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The Hamas Terrorist Who Wasn't

Illustration: Ryan Inzana for The Intercept

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H**OW'S THE BACKYARD**, Jason? Is there somewhere we can talk?"

It was May 20, 2020, at the height of the pandemic, and an FBI SWAT team had raided the house Jason Fong shared with his parents in Orange County, California. Fong, a 24-year-old Chinese American who, until recently, had been a U.S. Marine Corps reservist, sat handcuffed in the back of a police cruiser outside.

“Just a couple of chairs at the back table,” he told the Irvine police detective and FBI agent questioning him.

Fong led the two lawmen to the backyard, where all three sat at a table near the pool. A body camera worn by FBI Special Agent Thuan Ngo recorded the conversation. Fong, still handcuffed, wore a blue button-down shirt and a white face mask. The family dog wandered around, happily wagging its tail.

“How long have you had this dog?” the detective, Michael Moore, asked.

“Since I was 16,” Fong answered.

Moore read Fong his Miranda rights; Ngo advised him that making a false statement to a federal agent is a felony.

“Let’s back up a little bit,” Moore said. “What are some big changes that have occurred in your life? You converted to Islam?”

“Yeah,” Fong answered.

The detective asked Fong how he became a Muslim, how many guns he owned, and how he used social media.

“I followed a couple of pages that were just mainly Muslim, like, shitposting, kinda just like —”

“Muslim what?” Ngo interrupted, apparently stumped by the word “shitposting.” “I’m sorry?”

“Kind of just, like, meme pages,” Fong answered. “A lot of them make jokes about stupid stuff, like extremism and all that stuff — things I do not condone. … They make memes about extremism in a joking manner.”

Fong described how he communicated with like-minded people on the internet, mostly in the joking or ironic ways of the extremely

online. “It’s just satire,” he said, adding that he tried to dissuade anyone who appeared to take a genuine interest in extremist ideologies and groups.

But the federal agent kept pushing. He asked if anyone Fong knew via the chat group claimed to support terrorists. He asked for usernames.

“You’re saying you don’t support any of these groups, right?” Ngo asked.

“I do not,” Fong said.

“You don’t believe in any of these groups at all?”

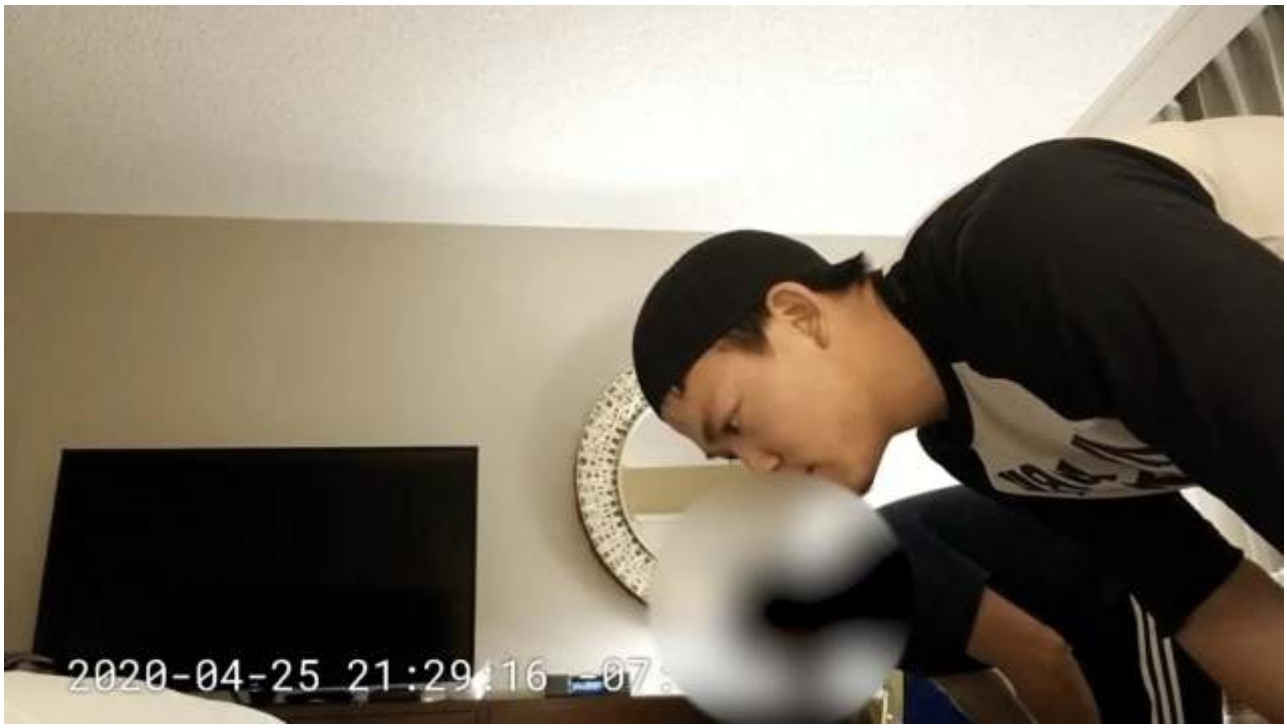
“I don’t.”

