times*, May 15, 2010.

<sup>13</sup> Elliott et al., "For Times Sq. Suspect."

<sup>14</sup> Kate Ramunni, "Exclusive: Documents Found near Bomb Suspect's Former Shelton Home - Connecticut Post," *CTPost.com - Connecticut Post*. May 4, 2010.

<sup>15</sup> Barron and Schmidt, "From."

financial promise of the United States and was given scholarships and grants to succeed.

In 2006, his new religiosity grew, as did his discontentment. He no longer drank and was praying five times a day. In a visit to Pakistan in 2008, he asked his parents for permission to fight in Afghanistan, and his father denied his request.<sup>16</sup>

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.<sup>17</sup> He got his citizenship on April 17, 2009.

His 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 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.<sup>18</sup>

He bluffed his parents who did not want him to be a part of the terrorist networks, and soon 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.”<sup>19</sup> 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.”<sup>20</sup>

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<sup>16</sup> Elliott et al., “For Times Sq. Suspect.”

<sup>17</sup> Elliott et al., “For Times Sq. Suspect.”

<sup>18</sup> Elliott et al., “For Times Sq. Suspect.”

<sup>19</sup> Elliott et al., “For Times Sq. Suspect.”

<sup>20</sup> Elliott et al., “For Times Sq. Suspect.”

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 New York in June 2010.<sup>21</sup> 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.<sup>22</sup>

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.”<sup>23</sup> 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.<sup>24</sup>

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. They are ill-equipped and ill-trained for the most part, yet despite this, 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.”<sup>25</sup>

TTP’s long term goal was essentially to create terror for the purposes of damaging public opinion of the United States’ political leadership in terms of their stance on the Middle East at a low cost.<sup>26</sup> 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

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<sup>21</sup> Peter Bergen and Bruce Hoffman, “Report on Assessing Threat of Radicalization and Domestic Terrorism,” Washington, DC: Bipartisan Policy Center, September 10, 2010, “Report,” 25.

<sup>22</sup> Ibid.

<sup>23</sup> Baum, “Failed Times Square Bomber.”

<sup>24</sup> Elliott et al., “For Times Sq. Suspect.”

<sup>25</sup> Bergen and Hoffman, “Report,” 24.

<sup>26</sup> Bergen and Hoffman, “Report,” 25.

years of war have “achieved nothing except to awaken Muslims to defend their ‘religion, people, honor and land’.”<sup>27</sup> He wants to create for American citizens a disillusionment of the United States through terror and fear, leading them to lobby to change America’s foreign policy.

## 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.”<sup>28</sup> 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.”<sup>29</sup> 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.<sup>30</sup> 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 on 2007. In both cases, the bombs contained cylinders of propane gas and cans full of petrol to be ignited by electronic detonators.<sup>31</sup> 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.<sup>32</sup> Yet, the London bomb needed to be diffused, 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.”<sup>33</sup> There was, then, a definite prospect, effectively, of suicide.

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<sup>27</sup> Baum, “Failed Times Square Bomber.”

<sup>28</sup> “Pakistan Acknowledges Faisal Shahzad Met Taliban Chief,” dawn.com, July 26, 2010.

<sup>29</sup> Baker and Rashbaum, “Police.”

<sup>30</sup> CNN Wire Staff, “Times.”

<sup>31</sup> Allen and Rayner, “Times.”

<sup>32</sup> Gardham Duncan and Sally Peck. “Second Car Bomb Found in London’s West End,” *Telegraph*, June 29, 2007.

<sup>33</sup> Baum, “Failed Times Square Bomber.”

## 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 own volition, and was angry in his own accord, he found Tehrik-i-Taliban Pakistan, and they sponsored his plan. They met one another at a time where 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.<sup>34</sup>

Shahzad also had family links in Pakistan, where he grew up, of course, and he identified proudly with his Pashtun heritage.<sup>35</sup> 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.<sup>36</sup> 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."<sup>37</sup>

## 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 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.<sup>38</sup> He was childhood friends with one of the "alleged masterminds of the Mumbai massacre of 2008" in which over 170 people were killed.<sup>39</sup>

## 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

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<sup>34</sup> "Pakistan Acknowledges Faisal Shahzad Met Taliban Chief," dawn.com, 26 July 2010.

<sup>35</sup> Barron and Schmidt, "From."

<sup>36</sup> "Pakistan Acknowledges Faisal Shahzad Met Taliban Chief," dawn.com, 26 July 2010.

<sup>37</sup> "Pakistan Acknowledges Faisal Shahzad Met Taliban Chief," dawn.com, 26 July 2010.

<sup>38</sup> Richard Esposito, Chris Vlasto, and Chris Cuomo, "Sources: Shahzad Had Contact With Awlaki, Taliban Chief and Mumbai Massacre Mastermind," ABC News, May 6, 2010.

<sup>39</sup> Esposito et al, "Sources."

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.<sup>40</sup>

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 should the device have worked “it would be more of an incendiary event than an explosion.”<sup>41</sup> However, the next day Commissioner Ray Kelly said that “the bomb looks like it 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.<sup>42</sup> 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.”<sup>43</sup>

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.<sup>44</sup> 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 resulted in 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 and what led to his fanaticism and eventual attempted bombing. 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 it for the purposes of retribution against the

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<sup>40</sup> Gendar et al, "Times."

<sup>41</sup> Gendar et al, "Times."

<sup>42</sup> Ibid.

<sup>43</sup> Hays and Hajela, "Times."

<sup>44</sup> Dan Gardner, "Dangerous Media Explosion," *Ottawa Citizen*, May 7, 2010.

United States. As further information came into 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 whereby the host asked if “the fears of terrorism are a little overblown” to a security expert who responded by assuring that fears were not overblown, and offered misleading statistics which inflated the threat of terrorism. He mentions the “terrorism 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.<sup>45</sup>

## 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.<sup>46</sup> 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.<sup>47</sup>

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

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<sup>45</sup> Gardner, "Dangerous Media Explosion."

<sup>46</sup> CNN Wire Staff, "Times."

<sup>47</sup> Baum, "Failed Times Square Bomber."

over the internet. Through the initial connection, he was in communication with many jihadist contacts including Muslim cleric Anwar Awlaki, “a central figure in many recent domestic terror attempts.”<sup>48</sup>

Shahzad utilized the internet for information purposes after he returned to America after his bomb training in Pakistan. He began monitoring the Times Square corner where he planned on bombing on the internet.<sup>49</sup>

### 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.

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.<sup>50</sup> Some argue that this should not be seen as a “one-off” event but rather as a part of an emerging pattern of terrorism.<sup>51</sup>

Although the attack was a failure, the potential for damage was substantial. An attack like this is in 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.”<sup>52</sup> 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.<sup>53</sup> 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 found contact with Tehrik-i-Taliban Pakistan, and had he not been able to establish contact, he would never have had the training, nor 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

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<sup>48</sup> Esposito et al, “Sources.”

<sup>49</sup> Baum, “Failed Times Square Bomber.”

<sup>50</sup> Bergen and Hoffman, “Report,” 26.

<sup>51</sup> Bergen and Hoffman, “Report,” 26.

<sup>52</sup> Bergen and Hoffman, “Report,” 26.

<sup>53</sup> Bergen and Hoffman, “Report,” 25.

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 these people are to keep them from making connections with other terrorist networks or organizations.<sup>54</sup>

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 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 12 people while wounding 31 at Fort Hood, Texas, (Case 25) 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.

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<sup>54</sup> Michael A. Sheehan, "The Terrorist Next Door," *New York Times*, May 4, 2010.

## Case 28: DC Metro—The Bomb Plot

June 5, 2011

On October 27, 2010 Pakistani-American Farooque Ahmed, aged 34, was arrested for plotting with FBI agents he thought were members of al-Qaeda to plant bombs on the Washington, DC, Metro subway system by carrying out surveillance tasks they assigned him. The sting operation lasted seven months. Ahmed said he wanted to “kill as many military personnel as possible” and also said he wanted to go to fight American forces in Afghanistan.<sup>1</sup>

Ahmed pled guilty and said, “I’m sorry, it was the wrong action.” On April 11, 2011 he was sentenced to 23 years in prison followed by 50 years of probation. After prison, said Federal Judge Gerald Bruce Lee, “I want to know where you are at every moment.”<sup>2</sup>

This case has yet to be written.

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<sup>1</sup> Dana Hedgpeth, “Va. man gets 23 years in plot to bomb Metro stations,” [washingtonpost.com](http://washingtonpost.com), April 11, 2011.

<sup>2</sup> Matt Vecchino, “Ashburn terrorist sentenced to 23 years in prison,” [loudountimes.com](http://loudountimes.com), April 11, 2011.

