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American Jihadist Terrorism: Combating a Complex Threat

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Summary

This report describes homegrown violent jihadists and the plots and attacks that have occurred since 9/11. For this report, "homegrown" describes terrorist activity or plots perpetrated within the United States or abroad by American citizens, lawful permanent residents, or visitors radicalized largely within the United States. The term "jihadist" describes radicalized individuals using Islam as an ideological and/or religious justification for their belief in the establishment of a global caliphate, or jurisdiction governed by a Muslim civil and religious leader known as a caliph. The term "violent jihadist" characterizes jihadists who have made the jump to illegally supporting, plotting, or directly engaging in violent terrorist activity.

The report also discusses the radicalization process and the forces driving violent extremist activity. It analyzes post-9/11 domestic jihadist terrorism and describes law enforcement and intelligence efforts to combat terrorism and the challenges associated with those efforts. **Appendix A** provides details about each of the post-9/11 homegrown jihadist terrorist plots and attacks.

There is an "executive summary" at the beginning that summarizes the report's findings.

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Executive Summary

This report analyzes homegrown violent jihadist plots and attacks that have occurred since 9/11. It discusses the radicalization process and the forces driving violent extremist activity. It examines post-9/11 law enforcement and intelligence efforts to combat terrorism and the challenges associated with those efforts. It also briefly discusses the building of trust and partnership between community groups and government agencies and the tensions that may occur between law enforcement and engagement activities.

The report does not address terrorist activity against the United States conducted by foreigners largely radicalized abroad such as Quazi Mohammad Rezwanul Ahsan Nafis's attempt to blow up the Federal Reserve Bank of New York (2012), the Printer Cartridge plot (2010), the attempted airline bombing by Farouk Abdulmutallab (Christmas Day 2009), the Transatlantic Airliners plot (August 2006), or the "shoe bomber" Richard Reid (December 2001). Nor does the report address domestic terrorism attributed to violent extremists inspired by non-jihadist causes such as radical environmentalism, animal rights, or anti-abortion causes.

Specific plots and attacks are described throughout the report to support analytical findings. A full description of each of the post-9/11 cases is provided in **Appendix A** of the report.

Homegrown Jihadist Terrorists: The Problem

"Homegrown" is the term that describes terrorist activity or plots perpetrated within the United States or abroad by American citizens, lawful permanent residents, or visitors radicalized largely within the United States. The term "violent jihadist" describes radicalized individuals using Islam as an ideological and/or religious justification for their belief in the establishment of a global caliphate—a jurisdiction governed by a Muslim civil and religious leader known as a caliph—via violent means.

The Congressional Research Service (CRS) estimates that there have been 74 homegrown violent jihadist plots or attacks in the United States since September 11, 2001 (9/11).[1] As part of a much-discussed apparent expansion of terrorist activity in the United States, from May 2009 through January 2014, arrests were made for 53 "homegrown," jihadist-inspired terrorist plots by American citizens or lawful permanent residents of the United States. Three of these resulted in attacks. Most of the 2009-January 2014 homegrown plots likely reflect a trend in jihadist terrorist activity away from schemes directed by core members of significant terrorist groups such as Al Qaeda. However, it may be too early to tell how sustained this uptick is. Regardless, the apparent spike in such activity after April 2009 suggests that ideologies supporting violent jihad continue to influence some Americans—even if a tiny minority.

Homegrown violent jihadists may exhibit a number of conventional shortcomings when compared to international terrorist networks. Many homegrown violent jihadists possibly lack deep understanding of specialized tradecraft such as bomb making. They may not have the financing, training camps, support networks, and broad expertise housed in international organizations. These apparent shortcomings may keep some homegrown violent jihadists from

[1] Throughout this report, plots involving persons indicted at either the federal or state level are discussed. This report does not presume the guilt of indicted individuals in pending cases.

independently engaging in large-scale suicide strikes. Because of this, they may turn to violence requiring less preparation, such as assaults using firearms. These shortcomings pose challenges for law enforcement, intelligence, and security officials charged with detecting, preventing, or disrupting terrorist plots. It is likely much harder to detect smaller conspiracies that can develop quickly.

How Do People Become Violent Jihadists?

Individuals can become jihadist terrorists by radicalizing and then adopting violence as a tactic. "Radicalization" describes the process of acquiring and holding extremist, or jihadist *beliefs*. This activity is not necessarily illegal. For this report, "violent extremism" describes *violent action* taken on the basis of radical or extremist beliefs. For many, "violent extremism" is synonymous with "violent jihadist" and "jihadist terrorist." In other words, when someone moves from simply believing in jihad to illegally pursuing it via violent methods, he becomes a terrorist. Because the move from belief to violence is so individualized, there is no single path that individuals follow to become full-fledged terrorists.

Intermediaries, social networks, the Internet, and prisons have been cited as playing key roles in the radicalization process. Intermediaries—charismatic individuals—often help persuade previously law-abiding citizens to radicalize or even become violent jihadists. Social networks, virtual or actual, support and reinforce the decisions individuals make as they embrace violent jihad, as does perusal of online materials. While there has been much discussion regarding the powerful influence online jihadist material may have on the formation of terrorists, no consensus has emerged regarding the Web and terrorism. Prisons, seen by some as potential hotbeds of radicalization, have not played a large role in producing homegrown jihadists.

Analysis of Homegrown Jihadist Plots

Homegrown violent jihadist activity since 9/11 defies easy categorization. No workable general profile of domestic violent jihadists exists. According to CRS analysis, the 74 plots since 9/11 exhibit four broad themes: a variety of endgames, relatively little stomach for suicide or martyrdom among plotters, successful attacks by lone wolves, and a wide range of capabilities among the plots.

- **Endgames:** In whole or in part, 33 plots involved individuals interested in becoming foreign fighters in conflict zones involving violent jihad abroad. Nineteen plots exclusively intended to use explosives or incendiary devices. Three exclusively intended to use or did use firearms. Twenty-seven plots incorporated multiple, unspecific, or unique tactics. Finally, outside of the 74 violent plots since 9/11, other schemes intended from the start only to fund or materially support the activities of their jihadist colleagues.
- **Suicide or Martyrdom:** According to publicly available information, 18 plots included individuals who clearly professed interest in killing themselves while engaged in violent jihad.
- **Success of Lone Wolves:** Lone wolves conducted four of the five successful homegrown attacks since 9/11.
- **Divergent Capabilities:** Among the 74 homegrown plots since 9/11, the operational capabilities of participants diverged greatly. Some evinced terrorist

tradecraft such as bomb making skills. Others appeared to be far less experienced.

Combating Homegrown Violent Jihadists

The spate of arrests in recent years should not obscure the challenges facing law enforcement in disrupting homegrown terrorist plotting. Counterterrorism activity exists within two broad contexts. The first of these involves addressing radicalization, much of which occurs in the open marketplace of ideas. Please see CRS Report R42553, *Countering Violent Extremism in the United States*, for more on this topic. The second context—the focus of this report—is more "operational" and encompasses both violent jihadist plots (largely involving secretive illegal activity) and the police work used to dismantle them. The latter context, by necessity, also occurs outside of the public's view. Government efforts to combat domestic violent jihad straddle both of these arenas.

Preventive Policing

In the post-9/11 environment, the public has expected law enforcement to adopt a proactive posture in order to disrupt terrorist plots before an attack occurs. Investigative leads about terrorist plots in the homeland may originate from foreign intelligence sources. But, for the most part, information about homegrown plots is available only through domestic intelligence activities. In order to proactively gather intelligence, law enforcement has adopted a preventive policing approach that focuses not just on crime that has occurred, but on the possibility that a crime may be committed in the future.

In this context, a major challenge for law enforcement is gauging how quickly and at what point individuals move from radicalized beliefs to violence so that a terrorist plot can be detected and disrupted. At the federal level, the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI, the Bureau) implemented a forward-leaning approach with a revision to the *Attorney General's Guidelines for Domestic FBI Operations*.[2] The revision, meant to streamline the FBI's investigations and make them more proactive, has spurred the use of an investigative tool dubbed "assessments." These allow for the investigation of individuals or groups without factual predication. The revised guidelines have, however, generated some controversy among civil libertarians.

Also critical among the proactive approaches employed by law enforcement is the monitoring of Internet and social networking sites. The USA PATRIOT Act (P.L. 107-56) authorizes the FBI to use National Security Letters to obtain a range of information including data pertaining to email and Internet use. It appears that U.S. law enforcement has effectively exploited the Internet—which radicalizing individuals can mine for information and violent jihadists use while plotting—in its pursuit of terrorists. A review of criminal complaints and indictments in terrorism cases reveals that the FBI has exploited the Internet and/or email communications to build cases against defendants in at least 36 of the post-9/11 cases studied in this report. Although much is said about terrorist use of the Internet for recruitment, training, and communications, these cases suggest that

[2] The FBI declined to speak with CRS about its counterterrorism programs, investigative activities, or engagement efforts for this report.

terrorists and aspiring terrorists will *not* find the Internet to be a uniformly permissive environment.

State and Local Authorities

The role of state, local, and tribal law enforcement in detecting nascent terrorist plotting is particularly important, especially considering the challenges involved in detecting lone wolves and homegrown jihadist groups with few connections to larger terrorist organizations. More than a decade after the 9/11 attacks, integrating state, local, and tribal law enforcement into the national counterterrorism effort continues to be an abiding concern of policymakers. DOJ and the FBI have established Joint Terrorism Task Forces (JTTFs) to help coordinate federal, state, and local investigative activities. States and major urban areas have also established intelligence fusion centers with federal agencies, in part to share intelligence. The Nationwide Suspicious Activity Report Initiative (NSI) is a program to push terrorism-related information generated locally between and among federal, state, local, and tribal levels via fusion centers.

Investigative Approaches

To counter violent jihadist plots, U.S. law enforcement has employed two tactics that have been described as the "Al Capone" approach and the use of "agent provocateurs." These tactics have long been used in a wide variety of cases but apparently have particular utility in counterterrorism investigations. As the "Al Capone" moniker suggests, historically, these tactics have been employed against many types of targets such as mafia bosses, white-collar criminals, and corrupt public servants. The Capone approach involves apprehending individuals linked to terrorist plots on lesser, non-terrorism-related offenses such as immigration violations. In agent provocateur cases—often called sting operations—government undercover operatives befriend suspects and offer to facilitate their activities. The use of these techniques has generated public controversy and illustrates a bind that law enforcement faces. It has been charged with preventing homegrown terrorism, but its use of preemptive techniques spawns concern among community members and civil libertarians.

Trust and Partnership

Following the 9/11 attacks, law enforcement agencies came to realize that the prevention of terrorist attacks would require the cooperation and assistance of American Muslim, Arab, and Sikh communities. At the same time, Muslim, Arab, and Sikh Americans recognized the need to define themselves as distinctly American communities who, like other Americans, desire to help prevent another terrorist attack. The concept of building trust through engagement and partnership is rooted in the community policing model developed by law enforcement professionals in the 1990s. Currently, numerous U.S. government agencies conduct outreach, engage, and partner with Muslim American communities.

Balancing Security and Liberty

Although many public officials support community engagement, significant challenges may exist in the development of programs that foster substantive relationships rather than token discussions or community relations events. Striking a balance between security and liberty—relying on local communities to provide critical information to further proactive policing while simultaneously

building trust and preserving the freedoms of community members—is seen as difficult. Law enforcement investigative activities and tactics may pose particular complications in partnership building. Especially challenging are law enforcement activities perceived by community members to be unfairly targeting law-abiding citizens or infringing on speech, religion, assembly, or due process rights.

The recruitment and management of informants—essential to many law enforcement investigations—may, however, pose an obstacle to successful community engagement efforts. Some Muslim community activists fear that law enforcement coerces immigrants into becoming informants, especially those with legal problems or those applying for green cards. Others fear that informants target and potentially entice impressionable youth into fictitious terrorist plots. There has also been public discussion of the trustworthiness of informants with criminal backgrounds. CRS analysis of open source reports indicates that confidential informants or undercover operatives were used in at least 40 of the post-9/11 homegrown jihadist terrorism cases. In some of those cases, the informants had criminal histories. In considering the tradeoff between security and liberty, policy makers face a judgment in those cases where an investigative tactic might inflame members of a particular community: Is the impact of that tactic counterproductive in the long run, or is it necessary, short-term collateral damage?

Introduction

As part of a much-discussed apparent uptick in terrorist activity in the United States, from May 2009 through January 2014, arrests were made for 53 "homegrown," jihadist-inspired terrorist plots by American citizens or lawful permanent residents of the United States.[3] Three of these resulted in attacks.

- In April 2013, two brothers—Tamerlan and Dzhokhar Tsarnaev—allegedly detonated two homemade bombs near the finish line of the Boston Marathon, killing 3 people and wounding more than 200. The duo also purportedly shot and killed a police officer in events following the bombing.
- In November 2009, U.S. Army Major Nidal Hasan's assault at Fort Hood in Texas claimed 13 lives and wounded more than 30 others.
- In June 2009, Abdulhakim Muhammad shot and killed one soldier and wounded another at the U.S. Army-Navy Career Center in Little Rock, AR.

[3] For this report, "homegrown" or "domestic" describe terrorist activity or plots perpetrated within the United States or abroad by American citizens, lawful permanent residents, or visitors radicalized largely within the United States. "Violent jihadist" describes radicalized individuals using Islam as an ideological and/or religious justification for their belief in the establishment of a global caliphate—a jurisdiction governed by a Muslim civil and religious leader known as a caliph—via violent means. Jihadists largely adhere to a variant of Salafi Islam—the fundamentalist belief that society should be governed by Islamic law based on the Quran and adhere to the model of the immediate followers and companions of the Prophet Muhammad. "Plots" include schemes by homegrown violent jihadists to commit violent acts or their plans to join terrorist groups abroad. For more on Al Qaeda's global network, see CRS Report R41070, *Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy*, coordinated by John W. Rollins.

By comparison, in more than seven years from the September 11, 2001, terrorist strikes (9/11) through April 2009, there were 21 such plots. Two resulted in attacks.[4]

- In March 2006, Mohammed Reza Taheri-Azar, a naturalized American citizen from Iran, drove his sport utility vehicle (SUV) into a crowd at the Pit, a popular student gathering spot at the University of North Carolina at Chapel Hill. The SUV struck and injured several people.
- In March 2003, two days after the U.S. invasion of Iraq, U.S. Army Sergeant Hasan Akbar killed 2 U.S. Army officers and wounded 14 others at U.S. Army Camp Pennsylvania in Kuwait, 25 miles from the Iraq border.

The apparent rise in such activity after April 2009 suggests that at least some Americans—even if a tiny minority—are susceptible to ideologies supporting a violent form of jihad.

How serious is the threat of homegrown, violent jihadists in the United States? Experts differ in their opinions.[5] Moreover, the radicalization of violent jihadists may not be an especially new phenomenon for the United States. Estimates suggest that between 1,000 and 2,000 American Muslims engaged in violent jihad during the 1990s in Afghanistan, Bosnia, and Chechnya.[6] More broadly, during the 1970s domestic terrorists "committed 60-70 terrorist incidents, most of them bombings, on U.S. soil every year—a level of activity 15-20 times that seen in most years since 9/11."[7] Few of the attacks during the 1970s appear to have involved individuals motivated by jihadist ideas.

But as the bombing of the Boston Marathon and the Fort Hood shootings may suggest, a single successful attack can incur scores of casualties and cause considerable socioeconomic disruption. Regardless of their novelty, frequency, or lethality, attacks fostered by violent jihadists radicalized in the United States remain a security concern.

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[4] See **Appendix A** for a summary of publicly available information regarding these alleged plots and attacks. The summary is presented in reverse chronological order.