Fong’s case represents a new and increasingly common form of terrorism sting conducted primarily online, in which federal investigators and prosecutors must navigate the often obscure boundary between protected speech and evidence of crime.

The detective and the FBI agent knew more than they were letting on that day in 2020. Hundreds of pages of New York Police Department and FBI internal reports, months’ worth of chat logs, and hours of recordings obtained by The Intercept reveal how the investigation of Fong began thousands of miles away in an NYPD intelligence unit. These internal documents and recordings also demonstrate how the FBI is coopting local law enforcement resources in its ever-expanding

search for potential terrorists. Neither the NYPD nor the FBI responded to a list of questions from The Intercept.

Since February 2020, when the NYPD first introduced an undercover employee to Fong in a private group chat, the FBI had been secretly monitoring his online activity. Fong's supposed chat group friends included at least two government agents — one from the NYPD and another from the FBI. As violent crime spiked in New York City during the pandemic, a division of America's largest and oldest municipal police department was catfishing a California man who had no connections to New York and no plans to travel there.



Jason Fong prays with "Daniel," an undercover NYPD employee, in a California hotel room during the pandemic. Screenshot from NYPD undercover video

Following the backyard interrogation, the Justice Department charged Fong with four counts of providing material support to terrorists, alleging that he shared in the group chat military training documents he'd found online and believed could be used to aid Hay'at Tahrir al-Sham, a Syrian militant group, and that he tried to raise money for Hamas by sharing a website for Al Qassam Brigades, the Hamas militant wing responsible for the October 7 attack in Israel.

“This looks pretty terrible because it’s in a group full of Muslims,” Fong said of the evidence in his case. “Muslims, guns, bombs — automatically you have the word-picture association of terrorists, right? But go on an average Discord Christian server and see how many people justify the carpet-bombing of Gaza. Or go and look at any pro-Zionist group chat and see all the heinous things they say about people there. I’m sure that most of them are not serious.”

A Secret Life Online

Fong had been interested in firearms and military techniques since he was a teenager. He joined the Marine Corps as a reservist in 2014, right out of high school, signing his papers at a strip mall military recruiting office in Santa Ana, California.

His job assignment in the Marine Corps found him. Based on aptitude tests, Fong became an avionics maintenance technician for unmanned aerial vehicles, “UAVs” in military parlance — or drones. “I didn’t exactly hate my job as a UAV avionics maintenance technician, but I just didn’t really have much passion for it,” Fong told The Intercept, sitting in the living room of the house the FBI had raided three years earlier. “I didn’t feel like I joined the military to do this.”

As a sergeant, Fong applied multiple times to join the ranks of counterintelligence officers. He didn’t get the jobs because of background check concerns, he was told. “For some undisclosed reason, I could not actually be qualified for the job,” Fong said. He applied for other positions: Marine reconnaissance, Special Operations Command, anything that could be considered, in his words, “hardcore stuff.” Denied, denied, denied. The Marines appeared to want Fong where he was: fixing drones.

Diagnosed with autism, Fong has an impressive knack for languages. He grew up speaking English and Mandarin Chinese, and he began

learning Russian on his own time while in the Marines, with the help of a pen pal in the predominantly Muslim region of Tatarstan. He'd visited her in 2017, to practice his Russian and see the country, and to this day, he wonders whether that compromised his military background checks.