**Case 29: 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 29: Oregon

David Bernstein

June 5, 2011

### 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.<sup>1</sup> 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,<sup>2</sup> a successful computer engineer, reported his son's radical bent to the authorities who began to observe Mohamud and intercepted the e-mails to the recruiter in Pakistan.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup> They conducted surveillance of the target area, decided where they would park the explosives-filled van, and even practiced detonating the explosive.<sup>6</sup> In early September, the trio met at a Portland hotel, where Mohamud was proved 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.<sup>7</sup>

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.<sup>8</sup> Approximately 10,000 people were attending the ceremony,<sup>9</sup> a number that enthralled Mohamud who was quoted in an affidavit as saying that he was looking for a "huge mass that will...be attacked in their own element with their families celebrating the holidays."<sup>10</sup>

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<sup>1</sup> "Oregon Resident Arrested in Plot to Bomb Christmas Tree Lighting Ceremony in Portland," Department of Justice Press Release, November 26, 2010.

<sup>2</sup> It is typical in Somali culture for a son to have a different surname than his father.

<sup>3</sup> 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](http://ca.cair.com/losangeles/news/trial_by_entrapment)

<sup>4</sup> "Oregon Resident Arrested," Department of Justice Press Release.

<sup>5</sup> Colin Miner, Liz Robbins, and Erik Eckholm, "F.B.I. Says Oregon Suspect Planned 'Grand' Attack," *New York Times*, November 27, 2010.

<sup>6</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

<sup>7</sup> 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](http://www.justice.gov/usao/or/Indictments/11262010_Complaint.pdf)

<sup>8</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit.

<sup>9</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

<sup>10</sup> "Oregon Resident Arrested," Department of Justice Press Release.

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.<sup>11</sup> As he was being arrested, Mohamud violently kicked and thrashed while yelling “Allahu akbar” before being forcibly restrained.<sup>12</sup>

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.<sup>13</sup> His lawyer, Stephen Sady,<sup>14</sup> has said that he will likely pursue an entrapment defense during the trial.<sup>15</sup>

## 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.<sup>16</sup> 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.<sup>17</sup> The family moved to Beaverton, Oregon, a nice suburb outside of Portland with a sizeable Somali population,<sup>18</sup> and the boy attended local Portland public schools.<sup>19</sup>

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.<sup>20</sup> He joined the high school’s literary magazine and loved to play pick-up basketball with friends.<sup>21</sup> While growing up, several

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<sup>11</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit.

<sup>12</sup> Miner, Robbins, and Eckholm, “F.B.I. Says.”

<sup>13</sup> Joel Millman, “Suspect Pleads Not Guilty in the Portland Bomb Case,” *Wall Street Journal*, November 30, 2010.

<sup>14</sup> 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. Shipler, *The Rights of the People*, New York: Knopf, 2011, 157-80.

<sup>15</sup> Millman, “Suspect Pleads Not Guilty.”

<sup>16</sup> 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.

<sup>17</sup> Terry, “Family of Portland’s bomb suspect.”

<sup>18</sup> 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.”

<sup>19</sup> Drogin and Choi, “Mixed portraits.”

<sup>20</sup> Terry, “Family of Portland’s bomb suspect.”

<sup>21</sup> Drogin and Choi, “Mixed portraits.”

different accounts from neighbors and family friends of the Barres describe Mohamed Mohamud as an intelligent, polite, but quiet teenager.<sup>22</sup>

However, at age 15 in his sophomore year of high school, “Mo” began to change and started taking school and his religion more seriously,<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup> 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.<sup>27</sup> 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 studying at Oregon State, Mohamud seemed to be the stereotypical college student. He became known to friends as a partier who loved drinking beer and a smoker with a taste for hookah and marijuana, and he continued to write poetry and rap songs.<sup>28</sup> 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, urinal analysis did not reveal any substances or pharmaceuticals to back up her claim. Mohamud said that the sexual encounter was consensual and 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.<sup>29</sup> However, witnesses told investigators that the sexual encounter appeared consensual. Mohamud avoided any criminal charges after an investigation of the incident.<sup>30</sup>

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<sup>22</sup> 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.

<sup>23</sup> Drogin and Choi, “Mixed portraits.”

<sup>24</sup> Terry, “Family of Portland's bomb suspect.”

<sup>25</sup> Terry, “Family of Portland's bomb suspect.”

<sup>26</sup> Drogin and Choi, “Mixed portraits.”

<sup>27</sup> Terry, “Family of Portland's bomb suspect.”

<sup>28</sup> Terry, “Family of Portland's bomb suspect.”

<sup>29</sup> Allan Brettman, “State police investigated Mohamed Mohamud for alleged date rape last year on Oregon State campus,” *The Oregonian*, November 29, 2010.

<sup>30</sup> Brettman, “State police investigated Mohamed.”

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."<sup>31</sup>

In the summer of 2009, Osman and Mariam Barre separated while Mohamud was living with them in a Beaverton Apartment.<sup>32</sup> Soon after, Osman married a woman from Minneapolis, a city with a sizable Somali-immigrant population.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup> 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 the Pakistani-contacts of Mohamud.

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.<sup>37</sup>

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 on as a fisherman during the summer after his first year at Oregon State.<sup>38</sup> 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 previously desired to travel to Yemen to meet up with an associate but never obtained a visa or tickets.<sup>39</sup> Although the FBI has yet to release why Mohamud was on the "No-Fly List," it is probably the tip from his parents that led to its investigation and surveillance of him.<sup>40</sup>

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

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<sup>31</sup> Brettman, "State police investigated Mohamed."

<sup>32</sup> Drogin and Choi, "Mixed portraits."

<sup>33</sup> Lukas I. Alpert, "Neighbors say wannabe Christmas bomber Mohamed Mohamud embraced extremism after parents split," *New York Daily News*, November 28, 2010.

<sup>34</sup> Terry, "Family of Portland's bomb suspect." Caryn Brooks, "Portland's Bomb Plot: Who Is Mohamed Mohamud?" *Time*, November 28, 2010.

<sup>35</sup> Brooks, "Portland's Bomb Plot."

<sup>36</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 8-10.

<sup>37</sup> Michael Stone, "Portland bomber Mohamed Mohamud caught on angry cell phone video rant," *Portland Progressive Examiner*, December 1, 2010.

<sup>38</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 10.

<sup>39</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 10.

<sup>40</sup> 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.

to take off with the assistance of the undercover FBI employees.<sup>41</sup> 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.<sup>42</sup>

Mohamud thus privately exposed 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.<sup>43</sup> 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."<sup>44</sup> 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"<sup>45</sup> by friends and neighbors of the family, Mohamud's parents and his two younger sisters have remained extremely quiet in speaking since his arrest as have his other relatives.<sup>46</sup> 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.<sup>47</sup> Law enforcement officials, however, have asserted that Mohamud's family issues were irrelevant to the FBI investigation.<sup>48</sup>

### 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 thinking about radical Islam and jihad during Ramadan at age 15 when he was informed about the virtues of martyrdom which immediately interested him.<sup>49</sup> 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

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<sup>41</sup> Terry, "Family of Portland's bomb suspect."

<sup>42</sup> Terry, "Family of Portland's bomb suspect."

<sup>43</sup> Drogin and Choi, "Mixed portraits."

<sup>44</sup> Brooks, "Portland's Bomb Plot."

<sup>45</sup> Ruud, Brettman, Hunsberger, and Hottle, "Suspect."

<sup>46</sup> 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.

<sup>47</sup> Millman, "Suspect Pleads Not Guilty."

<sup>48</sup> Jesse McKinley and William Yardley, "Suspect in Oregon Bomb Plot Is Called Confused," New York Times, November 28, 2010.

<sup>49</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 16.

similar to the one in Mumbai in 2008.<sup>50</sup> 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.<sup>51</sup>

Additionally in 2009, Mohamud told the undercover FBI operatives that he published three articles in the publication *Jihadist Recollections* under the pseudonym Ibn al-Mubarek which has known ties to jihadist and terrorist organizations.<sup>52</sup> 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.<sup>53</sup>

In videos and recorded conversations, Mohamed explained the motivating factors behind his feelings. In a video recorded on May 22, 2010 by a cell 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.”<sup>54</sup>

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.”<sup>55</sup>

#### 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.”<sup>56</sup> 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 leaders, commanders, and chiefs from your bother to his brothers.”<sup>57</sup> 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.

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<sup>50</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 18.

<sup>51</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 18.

<sup>52</sup> Miner, Robbins, and Eckholm, “F.B.I. Says.”

<sup>53</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 16.

<sup>54</sup> Stone, “Portland bomber Mohamed Mohamud caught.”