[5] In May 2010 congressional testimony, terrorism expert Bruce Hoffman emphasized that it is, "difficult to be complacent when an average of one plot is now being uncovered per month over the past year or more—and perhaps even more are being hatched that we don't know about." By contrast, an academic study of domestic Muslim radicalization supported by the National Institute of Justice reveals that "the record over the past eight years contains relatively few examples of Muslim-Americans that have radicalized and turned toward violent extremism" and concludes that "homegrown terrorism is a serious but limited problem." Another study has suggested that the homegrown terrorist threat has been exaggerated by federal cases that "rely on the abusive use of informants." U.S. Congress, House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, Written Testimony of Bruce Hoffman, Hearing: "Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech," 111th Cong., 2nd sess., May 26, 2010, p. 2; David Schanzer, Charles Kurzman, and Ebrahim Moosa, *Anti-Terror Lessons of Muslim Americans*, January 6, 2010, p. 1. Hereinafter: Schanzer, et.al, *Anti-Terror Lessons of Muslim Americans.* See also Charles Kurzman, *Muslim American Terrorism in the Decade Since 9/11,* February 8, 2012; Center for Human Rights and Global Justice, *Targeted and Entrapped: Manufacturing the "Homegrown Threat" in the United States* (New York: NYU School of Law, 2011), p. 38.

[6] Quintan Wiktorowicz, *Radical Islam Rising: Muslim Extremism in the West* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2005), p. 3. See William Rosenau and Sara Daly, "American Journeys to Jihad: U.S. Extremists during the 1980s and 1990s," *CTC Sentinel,* vol. 3, no. 8 (August 2010) pp. 17-20.

[7] Brian Michael Jenkins, *Would Be Warriors: Incidents of Jihadist Terrorist Radicalization in the United States since September 11, 2001* (Santa Monica, CA: The RAND Corporation, 2010), p. viii. Hereinafter: Jenkins, *Would-Be Warriors.*

The bulk of the May 2009-January 2014 homegrown plots likely reflect a trend in jihadist terrorist activity away from schemes directed by the core leaders of Al Qaeda or other significant terrorist groups. A global shift in terrorism toward decentralized, autonomously radicalized, violent jihadist individuals or groups who strike in their home countries appears to have occurred.[8] Global counterterrorism efforts have made it harder for international terrorist networks to formulate plots, place their recruits in targeted countries, and carry out violent strikes in locations far from their bases of operation.[9]

Homegrown Violent Jihadists

This report focuses on geography and citizenship in its characterization of homegrown terrorism by defining the phenomenon as jihadist terrorist activity or plots perpetrated within the United States or abroad by American citizens, lawful permanent residents, or visitors radicalized largely within the United States.[10] These homegrown groups or individuals can focus their plots on foreign targets. They can have operational ties to foreign terrorist groups, but most of the plots after April 2009 have not. Homegrown violent jihadists potentially either come from Muslim immigrant communities or are converts to Islam. A review of the numerous arrests of homegrown violent jihadists on terrorism-related charges since 9/11 suggests a wide array of incidents. There have been those who have plotted or attempted terrorist attacks. Others have provided material support to terrorist groups. Some have recruited individuals to travel abroad—or have gone themselves—to acquire terrorist training, conduct terrorism, or join in other forms of jihadist conflict, such as fighting in Somalia, Syria, or Afghanistan.

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[8] Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008), pp. 71, 133-146. Hereinafter: Sageman, *Leaderless Jihad*.

[9] Philip Mudd, "Evaluating the Al-Qa`ida Threat to the U.S. Homeland," *CTC Sentinel,* vol. 3, no. 8 (August 2010) p. 2, http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol3Iss8.pdf; *Dennis* C. Blair, *Senate Select Committee on Intelligence: U.S. Intelligence Community Annual Threat Assessment: Statement for the Record*, Office of the Director of National Intelligence, February 2, 2010, pp. 7-8, http://www.dni.gov/testimonies/20100202_testimony.pdf. Hereinafter: Blair, Annual Threat Assessment, February 2, 2010.

[10] Others have used similar definitions. Rick "Ozzie" Nelson and Ben Bodurian define homegrown as "extremist violence perpetrated by U.S. legal residents and citizens. See Rick "Ozzie" Nelson and Ben Bodurian, *A Growing Terrorist Threat? Assessing "Homegrown" Extremism in the United States*, Center for Strategic and International Studies, Washington, DC, March 8, 2010, p. v, http://csis.org/publication/growing-terrorist-threat. Hereinafter: Nelson and Bodurian, *A Growing Terrorist Threat?* For further discussion of definitions of homegrown terrorism, see Sam Mullins, "Home-grown Terrorism: Issues and Implications," *Perspectives on Terrorism*, vol. 1, no. 3 (2007), http://www.terrorismanalysts.com/pt/index.php?option=com_rokzine&view=article&id=12&Itemid=54. The FBI and the Department of Homeland Security (DHS) use the term "homegrown violent extremist" instead of homegrown violent jihadist. They define "homegrown violent extremist" as "a person of any citizenship who has lived and/or operated primarily in the United States or its territories who advocates, is engaged in, or is preparing to engage in ideologically-motivated terrorist activities (including providing support to terrorism) in furtherance of political or social objectives promoted by a foreign terrorist organization, but is acting independently of direction by a foreign terrorist organization." This definition appears to differ from the one used in this report by 1. largely focusing on whether or not an individual was directed by a foreign organization and by 2. including all sorts of terrorists, not just violent jihadists. See DHS and FBI, Joint Intelligence Bulletin, "Use of Small Arms: Examining Lone Shooters and Small-Unit Tactics," August 16, 2011, p. 3.

Shortcomings and Strengths

Homegrown violent jihadists may exhibit a number of conventional shortcomings when compared to international terrorist networks such as Al Qaeda. Because some homegrown terrorists are not tied to international groups, some say they possibly lack deep, hands-on understanding of specialized tradecraft such as bomb making and may not have the financing, training camps, support networks, and broad expertise housed in international organizations with extensive rosters and greater resources.[11] Also, homegrown groups tend to be much less formally structured than international organizations.[12] A former CIA case officer has commented that the threat posed by self-radicalized "lone" bombers lacking support networks, "even those who have been in contact with either Al Qaeda or the Taliban, will be hit or miss at best."[13]

These apparent shortcomings may keep some homegrown violent jihadists from independently planning, coordinating, and implementing large-scale strikes such as 9/11 or the Mumbai attacks of November 2008.[14] Because of this, they may turn to violence involving less planning and preparation, such as assaults using firearms.[15] However, the possibility that homegrown violent jihadists can commit large strikes that kill or wound numerous victims and disrupt everyday life for thousands of Americans is not out of the question. The bombing of the 2013 Boston Marathon by the Tsarnaev brothers suggests as much.[16]

Al Qaeda appears to have embraced such homegrown terrorist plots. In March 2010, *As Sahab,* Al Qaeda's media wing, released an English language video titled "A Call to Arms" featuring American-born spokesperson Adam Gadahn. In the video directed toward jihadists in the United States, Israel, and the United Kingdom, Gadahn extols alleged Fort Hood shooter Nidal Hasan as a "trailblazer" who did not attract law enforcement attention by training abroad or relying on conspirators.[17] Gadahn encourages would-be terrorists to select realistically hittable targets that

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[11] Dina Temple-Raston, "Would-Be Bombers in U.S. Hampered by Logistics," *National Public Radio*, June 21, 2010, http://www.npr.org/templates/story/story.php?storyId=127909962.

[12] Sageman, *Leaderless Jihad,* pp. 71, 133-146; Scott Stewart, *Jihadism: The Grassroots Paradox*, STRATFOR, March 18, 2010, http://www.stratfor.com/weekly/20100317_jihadism_grassroots_paradox?ip_auth_redirect=1. Hereinafter: Stewart, *Jihadism.*

[13] Art Keller, "Why Was Faisal Shahzad a Bad Bombmaker?" AfPak Channel, a special project of *Foreign Policy* and the New America Foundation, May 14, 2010, http://afpak.foreignpolicy.com/posts/2010/05/14/bad_bombmakers. Hereinafter: Keller, "Why Was Faisal Shahzad a Bad Bombmaker?"

[14] On November 26, 2008, ten militants came ashore from the Arabian Sea on small boats and attacked numerous high-profile targets in Mumbai, India, with automatic weapons and explosives. Among the sites attacked were two luxury hotels—the Taj Mahal Palace and the Oberoi-Trident—along with the main railway terminal, a Jewish cultural center, a café frequented by foreigners, a cinema house, and two hospitals. By the time the episode ended some 62 hours later, about 165 people, along with nine terrorists had been killed (one terrorist was captured), and hundreds more injured. Six American citizens were among the 26 foreigners reported dead. For more information, see CRS Report R40087, *Terrorist Attacks in Mumbai, India, and Implications for U.S. Interests*, by K. A. Kronstadt.

[15] For more on the deterioration of tradecraft among homegrown violent jihadists, see Keller, "Why Was Faisal Shahzad a Bad Bombmaker?" Exclusive Analysis, "North American Quarterly Terrorism Update," December 2009, p. 5; Sageman, *Leaderless Jihad,* p. 140.

[16] Sari Horwitz, "Investigators Sharpen Focus on Boston Bombing Suspect's Widow," *Washington Post,* May 3, 2013, http://www.washingtonpost.com/world/national-security/investigators-sharpen-focus-on-boston-bombing-suspects-widow/2013/05/03/a2cd9d28-b413-11e2-baf7-5bc2a9dc6f44_story.html?hpid=z1. Hereinafter: Horowitz, "Investigators Sharpen Focus."

[17] Stewart, *Jihadism*.

are familiar to them and have some broadly symbolic—especially economic—resonance.[18] In an early June 2011 English language video message titled "Do Not Rely on Others, Take the Task upon Yourself," Gadahn even more clearly emphasized lone wolf operations. In the video he suggests possible weapons,

> Let's take America as an example. America is absolutely awash with easily obtainable firearms. You can go down to a gun show at the local convention center and come away with a fully automatic assault rifle, without a background check, and most likely without having to show an identification card. So what are you waiting for?[19]

Gadahn stresses "targeting major institutions—after a clip showing the logos of such firms as Exxon, Merrill Lynch and Bank of America—and 'influential public figures.'"[20] At about the same time as this video was released, users of jihadist websites apparently began posting potential targets and developing hit lists.[21]

In the same vein as Gadahn's video, Al Qaeda in the Arabian Peninsula (an Al Qaeda affiliate) has issued an English language propaganda magazine titled *Inspire*. The magazine has encouraged homegrown violent jihadist activity in the West, focusing on smaller scale strategies such as using a vehicle to run over victims.[22] The magazine has featured articles attributed to three prominent violent jihadist propagandists with strong American ties: Gadahn, radical U.S.-born imam Anwar al-Awlaki, and Saudi-born American citizen Samir Khan.[23] In September 2011, the latter two died in a widely reported U.S. strike in Yemen.[24]

This does not mean that homegrown terrorists are incapable of sophisticated, coordinated action or linking up with international groups. For example, in 2008 foiled New York City subway bomber Najibullah Zazi received explosives instruction from Al Qaeda in Pakistan. He and co-conspirators then tried to implement this training in the United States.[25] U.S. authorities assert

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[18] Ibid; Exclusive Analysis, "Global Jihad Quarterly Update," May 2010, pp. 6-7.

[19] Matthew Cole, "New Al Qaeda Video: American Muslims Should Buy Guns, Start Shooting People," *ABC News,* June 3, 2011, http://abcnews.go.com/Blotter/al-qaeda-video-buy-automatic-weapons-start-shooting/story?id=13704264.

[20] Ibid.

[21] John Hudson, "A Very Odd Al Qaeda 'Hit List,'" *The Atlantic Wire,* June 17, 2011, http://www.theatlanticwire.com/global/2011/06/very-odd-al-qaeda-hit-list/38967/; Judson Berger, Al Qaeda-Linked Site Posts "'Hit List' of U.S. Targets, Prompting Feds to Send Alert," *Fox* News, June 16, 2011, http://www.foxnews.com/us/2011/06/16/feds-send-alert-after-al-qaeda-linked-site-posts-hit-list-us-targets/#ixzz1QbS44Tc6.

[22] Kimberly Dozier, "Yemeni al Qaeda Publishes Second Edition of English Magazine," *Washington Times*, *Associated Press*, October 12, 2010, http://www.washingtontimes.com/news/2010/oct/12/yemeni-al-qaeda-publishes-second-edition-english-m/print/.

[23] Ibid; Judith Miller and David Samuels, "A Glossy Approach to Inciting Terrorism," *Wall Street Journal*, November 27, 2010, http://online.wsj.com/article/SB10001424052748703572404575635053157718986.html?mod=googlenews_wsj. None of the three reside in the United States.

[24] Mark Mazzetti, Eric Schmitt, and Robert F. Worth, "Two-Year Manhunt Led to Killing of Awlaki in Yemen," *New York Times,* September 30, 2011, http://www.nytimes.com/2011/10/01/world/middleeast/anwar-al-awlaki-is-killed-in-yemen.html?pagewanted=all.

[25] For 10 years prior to the plot, Zazi, an Afghan immigrant legally present in the United States, lived in the New York City Borough of Queens. Zazi pled guilty to conspiracy to use weapons of mass destruction against U.S. persons or property, conspiracy to commit murder in a foreign country, and providing material support to a terrorist organization. See Department of Justice (DOJ), Press Release, "Najibullah Zazi Pleads Guilty to Conspiracy to Use Explosives Against Persons or Property in U.S., Conspiracy to Murder Abroad, and Providing Material Support to al Qaeda," February 22, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo022210.html. Hereinafter: DOJ Press Release, "Najibullah Zazi Pleads Guilty." For more on Zazi's childhood, see Michael Wilson, "From Smiling Coffee Vendor to (continued...)

that senior Al Qaeda official Adnan el-Shukrijumah possibly recruited Zazi and his fellow plotters.[26] Shukrijumah—a Saudi-born, naturalized American citizen who spent part of his youth in Brooklyn—and others involved in Al Qaeda's "external operations" program allegedly planned the attack.[27] The relative sophistication of Zazi's plot, involving both individuals in the United States and abroad, may have actually exposed it to greater law enforcement and intelligence agency scrutiny.[28]

The conventionally perceived shortcomings of homegrown terrorists may, in fact, pose some challenges for law enforcement, intelligence, and security officials charged with detecting, preventing, or disrupting terrorist plots. According to one terrorism analyst, "The smaller cells tend to be less powerful than a central terrorist organization like Al Qaeda, but they are harder to detect…. When the group of conspirators are [sic] small it's much more difficult for the FBI…. The larger the group, the greater the chances the FBI can infiltrate."[29] Former Director of National Intelligence Dennis C. Blair noted that many of the terrorist schemes disrupted in 2009—including homegrown activity—relied on short-term planning. These quickly generated schemes are harder to identify and disrupt than more traditional and more highly organized international terrorist conspiracies, which can gestate for years.[30]

According to at least one study, homegrown terrorists can be nimble adversaries, because as U.S. citizens or lawful permanent residents, they can travel easily between the United States and foreign countries.[31] While abroad, they could receive training from foreign terrorist organizations, conduct surveillance operations against foreign targets, and plan attacks. In the case of recent immigrants to the United States, they are particularly comfortable moving between American and foreign cultural contexts.[32] English language skills, the ability to navigate Western culture, society, and context are likely key ingredients for successful strikes.[33] Three cases involving homegrown terrorists illustrate how these factors possibly facilitate terrorist plotting:

- In February 2011, Colleen LaRose (aka "Jihad Jane") pled guilty "to all counts of a superseding indictment charging her with conspiracy to provide material

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Terror Suspect," *New York Times,* September 26, 2009, http://www.nytimes.com/2009/09/26/nyregion/26profile.html?_r=1&pagewanted=print. Hereinafter: Wilson, "From Smiling Coffee Vendor."

[26] William K. Rashbaum, "Al Qaeda Figure to Be Indicted in Subway Plot," *New York Times,* July 7, 2010, http://www.nytimes.com/2010/07/08/nyregion/08terror.html. Hereinafter: Rashbaum, July 7, 2010. He is also alleged to have "encouraged" the plotters. See DOJ Press Release, "Al-Qaeda Operative Sentenced to Life in Prison in One of the Most Serious Terrorist Plots against the United States since 9/11," November, 16, 2012, http://www.justice.gov/opa/pr/2012/November/12-nsd-1380.html.

[27] Ibid. Al Qaeda's external operations program focuses on targeting the United States and the West.