By 2019, Fong wanted out of the Marines. "I pretty much spent my time just looking for civilian work," he said. Fong had worked various jobs — as a personal trainer, an unarmed security guard, and a safety official at a shooting range — while he continued to live in his parents' home in Orange County. And no matter where he was, he was always online, exploring his various curiosities.

"I spent a lot of time on social media, very mobile online life," Fong said. "And that's when I kind of got acquainted with people of the boogaloo movement. And these people, they started out as libertarians, and then they kind of degenerated into anti-state anarchy. But, I mean, we had a lot of things in common: [strong feelings about] constitutional rights, firearms especially, free speech, and fighting against tyranny."

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The so-called boogaloo movement refers to a loosely linked group of people who subscribe to an antigovernment ideology heavily invested in memes, guns, and the prospect of imminent civil war. In headline-grabbing cases, some adherents have been involved in murder, illegal firearms possession, violent plots, and even an FBI sting centering on a supposed conspiracy to support Hamas. But most so-called boogaloo boys are preppers with unimpressive levels of ambition, juvenile senses of humor, and fast internet connections.

Fong was intrigued by the boogaloo, whose members he followed on Instagram, but he struggled to take them seriously. “It’s just an online community of gun enthusiasts,” Fong said. “I wouldn’t really even describe them as an organized movement.”

The boogaloo followers Fong met online encouraged him not to reenlist in the Marine Corps: Don’t support the military-industrial complex, they told him. And Fong agreed. He knew he needed a change. “My life was rinse, wash, repeat,” he said. But the boogaloo boys couldn’t constrain Fong’s intellectual wanderings. “I dissociated, unfollowed all the pages,” he said.

Meme Streak

As 2019 gave way to 2020, and the coronavirus began to spread globally, Fong was spending even more time online, including following Russian-language accounts. He started noticing Instagram accounts that promoted Islam but had the same meme-oriented humor he’d enjoyed in the boogaloo movement. “It’s the same kind of humor but just different audiences, different subjects,” he said. The memes on the Instagram accounts had a common theme: poking fun at the idea that all Muslims are terrorists.

Fong had been raised in Chinese Christian churches, but he’d long been curious about Islam, and in January 2020, he converted and began attending a mosque in Southern California — a decision his parents couldn’t understand.

After interacting with the commentators on Islam-focused Instagram pages, Fong received an invitation to a private group of about 30 people; he was then invited into a subset of that group, which operated on WhatsApp. “So what happened was, a disagreement occurred,” Fong recalled. The more moderate members of the group,

including Fong, were apoplectic that other members had shared in the chat propaganda videos from the Islamic State group, or ISIS.

The disagreements turned into arguments. Fong told the group that he was enlisted as a reservist in the Marines, prompting others to say that he couldn't be a true Muslim. "They were calling me a heretic just for having served," he said. Eventually, the group disbanded.

Fong focused his energies on a new meme-oriented Instagram page about Islam, which eventually birthed a new chat group on Signal. Fong, the administrator of this new group, called it "Mujahideen in America." He wanted the group's discussions to involve Islam, guns, and training.

"We're going to go over here to talk about self-defense," Fong, who went by the username asian_ghazi, said, describing what he viewed as topics for the group chat. "Boogaloo stuff, like kind of guerrilla tactics, but mostly for hypothetical scenarios, mostly self-defense, weapons safety, firearms."

Fong had curated the group's membership. There was Daniel, a Russian speaker Fong first met in the WhatsApp group that had fractured. There was also James, a teenager and recent convert to Islam who shared Fong's ironic sense of humor. James had brought someone named Moussa into the group.

Moussa, pushy and boisterous, started to bring up terrorist groups in the chat. Daniel joined in, giving his opinions about Islamist movements in Chechnya and other parts of Russia.

"Their talks about this kind of stuff would be here and there," Fong said.

Fong didn't know what to do. Should he kick these guys out? He'd already seen one internet group fall apart. But he struggled to tell if this discussion went beyond harmless intellectual curiosity and debate.

Daniel and Moussa weren't who they claimed to be. Daniel was working undercover for the NYPD. Moussa was an FBI informant, known in the bureau's parlance as a "confidential human source."

online.