<sup>55</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 29-31 (includes full text of the video).

<sup>56</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 30.

<sup>57</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 30-31.

## 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.<sup>58</sup> 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.<sup>59</sup> Additionally, when he was prevented by the FBI to travel by plane to Alaska, Mohamud told FBI interrogators that he had previously planned to meet up with an associate in Yemen.<sup>60</sup>

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.<sup>61</sup>

The Christmas tree lighting ceremony plot began to develop after the undercover FBI employee got in e-mail contact with Mohamud in June 2010.<sup>62</sup> 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,<sup>63</sup> specifically that the recorder ran out of power.<sup>64</sup> During this meeting, the FBI employee said that he had received Mohamud’s email address from the overseas “ijtimeat,” which in Arabic loosely means “council.”<sup>65</sup> 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”<sup>66</sup> and said he wanted to put an explosive in a car that they would park close a target and detonate it. The FBI employee asked Mohamud to research potential targets, and they made plans to meet again in the future.

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

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<sup>58</sup> Brooks, “Portland’s Bomb Plot.”

<sup>59</sup> “Oregon Resident Arrested,” Department of Justice Press Release.

<sup>60</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 10.

<sup>61</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 16, 21.

<sup>62</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 11-12.

<sup>63</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 14.

<sup>64</sup> Denson, “Mohamed Mohamud case.”

<sup>65</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 13.

<sup>66</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 13.

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 that 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.<sup>67</sup>

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.<sup>68</sup>

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.<sup>69</sup>

On October 3, the operatives met Mohamud met 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 remote-detonate the explosive-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

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<sup>67</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 15-17.

<sup>68</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 21-22.

<sup>69</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 24.

Mohamud that they would help him procure a fake passport and asked him to send passport photographs to their address.<sup>70</sup>

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.<sup>71</sup>

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.<sup>72</sup>

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.<sup>73</sup>

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 disguises on their way to the place where they would remotely detonate the explosive.<sup>74</sup> 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.

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<sup>70</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 25-26.

<sup>71</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 26-27.

<sup>72</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 28.

<sup>73</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 29.

<sup>74</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 32-33.

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.”<sup>75</sup> 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.<sup>76</sup> 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 before he was even arraigned in court. However, the prosecution ignored this

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<sup>75</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 33-34.

<sup>76</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 34.

accusation and asserted that it was Mohamud himself who picked the time and place of his planned bombing.<sup>77</sup>

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 were ever successful.<sup>78</sup> In a 2009 trial against plotters who wound up in a sting operation while plotting to blow up synagogues in the Bronx, NY (Case 18), 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.<sup>79</sup> 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."<sup>80</sup>

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.<sup>81</sup> 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.<sup>82</sup> In an August 27, 2010 email 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."<sup>83</sup>

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. 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."<sup>84</sup>

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<sup>77</sup> William Yardley, "Entrapment Is Argued in Defense of Suspect," *New York Times*, November 29, 2010.

<sup>78</sup> 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.

<sup>79</sup> Joel Millman and Evan Perez, "Teen in Oregon Bomb Sting to be Arraigned," *Wall Street Journal*, November 29, 2010.

<sup>80</sup> Denson, "Portland bomb plot."

<sup>81</sup> 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.

<sup>82</sup> "Oregon Resident Arrested," Department of Justice Press Release.

<sup>83</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 21.

<sup>84</sup> Yardley, "Entrapment is Argued in Defense."

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 by a car, and detonating it. The operative then explained that he could assist Mohamud with this type of operation.<sup>85</sup>

This initial meeting would seem to kill the defense’s entrapment argument immediately. However, although the operative was wired with audio-surveillance equipment, this meeting was not recorded due to “technical difficulties.”<sup>86</sup> The FBI later added that the recorder failed to work because it ran out of power.<sup>87</sup> 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.<sup>88</sup> 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.”<sup>89</sup>

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.<sup>90</sup> Federal prosecutors have acknowledged that “Smith” was working on behalf of the government and sent emails that appeared to be inciting Mohamud into committing violent acts against the United States. However, they argued that “Smith” and the email correspondence were unrelated to the bomb plot for which Mohamud is on trial. Mohamud’s attorneys countered that Smith “was acting as an agent provocateur, attempting to encourage (Mohamud) to engage in violent activity in this country.”<sup>91</sup> Because Mohamud did not take any action in response

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<sup>85</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 13-14.

<sup>86</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 14.

<sup>87</sup> Denson, “Mohamed Mohamud case.”

<sup>88</sup> Denson, “Mohamed Mohamud case.”

<sup>89</sup> Denson, “Mohamed Mohamud case.”

<sup>90</sup> 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.

<sup>91</sup> Denson, “Mohamed Mohamud case.”

to these emails, his defense team is arguing that this demonstrates Mohamud was not predisposed to violence when he first began emailing 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,<sup>92</sup> 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 occasions<sup>93</sup> 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.<sup>94</sup>

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."<sup>95</sup>

## 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.<sup>96</sup> 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.<sup>97</sup> As of now, no information exists on the two suspected terrorist associates that Mohamud made 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.<sup>98</sup>

In 2009, under the pseudonym Ibn al-Mubarak, Mohamud wrote and published three articles and planned a fourth one on the website *Jihadist*

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<sup>92</sup> Denson, "Portland bomb plot."

<sup>93</sup> Denson, "Portland bomb plot."

<sup>94</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 31.

<sup>95</sup> Schmitt and Savage, "In U.S. Sting Operations."

<sup>96</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

<sup>97</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 7-11.

<sup>98</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

*Recollections*, which is known to have terrorist ties to Yemen and Pakistan.<sup>99</sup> 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 logically. 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.”<sup>100</sup> In another article, “Preparing for the long night,” he discussed how to mentally and physically prepare oneself for “Ribaat.”<sup>101</sup> 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.<sup>102</sup> 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.<sup>103</sup> 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.<sup>104</sup> 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.<sup>105</sup>

Although the FBI believes that Mohamud’s contact in Pakistan urged Mohamud to travel abroad, which he tried on several occasions to do, his actions in the tree lighting ceremony plot were largely self-motivated.<sup>106</sup> However, Mohamud was pleased to believe that his plot was continually monitored and supported by an organization overseas called “the Council,”<sup>107</sup> a hoax established by the FBI undercover operatives.

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<sup>99</sup> Miner, Robbins, and Eckholm, “F.B.I. Says.” U.S. v. Mohamud, Criminal Complaint and Affidavit, 15.

<sup>100</sup> 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/](http://www.teapartytribune.com/2011/04/11/al-qaedas-inspire/)

<sup>101</sup> Ibn al-Mubarak, “Preparing for the long night,” *Jihadist Recollections*, Issue 2, May 2009, 59-60.

<sup>102</sup> <http://www.pakistanarmy.biz.tc/ribaat.html>

<sup>103</sup> Ibn al-Mubarak, “Assessing the Role and Influence of As-Sahab Media,” *Jihadist Recollections*, Issue 3, August 2009, 36-37.

<sup>104</sup> 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](http://homelandsecurityus.com/archives/3908)

<sup>105</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 15.

<sup>106</sup> Mohamud’s actions can only justifiably be argued as self-motivating on the assumption that his entrapment argument fails in court.

<sup>107</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 13.

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, involved in the community, and would sporadically attend local mosques.<sup>108</sup> While studying at Oregon State University, Mohamud would continue to attend religious services at the local mosque once every month or every other month.<sup>109</sup> 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 Masjid 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."<sup>110</sup> 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."<sup>111</sup>

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."<sup>112</sup> 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."<sup>113</sup> 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.<sup>114</sup> No one was injured, but according to mosque members, extensive damage was done to the mosque including burned Korans and wedding and death certificates.<sup>115</sup> Many Muslim community leaders and private individuals began to worry that an effect of Mohamud's arrest would result in negative treatment towards Muslims.<sup>116</sup> In response to the fire of the

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<sup>108</sup> Molly Hottle, "Portland's Somali community unites to condemn alleged Pioneer Courthouse Square bomb plot," *The Oregonian*, November 27, 2010.

<sup>109</sup> Terry, "Family of Portland's bomb suspect."

<sup>110</sup> McKinley and Yardley, "Suspect in Oregon Bomb Plot."

<sup>111</sup> McKinley and Yardley, "Suspect in Oregon Bomb Plot."

<sup>112</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

<sup>113</sup> Brooks, "Portland's Bomb Plot."

<sup>114</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

<sup>115</sup> McKinley and Yardley, "Suspect in Oregon Bomb Plot."

<sup>116</sup> McKinley and Yardley, "Suspect in Oregon Bomb Plot."