[28] "U.S. Officials Link Al Qaeda Operative to New York Plot," *Daily Times* (Pakistan), July 2, 2010, http://www.dailytimes.com.pk/default.asp?page=2010\07\02\story_2-7-2010_pg7_39. The Zazi case has been mentioned as an instance in which National Security Agency collection programs had been used to help thwart a terrorist attack. See CRS Report R43134, *NSA Surveillance Leaks: Background and Issues for Congress*, by John W. Rollins and Edward C. Liu.

[29] Rashbaum, July 7, 2010.

[30] Blair, Annual Threat Assessment, February 2, 2010, p. 7.

[31] Nelson and Bodurian, *A Growing Terrorist Threat?* p. v.

[32] Ibid.

[33] Michael Kenney, "Organizational Learning and Islamic Militancy," *National Institute of Justice Journal*, no. 265 (April 2010), p. 19.

support to terrorists, conspiracy to kill in a foreign country, making false statements, and attempted identity theft."[34] She allegedly discussed with her co-conspirators how her mainstream American physical appearance would allow her to "blend in with many people."[35]

- On March 18, 2010, David Headley, born Daood Sayed Gilani to an American mother and Pakistani father, pled guilty to helping plan the 2008 terrorist attacks in Mumbai, India, and for plotting to attack the offices of a newspaper in Copenhagen, Denmark. Headley was able to use his American citizenship and Pakistani heritage to move between the United States and abroad for seven years during which time he received terrorist training in Pakistan and scouted locations in India and Denmark for terrorist attacks.[36]
- For 10 years prior to his involvement in a September 2009 plot to trigger explosive devices in New York City's subways, Najibullah Zazi, an Afghan immigrant legally present in the United States, lived in the New York City borough of Queens and had family in Pakistan.[37]

In 2010, the Department of Homeland Security's (DHS's) Office of Intelligence and Analysis warned, "probable terrorist perception of success in challenging the U.S. even through failed attacks, suggest[s] Al Qaeda and associated groups will try to conduct operations in the United States with increased frequency."[38] It appears that for the foreseeable future, American citizens and lawful permanent residents of the United States radicalized within the nation's borders will continue to pose a violent jihadist threat.[39]

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[34] DOJ Press Release, "Pennsylvania Woman Pleads Guilty in Plot to Recruit Violent Jihadist Fighters and to Commit Murder Overseas," February 1, 2011, http://www.fbi.gov/philadelphia/press-releases/2011/ph020111.htm; Derrick Nunnally et al., "'Jihad Jane' Said to Have Confessed, *Philly.com*, March 18, 2010, http://www.philly.com/philly/news/breaking/88307227.html

[35] *United States vs. Colleen R. LaRose*, Grand Jury Indictment in the U.S. District Court for the Eastern District of Pennsylvania, filed March 4, 2010, http://intelfiles.egoplex.com/2010-03-04-LaRose-Indictment.pdf.

[36] Jane Perlez, "American Terror Suspect Traveled Unimpeded," *New York Times*, March 25, 2010, http://www.nytimes.com/2010/03/26/world/asia/26pstan.html?scp=1&sq=American%20Terror%20Suspect%20Traveled%20Unimpeded&st=cse; DOJ Press Release, "Chicago Resident David Coleman Headley Pleads Guilty to Role in India and Denmark Terrorism Conspiracies," March 18, 2010, http://www.justice.gov/opa/pr/2010/March/10-ag-277.html. Hereinafter: DOJ Press Release, March 18, 2010. The Headley case has been mentioned as an instance in which National Security Agency collection programs had been used to help thwart a terrorist attack. See CRS Report R43134, *NSA Surveillance Leaks: Background and Issues for Congress*, by John W. Rollins and Edward C. Liu.

[37] On February 22, 2010, Zazi pled guilty to conspiracy to use weapons of mass destruction, conspiracy to commit murder overseas, and providing material support for a terrorist organization. John Marzulli, "Zazi, Al Qaeda Pals Planned Rush-Hour Attack on Grand Central, Times Square Subway Stations," *New York Daily News*, April 12, 2010, http://www.nydailynews.com/news/ny_crime/2010/04/12/2010-04-12_zazi_pals_planned_rushhour_attack_on_2_busiest_subway_stations.html; Stephanie Simon, "FBI Again Questions Immigrant in Terror Probe," *Wall Street Journal*, September 18, 2009, http://online.wsj.com/article/SB125323086773921349.html.

[38] DHS, Office of Intelligence and Analysis Note, IA-0291-10, "Evolution of the Terrorist Threat to the United States," May 21, 2010, p.1.

[39] Eileen Sullivan and Devlin Barrett, "Recent Cases Show Challenge of U.S. Terrorists," *Associated Press*, March 18, 2010, http://www.google.com/hostednews/ap/article/ALeqM5hvogWD5bjFT7x-mkAwUu2tpIN_cgD9EGKHJ80. Hereinafter: Sullivan and Barrett, March 18, 2010.

Radicalization and Violent Extremism

Radicalization and violent extremism are terms that are sometimes used interchangeably but do not necessarily mean the same thing. Radicalization has been described as the exposure of individuals to ideological messages and the movement of those individuals from mainstream beliefs to extremist viewpoints.[40] Others say radicalization consists of changes in belief and behavior to justify intergroup violence and personal or group sacrifice to forward specific, closely held ideas.[41] Still others use the term to more closely link extremist beliefs to violent action, as in this definition by DHS, which states that radicalization "entails the process of adopting an extremist belief system, including the willingness to use, support, or facilitate violence, as a method to effect societal change."[42]

But there is an important distinction between the terms "radicalization" and "violent extremism" as it relates to the threshold of U.S. law enforcement interest and action. This is because Americans have the right under the First Amendment to adopt, express, or disseminate ideas, even hateful and extremist ones. But when radicalized individuals mobilize their views (i.e., they move from a radicalized viewpoint to membership in a terrorist group, or to planning, materially supporting, or executing terrorist activity) then the nation's public safety and security interests are activated. Thus, the terms may be differentiated as follows:

- "Radicalization" describes the process of acquiring and holding radical, extremist, or jihadist *beliefs*.
- "Violent extremism," for this report, describes *violent action* taken on the basis of radical or extremist beliefs. For many, this term is synonymous with "violent jihadist" and "jihadist terrorist."

From Radicalization to Violent Extremism

Combating homegrown violent jihadists requires an understanding of how radicalization works and formulating ways to prevent the radicalization from morphing into violent extremism.[43] In 2007, the New York City Police Department's (NYPD's) Intelligence Division released a study of domestic jihadist radicalization that has been widely circulated within the law enforcement community.

The study describes a general four-step process of radicalization leading to violent extremism. First, individuals exist in a pre-radicalization phase in which they lead lives unaware of or uninterested in either violent jihad or fundamentalist Salafi Islam. Next, they go through self-identification in which some sort of crisis or trigger (job loss, social alienation, death of a family

[40] Royal Canadian Mounted Police, National Security Criminal Investigations, *Radicalization: A Guide for the Perplexed*, Canada, June 2009, p. 1. Hereinafter: Royal Canadian Mounted Police, *Radicalization*.

[41] Clark McCauley and Sophia Moskalenko, "Mechanisms of Political Radicalization: Pathways toward Terrorism," *Terrorism and Political Violence*, vol. 20, no. 3 (July 2008), p. 416.

[42] U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Written Testimony of Charles E. Allen, Assistant Secretary of Intelligence and Analysis and Chief Intelligence Officer, Department of Homeland Security, "Threat of Islamic Radicalization to the Homeland," 110th Cong., 1st sess., March 14, 2007, p. 4. Hereinafter: Allen Testimony, March 14, 2007.

[43] See Sageman, *Leaderless Jihad.*

member, international conflict) urges them to explore Salafism. Third, individuals undergo indoctrination or adoption of jihadist ideals combined with Salafi views. The study indicates that, typically, a "spiritual sanctioner" or charismatic figure plays a central role in the indoctrination process. Finally, radicalizing individuals go through "jihadization," where they identify themselves as violent jihadists, and are drawn into the planning of a terrorist attack.[44] At this point, according to the NYPD, they can be considered violent extremists. The FBI's own four-stage model of radicalization closely follows that of the NYPD.[45]

However, this model and the process it describes—though useful—should be read with caution, according to some observers. The radicalization process is best depicted in broad brush strokes. One expert has suggested that

> There is no easily identifiable terrorist-prone personality, no single path to radicalization and terrorism. Many people may share the same views, and only a handful of the radicals will go further to become terrorists. The transition from radical to terrorist is often a matter of happenstance. It depends on whom one meets and probably on when that meeting occurs in the arc of one's life.[46]

Some experts have warned against viewing the radicalization process as a "conveyer belt," somehow starting with grievances and inevitably ending in violence.[47] The NYPD report itself acknowledges that individuals who begin this process do not necessarily pass through all the stages nor do they necessarily follow all the steps in order, and not all individuals or groups who begin this progression become terrorists.[48] Studies by the DHS Office of Intelligence and Analysis indicate that the radicalization dynamic varies across ideological and ethno-religious spectrums, different geographic regions, and socio-economic conditions. Moreover, there are many diverse "pathways" to radicalization and individuals and groups can radicalize or "de-radicalize" because of a variety of factors.[49]

Forces and Factors in the Forging of Terrorists

What drives radicalization and spurs the creation of terrorists remains open to debate. Poverty, alienation, brainwashing, or personal humiliation—commonly seen as factors driving radicalization and terrorism—may not play particularly significant roles. Likewise, failed multiculturalism or failed integration into the larger society does not predict radicalization or terrorist activity.[50] The radicalization process and jihadist violence may offer participants powerful but intangible spiritual incentives such as salvation and paradise in the afterlife.

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[44] Mitchell D. Silber and Arvin Bhatt, *Radicalization in the West: The Homegrown Threat*, City of New York Police Department, Intelligence Division, New York, 2007, pp. 6-8, http://sethgodin.typepad.com/seths_blog/files/NYPD_Report-Radicalization_in_the_West.pdf.

[45] Carol Dyer, Ryan E. McCoy, Joel Rodriguez, et al., "Countering Violent Islamic Extremism: A Community Responsibility," *FBI Law Enforcement Bulletin*, December 2007, p. 6.

[46] Jenkins, *Would-Be Warriors,* p. 7.

[47] Sophia Moskalenko and Clark McCauley, "Measuring Political Mobilization: The Distinction Between Activism and Radicalism," *Terrorism and Political Violence*, vol. 21, no. 2 (April 2009), pp. 239-40.

[48] Silber and Bhatt, *Radicalization in the West,* pp. 10, 19.

[49] Allen Testimony, March 14, 2007, p. 5.

[50] Royal Canadian Mounted Police, *Radicalization*, pp. 1-9; Sageman, *Leaderless Jihad*, p. 48, 50-51, 73-88; Aidan Kirby, "The London Bombers as 'Self-Starters': A Case Study in Indigenous Radicalization and the Emergence of (continued...)

Other forces are key in radicalization and the evolution of jihadist terrorists. Family ties and socialization are critical. Moral outrage or perceptions that the West is harming the global community of Muslims (the *Ummah*),[51] or even waging war against it may also spur radicalization and violence. And travel to regions featuring terrorist activity can foster radicalization. Religious conversion plays a key role in the radicalization of some individuals.[52] CRS analysis of the 74 plots since 9/11 suggests that 31 of them included converts to Islam.

As all of this may suggest, in fact, "pre-radicalization" indicators are subtle and may not be detectable and the forces driving jihadists can be described in only the most general of terms. Certainly, radicalizing individuals and terrorists connect larger grievances about the world to their own direct experiences. A study of 2,032 foreign fighters who joined Al Qaeda and its affiliated organizations broadly suggests that these individuals can be categorized as revenge seekers, status seekers, identity seekers, or thrill seekers who possessed "an unfulfilled need to define themselves."[53] Even more broadly and fundamentally, one author has suggested that psychologically, individual terrorists "see the world in Manichean, black-and-white terms; they identify with others; and they desire revenge."[54]

Overall, many scholars and counterterrorism analysts who have studied post-9/11 jihadist terrorist attacks have noted the prominence of a number of forces impacting radicalization and extremism. These include intermediaries (the "spiritual sanctioners" identified by the NYPD report on radicalization), social networks, the Internet, and prisons.

Intermediaries

Intermediaries are critical in the development of terrorist plots and radicalization. They quicken the formulation of individual or group beliefs regarding violent jihad. Terrorist recruiters from Al Qaeda or extremist clerics tied to such organizations can play this role in the radicalization process. They can interact with individuals interested in terrorism either directly (face-to-face discussion groups) or in online forums. Some post 9/11 terrorist plots have included an intermediary.[55] In certain cases a key intermediary may be a government informant or undercover agent. Four charismatic U.S. citizens have played especially prominent roles in international jihadist propaganda, but determining the impact—if any—of these and other intermediaries can be difficult.

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Autonomous Cliques," *Studies in Conflict and Terrorism*, vol. 30, no. 5 (May 2007), p. 422. Hereinafter: Kirby "The London Bombers." For more on the spiritual incentives involved in joining radical Islamic groups see Quintan Wiktorowicz and Karl Kaltenthaler, "The Rationality of Radical Islam," *Political Science Quarterly*, vol. 121, no. 2 (Summer 2006) pp. 295-300.

[51] The Quran uses the term *Ummah* to refer to the community of believers. The term is used to describe both individual communities, great and small, of faithful Muslims and to refer to the world-wide community of believers. See Richard Hooker, *World Civilizations*, Glossary, 1996, http://www.wsu.edu/~dee/GLOSSARY/UMMAH.HTM.

[52] Ibid.

[53] John M. Venhaus, *Why Youth Join al-Qaeda*, United States Institute of Peace, Special Report 236, Washington, DC, May 2010, p. 1, http://www.usip.org/files/resources/SR236Venhaus.pdf.

[54] Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat* (New York: Random House, 2006), p. 41.

[55] Rick "Ozzie" Nelson, *Countering Terrorism and Radicalization in 2010 and Beyond: A New Terrorist Threat? Assessing 'Homegrown Extremism,'* Center for Strategic and International Studies, Washington, DC, January 22, 2010, http://csis.org/publication/homegrown-terrorism-fact-sheet.

Anwar al-Awlaki was a radical imam and key international charismatic figure in jihadist circles prior to being killed in a U.S. counterterrorism operation in Yemen in September 2011.[56] Awlaki allegedly served as a leader in the terrorist group known as Al Qaeda in the Arabian Peninsula (AQAP).[57] He was a U.S. citizen born in New Mexico in 1971 and had been linked to a number of domestic jihadist plots.[58] U.S. officials have said that he directed foreign terrorist Umar Farouk Abdulmutallab's failed Christmas Day 2009 bombing attempt.[59] However, according to publicly available sources, his exact connections to homegrown violent jihadists are largely unclear. Before his November 5, 2009, gun rampage at Fort Hood, Texas, U.S. Army Major Nidal Hasan exchanged emails with Awlaki. It remains publicly unknown how the contact influenced Hasan. After the Fort Hood shootings, Awlaki issued a statement dubbing Hasan a hero.[60]

The imam and his teachings have influenced people involved in other homegrown violent jihadist plots. Jose Pimentel was building explosive devices when he was arrested after two years of surveillance by the NYPD.[61] He sympathized with Al Qaeda and drew inspiration from Awlaki. The would-be bomber is reputed to have tried but failed to correspond with Awlaki via email, and the cleric's death may have sped up his plotting.[62] In December 2010, federal officials charged Antonio Martinez, a Muslim convert, in a plot to bomb an Armed Forces recruiting station. A sting operation by the FBI ensnared Martinez. He allegedly planned to attack an Armed Forces recruiting station in Maryland, using a sport utility vehicle loaded with what he believed was a bomb. During the course of his plot, he also allegedly praised Awlaki.[63] Naturalized U.S. citizen Farooque Ahmed was arrested in October 2010 for attempting to assist people he believed to be terrorists in planning the bombing of Washington, DC, Metrorail stations.[64] Ahmed allegedly

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[56] Letter from Eric H. Holder, Jr., Attorney General, to Patrick J. Leahy, Chairman, Committee on the Judiciary, United States Senate, May 22, 2013.

[57] For context regarding Al Qaeda in the Arabian Peninsula, see CRS Report RL34170, *Yemen: Background and U.S. Relations*, by Jeremy M. Sharp; CRS Report R41070, *Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy*, coordinated by John W. Rollins.