Members of the NYPD counter terrorism unit deploy during a Palestinian solidarity march on Oct. 13, 2023, in Manhattan. Photo: Barry Williams/Getty Images

"Online Covert Employee"

Terrorism stings in the post-9/11 era, intended to catch would-be violent actors before they harm anyone, once played out exclusively in the real world: An FBI informant would meet a loudmouth at a mosque and offer that person a bomb, resulting in a high-profile arrest and raising questions about whether the FBI had manufactured the crime.

As the world moved online, so did sting operations. Instead of finding targets at mosques and engaging in conversations at coffee shops, counterterrorism agents now often pose as extremists online to lure in their targets. It's catfishing, but under the color of law.

In 2018, a Tennessee woman named Georgianna Giampietro chatted online with two undercover FBI agents who claimed to be a married couple looking for help traveling to Syria to join a terrorist group. Giampietro offered instructions on how to avoid law enforcement detection and provided a Telegram username for an alleged contact in Syria. She pleaded guilty to material support charges and is serving a five-and-a-half-year sentence, even though the agents never intended to travel to Syria. Cases like Giampietro's are increasingly common, with examples of FBI agents and informants posing online as supporters or members of ISIS and other terrorist groups.

But the FBI isn't the only agency trying to catfish terrorists. The NYPD's Counterterrorism and Intelligence Bureau, which earned a reputation as one of the most aggressive and wide-ranging law enforcement agencies of the post-9/11 era, has also evolved from crawling mosques to crawling the internet.

In early 2016, the NYPD launched an online investigation of Muslim cleric Abdullah el-Faisal, who was living more than 1,500 miles away in Jamaica. A detective sent Faisal a flattering message. That message blossomed into an online relationship, spanning nearly two years, which resulted in Faisal sharing ISIS propaganda and encouraging the undercover detective to travel to Syria. Faisal was extradited from Jamaica, convicted at trial in New York state court, and sentenced to 18 years in prison. The NYPD has also monitored the online activities of Muslim organizations in the northeastern U.S. and built online cases for the Justice Department against terrorism suspects in the U.S. as well as militants based overseas, such as a former Brooklynite who went to Syria to be a weapons trainer for ISIS.

The NYPD's online activities are as much about capturing federal funding as they are about netting alleged terrorists. The department's Counterterrorism and Intelligence Bureau receives more than $160 million annually from the federal government, most of it in the form of Department of Homeland Security grants. This partnership is part of the decadeslong, nationwide effort to expand collaboration and intelligence-sharing among law enforcement agencies. "Law enforcement in this country can no longer be content with merely focusing on activity in their own jurisdictions," John Miller, then the NYPD's deputy commissioner, told a House committee in 2019.

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The investigation of Fong began on February 24, 2020, with a memo that circulated in the NYPD's Counterterrorism and Intelligence Bureau. The memo described how an NYPD officer known as "OCE 1," for "online covert employee 1," had been added to Fong's chat group. OCE 1 was "Daniel," who spoke Russian like a native, according to NYPD recordings, but who had little trace of an accent when he spoke English.

Within days, according to reports obtained by The Intercept, the NYPD told the FBI about its nascent online investigation. The bureau promptly opened its own case, using Daniel, the NYPD undercover employee, as a proxy. NYPD and FBI records show the information went one way: from the NYPD to the FBI.

The FBI reports include screenshots of messages and pictures that Fong had sent to the private Signal group, including from his trip to Tatarstan in 2017. In one picture, Fong stands on a snow-covered street wearing a black ushanka, a Russian fur hat, with a Soviet-style red star.

From the outside, Fong appeared to fit a profile that has long concerned FBI counterterrorism officials: U.S. military service members drifting toward extremism. When the FBI first acknowledged this concern in 2009, officials said they viewed the military as a potential pipeline to far-right violent extremist groups. But the bureau didn't exclude the prospect that U.S.-trained service members could become Islamist extremists, like Nidal Hassan, a U.S. Army major who killed 13 and injured more than 30 others in the Fort Hood mass shooting, also in 2009.