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.<sup>117</sup>

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?'"<sup>118</sup> 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.<sup>119</sup> 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."<sup>120</sup> 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."<sup>121</sup>

## 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 enforcement protected Oregonians in this case—and we have no reason to believe there is any continuing threat arising from this case."<sup>122</sup> Additionally, Arthur

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<sup>117</sup> "CAIR: Oregon Mosque Arson Prompts Call To Protect Muslims," *PR Newswire*, November 28, 2010.

<sup>118</sup> Schmitt and Savage, "In U.S. Sting Operations."

<sup>119</sup> Schmitt and Savage, "In U.S. Sting Operations."

<sup>120</sup> James Mayer, "Portland Mayor Sam Adams did not know about bomb plot, urges fairness," *The Oregonian*, November 27, 2010.

<sup>121</sup> "Trial by Entrapment," CAIR California, December 3, 2010.

<sup>122</sup> "Oregon Resident Arrested," Department of Justice Press Release.

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.”<sup>123</sup>

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 PM on November 26, a few hours after Mohamud was arrested.<sup>124</sup> 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.<sup>125</sup>

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.”<sup>126</sup>

## 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.<sup>127</sup>

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 actions<sup>128</sup> while other articles feature interviews that portray Mohamud in a much different, darker light.<sup>129</sup> As the trial has not yet begun and much information about

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<sup>123</sup> “Oregon Resident Arrested,” Department of Justice Press Release.

<sup>124</sup> Mayer, “Portland Mayor.”

<sup>125</sup> Beth Slovic, “After Thwarted Attack, Question is ‘Why Portland?’” *New York Times*, November 28, 2010.

<sup>126</sup> Schmitt and Savage, “In U.S. Sting Operations.”

<sup>127</sup> See Dickey, “Spooking the Terrorists.” and Dickey, “Spooking the Terrorists.”

<sup>128</sup> For example, see McKinley and Yardley, “Suspect in Oregon Bomb Plot,” and Brettman, “State police investigated Mohamed.”

<sup>129</sup> For example, see Stone, “Portland bomber Mohamed Mohamud caught,” and Drogin and Choi, “Mixed portraits.”

Mohamud's plot still unrevealed, it is difficult to further speculate 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.<sup>130</sup> 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 email to correspond with a suspected terrorist recruiter in Pakistan,<sup>131</sup> and visited jihadi websites. He also published three articles on the website *Jihadist Recollections* in 2009.<sup>132</sup>

The FBI, which began investigating Mohamud because of a tip suspected to be from one of his relatives, likely his father,<sup>133</sup> 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 email 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.<sup>134</sup>

## 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 in the safety of the American public from terrorists. In his *Newsweek* article, "Spooking the Terrorists—and Ourselves," Christopher Dickey attempts to

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<sup>130</sup> "Pioneer Courthouse Square bomb plot: a timeline," *The Oregonian*, November 27, 2010.

<sup>131</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 8-10.

<sup>132</sup> Miner, Robbins, and Eckholm, "F.B.I. Says."

<sup>133</sup> Terry, "Family of Portland's bomb suspect."

<sup>134</sup> U.S. v. Mohamud, Criminal Complaint and Affidavit, 27.

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.”<sup>135</sup> 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 near impossible for terrorists abroad to know whether they are talking to actual radical, wanna-be jihadis or undercover U.S. law enforcement agents. They 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.<sup>136</sup> This 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.”<sup>137</sup>

#### 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 informant resulted in conviction.”<sup>138</sup> Mohamud’s trial will serve as an important

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<sup>135</sup> Dickey, “Spooking the Terrorists.”

<sup>136</sup> Dickey, “Spooking the Terrorists.”

<sup>137</sup> Dickey, “Spooking the Terrorists.”

<sup>138</sup> Stewart Ain, “Implications of Riverdale Case Unclear,” *Jewish Week*, October 12, 2010.

test as to whether an entrapment argument will ever hold as a viable defense for suspected terrorists investigated by the FBI—all previous attempts have failed.<sup>139</sup>

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.<sup>140</sup> 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.”<sup>141</sup> 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 18), 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 7) and for the Springfield plot (Case 22). And in Rockford, Illinois in 2006 (Case 14), 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 have a deleterious effect in other parents 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.<sup>142</sup> Perhaps, as 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

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<sup>139</sup> Denson, “Portland bomb plot.”

<sup>140</sup> Yardley, “Entrapment is Argued in Defense.”

<sup>141</sup> Denson, “Portland bomb plot.”

<sup>142</sup> Steve Duin, “Mohamed Mohamud: Betrayed by his family?” *The Oregonian*, November 30, 2010.

community experts and leaders deal with radicalization of local Muslims.<sup>143</sup> 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.

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<sup>143</sup> “Trial by Entrapment,” CAIR California, December 3, 2010.

**Case 30: 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 30: DC Metro—Facebook

Lauren Brady

June 5, 2011

### 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 when 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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</sup> The FBI arrested Younis the next day, December 6, 2010, and charged him with interstate communication of a threat.<sup>4</sup> A search of his Arlington, Virginia, home revealed drugs and guns but no explosives,<sup>5</sup> and he never faced a terrorism charge.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> He was released from federal custody on March 9, 2011.<sup>9</sup>

### 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.<sup>10</sup> 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. Court records state that during the FBI search of his home, a loaded handgun,

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<sup>1</sup> Maria Glod, "Va. Man Allegedly Used Facebook to Threaten D.C. Area Bombings," *Washington Post*, December 14, 2010.

<sup>2</sup> Glod, "Va. Man."

<sup>3</sup> Glod, "Va. Man."

<sup>4</sup> Glod, "Va. Man."

<sup>5</sup> Emily Babay, "Man Accused of Metro Threats Has Mental Illness History," *Washington Examiner*, January 27, 2011.

<sup>6</sup> Devlin Barrett, "Virginia Man Charged With D.C. Subway Threat," *Wall Street Journal*, December 14, 2010.

<sup>7</sup> Babay, "Man Accused."

<sup>8</sup> Dana Hedgpeth, "Allegations Scaled Back for Virginia Man Indicted in Metro Bomb Threat on Facebook," *Washington Post*, March 9, 2011.

<sup>9</sup> Hedgepeth, "Allegations."

<sup>10</sup> Barrett, "Virginia."

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."<sup>11</sup> 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."<sup>12</sup> 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.<sup>13</sup> Prosecutors even suggested that it was his family that was supplying him drugs.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

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 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."<sup>19</sup> He also wrote to her, "you want a reason to complain about me and my people. i will give you a reason."<sup>20</sup> 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 marginalized or discriminated against because of his status as an Afghani,

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<sup>11</sup> Babay, "Man Accused."

<sup>12</sup> Glod, "Va. Man."

<sup>13</sup> Babay, "Man Accused."

<sup>14</sup> Babay, "Man Accused."

<sup>15</sup> Babay, "Man Accused."

<sup>16</sup> Babay, "Man Accused." Barrett, "Virginia."

<sup>17</sup> Babay, "Man Accused."

<sup>18</sup> Babay, "Man Accused."

<sup>19</sup> 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.

<sup>20</sup> Emily Babay, "Facebook Chats Alert Authorities to Va. Man's Bomb Threats," *Washington Examiner*, December 12, 2010.

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 has experienced racism based on his Middle Eastern heritage.<sup>21</sup> 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.<sup>22</sup>

### **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.<sup>23</sup> 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.<sup>24</sup> He also spoke of placing a bomb under a sewer head at rush hour in the busy DC neighborhood of Georgetown.<sup>25</sup> When the informant wrote back, "you wouldn't do that," Younis answered "watch me."

On December 5, 2010, the informant contacted the FBI about more conversations with Younis, who seemed to suspect that the informant had

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<sup>21</sup> Glod, "Va. Man."

<sup>22</sup> Glod, "Va. Man."

<sup>23</sup> Alpert, "N.O. FBI Received Tip."

<sup>24</sup> Glod, "Va. Man."

<sup>25</sup> Glod, "Va. Man."

disclosed his plans for violence.<sup>26</sup> 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.”<sup>27</sup> 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.”<sup>28</sup> 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.”<sup>29</sup> This triggered the FBI into action and Younis was arrested the next day and charged him with making threats via interstate communications.<sup>30</sup>

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. The Justice Department reassured the public that Younis’ “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.”<sup>31</sup>

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 so vital that 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.<sup>32</sup> 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.<sup>33</sup>

## 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

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<sup>26</sup> Alpert, “N.O. FBI.”

<sup>27</sup> Glod, “Va. Man.” Alpert, “N.O. FBI Received Tip.”

<sup>28</sup> Alpert, “N.O. FBI.”

<sup>29</sup> Glod, “Va. Man.”