[58] According to media reporting from January 2012, the FBI and DHS warned that after Awlaki's death, his legacy may still help influence Americans to become homegrown jihadists. See Catherine Herridge, "Al Qaeda in Yemen Targets More American Recruits," *Fox News,* January 10, 2012, http://www.foxnews.com/politics/2012/01/10/al-qaeda-in-yemen-targets-more-american-recruits/.

[59] Jeremy Pelofsky, "U.S. Says Al Qaeda Leader Awlaki Directed Underwear Bomber," *Reuters,* February 10, 2012, http://www.reuters.com/article/2012/02/10/usa-security-abdulmutallab-idUSL2E8DAFMV20120210; Greg Miller and Spencer S. Hsu, "Muslim Cleric Tied to Bomb Attempt," *The Washington Post,* July 1, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/30/AR2010063005343.html.

[60] "Profile: Anwar al-Awlaki," *BBC News,* January 3, 2010, http://news.bbc.co.uk/2/hi/middle_east/8438635.stm.

[61] In February 2014, Pimentel pled guilty to a "single count of attempted criminal possession of a weapon in the first degree as a crime of terrorism," a New York state-level charge. James C. McKinley, Jr., "Man Pleads Guilty to Reduced Charge in Terrorism Case," *New York Times,* February 19, 2014, http://www.nytimes.com/2014/02/20/nyregion/manhattan-man-pleads-guilty-to-reduced-charges-in-terror-case.html?_r=0; Joseph Goldstein, William K. Rashbaum, "City Bomb Plot Suspect Is Called Fan of Qaeda Cleric," *New York Times,* November 20, 2011, http://www.nytimes.com/2011/11/21/nyregion/jose-pimentel-is-charged-in-new-york-city-bomb-plot.html. Hereinafter: Goldstein and Rashbaum, "City Bomb Plot." See also Tom McElroy, "'Al-Qaida Sympathizer' Accused of NYC Bomb Plots," *Associated Press,* November 21, 2011. Hereinafter: McElroy, "'Al-Qaida Sympathizer.'"

[62] Ibid.

[63] Dina Temple-Raston, "Officials Worry About Some Latino Converts To Islam," *National Public Radio,* August 24, 2011, http://www.npr.org/2010/12/09/131916271/officials-worry-about-some-latino-converts-to-islam; DOJ Press Release, "Maryland Man Charged in Plot to Attack Armed Forces Recruiting Center," December 8, 2010, http://www.fbi.gov/baltimore/press-releases/2010/ba120810.htm.

[64] DOJ Press Release, "Virginia Man Arrested for Plotting Attacks on D.C.-Area Metro Stations with People He Believed to Be al Qaeda Members," October 27, 2010, http://washingtondc.fbi.gov/dojpressrel/pressrel10/

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possessed a biography of Awlaki and listened to his online sermons.[65] Also apprehended in October 2010, U.S. citizen Abdel Hameed Shehadeh, who allegedly tried to join overseas extremist groups such as the Taliban, modeled one of the jihadist websites he managed after Awlaki's teachings. The website offered hyperlinks to Awlaki's online lectures. According to DOJ, Shehadeh also discussed Awlaki's ideas with an individual he tried (and failed) to recruit for violent jihad.[66] Zachary Chesser, who allegedly tried to join the Somali terrorist group al-Shabaab as late as July 2010 and propagandized online, emailed Awlaki. The cleric responded twice, according to court documents.[67] In July 2010, Paul Rockwood Jr. pled guilty to making false statements in a domestic terrorism investigation. He closely followed Awlaki's online pronouncements and developed an "execution" hit list that included 15 people Rockwood believed had desecrated Islam.[68] According to court documents, Shaker Masri encouraged an FBI cooperating source to "review speeches" by Awlaki.[69] Arrested in June 2010 while allegedly trying to join al-Shabaab, Mohamed Alessa and Carlos Almonte, watched videos of and listened to sermons by Awlaki.[70]

According to media sources, Faisal Shahzad, a Pakistani immigrant who admitted that he attempted to detonate an explosives-filled vehicle in New York City's Times Square on May 1, 2010, cited Awlaki and another cleric, Abdullah Faisal from Jamaica, as key influences on him.[71] Also, a surveillance recording from 2007 captured one of six individuals eventually convicted of plotting to attack Fort Dix in New Jersey talking about an Awlaki lecture.[72]

U.S. officials believe Awlaki also had contact with Umar Farouk Abdulmutallab, the young Nigerian who concealed an explosive device in his underwear and attempted to detonate it on a Northwest Airlines flight from Amsterdam to Detroit on Christmas Day 2009.[73] In October 2011,

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wfo102710.htm.

[65] Carol Cratty, "Accused Would-Be DC Metro Bomber Pleads Not Guilty in Federal Court," *CNN.com,* November 9, 2010, http://articles.cnn.com/2010-11-09/justice/virginia.bomb.plot_1_qaeda-al-awlaki-speedy-trial?_s=PM:CRIME; Matt Apuzzo and Adam Goldman, "Officials: Muslim Source Turned in Terror Suspect," *Associated Press*, October 28, 2010, http://news.yahoo.com/s/ap/20101028/ap_on_go_ca_st_pe/us_terror_arrest.

[66] *United States. v. Abdel Hameed Shehadeh*, Criminal Complaint, U.S. District for the Eastern District of New York, October 21, 2010, http://www.investigativeproject.org/documents/case_docs/1400.pdf .

[67] *United States. v. Zachary Adam Chesser*, Affidavit, 1:10-MJ-504, U.S. District for the Eastern District of Virginia, July 21, 2010, http://www.investigativeproject.org/documents/case_docs/1343.pdf. In 2012, al-Shabaab allied itself with Al-Qaeda. See "Somalia Militants Officially Join with Al Qaeda," *CBS News,* February 9, 2012, http://www.cbsnews.com/8301-202_162-57373985/somalia-militants-officially-join-with-al-qaeda/?tag=contentMain;contentBody.

[68] DOJ Press Release, "Alaska Man Pleads Guilty to Making False Statements in Domestic Terrorism Investigation, Spouse Pleads Guilty to Making False Statements," July 21, 2010, http://anchorage.fbi.gov/dojpressrel/pressrel10/ak072110.htm.

[69] *United States v. Shaker Masri,* Criminal Complaint, U.S. District Court Northern District of Illinois Eastern Division, August 9, 2010, http://jnslp.files.wordpress.com/2010/08/masri-complaint1.pdf.

[70] Anti-Defamation League, "New Jersey Residents Arrested for Attempting To Join Somali-Based Terrorist Group," June 7, 2010, updated July 22, 2010, http://www.adl.org/main_Terrorism/new_jersey_al_shabaab.htm.

[71] Dina Temple-Raston, "Jamaican Imam Said to Inspire Times Square Suspect," *National Public Radio,* May 19, 2010, http://www.npr.org/templates/story/story.php?storyId=126962091. For more on Shahzad's suspected ties to Awlaki, see Scott Shane and Mark Mazzetti, "Times Sq. Bomb Suspect Is Linked to Militant Cleric," *New York Times*, May 6, 2010.

[72] Scott Shane, "Born in U.S., a Radical Cleric Inspires Terror," *New York Times*, November 18, 2009, http://www.nytimes.com/2009/11/19/us/19awlaki.html.

[73] Jeanne Meserve, "Anti-Terrorism Chief, U.S.-Born Cleric had Major Role in Airline Bombing Try," *CNN.com*, June (continued...)

when he pled guilty to his involvement in the plot, Abdulmutallab stated, "I was greatly inspired to participate in jihad by the lectures of the great and rightly guided mujahedeen who is alive, Sheikh Anwar al-Awlaki, may Allah preserve him and his family and give them victory, Amin, and Allah knows best."[74] A U.S. official, who spoke on the condition of anonymity because of the topic's sensitivity, told *The Washington Post* that Awlaki was the first U.S. citizen added to a list of suspected terrorists the CIA was authorized to kill.[75]

Even after Awlaki's death, his teachings have influenced would-be plotters. Dzhokhar Tsarnaev has reportedly indicated to authorities that he and his brother, Tamerlan, watched videos of Anwar Al-Awlaki in the period before the siblings allegedly bombed the 2013 Boston Marathon.[76] In January 2013, Erwin Antonio Rios, an individual who allegedly desired to travel abroad to wage violent jihad, purportedly discussed the writing of the deceased radical cleric with a law enforcement informant.[77]

Samir Khan—before he was killed in the same strike as Awlaki—served as the editor of *Inspire* magazine, launched in 2010 by AQAP.[78] *Inspire* has been described as "a slick magazine for jihadists ... that featured political and how-to articles written in a comfortable American vernacular."[79] The magazine is intended to attract would-be jihadists in the West.

The Saudi-born Khan lived in Queens, New York, and Charlotte, North Carolina. He radicalized after the Al Qaeda attacks on September 11, 2001, and moved with his parents to Charlotte in 2004. He left Charlotte in 2009 and joined AQAP in Yemen.[80] Prior to leaving the United States, Khan had gained some notoriety as a jihadist blogger and as creator of the online magazine, *Jihad Recollections—Inspire's* forerunner.[81]

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30, 2010, http://www.cnn.com/2010/US/06/30/leiter.al.awlaki/index.html.

[74] See "Transcript: Read Abdulmutallab's Statement on Guilty Plea," *Detroit Free Press,* October 12, 2011, http://www.freep.com/article/20111012/NEWS01/111012038/Transcript-Read-Abdulmutallab-s-statement-guilty-plea.; Monica Davey, "Would-Be Plane Bomber Pleads Guilty, Ending Trial," October 12, 2011, http://www.nytimes.com/2011/10/13/us/umar-farouk-abdulmutallab-pleads-guilty-in-plane-bomb-attempt.html.

[75] Greg Miller, "Muslim Cleric Awlaki is 1st U.S. citizen on List of Those CIA is Allowed to Kill," *The Washington Post,* April 7, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/04/06/AR2010040604121.html.

[76] Margaret Coker, "Cleric Cited by Tsarnaev Lives On—Online," *Wall Street Journal,* May 5, 2013, http://online.wsj.com/article/SB10001424127887323687604578465023366949366.html; Eric Schmitt, et al., "Boston Plotters Said to Initially Target July 4 for Attack," *New York Times,* May 2, 2013, http://www.nytimes.com/2013/05/03/us/Boston-bombing-suspects-planned-july-fourth-attack.html?pagewanted=all&_r=0.

[77] *United States v. Erwin Antonio Rios,* Criminal Complaint, United States District Court for the Eastern District of North Carolina, February 7, 2013.

[78] Kimberly Dozier, "Yemeni al Qaeda Publishes Second Edition of English Magazine," *Washington Times*, *Associated Press*, October 12, 2010, http://www.washingtontimes.com/news/2010/oct/12/yemeni-al-qaeda-publishes-second-edition-english-m/print/.

[79] Robbie Brown and Kim Severson, "2nd American in Strike Waged Qaeda Media War," *New York Times,* September 30, 2011, http://www.nytimes.com/2011/10/01/world/middleeast/samir-khan-killed-by-drone-spun-out-of-the-american-middle-class.html. Hereinafter: Brown and Severson, "2nd American." Mark Schone and Matthew Cole, "American Jihadi Samir Khan Killed with Awlaki," *ABC News,* September 30, 2011, http://abcnews.go.com/Blotter/american-jihadi-samir-khan-killed-awlaki/story?id=14640013. Hereinafter: Schone and Cole, "American Jihadi."

[80] Brown and Severson, "2nd American."

[81] Schone and Cole, "American Jihadi"; Aaron Y, Zelin, "American Jihadi," *Foreign Policy*, September 30, 2011, http://www.foreignpolicy.com/articles/2011/09/30/samir_khan_dead_inspire_magazine?page=full.

Reportedly, Khan and his online publications may have influenced homegrown jihadists.

- In November 2012, Miguel Alejandro Santana Vidriales was arrested for allegedly plotting with three others to join either Al Qaeda or the Taliban in Afghanistan. According to DOJ, he had read articles from *Inspire* about bomb making and weapons training.[82]
- In July 2011, U.S. Army private Naser Abdo was arrested near Fort Hood in Texas for allegedly plotting a shooting spree and bombing in the area. Abdo intended to kill soldiers near the same place where Army Major Nidal Hasan killed 13 individuals in 2009. Federal officials noted that Abdo also possessed an article on how to construct an explosive device, among other items. The article was from *Inspire*.[83]
- In November 2010, Mohamed Osman Mohamud, a Somali-born naturalized U.S. citizen, was arrested as part of an FBI sting operation, moments after he tried to detonate a van he believed was packed with explosives in Portland's Pioneer Courthouse Square.[84] According to DOJ, Mohamud wrote articles for Khan's first magazine, *Jihad Recollections*.[85]

Aside from editing *Inspire*, Khan also contributed to it. Additionally, the magazine included commentary from Awlaki and another American Al Qaeda propagandist, Adam Gadahn.[86]

Adam Gadahn has served as a translator and English-language propagandist for Al Qaeda and has been charged with treason by the United States. He has appeared in a number of the organization's videos widely circulated on the Web. Born in 1978 and raised in California, Gadahn converted to Islam as a teenager and moved to Pakistan by 1999. As a young convert in California, Gadahn was influenced by two jihadists involved with a discussion group he attended. One of these men also likely introduced him into Al Qaeda circles in Pakistan and Afghanistan. In 2004, he first appeared in a widely released video threatening attacks on the United States, and in another dispatch he urged Americans to convert to Islam. In a video posted on June 20, 2010, Gadahn rails against President Barack Obama, describing him as "treacherous, bloodthirsty, and narrow-minded."[87]

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[82] He had a copy of the seventh edition (fall 2011) of the magazine which included a column by Khan. *United States v. Sohiel Omar Kabir, et al.,* Criminal Complaint, United States District Court for the Central District of California, November 16, 2012 (unsealed November 19, 2012).

[83] DOJ Press Release, "Naser Jason Abdo Charged Federally in Bomb Plot," July 29, 2011, http://www.justice.gov/usao/txw/press_releases/2011/Abdo.pdf; David Goodman, "Soldier Held amid Claim of Terror Plot at Fort Hood," *New York Times,* July 28, 2011, http://www.nytimes.com/2011/07/29/us/29awol.html?_r=1. Pierre Thomas, et al., "Fort Hood Suspect Yells Nidal Hasan's Name in Court," *ABC News,* July 29, 2011, http://abcnews.go.com/Blotter/fort-hood-suspect-naser-jason-abdo-yells-nidal-hasan/story?id=14187568#.UKzj4dVrq1g. Abdo and Santana (from the previous example) apparently read the same bomb making article from *Inspire,* "How to Build a Bomb in the Kitchen of Your Mom," from the magazine's first edition.

[84] Jerry Markon, "FBI Foils Elaborate Bomb Plot in Oregon," *Washington Post,* November 28, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/11/27/AR2010112700546.html.

[85] *United States v. Mohamed Osman Mohamud,* Affidavit, U.S. District Court for the District of Oregon, November 26, 2010.

[86] Ibid; Judith Miller and David Samuels, "A Glossy Approach to Inciting Terrorism," *Wall Street Journal*, November 27, 2010, http://online.wsj.com/article/SB10001424052748703572404575635053157718986.html?mod=googlenews_wsj. None of the three reside in the United States.

[87] "American-Born al Qaeda Spokesman Appears in New Video," *CNN.com,* June 20, 2010, http://www.cnn.com/2010/ (continued...)