Fong had used guns since his teens, knew how to modify firearms, and had recently converted to Islam. The messages Daniel was providing to the NYPD, and Moussa to the FBI, also appeared to suggest that Fong had an anti-government ideology. In a screenshot of messages included in one FBI report obtained by The Intercept, Fong wrote:

Fuck getting [a gun] registered

Fuck the government

Fuck President Trump

Fuck the Feds

Fong also posted audio and video recordings to the group. Some were ordinary, such as complaints about being stuck at work. "I'm really, really ticked off because I couldn't pray *salah* at all today," Fong said in one recording, referring to the obligatory five daily prayers performed by Muslims.

Other recordings reviewed by The Intercept appeared potentially ominous. In one video, Fong set up his phone to record in his messy bedroom. "So, this is an AR-15-pattern rifle," he said, showing his firearm to the camera. Fong had built the rifle himself, using individual parts to create a "ghost gun" that wasn't legally registered. He had two magazines taped together in a so-called jungle clip, a

military-style setup that speeds reloading. “So, the first lesson we’re going to learn is, how exactly do we clear a weapon?” Fong said. He then provided a one-minute tutorial on the proper handling of a rifle.

As with the meaning of a meme, Fong’s motivations were often hard to pinpoint. Was the video meant to be a useful tutorial, like hundreds of others available on YouTube? Or was it intended as training for people Fong believed to be violent extremists?

Many of Fong’s messages to the group were ambiguous in this way. In the group chat, for example, someone wrote: “Some dude got drunk last night and went on a bender and tried to kill cops …”

Fong replied: “I mean, I’d rather kill cops while I’m sober.”

In another instance, Fong included in the group chat instructions for making explosives with nitric acid that he’d copied from a website. “I really want to experiment with this without 1. Getting arrested 2. Getting my arms blown off,” Fong wrote.

On a different day, Fong posted: “I planned on dying here violently initially.” But then he followed that message immediately with: “Still not opposed to it lmao.”

Laughing my ass off — was it all just a joke to Fong? Or was the ambiguity an intentional cover for violent aspirations?

“No Need to Blow Them Up”

In March 2020, two months before the FBI and local police showed up at Fong’s house, James, the other young convert in the group, appeared to post a joking message of his own: “Me and the boys blowing up Keesler AFB near me,” he wrote, followed by a black flag emoji. Keesler Air Force Base is in Biloxi, Mississippi.

Fong replied to the message with another joke. “No need to blow them up,” he wrote. “Just yank the nerds off their computers and they’ll die of anxiety.”

Despite Fong’s reply, the FBI and NYPD assumed that Fong was somehow trying to aid extremists and terrorist groups. That assumption was bolstered, in the government’s view, by documents Fong shared with the group, including tactical instruction manuals that could be found online. “Take it, save it, study it,” he told the group, referring to military tactical instructions for entering a building.

Fong sent various other documents he found online, including a tutorial on how to make bombs. He never specifically plotted or encouraged violence, but Moussa had previously told Fong in the chat that he aspired to join the Hay’at Tahrir al-Sham terrorist group in Syria. Moussa then introduced into the group a man who claimed to be a Hay’at Tahrir al-Sham representative. This fictional terrorist, who was an undercover FBI agent, asked Fong for help in putting together a bomb. Instead of helping with the bomb, Fong removed Moussa and his friend from the group.

But some of Fong’s other actions weren’t as exculpatory.

In one message, Fong posted a link to a website run by Al Qassam Brigades, the militant Hamas wing. “This is a cause I am sure we can all get behind,” he wrote. Fong also posted a video tutorial showing

how to donate to Al Qassam Brigades using bitcoin. Fong wrote in a message that he thought the group should learn about cryptocurrencies so as to "potentially give [donations] to groups we support anonymously." But there is no evidence that Fong gave money to Hamas or explicitly encouraged donations from members of the group.

In April 2020, Daniel, the NYPD employee, flew to California. He told Fong that he was traveling on business, which was true. The investigators were taking their online probe into the real world, trying to position Fong to say something less ambiguous about supporting terrorists.

Fong met Daniel in his hotel room, since much of California was shut down during the pandemic. They prayed together in the room and ate takeout as a hidden camera recorded the meeting. Fong wore a long-sleeved shirt and skullcap. Daniel, his face blurred in the video, wore a black T-shirt and tracksuit pants. Their conversation went back and forth between Russian and English. They talked about the pandemic, Bill Gates, the economy, the Chechen war, and the Prophet Muhammed's teachings about diet and exercise. Fong told Daniel that he admired Ibn al-Khattab, a well-known Salafi jihadist who'd fought in Afghanistan, Tajikistan, Dagestan, and Chechnya until he was murdered by Russian security services in 2002.