<sup>30</sup> Glod, “Va. Man.”

<sup>31</sup> Barrett, “Man Accused.”

<sup>32</sup> 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.

<sup>33</sup> Alpert, “Man.”

Younis to develop his violent ideas. Younis was essentially self-motivated, and no terror network was operating in this case.

## 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup> 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.”<sup>37</sup> 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.<sup>38</sup>

Younis’ defense attorneys argued that he was a “nobody” that 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.<sup>39</sup> 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

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<sup>34</sup> “Afghanistan,” U.S. Department of State. December 6, 2010.

<sup>35</sup> Glod, “Va. Man.”

<sup>36</sup> Barrett, “Virginia.”

<sup>37</sup> Barrett, “Virginia.”

<sup>38</sup> Hedgepeth, “Allegations.”

<sup>39</sup> Maria Glod, “Metro Threat Suspect Seeks Pre-trial Release,” *Washington Post*, January 24, 2011.

Younis is not viewed by credible experts as a “real terrorist.”<sup>40</sup> Hulnick also 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.<sup>41</sup> Articles took special care to differentiate between this case and the previous DC Metro bombing case of Farooque Ahmed (Case 28). 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.<sup>42</sup>

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.<sup>43</sup> 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

The informant first reported Younis to the FBI on November 28, 2010.<sup>44</sup> He was monitored until the informant contacted the FBI again on December 5, 2010 with the direct threats on her and to her father.<sup>45</sup> Younis was arrested the next day on December 6, 2010.<sup>46</sup> 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.<sup>47</sup> 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.<sup>48</sup> After a mental health evaluation and hearing, U.S. District Judge T. S. Ellis ruled Younis was to remain in custody pending trial.<sup>49</sup> 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

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<sup>40</sup> Glod, “Va. Man.”

<sup>41</sup> Glod, “Va. Man.”

<sup>42</sup> “Feds: Va. Man Makes DC Subway Bomb Threat Online,” ABCNews.com, December 14, 2011.

<sup>43</sup> Babay, “Man Accused.”

<sup>44</sup> Alpert, “N.O. FBI.”

<sup>45</sup> Barrett, “Virginia.”

<sup>46</sup> Barrett, “Virginia.”

<sup>47</sup> Hedgepeth, “Allegations.”

<sup>48</sup> Glod, “Metro.”

<sup>49</sup> Babay, “Man Accused.”

two years supervised release.<sup>50</sup> 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.

## 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.<sup>51</sup> They monitored Younis online until the informant contacted them again<sup>52</sup> 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.<sup>53</sup> The internet was vital to Younis' crime, apprehending Younis, and 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. Arthur Hulnick, a Boston University professor who worked with the CIA for 28 years, commented on this case about the importance of authorities devoting time and resources to checking out threats and determining which ones are serious. He stated that the most serious terrorists aren't likely to promote their plans on Facebook, but you can't ignore it if someone does.<sup>54</sup> 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.<sup>55</sup>

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<sup>50</sup> Hedgepeth, “Allegations.”

<sup>51</sup> Glod, “Va. Man.”

<sup>52</sup> Barrett, “Virginia.”

<sup>53</sup> Glod, “Va. Man.”

<sup>54</sup> Glod, “Va. Man.”

<sup>55</sup> Alpert, “Man.”

It is also unique because of its short timeline; the informant first reported Younis to the FBI on November 28, 2010, and he was arrested on December 6, 2010.<sup>56</sup> 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.<sup>57</sup> But because on December 5, 2010 the informant reported that Younis told her to tell her father to “cancel work tomorrow,” the FBI likely did not want to take any chances and arrested Younis solely based on his threats.<sup>58</sup>

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.<sup>59</sup> 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 out me and my people. i will give you a reason.”<sup>60</sup> 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 continues to monitor him in the future.

It is easy to declare young men like Younis as angry, but harmless. But 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.

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<sup>56</sup> Alpert, “Man.”

<sup>57</sup> “FBI Terror Stings: Entrapment or Prevention?” CBS News, November 30, 2010.

<sup>58</sup> Barrett, “Virginia.”

<sup>59</sup> Babay, “Man Accused.”

<sup>60</sup> Babay, “Facebook.”

**Case 31: Baltimore**

John Mueller

June 5, 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 25).

Although this could have been done in “lone wolf” style as at Fort Hood or in Little Rock (Case 19)—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 29) 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 eventually 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 attack over the last four decades.<sup>1</sup>

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<sup>1</sup> Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011.

## Case 31: Baltimore

Lauren Brady

June 5, 2011

### 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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 29), Martinez became concerned that he, too, was being set up, and expressed specific concerns about the identity of the FBI undercover agent.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

On December 8, 2010, he drove what he believed to be an SUV rigged with explosives to the targeted recruiting station.<sup>7</sup> He parked the inert car bomb at the recruiting station and once he believed there were soldiers inside, he attempted to detonate it with a remote trigger and was immediately arrested.<sup>8</sup>

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.<sup>9</sup> In January 2011, he appeared at a brief hearing and pled not guilty to the charges, his attorneys arguing that he was entrapped in an FBI sting and could have never committed the attack on his own.<sup>10</sup>

### 2. Nature of the adversary

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<sup>1</sup> Maria Glod, Jerry Markon, and Tara Brahpour, "Md. Man Accused of Attempted Bombing," *Washington Post*, December 9, 2010.

<sup>2</sup> Charlie Savage and Gary Gately, "Maryland Bomb Plot Foiled, Authorities Say," *New York Times*, December 8, 2010.

<sup>3</sup> Savage and Gately, "Maryland."

<sup>4</sup> Evan Perez, "FBI Holds Man in Bomb-Plot Sting," *Wall Street Journal*, December 9, 2010.

<sup>5</sup> Perez, "FBI."

<sup>6</sup> Savage and Gately, "Maryland."

<sup>7</sup> Savage and Gately, "Maryland."

<sup>8</sup> Savage and Gately, "Maryland."

<sup>9</sup> Bob Drogin and Richard Serrano, "Baltimore Man Arrested in Foiled Terrorism Plot," *Los Angeles Times*, December 9, 2010.

<sup>10</sup> Drogin and Serrano, "Baltimore."

Antonio Martinez, also known as Muhammad Hussain, is a naturalized U.S. citizen born in Nicaragua.<sup>11</sup> 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, and 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.<sup>12</sup>

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 can't win? How many more lives are they willing to sacrifice."<sup>13</sup>

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's 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.<sup>14</sup>

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 December 2010, her Facebook page listed her as a senior majoring in English and

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<sup>11</sup> Mara Gay, "Who Is Accused Baltimore Terrorist Antonio Martinez?" *Huffington Post*, December 9, 2010.

<sup>12</sup> Scott Calvert, "Baltimore-area Bomb Plot: Co-workers Surprised by Charges," *Baltimore Sun*, December 9, 2010.

<sup>13</sup> Calvert, "Baltimore."

<sup>14</sup> Calvert, "Baltimore."

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."<sup>15</sup> 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. Rafiq also stated that "We don't like these things in my country."<sup>16</sup>

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 25). He describes himself on Facebook by writing, "IM just a yung brotha from the wrong side of the tracks who embraced Islam."<sup>17</sup>

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 are 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.<sup>18</sup> 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 that 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-

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<sup>15</sup> Calvert, "Baltimore."

<sup>16</sup> Calvert, "Baltimore."

<sup>17</sup> Calvert, "Baltimore."

<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> The FBI 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."<sup>21</sup> 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.<sup>22</sup> 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."<sup>23</sup> 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.<sup>24</sup> 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.<sup>25</sup>

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 ...

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<sup>19</sup> Calvert, "Baltimore." Glod et al., "Md. Man."

<sup>20</sup> Savage and Gately, "Maryland."

<sup>21</sup> Savage and Gately, "Maryland."

<sup>22</sup> Perez, "FBI."

<sup>23</sup> Calvert, "Baltimore."

<sup>24</sup> Perez, "FBI."

<sup>25</sup> Savage and Gately, "Maryland."

Islam.<sup>26</sup> He wrote on his Facebook page that "we gotta rise up" and "continue the establishment of Islam on the earth."<sup>27</sup>

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.<sup>28</sup> He clearly felt that the U.S. military was attacking his newfound 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.<sup>29</sup> 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.<sup>30</sup> 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.<sup>31</sup> The informant introduced Martinez to an undercover FBI agent posing as an Afghani man that would help Martinez with his plot and help him make a car bomb.<sup>32</sup>

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.<sup>33</sup> 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.<sup>34</sup> According to the FBI, the Catonsville attack was the first of many he planned on carrying out against the American military.<sup>35</sup>

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,

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<sup>26</sup> Calvert, "Baltimore."