Omar Hammami, also known as "Abu Mansour al-Amriki," is originally from Daphne, Alabama. In 2007, he emerged as a key international intermediary for the Somali terrorist group al-Shabaab but has since broken with the group.[88] In September 2013, he publicly renounced his ties to al-Shabaab and Al Qaeda, and news reports indicated that he was killed by assassins from the terrorist group.[89] Before that, he spent years trying to influence would-be violent jihadists to join with the Somali terrorist group. The son of a Syrian-born father and an American mother, he has been featured in propagandist videos distributed by the group. In one, he instructs recruits in urban warfare. Zachary Chesser saw Hammami as a role model. He even imitated Hammami's adoption of "al-Amriki" (the American) as part of his own jihadist name—"Abu Talhah Al-Amrikee." Somali officials tie Hammami to al-Shabaab recruitment and financial management. He may also have led battlefield skirmishes. In August 2010, DOJ unsealed a 2009 superseding indictment against him.[90] In October 2011, Hammami released a video calling Western Muslims to violent jihad.[91]

As a child, Hammami lived between the Christian world of his mother and the Muslim beliefs of his father. He converted to Islam in high school, and while a student at the University of South Alabama, he led the Muslim Student Association and began adhering to Salafi doctrine. His Salafism allegedly sprang in part from a desire to rebel against his father. In 2002, he dropped out of school, and by 2004 he had found his way to Toronto, Canada, where American combat in Iraq and Afghanistan encouraged him to reconsider his nonviolent Salafi views. One of his friends alleges that Hammami began surfing the Web for information on jihad at this time. While in Canada, he married a Somali woman. In 2005, they moved to Cairo, and by late 2006 he was in Somalia pursuing violent jihad.[92]

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US/06/20/al.qaeda.video/index.html; Raffi Khatchadourian, "Azzam the American: The Making of an Al Qaeda Homegrown," *The New Yorker,* January 22, 2007, http://www.newyorker.com/reporting/2007/01/22/070122fa_fact_khatchadourian; "Al Qaeda's 'American Voice of Islam," STRATFOR, September 5, 2006, http://www.stratfor.com/al_qaedas_american_voice_islam?fn=8415719516; Evan Kohlmann, "American Greases al-Qaida Media Machine," *MSNBC,* July 14, 2006, http://www.msnbc.msn.com/id/13842265/. See also Brian Dodwell, "The Abbottabad Documents: The Quiet Ascent of Adam Gadahn," *CTC Sentinel*, vol. 5, no. 5 (May 2012), pp. 19-22, http://www.ctc.usma.edu/wp-content/uploads/2012/05/CTCSentinel-Vol5Iss5.pdf.

[88] Christopher Anzalone, "The Evolution of an American Jihadi: The Case of Omar Hammami," *CTC Sentinel*, vol. 5, no. 6 (June 2012), p. 10, http://www.ctc.usma.edu/wp-content/uploads/2012/06/CTCSentinel-Vol5Iss64.pdf.

[89] Abdi Guled and Jason Straziuso, "Somalia: Reports indicate American jihadi killed," *Associated Press,* September 12, 2013; "'American al-Shabab' Disavows Militant Group, al-Qaida," *Voice of America News,* September 5, 2013, http://www.voanews.com/content/american-alshabab-disavows-militant-group-alqaida/1743983.html.

[90] Spencer S. Hsu, "Arrest of Va. Man Spotlights al-Qaeda's New American Recruiter," *The Washington Post,* August 1, 2010; DOJ Press Release, "Fourteen Charged with Providing Material Support to Somalia-Based Terrorist Organization al Shabaab," August 5, 2010, http://www.justice.gov/opa/pr/2010/August/10-ag-898.html; Andrea Elliott, "The Jihadist Next Door," *New York Times Magazine*, January 31, 2010, http://www.nytimes.com/2010/01/31/magazine/31Jihadist-t.htm; John Goddard, "Terrorist Leader Lived in Toronto," *The Hamilton Spectator*, Ontario, Canada, January 4, 2010; Brendan Kirby, "Report: Former Daphne High and USA Student Has Been Charged in a Secret Indictment in Mobile with Providing Material to Terrorists," *Mobile Register*, September 5, 2009, http://blog.al.com/live/2009/09/report_former_daphne_high_and.html; The Nine Eleven Finding Answers (NEFA) Foundation, "Shabaab al-Mujahideen Releases Footage of 'Abu Suleim Training Camp,'" September 2009, http://www.nefafoundation.org/multimedia-prop.html.

[91] Alexander Meleagrou-Hitchens, "Al-Shabab's Western Recruitment Strategy," *CTC Sentinel*, vol. 5, no. 1 (January 2012), pp. 19-21, http://www.ctc.usma.edu/wp-content/uploads/2012/01/Vol5-Iss1.pdf.

[92] Ibid.

Social Networks

Social networks appear to be central to the radicalization process and to terrorist plots as well. Networks can be actual groups—encompassing intimate kinship ties, bonds of friendship, links forged in student associations, or cliques tied to radical mosques. They may also be virtual and fostered by the Internet. Group loyalties can form around jihadist messages entailing moral outrage over the perceived suffering of fellow Muslims and a sense that the West is at war with Islam. Networks help place these messages into the context of an individual's personal experiences.[93]

Beyond the radicalization experience, the development and strengthening of affective ties with like-minded individuals may play a prominent role in the formation of terrorist groups and plots.[94] For example, Dzhokhar Tsarnaev may have been heavily influenced by his elder brother as they allegedly planned the bombing of the 2013 Boston Marathon.[95]

According to *The New York Times,* Faisal Shahzad befriended Shahid Hussain, a fellow Pakistani, while the two were enrolled at the University of Bridgeport in Connecticut in the early 2000s. Shahzad appears to have started to radicalize in the United States by 2004. During trips to Pakistan prior to his attempted Times Square bombing, Shahzad reestablished ties with Hussain. The latter had also returned to Pakistan. Together, the two grew more militant, especially when in 2007 Pakistani forces stormed Lal Masjid, the "Red Mosque," a center of Islamic fundamentalism. The two friends socialized with a third individual, Muhammad Shouaib Mughal. The three were keenly interested in global jihad. Mughal eventually trained with the Pakistani Taliban, the Tehrik-e-Taliban Pakistan. He brought Shahzad and Hussain into the group's camps for training in 2009.[96]

Intermediaries within Networks

Social networks often feature their own internal intermediaries or charismatic leaders. DOJ alleges that in 2010, Sohiel Omar Kabir "influenced [Miguel Alejandro Santana Vidriales and Ralph Deleon] to convert to Islam and introduced [them] to radical and violent Islamic doctrine.... " This purportedly included posting items online and perusing violent jihadist material on the web.[97] DOJ asserts that Kabir listed content related to Al Qaeda on his Facebook page and that, in turn, Santana and Deleon used the Facebook "like" function to highlight some of these links via their own accounts. According to a criminal complaint unsealed in November 2012, the trio and another individual, Arifeen David Gojali, allegedly plotted to travel from Southern California to join either Al Qaeda or the Taliban.[98]

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[93] Sageman, *Leaderless Jihad*, pp. 71-85.

[94] Max Abrahms, "What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy," *International Security*, vol. 32, no. 4 (Spring 2008), p. 96.

[95] Miranda Leitsinger, "Classmates of Suspected Bomber Dzhokhar Tsarnaev Suggest 'Brainwashing' by Older Brother," *NBC News,* April 21, 2013, http://usnews.nbcnews.com/_news/2013/04/21/17851546-classmates-of-suspected-bomber-dzhokar-tsarnaev-suggest-brainwashing-by-older-brother?lite.

[96] Andrea Elliott, "Militant's Path from Pakistan to Times Square," *New York Times*, June 22, 2010, http://www.nytimes.com/2010/06/23/world/23terror.html. Hereinafter: Andrea Elliott, June 22, 2010.

[97] *United States v. Sohiel Omar Kabir, et al.,* Criminal Complaint, United States District Court for the Central District of California, November 16, 2012 (unsealed November 19, 2012).

[98] Ibid. Facebook describes its "like" function as a "social plugin" that allows users to share content from each other's (continued...)

In 2009 and 2010, Daniel Boyd and several others were indicted on terrorism charges.[99] From November 2006 to 2009, Boyd, a charismatic leader, led a conspiracy involving a network of associates that included his sons Dylan and Zakariya to radicalize, recruit, and assist young men interested in terrorism. The conspiracy also purportedly included fundraising for and provision of material support to terrorist groups. Using stories of his past violent jihadist exploits in Pakistan and Afghanistan, Boyd recruited and trained individuals for violent terrorist activity, according to FBI courtroom testimony. From 1989-1992, Boyd supposedly trained at terrorist camps in Afghanistan and Pakistan and may have been a fighter in Afghanistan.[100] In 2011, the Boyds pled guilty to charges related to the case.[101]

Jihadi Cool

Several post-9/11 plots have suggested that intermediaries and social networks can emphasize persuasive messages featuring elements outside of jihadist religious rhetoric. Adventurism and romanticized notions of revolution seem to have some prominence in the radicalization process. A desire to protect the *Ummah* against what he perceived as Western incursion may have been more important to Faisal Shahzad than more overtly religious rhetoric.[102] Terrorist recruiters also promote "jihadi cool" by producing rap videos advocating terrorism and releasing them on the Web. In 2007, Cabdulaahi Ahmed Faarax, a charismatic recruiter for al-Shabaab, enticed young Somali men in Minnesota with a jihadi cool message replete with war stories. According to federal court documents, he emphasized jihad but also stressed the sense of brotherhood he had experienced while fighting. He detailed his own experiences in guerilla combat and reassured his listeners that it was fun and not to be afraid. He further underscored that recruits would get the chance to use firearms.[103]

"Jihadi cool" may have also played a role in pushing five young Northern Virginia Muslim men to travel in 2009 to Pakistan, where they were arrested for allegedly attempting to join jihadist organizations in the region. On June 24, 2010, the five were convicted on terrorism charges and sentenced to 10 years in prison in Pakistan.[104] Muslim leaders from Alexandria, Virginia,

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Facebook profiles. See http://developers.facebook.com/docs/plugins/.

[99] DOJ Press Release, "Kosovar National Charged with Terrorism Violations," June 17, 2010, http://www.justice.gov/opa/pr/2010/June/10-nsd-706.html.

[100] Mike Baker, "Feds Play Audio Tapes at Tense NC Terror Hearing," *Associated Press*, in *SCnow.com*, August 5, 2009, http://www2.scnow.com/news/2009/aug/05/feds_play_audio_tapes_at_tense_nc_terror_hearing-ar-350281/; DOJ Press Release, "Seven Charged with Terrorism Violations in North Carolina," July 27, 2009, http://www.justice.gov/opa/pr/2009/July/09-nsd-725.html (Hereinafter: DOJ Press Release, July 27, 2009)

[101] DOJ Press Release, "North Carolina Man Pleads Guilty to Terrorism Charge," September 14, 2011, http://www.fbi.gov/charlotte/press-releases/2011/north-carolina-man-pleads-guilty-to-terrorism-charge-1; DOJ Press Release, "North Carolina Man Pleads Guilty to Terrorism Charge," June 7, 2011, http://www.fbi.gov/charlotte/press-releases/2011/north-carolina-man-pleads-guilty-to-terrorism-charge; DOJ Press Release, "Raleigh-Area Man Pleads Guilty to Terrorism Charges," February 9, 2011, http://www.fbi.gov/charlotte/press-releases/2011/ce020911.htm.

[102] Andrea Elliott, June 22, 2010.

[103] *United States v. Cabdulaahi Ahmed Faarax and Abdiweli Yassin Isse*, Criminal Complaint, U.S. District Court State and District of Minnesota, October 8, 2009, http://graphics8.nytimes.com/packages/pdf/us/20091124_TERROR_DOCS/faarax.pdf; Dina Temple-Raston, "Jihadi Cool: Terrorist Recruiters' Latest Weapon," *National Public Radio,* March 26, 2010, http://www.npr.org/templates/story/story.php?storyId=125186382&ft=1&f=1001.

[104] Shaiq Hussain and Brigid Schulte, "5 N.Va. Men Convicted on Terrorism Charges in Pakistan, Given 10 Years in Prison," *The Washington Post,* June 25, 2010, http://www.washingtonpost.com/wp-dyn/content/story/2009/12/10/
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indicated that they had no inkling of radicalization among the five.[105] Abroad, as early as 2006, Dutch officials noted an "intensification of radicalization tendencies" among young Muslims in the Netherlands and a perception that jihad was "cool."[106]

The Internet

The Web plays a role in the experiences of many would-be and actual terrorists, just as it does in the lives of so many people. The interactivity of chat rooms, blogs, social networking sites, message boards, video hosting sites, and email blurs the lines between readership and authorship that previous generations of terrorists and sympathizers encountered with pamphlets, newspapers, and newsletters.[107] This blurring possibly encourages people who interact in such forums to more easily see themselves as part of broader jihadist movements and not just casual readers or online spectators. They may eventually engage in more substantive activity—actual propagandizing, financial support, or joining a terrorist network.[108]

The Web's impact on individual would-be jihadists likely varies. In some cases accessing and engaging in online jihadist rhetoric possibly prods an individual toward violence. A study of 18,130 entries in 2,112 online discussions from more than 15 Arabic-language jihadist forums revealed that "[o]ne fifth of all discussions included an explicit call for more terrorist attacks.... Overall, two thirds of all discussions contain[ed] some form of call for or encouragement of terrorist attacks."[109] One author asserts that Internet activity has been central in the development of a "self-starter" phenomenon[110] and offers would-be violent jihadists what has been described as a "de-formalized" radicalization experience.[111] For this report, "self-starters" are groups that lack ties to major international terrorist networks and do not receive orders from such organizations.[112] However, instances of solely virtual radicalization without face-to-face

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ST2009121002234.html?sid=ST2009121002234.

[105] Mary Beth Sheridan and Spencer S. Hsu, "Arrests Suggest U.S. Muslims, Like Those in Europe, Can Be Radicalized Abroad," *The Washington Post*, December 12, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/12/11/AR2009121104404.html

[106] Ministry of the Interior and Kingdom Relations, The Netherlands, *Violent Jihad in the Netherlands: Current Trends in the Islamist Terrorist Threat*, The Hague, March 2006, p. 8, http://www.fas.org/irp/world/netherlands/violent.pdf.

[107] Maura Conway, "Terrorism and Mass Communication: Nitro to the Net," *The World Today*, vol. 60, no. 8/9 (Aug/Sep 2004), pp. 19-22, http://doras.dcu.ie/513/1/nitro_to_net_2004.pdf.

[108] Gilbert Ramsay, "Relocating the Virtual War," *Defence Against Terrorism Review*, vol. 2, no. 1 (Spring 2009), p. 34, http://www.tmmm.tsk.tr/publications/datr3/03_Gilbert%20Ramsay.pdf.

[109] Edna Erez, Gabriel Weimann, and A. Aaron Weisburd, "Jihad, Crime, and the Internet: Content Analysis of Jihadist Forum Discussions," October 31, 2011, Report submitted to the National Institute of Justice in fulfillment of requirements for Award Number 2006-IJ-CX-0038, pp. i, vii, x.

[110] Kirby "The London Bombers," p. 416.

[111] Ibid, p. 425.

[112] Ibid, p. 415.

interaction seem to be rare.[113] Most radicalization apparently requires experience with real-world social networks.[114]

In other instances, terrorist "wannabes" may see online activity as a suitable substitute for direct violence and face-to-face contact with hardcore terrorists.[115] Simply, individuals interested in violent jihad no longer have to physically travel to formal terrorist camps for indoctrination and rudimentary training. One author has also indicated that activity in the virtual realm may even play a much more profound, "cathartic" role, "allow[ing] aspiring jihadists to be part of the broader global jihad but crucially without engaging in direct violence."[116] In essence, online activity may channel individuals away from the violent expression of their radical beliefs by allowing them to air their grievances. While such activity may be seen in terrorist circles as an increasingly legitimate option—instead of violent jihad—it does not come without repercussions for online supporters of terrorism. Individuals absorbed in such activities may run afoul of law enforcement for materially aiding terrorist organizations.[117]

Regardless of whether jihadist online activity drives individuals to violence, the Internet arguably serves to spur radicalization in three ways. First, it allows jihadists to augment their messages with suggestive audio and video. Second, it makes it easier for would-be jihadists to find and interact with like-minded people around the world. Finally, the Internet "normal[izes] behaviors considered unacceptable or inappropriate in real-world environments."[118] Terrorists publish rhetoric online that displaces culpability for their violent actions, which they commonly describe as inevitable responses when faced with overpowering enemies such as the West.[119]

Radicalizing material is readily accessible online, as are virtual communities in which one can discuss violent jihad. Since 2005, video sharing websites have broadened the availability of jihadi video material. All sorts of other texts and graphic images supporting violent jihad exist on the Web, as does a great volume of tradecraft, such as bomb-making guides.