Their conversation then turned to going overseas. Fong told Daniel that he was interested in learning more about Malhama Tactical, a private military contractor that became known as the "Blackwater of the Syrian jihad."

"Well, first of all, Moussa is the one who told me about Malhama, you know?" Fong said, referring to the FBI's informant. "I didn't really know much about them."

Malhama Tactical supported forces opposed to both the Syrian government and ISIS. While not a U.S.-designated foreign terrorist

organization, the military contractor was closely aligned with Hay'at Tahrir al-Sham, which is designated as a terrorist group. Fong expressed interest in working with Malhama Tactical.

"You will train Malhama brothers?" Daniel asked Fong, according to a transcript translated from Russian by the FBI and obtained by The Intercept.

"I would want to work with Malhama, I think, and then fight with the group Ajnad al-Kavkaz," Fong said, referring to a Chechen group active in Syria and Ukraine. "That's what I would, like, ideally do if I go there." Fong said he was particularly interested in fighting with the Chechen group in Ukraine, against the Russians.

"If I go there" — that was the context of Fong's conversations with the undercover NYPD employee. It was a lot of talk and speculation. And it was as far as investigators could entice Fong to go.

The next month, the FBI and local police arrived at Fong's parents' home. The FBI agent asked Fong if he knew anyone who'd expressed interest in joining a terrorist group. Fong said that he didn't. He also asked Fong if he'd ever met in person with anyone from the chat group. Fong claimed he hadn't.

The FBI knew those claims weren't true.

Illustration: Ryan Inzana for The Intercept

False Statements

Fong's arrest in 2020 was big news in Southern California, where the press reported breathlessly on an FBI raid involving confiscated guns and allegations that a U.S. Marine had supported terrorists. The government claimed Fong had aided Hay'at Tahrir al-Sham by uploading documents about military tactics and bombmaking to the group chat and accused him of supporting Hamas by sharing a link to a website for the Al Qassam Brigades.

That the apparent "terrorists" Fong allegedly aided were government agents — Daniel with the NYPD and Moussa with the FBI — was irrelevant, according to the government. Under federal conspiracy laws, defendants need only believe that the person with whom they are conspiring is affiliated with a terrorist group.

But how much of Fong's online activity could be considered First Amendment-protected speech remains an open question. The materials he shared with the group were available elsewhere online, and his precise purpose for sharing them was unclear. What's more, while he'd appeared to suggest that he supported Hamas, he didn't take any specific actions beyond sharing a website and a video tutorial.

Fong's criminal trial began in January and quickly veered into the absurd. U.S. District Judge David O. Carter allowed Moussa, the FBI informant, who was paid $46,000 for his work on the case, to alter his appearance when he testified. Prosecutors had asked for what they termed "light disguise (such as changing their facial hair, hairstyle, or dress style)," to protect his identity. In addition, the judge ordered that the public be removed from the courtroom while the informant was on the stand. The jury was not supposed to know about the disguise or that the public was not allowed into the courtroom.

In the middle of the informant's testimony, Los Angeles billionaire Isaac Larian — whose company developed Bratz dolls — wandered into the courtroom unmolested to say hello to Carter, who had presided over a 2011 trade secrets trial involving Bratz dolls and Mattel's Barbies. Larian's entrance startled Carter, who exclaimed that the courtroom should have been closed — exactly what the jury wasn't supposed to know. Carter granted defense lawyers' request for a mistrial.

Rather than retry the case, the Justice Department offered Fong a deal: Prosecutors would drop the material support charges if he'd plead guilty to a single count of making false statements to a federal agent. That charge had not been part of the Justice Department's original indictment, and Fong knew that his panicked statements in his parents' backyard had been recorded. "I couldn't beat that charge," Fong said. "They had me."

Fong agreed to plead guilty, admitting that he'd failed to snitch to the FBI on Moussa, the bureau's own informant.

In November, Fong was sentenced to three years and 10 months in prison — the net result of a four-month partnership between the FBI and the NYPD to nab a young man in California who, as even he admits, was guilty of an increasingly common offense: being a jackass on the internet.

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