<sup>27</sup> Calvert, "Baltimore."

<sup>28</sup> Glod et al., "Md. Man."

<sup>29</sup> Savage and Gately, "Maryland."

<sup>30</sup> Glod et al., "Md. Man."

<sup>31</sup> Glod et al., "Md. Man."

<sup>32</sup> Glod et al., "Md. Man."

<sup>33</sup> Perez, "FBI."

<sup>34</sup> Glod et al., "Md. Man."

<sup>35</sup> Glod et al., "Md. Man."

ensuring him that they would understand if he did not want to proceed.<sup>36</sup> 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.<sup>37</sup>

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 29). 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.<sup>38</sup>

In early December 2010, the undercover FBI agent provided Martinez with an SUV rigged with an inert explosive.<sup>39</sup> 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.<sup>40</sup> 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.<sup>41</sup> He was then picked up by the informant and they drove to a designated vantage point.<sup>42</sup> 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.<sup>43</sup>

## 6. Role of informants

Both an informant and an 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.<sup>44</sup> This informant appears to have only been an acquaintance of Martinez's on the social networking site, 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 that could help provide Martinez with a car bomb.<sup>45</sup> Along with recording crucial evidence and going on many surveillance missions with Martinez, it was the informant that picked him up after

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<sup>36</sup> Savage and Gately, "Maryland."

<sup>37</sup> Glod et al., "Md. Man."

<sup>38</sup> Perez, "FBI."

<sup>39</sup> Savage and Gately, "Maryland."

<sup>40</sup> Savage and Gately, "Maryland."

<sup>41</sup> United States District Court. District of Maryland. United States of America v. Antonio Martinez A/k/a Muhammad Hussain, December 8, 2010, 17.

<sup>42</sup> U.S. v. Martinez, 18.

<sup>43</sup> U.S. v. Martinez, 18.

<sup>44</sup> Glod et al., "Md. Man."

<sup>45</sup> Glod et al., "Md. Man."

planting the fake bomb in the recruiting station and sat with him in the car as he attempted to remote detonate the bomb.<sup>46</sup> 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 he could have obtained a gun and accomplished his shooting plan, after all he had handgun and theft charges on his criminal record.<sup>47</sup> The change 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,<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> Also, as is now routine in these FBI sing cases in order to avoid calls of entrapment,<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup> 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.<sup>54</sup>

The FBI press release for this case states that “there is no evidence that Mr. Martinez received direction or support from any other person.”<sup>55</sup> Martinez’s desire to attack the U.S. thus seems essentially self-motivated.

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<sup>46</sup> U.S. v. Martinez.

<sup>47</sup> Calvert, “Baltimore.”

<sup>48</sup> Maria Glod, “Not Guilty Plea in Md. Bomb Case,” *Washington Post*, January 7, 2011.

<sup>49</sup> Glod et al., “Md. Man.”

<sup>50</sup> Glod et al., “Md. Man.”

<sup>51</sup> Perez, “FBI.”

<sup>52</sup> Glod et al., “Md. Man.”

<sup>53</sup> Glod et al., “Md. Man.”

<sup>54</sup> Glod et al., “Md. Man.”

<sup>55</sup> “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 Mosque and then the Al Madina mosque. 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.<sup>56</sup>

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 the level of their influence 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.<sup>57</sup> 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.<sup>58</sup> 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."<sup>59</sup>

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 they 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 the Joint Terrorism Task Force (JTTF) showed us Martinez

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<sup>56</sup> Calvert, "Baltimore."

<sup>57</sup> Calvert, "Baltimore."

<sup>58</sup> Perez, "FBI."

<sup>59</sup> Glod et al., "Md. Man."

was absolutely committed to carrying out an attack which would have cost lives.”<sup>60</sup>

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 28), and in November, FBI agents made the arrest in the Oregon sting (Case 29) that worried Martinez.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup> 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.<sup>65</sup> 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

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<sup>60</sup> "FBI—Maryland Man Charged in Plot."

<sup>61</sup> Glod et al., "Md. Man."

<sup>62</sup> Glod et al., "Md. Man." Perez, "FBI."

<sup>63</sup> Calvert, "Baltimore."

<sup>64</sup> FBI Press Release, "FBI."

<sup>65</sup> 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.<sup>66</sup> Clearly many people were involved and 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 appears 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.<sup>67</sup> Martinez attempted to recruit additional people on Facebook to help carry out his attack. He also used to 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"<sup>68</sup> and "Do you really want to spend your entire lives praying for longevity? WE were born in order to die"<sup>69</sup> and "Any 1 who opposes ALLAH and HIS Prophet PEACE.Be.upon.Him I hate you with all my heart."<sup>70</sup> 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.<sup>71</sup> 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 Islamic extremist views on his public Facebook page and made clear his intent to attack and kill military personnel.<sup>72</sup> He attempted to recruit others, including the informant, to help him with such an

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<sup>66</sup> FBI Press Release, "FBI."

<sup>67</sup> Glod et al., "Md. Man."

<sup>68</sup> Perez, "FBI."

<sup>69</sup> Calvert, "Baltimore."

<sup>70</sup> U.S. v. Martinez, 3

<sup>71</sup> U.S. v. Martinez, 9-10

<sup>72</sup> FBI Press Release, "FBI."

attack.<sup>73</sup> All of this was done before the FBI was even alerted about the danger posed by Martinez.

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 that fell into an extreme religious ideology, this does not negate his dangerousness. The United States is, without a doubt, safer with him in FBI custody.

#### 14. Conclusions

In many ways, Antonio Martinez fits the stereotypical mold 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 Islamic 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 Islamic 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 cases that have taken place recently. The FBI has frequently first determined that the suspect is a legitimate threat, then used undercover agents to monitor and secretly befriend the suspect, and then provided the means to actually carry out a fake attack that the suspect believes to be real.<sup>74</sup> While doing this, the agents take particular care to offer the suspect chances to back out and change their mind, which protects against claims of entrapment.<sup>75</sup> Just months prior to this case, FBI agents in Oregon arrested a young man involved in a sting operation for attempted to detonate a bomb at a Christmas tree lighting (Case 29), and agents in Northern Virginia arrested another man as a result of a sting for plotting to bomb the DC Metro (Case 28).<sup>76</sup> 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.<sup>77</sup> 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.

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<sup>73</sup> FBI Press Release, “FBI.”

<sup>74</sup> Glod et al., “Md. Man.”

<sup>75</sup> Glod et al., “Md. Man.”

<sup>76</sup> Glod et al., “Md. Man.”

<sup>77</sup> Glod et al., “Md. Man.”

All evidence suggests that Martinez acted alone and was not part of a terror network.<sup>78</sup> He did, however, try to build such a group by recruiting his 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 is planning an attack on the U.S. military because he believes it is 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.<sup>79</sup> 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.”<sup>80</sup> 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.<sup>81</sup> 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.<sup>82</sup> Before the possibility of a remote 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.<sup>83</sup> 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 Islamic extremist that 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, a method that would likely have been easy for him to carry out and effective in 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

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<sup>78</sup> FBI Press Release, “FBI.”

<sup>79</sup> Department of Homeland Security, *National Infrastructure Protection Plan: Partnering to enhance protection and resiliency*. Washington, DC: Department of Homeland Security, 2009.

<sup>80</sup> 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.

<sup>81</sup> Glod et al., “Md. Man.”

<sup>82</sup> U.S. v. Martinez, 4

<sup>83</sup> U.S. v. Martinez, 10

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.<sup>84</sup>

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<sup>84</sup> Glod et al., “Md. Man.”

## Case 32: 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.<sup>1</sup>

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<sup>1</sup> 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 32: Texas

David Bernstein

June 5, 2011

### 1. Overview

On late Wednesday night, February 23, 2011, Khalid Ali-M Aldawsari was arrested after an FBI investigation led them to believe that he was attempting to build an explosive to use in an act of terrorism against a target in the United States.<sup>1</sup> 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.<sup>2</sup> At the time of his arrest, Aldawsari was studying business at South Plains College near Lubbock, Texas.<sup>3</sup>

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.<sup>4</sup> Complications with the order caused the chemical supply firm to grow suspicious and inform the FBI of Aldawsari attempted order on February 1, 2011.<sup>5</sup> Additionally, reports have emerged that the Department of Homeland Security and the FBI received prior tips on Aldawsari from Immigration and Customs Enforcement (ICE) regarding "suspicious banking activity."<sup>6</sup>

Following their 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.<sup>7</sup> 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 determined Aldawsari was acting as a "lone-wolf" terrorist.<sup>8</sup> According to the FBI affidavit that detailed passages of a journal written by Aldawsari in Arabic, Aldawsari wrote "I excelled in my studies in high school in order to take advantage of an

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<sup>1</sup> "Texas Resident Arrested on Charge of Attempted Use of Weapon of Mass Destruction," Department of Justice Office of Public Affairs, February 24, 2011.