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[113] One terrorism expert has written: "Although the Internet clearly contributes to radicalization, and possibly to recruitment to jihadist terrorism, it has not yet produced the army of action-oriented acolytes sought by al Qaeda's leaders." Brian Michael Jenkins, *Stray Dogs and Virtual Armies Radicalization and Recruitment to Jihadist Terrorism in the United States since 9/11* (Santa Monica, CA: The RAND Corporation, 2011), p. 17.

[114] Tim Stevens, "Regulating the 'Dark Web:' How a Two-Fold Approach Can Tackle Peer-to-Peer Radicalisation," *The RUSI Journal*, vol. 154, no. 2 (April 2009), p. 29. For an example of one terrorist's extensive online radicalization experiences, see Majority and Minority Staff Senate Committee on Homeland Security and Governmental Affairs, *Zachary Chesser: A Case Study in Online Islamist Radicalization and Its Meaning for the Threat of Homegrown Terrorism,* February 2012. For an extensive discussion of the role of the Internet in radicalization, see Ines von Behr, et al., Radicalisation in the Digital Era: *The Use of the Internet in 15 Cases of Terrorism and Extremism,* (Santa Monica, CA: The RAND Corporation, 2013).

[115] In December 2011, Congressional testimony, Brian Michael Jenkins stated that online activity offers would-be jihadists "the means of vicariously participating in the jihadist struggle without incurring personal risks." He described such activity as akin to "a kind of psychologically satisfying video game." See Chris Lefkow, "Al-Qaeda Minting Few Militants Online: US Experts," *AFP* December 7, 2011, http://www.google.com/hostednews/afp/article/ALeqM5gC5qYifcavSLq1Jhl3dyxnGAdmgw?docId=CNG.afdd07c7dff397072b27a36860c352ca.531.

[116] Akil N. Awan, "The Virtual Jihad: An Increasingly Legitimate Form of Warfare," *CTC Sentinel*, vol. 3, no. 5 (May 2010), p. 11, http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol3Iss5.pdf. Hereinafter: Awan, "The Virtual Jihad."

[117] Awan, "The Virtual Jihad," p. 12.

[118] Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenge* (Washington, DC: United States Institute of Peace Press, 2006), p. 116. Hereinafter: Weimann, *Terror on the Internet;* Awan, "The Virtual Jihad," p. 12.

[119] Ibid.

Social networking, now inherently part of the Internet, is likely a tool that is used in the development of contacts among radicalized individuals and recruitment into violent jihadist groups. Before he died, Anwar al-Awlaki circulated jihadist lectures online and managed his own popular Facebook page and blog.[120] The five Virginia men convicted on June 24, 2010, in Pakistan on terrorism charges allegedly contacted an Al Qaeda operative via social networking websites, according to press coverage of their trial in the city of Sarghoda.[121]

Another case that highlights Internet-related issues involves Tarek Mehanna. Mehanna, a pharmacist living with his parents in Sudbury, a wealthy Boston suburb, was arrested on terrorism charges in October 2009.[122] Among other alleged activities, Mehanna and co-conspirators translated from Arabic to English documents advocating terrorism and posted them on jihadist websites.[123] They viewed themselves as the "media wing" for Al Qaeda in Iraq. In the eyes of some terrorism experts, the Mehanna case highlights the shift away from core members of Al Qaeda toward Internet-inspired, homegrown radicalization and self-starting terrorists. The Mehanna case emphasizes how recruiters from foreign terrorist organizations no longer seem necessary to shepherd radicalized individuals into terrorist training abroad. (Mehanna, himself, allegedly tried but failed to get into such camps.) One terrorism specialist has noted that "there is a sense that these guys are radicalizing on their own."[124] Another has commented that the Web has supplanted mosques as a recruitment venue, especially as terrorists try to draw Westerners into their organizations.[125] In December 2011, Mehanna was convicted of "conspiracy to provide material support to al-Qaeda; providing material support to terrorists (and conspiracy to do so); conspiracy to commit murder in a foreign country; conspiracy to make false statements to the FBI and two counts of making false statements."[126]

Aside from its possible impact on the radicalization process, the Internet potentially offers terrorists operational capabilities.[127] Its decentralized form mirrors the flattened, cellular structures of most terrorist organizations. Among other things, it could help them to collect intelligence about their targets, communicate with one another, propagandize, recruit foot soldiers, raise funds, convey operational direction, and provide training or instruction.[128] For

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[120] NEFA Foundation, "Anwar al Awlaki: Pro Al-Qaida Ideologue with Influence in the West," February 5, 2009, http://www.nefafoundation.org/miscellaneous/FeaturedDocs/nefabackgrounder_alawlaki.pdf.

[121] Brigid Schulte, "5 Va. Men Facing Terrorism Charges in Pakistan Write of 'Noble' Motivation," *The Washington Post*, May 16, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/05/15/AR2010051503548.html

[122] Denise Lavoie, "Mass. Terror Suspect Taught Kids at Muslim School," *Guardian.co.uk,* Associated Press, foreign, October 21, 2009, http://www.guardian.co.uk/world/feedarticle/8766970.

[123] Shelley Murphy, "Taking Refuge Where His Woes Began: Sudbury Terror Suspect Presses Case on Internet," *The Boston Globe*, February 1, 2010, http://www.boston.com/news/local/massachusetts/articles/2010/02/01/web_is_now_refuge_for_man_caught_online/?page=1 (Hereinafter: Murphy, Feb 1, 2010); Denise Lavoie, Abby Goodnough, and Liz Robbins, "Mass. Man Arrested in Terrorism Case," *New York Times*, October 21, 2009, http://www.nytimes.com/2009/10/22/us/22terror.html; Superseding Indictment, *U.S. v. Tarek Mehanna and Ahmad Abousamra*, U.S. District Court District of Massachusetts, 2009, http://www.investigativeproject.org/documents/case_docs/1121.pdf.

[124] Dina Temple-Raston, "Mass. Arrest Spurs Fear of Homegrown Terrorism," *National Public Radio*, October 22, 2009, http://www.npr.org/templates/story/story.php?storyId=114020731.

[125] Murphy, February 1, 2010.

[126] DOJ Press Release, "Massachusetts Man Convicted on Terrorism-Related Charges," December 20, 2011, http://www.fbi.gov/boston/press-releases/2011/massachusetts-man-convicted-on-terrorism-related-charges.

[127] Weimann, *Terror on the Internet*, pp. 56.

[128] Weimann, *Terror on the Internet*, pp. 111-140.

example, the Tsarnaevs allegedly followed bomb making instructions from *Inspire* magazine—available online—while constructing the homemade explosive devices they detonated at the 2013 Boston Marathon.[129]

Jailhouse Jihadism

In the last several years, terrorism experts and some Members of Congress have shown interest in jihadist prison radicalization.[130] But the research is decidedly unclear regarding the threat posed by radicalization behind bars. A scholar of the prison phenomenon in the United Kingdom notes that jail time potentially accelerates the radicalization process for many individuals. Prison brings together disaffected people who may be receptive to anti-social messages offering "clear, albeit intolerant, solutions to complex problems of identity and belonging."[131] Experts have sounded warnings about the unknown level of threat posed by radicalization and terrorist recruitment in U.S. jails.[132]

Others are quick to point out, however, that while conversion to Islam and radicalization occur among incarcerated populations, the jump to terrorist plotting in the United States is rare.[133] This is at least partly due to prison officials' efforts to counter jailhouse jihadism, according to a study involving interviews with 210 prison officials and 270 inmates mostly from state correctional systems.[134] The Federal Bureau of Prisons has acknowledged the possibility of inmate radicalization but "do[es] not believe that there is widespread terrorist-inspired radicalization or recruiting in federal prisons," where between 5% and 6% of prisoners identify as Muslims.[135] Based on CRS analysis of the 74 violent jihadist plots since 9/11, only one clearly involved radicalization in prison. A study of 117 homegrown jihadist terrorists from the United States and United Kingdom found seven cases in which prison had a significant impact on an individual's radicalization process.[136]

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[129] Horowitz, "Investigators Sharpen Focus."

[130] U.S. Congress, House Committee on Homeland Security, *Threat of Muslim-American Radicalization in U.S. Prisons*, 112th Cong., 1st sess., June 15, 2011; U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *Prison Radicalization: Are Terrorist Cells Forming in U.S. Cell Blocks?* 109th Cong., 2nd sess. September 19, 2006, S. Hrg. 109–954 (Washington, DC: GPO, 2007), pp. 1-6, http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_senate_hearings&docid=f:30597.pdf.

[131] James Brandon, "The Danger of Prison Radicalization in the West," *Combating Terrorism Center Sentinel*, vol. 2, no. 12 (December 2009), pp. 1-3, http://ctc.usma.edu/sentinel/CTCSentinel-Vol2Iss12.pdf. Hereinafter: Brandon, "The Danger of Prison."

[132] George Washington University Homeland Security Policy Institute (HSPI) and The University of Virginia Critical Incident Analysis Group (CIAG), "Out of the Shadows: Getting Ahead of Prisoner Radicalization," HSPI and CIAG, Washington, DC, September 2006, http://www.healthsystem.virginia.edu/internet/ciag/publications/out_of_the_shadows.pdf.

[133] Brandon, "The Danger of Prison," p. 4; Mark S. Hamm, "Prisoner Radicalization: Assessing the Threat in U.S. Correctional Institutions," *National Institute of Justice Journal*, no. 261 (October 2008), p. 18, http://www.ncjrs.gov/pdffiles1/nij/224085.pdf.

[134] Bert Useem and Obie Clayton, "Radicalization of U.S. Prisoners," *Criminology & Public Policy*, vol. 8, no. 3 (August 2009), pp. 586-587, http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9133.2009.00574.x/pdf. Hereinafter: Useem and Clayton, "Radicalization of U.S. Prisoners."

[135] Gary Fields and Suzanne Sataline, "Bomb Case Raises Issue of Islam in Jails," *Wall Street Journal*, May 23, 2009; http://online.wsj.com/article/SB124303841574048865.html.

[136] Daveed Gartenstein-Ross and Laura Grossman, *Homegrown Terrorists in the U.S. and U.K.: An Empirical Examination of the Radicalization Process*, Foundation for Defense of Democracies, Center for Terrorism Research, Washington, DC, April 2009, pp. 14-15, http://www.defenddemocracy.org/downloads/
(continued...)

The lack of conclusive prison-based radicalization among the jihadist terrorism plots and foiled attacks since 9/11 suggests that the threat emanating from prisons does not seem as substantial as some experts may fear. One case, commonly known as the Newburgh Four plot, included at least two individuals who converted to Islam while in state prison, but it remains unclear whether they radicalized behind bars.[137]

The most prominent post-9/11 example of domestic violent jihadist activity inspired in prison implicated the group, Jamiyyat Ul-Islam Is-Saheeh (JIS or the "Authentic Assembly of God"). Kevin James, Levar Washington, Gregory Patterson, and Hammad Samana were arrested and charged in August 2005 for their participation in a plot to attack Jewish institutions and other targets in the Los Angeles area, including synagogues, the Israeli Consulate, Los Angeles International Airport (LAX), U.S. military recruiting offices, and military bases.

According to DOJ, the incarcerated James founded JIS in 1997 based on his interpretation of Islam. His views are apparent in several of his prison writings, including a 104-page document titled the "JIS Protocol." In this document, James supports the establishment of an Islamic Caliphate in the United States and describes "Jihad [as] the only true 'anti-terrorist action[,]' a defensive battle against the aggression of theological imposters led by Zionism." The document also advocated the killing of "lawful targets," including non-Muslims. Reportedly, James met Washington in prison in 2004 and introduced him to JIS and its beliefs. After his release, Washington, who converted to Islam while he was in prison, recruited Patterson, an employee at LAX, and Samana at the Jamaat-E-Masijudal mosque in Inglewood, California, where they all worshipped. Both Patterson and Samana swore allegiance to Washington and pledged to serve as "mujahideen," according to court documents.[138] One study has pointed out that James' radicalization manifested itself in prison but may not have been heavily influenced by his experiences behind bars. Two points suggest that factors outside of prison may have at least partly driven his radicalization: his "JIS Protocol" does not focus on jailhouse conditions, and his father had been a member of the Black Panther Party.[139]

(...continued)

HomegrownTerrorists_USandUK.pdf. Hereinafter: Gartenstein-Ross and Grossman, *Homegrown Terrorists in the U.S. and U.K.*

[137] Eric Gorski and Rachel Zoll, "Plot Renews Fears of Radical Islam in Prison," *Associated Press*, in *msnbc.com,* May 22, 2009, http://www.msnbc.msn.com/id/30891721/; Daniel J. Wakin, "Imams Reject Talk That Islam Radicalizes Inmates," *New York Times*, May 24, 2009, http://www.nytimes.com/2009/05/24/nyregion/24convert.html.

[138] DOJ Press Release, "Man Who Formed Terrorist Group that Plotted Attacks on Military and Jewish Facilities Sentenced to 16 Years in Federal Prison," March 6, 2009, http://losangeles.fbi.gov/dojpressrel/pressrel09/la030609ausa.htm (Hereinafter: DOJ Press Release, March 6, 2009); Anti-Defamation League, "Two Sentenced in Los Angeles Terror Plot against Jewish Institutions," *adl.com*, August 24, 2008, updated 2009, http://www.adl.org/main_Terrorism/los_angeles_sentenced.htm; DOJ Press Release, "Man Involved in Domestic Terrorism Plot Targeting Military and Jewish Facilities Sentenced to 22 Years," July 23, 2008, http://losangeles.fbi.gov/dojpressrel/pressrel08/la062308usa.htm; DOJ Press Release, "Second Man Involved in Domestic Terrorism Plot Targeting Military, Jewish Facilities Sentenced to Prison," July 21, 2008, http://www.justice.gov/opa/pr/2008/July/08-nsd-634.html; DOJ Press Release, "Four Men Indicted on Terrorism Charges," August 31, 2005, http://www.dodig.mil/IGInformation/IGInformationReleases/fourmen_090105.pdf. Hereinafter: DOJ Press Release, August 31, 2005.

[139] Useem and Clayton, "Radicalization of U.S. Prisoners," pp. 581-582.

Overview of Post-9/11 Homegrown Jihadist Terrorism Plots and Attacks

Scholars and law enforcement officials have noted that no workable general profile of domestic violent jihadists exists. According to the NYPD's Intelligence Division, there is no effective profile to predict exactly who will radicalize.[140] Another study found only broad trends among domestic jihadist terrorists, specifically that they are overwhelmingly male and about two-thirds of them are younger than 30 years old.[141] As the above discussion may suggest, generalizing about the individuals involved is problematic.

Indeed, there does not appear to be a common thread connecting the U.S. Army psychiatrist Major Nidal Hasan with the Caucasian convert, Daniel Patrick Boyd; the Afghan immigrant Najibullah Zazi with Carlos Bledsoe, an African American of a happy childhood who converted to Islam and renamed himself Abdulhakim Muhammad; David Headley, who was born Daood Gilani to a successful Pakistani immigrant father and American mother, with Talib Islam, who was born Michael Finton and raised in multiple foster homes; or the educated pharmacist Tarek Mehanna, with the Somali American from Minneapolis Shirwa Ahmed, who traveled to the land of his birth and became the first U.S. citizen suicide bomber. The plots and attacks drew in first- and second-generation Muslim American immigrants and native-born Americans who converted to the faith. Some included individuals acting alone, while others had multiple co-conspirators. Some plots were aspirational. Many believe others appear to have been pushed along by government informants or undercover agents, and still others were serious and calculating until uncovered by intelligence and/or law enforcement officials (see **Appendix A** for details on the cases).

Table B-1 provides information about the profile and training of individuals involved in domestic jihadist terrorist plots and attacks. **Table B-2** documents the specific plots and attacks, including the target (within/outside the United States), intended endgame (use of firearms, explosives, or fight abroad), and tools used by investigators to disrupt the plotting.

Overarching Themes

Homegrown violent jihadist activity since 9/11 defies easy categorization. For example, conventional notions of "homegrown" may suggest plots that are hatched and executed solely within the United States. But in a globalized environment, many domestic jihadist terrorist plots have some sort of international dimension. For example, some plotters train abroad. Some receive cues from terrorist Internet propagandists operating in foreign lands. And as suggested above, homegrown terrorists can focus their violent plans on domestic or international entities. Since 9/11, 42 homegrown plots featured domestic targets, 29 focused on foreign ones, and three conspiracies had both domestic and foreign targeting elements. From another perspective, 44 involved intent to or actual travel abroad for training or to plan for terrorist attacks. The 74 homegrown jihadist attacks and plots since 9/11 do exhibit four broad themes: a variety of

[140] Silber and Bhatt, *Radicalization in the West,* p. 8.

[141] Schanzer, et.al, *Anti-Terror Lessons of Muslim Americans*, p. 10.

endgames, relatively little stomach for suicide or martyrdom among plotters, successful attacks by lone wolves, and varied capabilities among the plots.

A Variety of Endgames

Homegrown violent jihadists pursue a number of endgames. Some seek involvement in foreign conflicts or insurgencies. Others plan and attempt to execute either bombings or assaults with firearms. Finally, some jihadists apparently intended from the start only to fund or materially support the activities of their brethren.

Foreign Fighters

Thirty-three of the post-9/11 homegrown plots have featured individuals seeking (at least in part) to become foreign fighters with terrorist groups. Al-Shabaab-related cases concerning young men leaving the United States to fight in Somalia form the paramount example. Other cases involve different destinations, such as Syria and the warring factions involved in its civil war.

- According to DOJ, Abdella Ahmad Tounisi, 18 years old at the time of his arrest in April 2013, was apprehended at Chicago's O'Hare International Airport while he tried to board a flight for Istanbul, Turkey. Tounisi, a U.S. citizen, allegedly intended to travel to Syria to join the Nusra Front, a terrorist organization commonly referred to as "al Qaeda in Iraq."[142]
- In March 2013, Eric Harroun—of Phoenix, Arizona—was arrested for "conspiring to use a rocket propelled grenade (RPG) [a weapon of mass destruction] while fighting with the al Nusrah Front" in Syria.[143]
- Five men from Northern Virginia (Northern Virginia Five) were arrested in Sarghoda, Pakistan, in December 2009. They purportedly traveled there hoping to join jihadist groups and battle U.S. troops in Afghanistan. On June 24, 2010, they were convicted of terrorism charges in a special Pakistani anti-terror court. Prosecutors say the five men also began planning attacks against a Pakistani nuclear plant and an air base and other targets in Afghanistan and "territories of the United States."[144]
- In February 2006, three residents of Toledo, Ohio—Mohammad Zaki Amawi, a dual U.S. and Jordanian citizen; Marwan Othman El-Hindi, a naturalized U.S. citizen from Jordan; and Wassim Mazloum, a lawful permanent resident from Lebanon (Toledo, Ohio Plotters)—were charged with conspiracy to kill or maim

[142] DOJ Press Release, "FBI Arrests Suburban Chicago Man on Charge of Supporting Terrorism Overseas," April 20, 2013, http://www.fbi.gov/chicago/press-releases/2013/fbi-arrests-suburban-chicago-man-on-charge-of-supporting-terrorism-overseas.

[143] DOJ Press Release, "Former U.S. Soldier Charged with Conspiring to Use Destructive Device While Fighting with al Qaeda-Affiliated Group in Syria," March 28, 2013, http://www.fbi.gov/washingtondc/press-releases/2013/former-u.s.-soldier-charged-with-conspiring-to-use-destructive-device-while-fighting-with-al-qaeda-affiliated-group-in-syria?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=191247. For more context on the Nusra front, see CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard.

[144] Jerry Markon, et al., "Pakistan Charges 5 Northern Virginia Men in Alleged Terrorism Plot," *Washington Post*, March 18, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/03/17/AR2010031700430_pf.html.

persons in locations outside the United States, to include U.S. Armed Forces personnel serving in Iraq.[145] On June 13, 2008, a federal jury convicted all three of conspiring to commit terrorist acts against Americans overseas and material support to terrorists.[146]

Explosives and Firearms

Nineteen of the 74 homegrown jihadist plots targeting the United States since 9/11 exclusively involved explosives or incendiary devices. Suspects at least discussed the use of bombs, hand grenades, or missiles in these cases.[147] From a broader perspective, 38 cases in whole *or* in part included schemes revolving around explosives or incendiary devices.[148] Historically, most terrorist incidents in the United States have involved bombs or fires. According to research drawn from the National Consortium for the Study of Terrorism and Responses to Terrorism's Global Terrorism Database, about 83% of all terrorist incidents on U.S. soil between 1970 and 2007—including violent jihadists as well as non-jihadists—have included explosives or incendiary devices. Roughly 9% involved firearms.[149]

The deadly bombing of the Boston Marathon, the attempt by Faisal Shahzad to detonate an explosives-filled 1993 Nissan Pathfinder in New York City's Times Square, and Najibullah Zazi's plot to detonate bombs in the New York City subway system stand out as examples of plots incorporating explosive or incendiary devices.

- DOJ claims that Dzhokhar and Tamerlan Tsarnaev assembled two bombs using components including pressure cookers, low explosive powder, shrapnel, and adhesive. They concealed the explosive devices inside backpacks and planted them among crowds near the finish line of the Boston Marathon on April 15, 2013. The brothers then triggered the bombs to devastating effect.[150] The FBI and DHS have noted that such devices "contain[ing] the initiator, switch, and explosive charge frequently have been used in Afghanistan, India, Nepal, and Pakistan."[151]

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[145] *United States v. Mohammad Zaki Amawi, et al.*, Indictment, U.S. District Court for the Northern District of Ohio Western Division, 2006, http://www.justice.gov/opa/documents/indictment_22006.pdf.

[146] Anti-Defamation League, "Three Men Face Terrorism Charges in Ohio," *adl.org,* October 21, 2009, http://www.adl.org/main_Terrorism/Ohio_men_trial.htm.

[147] This includes one case involving a surface-to-air missile (to be supplied by an undercover agent).

[148] "In part" means that bomb related plotting was coupled with another endgame—either the use of firearms or plans to become foreign fighters. For this report, the endgame dubbed "foreign fighter" involves individuals who plotted to go abroad to join a terrorist group. If these individuals also discussed using explosives or firearms while acting as foreign fighters abroad, the endgame of the plot remained "foreign fighter." However, plots that involved individuals scheming to engage in foreign fighting and/or commit terrorist acts *within the United States* could have multiple endgames. Such a case might involve a person who at one point plotted to blow up a domestic target (explosives endgame) and subsequently also plotted to travel abroad to join Al Qaeda (foreign fighter endgame).

[149] Gary LaFree, "Terrorist Attacks Against the United States Homeland from 1970 to 2007," p. 57, in Appendix B, "Community-Level Indicators of Radicalization: A Data and Methods Task Force," *Report to Human Factors/Behavioral Sciences Division, Science and Technology Directorate, U.S. Department of Homeland Security*," National Consortium for the Study of Terrorism and Responses to Terrorism, College Park, MD, February16, 2010, http://www.start.umd.edu/start/publications/START_HFD_CommRadReport.pdf.

[150] *United States v. Dzhokhar A. Tsarnaev,* Indictment, United States District Court for the District of Massachusetts, June 27, 2013.

[151] FBI and Department of Homeland Security, Roll Call Release, "Update: Pressure Cookers as IED Components," (continued...)

- On May 1, 2010, investigators discovered fireworks, clocks, wiring, filled propane tanks, gasoline canisters, and fertilizer that Shahzad had rigged for explosion in his vehicle.[152] The Tehrik-e-Taliban Pakistan helped facilitate the failed attack by training Shahzad and sending him $12,000 in funding.[153]
- Zazi has admitted that he plotted to bomb New York City subway trains in September 2009. Zazi told investigators that he and two friends planned to strap explosives to their bodies, board trains at the Grand Central and Times Square stations—two of the busiest in New York City—and explode their bombs during the crowded rush hour.[154]

Three plots intended to use firearms exclusively, while 22 plots involved in whole or in part the use of firearms. The three plots that exclusively focused on firearms include two of the successful post-9/11 attacks.

- The deadlier of the two attacks was the November 5, 2009, shooting at Fort Hood, Texas. In it, U.S. Army Major Nidal Hasan killed 13 and injured more than 30 others.[155]
- Abdulhakim Muhammad was arrested on June 1, 2009, in connection with a shooting at the U.S. Army-Navy Career Center in Little Rock, Arkansas, that killed one soldier and wounded another.[156] He was charged with capital murder, attempted capital murder, and 10 counts of unlawful discharge of a firearm.[157] In Arkansas state court, in July 2011, Muhammad pled guilty to these charges.[158]

The third case that centered on firearms involved six men. They were arrested in May 2007 in a plot against Fort Dix, a U.S. Army base in New Jersey. The plan focused on firearms and included

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(...continued)

April 16, 2013.

[152] DOJ Press Release, "Faisal Shahzad Pleads Guilty in Manhattan Federal Court to 10 Federal Crimes Arising from Attempted Car Bombing in Times Square," June 21, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo062110.htm. Hereinafter: DOJ Press Release, June 21, 2010; DOJ Press Release, "Manhattan U.S. Attorney Charges Faisal Shahzad with Attempted Car Bombing in Times Square," May 4, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo050410a.htm; *United States v. Faisal Shahzad*, Criminal Complaint, U.S. District Court for the Southern District of New York, June 17, 2010, http://cryptome.org/shahzad/usa-v-shahzad.htm.

[153] DOJ Press Release, June 21, 2010; Anne Flaherty, "White House Says Pakistan Taliban Behind N.Y. Bomb," *Associated Press* in *abcnews.com,* May 9, 2010, http://abcnews.go.com/Politics/wireStory?id=10596709.

[154] John Marzulli, "Zazi, Al Qaeda Pals Planned Rush-Hour Attack on Grand Central, Times Square Subway Stations," *New York Daily News,* April 12, 2010. http://www.nydailynews.com/news/ny_crime/2010/04/12/2010-04-12_zazi_pals_planned_rushhour_attack_on_2_busiest_subway_stations.html.

[155] "Fort Hood Shooting Suspect to Remain Confined," *Associated Press State and Local Wire,* in *msnbc.com,* November 21, 2009, http://www.msnbc.msn.com/id/34084622; "Fort Hood Shooting Suspect Out of Intensive Care," *CNN.com,* December16, 2009, http://www.cnn.com/2009/CRIME/12/16/texas.fort.hood.hasan/index.html?iref=allsearch.

[156] NEFA, "Target America Series #18: The Little Rock Arkansas Recruiting Station Shooting," June 2009, http://www.nefafoundation.org/miscellaneous/FeaturedDocs/NEFA_littlerockrecruitingshooting.pdf; James Dao, "Man Claims Terror Ties in Little Rock Shooting," *New York Times*, January 22, 2010, http://www.nytimes.com/2010/01/22/us/22littlerock.html.

[157] James Dao, "Man Claims Terror Ties in Little Rock Shooting," *New York Times*, January 22, 2010, http://www.nytimes.com/2010/01/22/us/22littlerock.html. Hereinafter: Dao, January 22, 2010.

[158] "Man Pleads Guilty to Recruiting Center Killing, Gets Life," *CNN.com,* July 25, 2011, http://articles.cnn.com/2011-07-25/justice/arkansas.recruiter.shooting_1_capital-murder-quinton-ezeagwula-carlos-bledsoe?_s=PM:CRIME.

attacking and killing soldiers. In December 2008, a jury found five of the six guilty of conspiring to kill military personnel but cleared them of attempted murder.[159]

Multiple, Unclear, or Unique Tactics

In total, 27 attacks and plots incorporated multiple or unique tactics or the tactics were not clear from the public record. One attack involving multiple tactics happened abroad but targeted members of the U.S. Armed Forces at a base. In that attack, which occurred on March 23, 2003, U.S. Army Sergeant Hasan Akbar used hand grenades (explosives) and his military-issued M-4 rifle to kill two fellow U.S. servicemen and wound 14 others at Camp Pennsylvania in Kuwait.[160] Other examples of multiple, unique, or unspecified tactics include the following:

- Members of the plot involving Daniel Boyd allegedly attempted to travel abroad to engage in jihad as *foreign fighters* and also likely prepared to attack a domestic site—the U.S. Marine Corps Base in Quantico, Virginia, using *firearms*.[161]
- Bryant Vinas, who plotted to blow up (*explosives*) the Long Island railroad in New York, admitted to U.S. officials that he met with Al Qaeda leaders in Pakistan and, between March and July 2008, attended three Al Qaeda training courses.[162] In September 2008, as a *foreign fighter* he took part in a rocket attack targeting a U.S. military base in Afghanistan.[163]
- Even though the plotters discussed using *explosives*, the four individuals tied to JIS and arrested in 2005 used *firearms* in robberies to generate funding for their scheme.[164]
- In a case involving unspecified tactics, Ehsanul Islam Sadequee, a U.S. citizen born in Virginia, and Syed Haris Ahmed, a naturalized U.S. citizen from Pakistan, scouted targets in Washington, DC, in 2005.[165]
- In an attack that did not feature guns or bombs, on March 3, 2006, Mohammed Reza Taheri-Azar, a naturalized U.S. citizen, crashed his SUV into a crowd near

[159] Christopher Dela Cruz, "Three convicted in Fort Dix terror plot are sentenced to life in prison," *NJ.com*, April 28, 2009, http://www.nj.com/news/index.ssf/2009/04/judge_sentences_fort_dix_defen.html. Hereinafter: Dela Cruz, *NJ.com* April 28, 2009.

[160] Convicted and sentenced to death in military court, Akbar was at least in part motivated by extremist Islamic beliefs. He had converted to Islam as an adult. Madeline Gruen, "Backgrounder: Sgt. Hasan Akbar," PowerPoint presentation, NEFA, Jan 2010, http://www.nefafoundation.org/miscellaneous/nefa_akbarbackgrounder.pdf; Manuel Roig-Franzia, "Army Soldier Is Convicted in Attack on Fellow Troops," *The Washington Post*, April 22, 2005, http://www.washingtonpost.com/wp-dyn/articles/A7210-2005Apr21.html.

[161] DOJ Press Release, "Superseding Indictment in Boyd Matter," September 24, 2009, http://charlotte.fbi.gov/dojpressrel/2009/ce092409.htm; DOJ Press Release, July 27, 2009.

[162] Paul Cruickshank, Nic Robertson, and Ken Shiffman, "From Long Island to Lahore: The Plot to Bomb New York," *cnn.com,* May 21, 2010, http://edition.cnn.com/2010/CRIME/05/14/bryant.neal.vinas.part2/index.html; Hereinafter: Cruickshank, Robertson, and Shiffman, "From Long Island to Lahore;" Sebastian Rotella and Josh Meyer, "U.S.-born Militant Who Fought for Al Qaeda Is In Custody," *Los Angeles Times,* July 23, 2009, http://articles.latimes.com/2009/jul/23/nation/na-american-jihad23.

[163] Cruickshank, Robertson, and Shiffman, "From Long Island to Lahore."

[164] DOJ Press Release, March 6, 2009; DOJ Press Release, August 31, 2005.

[165] DOJ Press Release, "Terrorism Defendants Sentenced," December 14, 2009, http://atlanta.fbi.gov/dojpressrel/pressrel09/at121409a.htm.

> the University of North Carolina, Chapel Hill. No one was seriously injured in the attack, and he pled guilty to two counts of attempted murder. The assailant allegedly hoped to avenge the deaths of Muslims abroad that he believed were caused by the United States.[166]

Material Support

Although this report largely focuses on radicalization and violent jihadist plotting, there is at least one other illegal method for individuals to assist terrorists. Radicalization may lead people to help terrorist organizations by illegally providing them material support *unrelated to specific violent jihadist plots*. How frequently this has occurred since 9/11 is difficult to discern, because material support[167] charges are often part of the illegal activity in violent plots. DOJ has publicly released information on unsealed terrorism convictions between September 11, 2001, and March 18, 2010.[168] CRS analysis of this information indicates that homegrown jihadists unconnected to any specific violent plots were prosecuted for materially supporting terrorists in at least six schemes.[169] The six schemes supported violent jihadist or jihadist-linked groups such as Al

[166] "Iranian Ex-UNC Student Gets 33 Years in Prison for Plowing SUV into Crowd to Avenge Muslim Deaths," *Associated Press*, in *FoxNews.com*, August 26, 2008, http://www.foxnews.com/story/0,2933,410904,00.html; "Driver Charged for Plowing Through Crowd," *msnbc.com,* March 5, 2006, http://www.msnbc.msn.com/id/11660817/.