<sup>2</sup> Charlie Savage and Scott Shane, "U.S. Arrests Saudi Student in Bomb Plot," *New York Times*, February 24, 2011.

<sup>3</sup> Peter Finn, "FBI: Saudi student bought materials for bomb, considered Bush home as target," *Washington Post*, February 25, 2011.

<sup>4</sup> Savage and Shane, "U.S. Arrests Saudi Student."

<sup>5</sup> Savage and Shane, "U.S. Arrests Saudi Student."

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> Gellman, "Is the FBI Up to the Job."

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.”<sup>9</sup> 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 with carries the potential sentence of life in prison and a \$250,000 fine.<sup>10</sup> 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.<sup>11</sup>

## 2. Nature of the adversary

Khalid Ali-M Aldawsari was born in Saudi Arabia on April 24, 1990.<sup>12</sup> 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 in the Saudi government.<sup>13</sup> Saudi officials have commented since Aldawsari’s arrest that he had no prior criminal record.<sup>14</sup>

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.<sup>15</sup> After spending much of the summer of 2009 in Saudi Arabia, he chose to return to the United States to continue his studies.<sup>16</sup> He then transferred to Texas Tech University in Lubbock, Texas in August 2009 to study chemical engineering.<sup>17</sup>

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

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<sup>9</sup> Savage and Shane, “U.S. Arrests Saudi Student.”

<sup>10</sup> “Texas Resident Arrested,” Department of Justice.

<sup>11</sup> James Clark, “Lubbock’s Aldawsari terror case put off until October,” KCBD11 News, April 6, 2011.

<sup>12</sup> Jeremy Pelofsky, “Factbox: Details of bomb plot in U.S. by Saudi national,” Reuters, February 24, 2011.

<sup>13</sup> Jason Trahan and Todd J. Gillman, “Saudi terror suspect who allegedly targeted Bush appears in Lubbock court,” *Dallas Morning News*, February 25, 2011.

<sup>14</sup> Finn, “FBI: Saudi Student.”

<sup>15</sup> Trahan and Gillman, “Saudi terror suspect.”

<sup>16</sup> James C. McKinley and Sarah Wheaton, “Saudi Student to Be Arraigned in Bomb Plot,” *New York Times*, February 25, 2011.

<sup>17</sup> Savage and Shane, “U.S. Arrests Saudi Student.”

errands together.<sup>18</sup> 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.<sup>19</sup> 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 practicing in ritual daily prayer, not shaving, or wearing traditional Muslim clothing.<sup>20</sup> 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. According to one roommate of Aldawsari, Dwaine Fombuh said, somewhat jokingly, in reference to Aldawsari's extremely private demeanor "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."<sup>21</sup>

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.<sup>22</sup>

In July 2010, Aldawsari moved into a Lubbock apartment by himself and then transferred to South Plains College in January 2011.<sup>23</sup> 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.<sup>24</sup>

Beginning in December 2009, 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. Many posts from late 2008 until the summer of 2009, Aldawsari made blog posts regarding his growing fondness for America and depictions of multiple girls that he became infatuated with while studying at Vanderbilt and Texas Tech Universities.<sup>25</sup> In an August 23, 2009 blog post, Aldawsari said that he was beginning to love Lubbock.<sup>26</sup> In other posts 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

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<sup>18</sup> Elliot Blackburn, "Roommates: Aldawsari shy, aloof," *Amarillo Globe-News*, February 26, 2011.

<sup>19</sup> Savage and Shane, "U.S. Arrests Saudi Student."

<sup>20</sup> Blackburn, "Roommates."

<sup>21</sup> Trahan and Gillman, "Saudi terror suspect."

<sup>22</sup> McKinley and Wheaton, "Saudi Student."

<sup>23</sup> Trahan and Gillman, "Saudi terror suspect."

<sup>24</sup> Gellman, "Is the FBI Up to the Job."

<sup>25</sup> McKinley and Wheaton, "Saudi Student."

<sup>26</sup> <http://fromfaraway90.blogspot.com/2009/08/i-arrived-in-lubbock-tx-one-week-ago.html>

impossible to achieve even if it is hard but it is still not impossible because there is nothing impossible for me.”<sup>27</sup>

From many of his blog entries and 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 an act of terrorism against the United States.

### 3. Motivation

Many details have not yet emerged on Aldawsari’s path to terrorism, but some factors that demonstrate Aldawsari’s motivation in becoming a jihadi can be seen on his blog, his private journal that was discovered during an FBI search of his apartment, emails he sent to himself from separate email 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 that 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.<sup>28</sup>

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.”<sup>29</sup> 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 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

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<sup>27</sup> [http://fromfaraway90.blogspot.com/2009\\_05\\_01\\_archive.html](http://fromfaraway90.blogspot.com/2009_05_01_archive.html)

<sup>28</sup> 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-alidawsari-complaint-affidavit.html?sid=ST2011022406551>

<sup>29</sup> 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.<sup>30</sup>

In this journal, assuming the FBI's translation is depiction is proven accurate in court, Aldawsari essentially spells out that he came to the United States to learn the necessary skills and 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 the attacks of September 11, 2001 produced a "big change" in his thinking.<sup>31</sup>

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 "Salululi 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.<sup>32</sup>

#### 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 emails 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 email 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."<sup>33</sup>

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-

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<sup>30</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 9-10.

<sup>31</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

<sup>32</sup> Savage and Shane, "U.S. Arrests Saudi Student."

<sup>33</sup> Finn, "FBI: Saudi Student."

Islam" to be able to train, fund, and assist members of his group who seek to carry out al-Qaeda and his own agenda.<sup>34</sup>

## 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 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 email addresses and emailed himself the summaries of his internet research so that it would be stored in a common location.<sup>35</sup> 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 email 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 emails 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 email 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 email he sent to himself with the subject line "TYRANT'S HOUSE" that contained former President George W. Bush's Dallas, Texas home address.<sup>36</sup>

Although his intended target is not exactly clear from the evidence collected by the FBI investigation of Aldawsari, what is clear is that Aldawsari desired to create an explosive device with the chemical compound trinitrophenol, TNP. TNP is a chemical compound comprised of phenol, sulfuric acid, and nitric acids, and when processed together in the correct manner can produce a powerful explosive.<sup>37</sup> 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

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<sup>34</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

<sup>35</sup> 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 email address when researching potential targets.

<sup>36</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 12.

<sup>37</sup> "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, Aldawsari acquired many materials and equipment necessary for building a bomb from the internet. Aldawsari purchased a soldering iron kit, electric wire, a stun gun, battery tester, alarm clock and screwdriver set from Amazon.com and purchased a Hazmat suit from Ebay.com.<sup>38</sup> All of these materials were found during the February 14 and February 17, 2011 FBI searches of Aldawsari's 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 \$434.57 worth of 10 500-mL bottles of phenol from Carolina Biological Supply (CBS). As earlier with Qualichem Technologies, Aldawsari was unable to ship the chemicals 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 Aldawsari's attempt to have the chemicals sent to a residential address, CBS notified their security department of the "suspicious" purchase by Aldawsari. CBS's security department then notified the FBI of Aldawsari's purchase on February 1, 2011.<sup>39</sup> Con-way Freight additionally notified the Lubbock Police Department when they received the shipment of phenol, who also contacted 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, 2011.<sup>40</sup> The first search was prematurely interrupted and complete observation of suspicious materials in his apartment and his computer were 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

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<sup>38</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 5-9.

<sup>39</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 3.

<sup>40</sup> Gellman, "Is the FBI Up to the Job."

for phenol as the FBI investigation turned up a February 12, 2011 email he sent to himself with instructions for producing phenol from aspirin.<sup>41</sup>

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 emails and journal entries listing Aldawsari's next steps in his desire to carry out jihad in the United States. A December 8, 2010 email 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 email Aldawsari sent to himself also contained instructions on how to booby trap vehicles.<sup>42</sup> Additionally, February internet searches of Dallas nightclubs' policy on bringing in backpacks and intense searches of baby dolls conducted by Aldawsari led investigators believe that he may have been planning on concealing explosives and possibly desired to attack a nightclub.<sup>43</sup>

When the FBI searched Aldawsari's apartment, they discovered and photographed a journal written by Aldawsari that, among many other things, listed his next steps for a possible future terrorist attack. These steps 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.<sup>44</sup> 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. As the FBI discovered all the materials and electronic research conducted by Aldawsari during their February searches, they arrested him a week after at his apartment when they were certain that Aldawsari was acting alone and before he could cause any harm to the American public.<sup>45</sup> 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.<sup>46</sup>

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

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<sup>41</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 4-5.

<sup>42</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 8-9.

<sup>43</sup> Savage and Shane, "U.S. Arrests Saudi Student."

<sup>44</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 10.

<sup>45</sup> Gellman, "Is the FBI Up to the Job."

<sup>46</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 3.

weapons manufacturing, it is not useful for getting the necessary experiential and 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.” He continues that to even have a chance to be successful, 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.”<sup>47</sup>

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 bomb or remote detonating device.

## 6. Role of informants

An FBI informant was not used against Aldawsari, as he was discovered by Carolina Biological Supply after placing an order for phenol. The only contact an FBI employee had with Aldawsari prior to his arrest was when a FBI 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.<sup>48</sup>

## 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.<sup>49</sup> 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.<sup>50</sup>

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<sup>47</sup> Michael Kenney, “Beyond the Internet,” *Terrorism and Political Violence* 22(2) (2010), 192.

<sup>48</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 4.

<sup>49</sup> McKinley and Wheaton, “Saudi Student.”

<sup>50</sup> 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 at their mosque. 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.<sup>51</sup>

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.<sup>52</sup> 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.<sup>53</sup>

## 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 that 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."<sup>54</sup>

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."<sup>55</sup> However, the ranking Democrat on the House Select Committee on Intelligence, Rep. C.A. "Dutch" Ruppersberger (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

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<sup>51</sup> McKinley and Wheaton, "Saudi Student."

<sup>52</sup> Trahan and Gillman, "Saudi terror suspect."

<sup>53</sup> Savage and Shane, "U.S. Arrests Saudi Student."

<sup>54</sup> McKinley and Wheaton, "Saudi Student."

<sup>55</sup> Jordy Yager, "Is arrest of Saudi student a 'see something' win, or security flaw?" TheHill.com, February 27, 2011.

country. [Foreign students] are going to other countries, like China 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.”<sup>56</sup>

## 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 featuring Aldawsari from his arrest to his plea of non-guilty, 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.<sup>57</sup>

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.”<sup>58</sup>

Because of the intense media coverage, U.S. District Court Sam Cummings ordered all parties involved in Aldawsari’s case to not speak with the news media following Aldawsari’s indictment.<sup>59</sup> Cummings argued that the case had already received intense media coverage and further statements “could prejudice a fair trial.”<sup>60</sup>

## 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.<sup>61</sup> Aldawsari first appeared on court on February 25, 2011 and was

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<sup>56</sup> Yager, “Is arrest of Saudi student.”

<sup>57</sup> 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.

<sup>58</sup> McKinley and Wheaton, “Saudi Student.”

<sup>59</sup> Logan G. Carver, “Aldawsari pleads not guilty, case set for trial,” *Lubbock Avalanche-Journal*, March 28, 2011.

<sup>60</sup> Carver, “Aldawsari pleads not guilty.”

<sup>61</sup> “Texas Resident Arrested,” Department of Justice.

indicted on March 28, 2011. His trial was scheduled to begin on May 2, 2011 but was delayed at the request of prosecutors for October 24, 2011.<sup>62</sup>

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.<sup>63</sup> 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 secretive searches of Aldawsari's Lubbock apartment on February 14 and February 17, 2011.<sup>64</sup>

## 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 purchase nitric acid from Qualichem Technologies.<sup>65</sup>

Furthermore, he conducted his research on targets and instructions for producing the explosives, 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.<sup>66</sup>

Additionally relevant is his blog, "From Far Away,"<sup>67</sup> in which he initially wrote posts about enjoying being a student in the United States and different girls that he met that he developed affections for and then began posting 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."<sup>68</sup> 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."<sup>69</sup>

Furthermore, Aldawsari's arrest has caused many in the media and government to re-examine the danger of "lone-wolf" terrorists. The *Time* article

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<sup>62</sup> Clark, "Lubbock's Aldawsari terror case."

<sup>63</sup> Gellman, "Is the FBI Up to the Job."

<sup>64</sup> Gellman, "Is the FBI Up to the Job."

<sup>65</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit, 5-6.

<sup>66</sup> U.S. v. Aldawsari, Criminal Complaint and Affidavit.

<sup>67</sup> <http://fromfaraway90.blogspot.com/>

<sup>68</sup> "Texas Resident Arrested," Department of Justice.

<sup>69</sup> Gellman, "Is the FBI Up to the Job."

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 establishment.”<sup>70</sup> 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.”<sup>71</sup> 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.”<sup>72</sup> 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.”<sup>73</sup>

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 on Aldawsari proves accurate, his desires were 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 further vigilance in their counterterrorism efforts remains to be seen, but if an American public stays as alert against suspicious activity, such as the employees at Carolina Biological Supply and Con-way

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<sup>70</sup> Gellman, “Is the FBI Up to the Job.”

<sup>71</sup> Max Abrahms, “Fear of ‘lone wolf’ misplaced,” *Baltimore Sun*, January 5, 2011.

<sup>72</sup> Abrahms, “Fear.”

<sup>73</sup> Yager, “Is arrest of Saudi student.”

Freight, then 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.

#### 14. Conclusions

The foiling of Khalid Ali-M Aldawsari's terrorist plans show promise that the United States counterterrorism authorities and 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, then 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 terrorism or 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.<sup>74</sup>

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."<sup>75</sup>

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 both the success of American counterterrorism efforts and opens up discussion of additional venues for monitoring against even more terrorist plots and individuals in the United States. Although no definitive answer exists on the

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<sup>74</sup> Gellman, "Is the FBI Up to the Job."

<sup>75</sup> Yager, "Is arrest of Saudi student."

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 jihadists from entering and attacking our country.

**Case 33: Seattle**

John Mueller

July 22, 2011

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.<sup>1</sup>

He idolized Osama bin Laden,<sup>2</sup> and the two men once used the password, “OBL,” when arranging for some bus tickets.<sup>3</sup> Abdul-Latif had come to believe that “it was time to take action, not just talk”<sup>4</sup> and to “wake the Muslims up” about defending their religion.<sup>5</sup> The attack would be in retaliation of crimes committed by US soldiers in Afghanistan.<sup>6</sup> And would target only military personnel.<sup>7</sup> 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.<sup>8</sup> The justice department press release on the case, however, simply says they were “driven by a violent, extreme ideology.”<sup>9</sup>

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.<sup>10</sup> “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.”<sup>11</sup>

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.<sup>12</sup> The informant has an “extremely serious” felony record.<sup>13</sup>

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<sup>1</sup> 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.

<sup>2</sup> Levi Pulkkinen, “Grand jury indicts two in South Seattle terror attack plot,” *Seattle Post-Intelligencer*, July 7, 2011.

<sup>3</sup> Ryan J. Reilly, “Feds: Terror Suspects Struggled To Afford Bullets, Worried They’d ‘Look Like Fools’,” TPM Muckraker, June 23, 2011.

<sup>4</sup> Pulkkinen, “Grand jury indicts two.”

<sup>5</sup> AP, “Suspect in Seattle.”

<sup>6</sup> BBC, “Pair charged with plotting to attack US military target,” June 23, 2011.

<sup>7</sup> AP, “Suspect in Seattle.”

<sup>8</sup> AP, “Suspect in Seattle.” “Arrests over ‘plot to attack US army target’,” aljazeera.net, June 24, 2011.

<sup>9</sup> “Two Men Charged in Plot to Attack Seattle Military Processing Center,” Office of Public Affairs, US Department of Justice, June 23, 2011.

<sup>10</sup> AP, “Suspect in Seattle.”

<sup>11</sup> Yardley, “Officials Say Two Planned Armed Attack.”

<sup>12</sup> “Arrests over ‘plot to attack US army target’,”

<sup>13</sup> Yardley, “Officials Say Two Planned Armed Attack.”

Abdul-Latif had declared bankruptcy a month earlier and had assets of about \$3000 and liabilities of \$6000. Any income from his janitorial business was less than the expenses of running the business.<sup>14</sup>

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-Latif 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.<sup>15</sup>

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.”<sup>16</sup>

At their initial hearing, the men were asked if they lacked money to hire a lawyer. Both answered in the affirmative.<sup>17</sup>

This case has yet to be written.

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<sup>14</sup> AP, “Suspect in Seattle.”

<sup>15</sup> Reilly, “Feds: Terror Suspects Struggled.”

<sup>16</sup> Yardley, “Officials Say Two Planned Armed Attack.”

<sup>17</sup> Yardley, “Officials Say Two Planned Armed Attack.”