[167] As described in U.S. Code, Title 18, Part I, Chapter 113B, 2339A and 2339B. For more information, see CRS Report R41333, *Terrorist Material Support: An Overview of 18 U.S.C. 2339A and 2339B*, by Charles Doyle.

[168] DOJ, "National Security Division Statistics on Unsealed International Terrorism-Related Convictions 9/11/01-3/18/10," http://theplumline.whorunsgov.com/wp-content/uploads/2010/03/March-26-2010-NSD-Final-Statistics.pdf.

[169] For this measure, (1) *Homegrown* jihadists were convicted under either section 2339A or 2339B of U.S. Code, Title 18, Part I, Chapter 113B, and no other "Category I"*(see definition below) conviction charges were tied to their cases. (2) The scheme or the radicalization of the individuals involved had to have largely occurred after 9/11. (3) The scheme was jihadist in nature, eliminating material support cases involving non-jihadist terrorist groups. (4) The scheme did not include a violent plot as reported publicly. So, for example, the August 2004 Albany, New York, plot implicating Yassin M. Aref and Mohammed Mosharref Hossain in an FBI sting involving material support to a Pakistani terrorist group is not included among the six material support cases. This is because the case involved a scheme to launder through Hossain's pizza shop and real estate holdings the proceeds of the sale of a shoulder-fired surface-to-air missile which was purportedly to be used in a fictitious plot to assassinate Pakistan's United Nations envoy.

*The introduction included with DOJ's "National Security Division Statistics," enumerates two categories of offenses involved in the 403 terrorism and terrorism-related prosecutions listed between 9/11/01 and 3/18/10. According to the Department of Justice document, "Category I Offenses" are "violations of federal statutes that are directly related to international terrorism and that are utilized regularly in international terrorism matters." The statistical portion of the document includes 105 individuals who had material support charges under 18 U.S.C. §2339A or 18 U.S.C. §2339B among their conviction charges. Appendix A in the Department of Justice, "National Security Division Statistics," describes the following as Category I Offenses: Aircraft Sabotage (18 U.S.C. §32); Animal Enterprise Terrorism (18 U.S.C. §43); Crimes Against Internationally Protected Persons (18 U.S.C. §§112, 878, 1116, l201(a)(4)); Use of Biological, Nuclear, Chemical or Other Weapons of Mass Destruction (18 U.S.C. §§175, 175b, 229, 831, 2332a); Production, Transfer, or Possession of Variola Virus (Smallpox) (18 U.S.C. §175c); Participation in Nuclear and WMD Threats to the United States (18 U.S.C. §832); Conspiracy Within the United States to Murder, Kidnap, or Maim Persons or to Damage Certain Property Overseas (18 U.S.C. §956); Hostage Taking (18 U.S.C. §1203); Terrorist Attacks Against Mass Transportation Systems (18 U.S.C. §1993); Terrorist Acts Abroad Against United States Nationals (18 U.S.C. §2332); Terrorism Transcending National Boundaries (18 U.S.C. §2332b) Bombings of places of public use, Government facilities, public transportation systems and infrastructure facilities (18 U.S.C. §2332f); Missile Systems designed to Destroy Aircraft (18 U.S.C. §2332g); Production, Transfer, or Possession of Radiological Dispersal Devices (18 U.S.C. §2332h); Harboring Terrorists (18 U.S.C. §2339); Providing Material Support to Terrorists (18 U.S.C. §2339A); Providing Material Support to Designated Terrorist Organizations (18 U.S.C. §2339B); Prohibition Against Financing of Terrorism (18 U.S.C. §2339C); Receiving Military-Type Training from an FTO (18 U.S.C. §2339D); Narco-Terrorism (21 U.S.C. §1010A); Sabotage of Nuclear Facilities or Fuel (42 U.S.C. §2284); Aircraft Piracy (49 U.S.C. §46502); Violations of IEEPA (50 U.S.C. §1705(b)) involving E.O. 12947 (Terrorists Who Threaten to Disrupt the Middle East Peace Process); E.O. 13224 (Blocking Property and Prohibiting Transactions With (continued...)

Qaeda, Jemaah Islamiyah, Abu Sayyaf, and Lashkar-e-Tayyiba (LeT). They included the following:

- **Rahmat Abdhir:** A U.S. citizen living in San Jose, California, Abdhir was indicted in 2007 for providing material support to his brother, Zulkifli Abdhir, a member of Jemaah Islamiyah based in the Philippines. The U.S. government accused Rahmat of sending to his brother more than $10,000 in supplies, including chocolates, underwear, knives, guns, and radios.[170]
- **Ahmed Abdellatif Sherif Mohamed:** According to DOJ, during a routine traffic stop in Goose Creek, South Carolina on August 4, 2007, law enforcement officials found explosive materials (PVC pipe containing potassium nitrate and kitty litter as well as about 20 feet of fuse) during a consensual search of the trunk of the Toyota Camry Mohamed was driving. A laptop retrieved from the car yielded a video produced by Mohamed depicting how components from a remote controlled toy car could be used to fashion a detonator for an explosive device. Mohamed had uploaded the recording to YouTube. Although no specific terrorist group was linked to Mohamed, he did admit that he intended the recording as instruction to "suiciders" on how to spare themselves in attacks. An Egyptian resident of Tampa, Florida, Mohamed entered the United States on an F-1 student visa.[171]
- **Tarik Shah, Rafiq Abdus Sabir, Mahmud Faruq Brent**: In an investigation stretching back at least to December 2001, the FBI infiltrated a group of acquaintances interested in supporting international jihadist terrorist organizations. Shah and Brent pled guilty to material support in 2007 and Sabir was convicted of the charge the same year. In 2005, Shah, a Bronx, New York City, jazz musician and martial arts instructor, had sworn allegiance to Al Qaeda in the presence of an FBI agent who posed as a recruiter for the group. He had also allegedly offered to train Al Qaeda fighters in hand-to-hand combat. Shah purported to have been interested in traveling to Afghanistan in 1998 to attend terrorist training camps.[172] Sabir, a doctor from Florida, swore allegiance to Al Qaeda in the same ceremony as his friend, Shah. Sabir also offered his medical skills to treat injured Al Qaeda fighters.[173] Brent, a Washington, DC, cab driver,

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Persons Who Commit, Threaten to Commit, or Support Terrorism or Global Terrorism List); and E.O. 13129 (Blocking Property and Prohibiting Transactions With the Taliban).

[170] Bob Egelko, "Bail Denied for Man Accused of Aiding Brother Tied to Terror," February 16, 2008; DOJ Press Release, "Specially Designated Global Terrorist and His Brother Indicted for Providing Material Support to Terrorists," August 3, 2007, http://www.nefafoundation.org/miscellaneous/FeaturedDocs/U.S._v_Abdhir_DOJPRIndictment.pdf.

[171] DOJ Press Release, "Ahmed Abdellatif Sherif Mohamed Pleads Guilty to Providing Material Support to Terrorists," June 18, 2008, http://www.justice.gov/opa/pr/2008/June/08-nsd-544.html; *United States v. Ahmed Abdellatif Sherif Mohamed*, Sentencing Memorandum, U.S. District Court Middle District of Florida, 2008, http://www.investigativeproject.org/documents/case_docs/718.pdf.

[172] Joseph Goldstein, "Bronx Man Pleads Guilty to Pledging Fealty to Qaeda," *New York Sun,* April 5, 2007, http://www.nysun.com/new-york/bronx-man-pleads-guilty-to-pledging-fealty/51890/; DOJ Press Release, "Bronx Martial Arts Instructor Pleads Guilty to Conspiring to Support Al Qaeda," April 4, 2007, http://www.justice.gov/usao/nys/pressreleases/April07/shahpleAprilpdf.

[173] DOJ Press Release, "Florida Doctor Sentenced to 25 Years for Conspiring and Attempting to Support Al Qaeda," November 28, 2007, http://media-newswire.com/release_1058218.html; Stephen W. Smith, "Fla. Doctor Convicted in NY Terror Case," *CBSNews.com,* May 21, 2007, http://www.cbsnews.com/stories/2007/05/21/terror/
(continued...)

traveled to Pakistan in 2002 to attend a LeT training camp.[174] A fourth individual was arrested in the investigation but did not get convicted of material support.[175]

- **Ronald Grecula:** In an FBI sting operation, Grecula negotiated to build and sell an explosive device with individuals he believed were tied to Al Qaeda.[176]
- **Ilyas Ali:** In a drugs-for-arms case, Ali, a naturalized U.S. citizen born in India, admitted to conspiring in 2002 with two Pakistanis to supply Al Qaeda with anti-aircraft missiles bought using proceeds from the sale of heroin and hashish.[177]
- **Cedric Carpenter** and **Lamont Ranson:** In February 2005, the duo from New Orleans pled guilty to conspiring to sell false Mississippi Driver's licenses, Social Security cards, and birth certificates to undercover informants they believed were members of the Abu Sayyaf terrorist organization.[178]

Aside from the convictions derived from the DOJ's list covering the period between 9/11 and March 18, 2010, several other material support cases have come to light. Some of the cases include the following:

- In September 2012, Joseph J. Brice, a resident of Clarkston, Washington, pled guilty to "the crimes of attempting to provide material support to terrorists and manufacturing an unregistered explosive device."[179] Brice came to law enforcement attention in April 2010, when an explosive device he had constructed exploded, seriously injuring him. According to DOJ, a subsequent terrorism investigation uncovered (among other things) evidence that Brice had "posted instructions on the manufacturing of chemical improvised destructive devices ... and other anti-law enforcement literature" on a "foreign-based jihadi internet site."[180] He was arrested in May 2011.[181]

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main2833349.shtml.

[174] DOJ Press Release, "Maryland Man Sentenced to 15 Years for Providing Material Support to Terrorist Organization," July 25, 2007, http://www.justice.gov/usao/nys/pressreleases/July07/brentsentencingpr.pdf.

[175] Larry Neumeister, "Moroccan-Born Bookseller Sentenced to 13 Years in Terror Case by Federal Judge in New York," *Associated Press* in *Worldstream*, April 16, 2007.

[176] DOJ Press Release, "Ronald Grecula Pleads Guilty to Attempting to Provide Material Support to Al-Qaeda," September 22, 2006. http://www.nefafoundation.org/miscellaneous/FeaturedDocs/US_v_Grecula_DOJPRGuiltyPlea.pdf.

[177] Kelly Thornton, "Man Sentenced in Drugs-for-Missiles Plot," *San Diego Union-Tribune,* April 14, 2006; Thornton, "Drugs-for-Arms Plot Nets Prison," *San Diego Union-Tribune,* April 5, 2006, http://legacy.signonsandiego.com/uniontrib/20060405/news_2m5missile.html; '"Al-Qaeda Dealers' Face US Trial," *BBC News,* January 6, 2003, http://news.bbc.co.uk/2/hi/asia-pacific/2630849.stm.

[178] U.S. Immigration and Customs Enforcement Press Release, "Two New Orleans Men Admit Offering to Sell False Identities to Assist Members of Terrorist Organization," February 28, 2005.

[179] DOJ Press Release, "Clarkston Man Sentenced to Federal Prison for Attempting to Provide Material Support to Terrorists," June 12, 2013, http://www.fbi.gov/seattle/press-releases/2013/clarkston-man-sentenced-to-federal-prison-for-attempting-to-provide-material-support-to-terrorists; Eric M. Johnson, "Washington State Man Gets 12 Years for Trying to Aid Militants," *Reuters,* June 12, 2013, http://www.reuters.com/article/2013/06/12/us-usa-explosive-washingtonstate-idUSBRE95B19L20130612.

[180] Ibid., and *United States v. Joseph Jefferey Brice,* Plea Agreement, United States District Court for the Eastern District of Washington, September 25, 2012.

[181] Ibid.

- In May 2011, FBI agents arrested **Hafiz Khan** (a naturalized U.S. citizen and resident of Miami) and two of his sons **Izhar Khan** and **Irfan Khan** (both naturalized U.S. citizens). They were allegedly involved in efforts to provide financing and other material support to the Pakistani Taliban. The trio was purportedly assisted by three other indicted individuals at large in Pakistan. This second group included **Amina Khan**—Izhar Khan's daughter—and her son, **Alam Zeb**, as well as an individual named **Ali Rehman**. Hafiz and Izhar Khan are imams in South Florida mosques.[182] The federal government dropped its charges against Irfan Khan in June 2012 and Izhar Khan in January 2013.[183] Hafiz Khan was found guilty of material support in March 2013.[184]
- **Nima Ali Yusuf:** A lawful permanent resident of the United States living in San Diego, Yusuf was arrested on November 12, 2010, on charges of conspiracy to provide material support to al-Shabaab and for making false statements to a government agency regarding an international terrorism matter.[185] In December 2011, Yusuf pled guilty to conspiring to provide material support to al-Shabaab.[186]
- **Mohamud Abdi Yusuf, Abdi Mahdi Hussein,** and **Duwayne Mohamed Diriye** participated in a scheme to provide material support to al-Shabaab, according to an indictment unsealed November 3, 2010. Yusuf, a resident of St. Louis, Missouri, is accused of sending funds to people tied to the terrorist organization in Somalia, including Diriye. Yusuf purportedly worked with Hussein to structure financial transactions while the latter was an employee of a licensed money-remitting business.[187] In November 2011, Yusuf "pled guilty to providing material support to a foreign terrorist organization."[188]

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[182] Jay Weaver, "No Decision from Judge on Bail for Accused South Florida Muslim Clerics," *Miami Herald,* July 1, 2011, http://www.miamiherald.com/2011/07/01/2294392/accused-south-florida-muslim-clerics.html; Julie K. Brown, "Imam's Arrest Stuns Mosque Members," *Miami Herald,* May 14, 2011, http://www.miamiherald.com/2011/05/14/2217517/mosque-members-imam-doesnt-have.html; DOJ Press Release, "Six Individuals Charged for Providing Material Support to the Pakistani Taliban," May 14, 2011, http://www.justice.gov/opa/pr/2011/May/11-nsd-621.html.

[183] Rafael Olmeda and Robert Nolin, "Judge Declares Broward Muslim Cleric Not Guilty in Terror-Support Case," *South Florida Sun Sentinel,* January 18, 2013, http://articles.sun-sentinel.com/2013-01-18/news/fl-imam-not-guilty-20130117_1_izhar-khan-defense-lawyers-pakistani-taliban; Jay Weaver, "Feds Drop Terrorism Charges Against Miami Cab Driver Accused of Aiding Taliban," *Miami Herald,* June 13, 2012, http://www.miamiherald.com/2012/06/13/2848241/feds-drop-terrorism-charges-against.html.

[184] DOJ Press Release, "Defendant Convicted of Providing Material Support to Terrorism," March 4, 2013, http://www.fbi.gov/miami/press-releases/2013/defendant-convicted-of-providing-material-support-to-terrorism/view.

[185] DOJ Press Release, "San Diego Woman Charged with Conspiracy to Provide Material Support to al Shabaab," November 15, 2010, http://sandiego.fbi.gov/dojpressrel/pressrel10/sd111510.htm; *United States v. Nima Ali Yusuf,* Indictment, U.S. District Court, Southern District of California, November 12, 2010.

[186] DOJ Press Release, "San Diego Woman Pleads Guilty to Conspiracy to Provide Material Support to al Shabaab," December 1, 2011, http://www.fbi.gov/sandiego/press-releases/2011/san-diego-woman-pleads-guilty-to-conspiracy-to-provide-material-support-to-al-shabaab?utm_campaign=email-Immediate&utm_medium=email&utm_source=san-diego-press-releases&utm_content=52852.

[187] DOJ Press Release, "Two Indicted in Missouri on Charges of Providing Material Support to a Terrorist Organization," November 3, 2010, http://stlouis.fbi.gov/dojpressrel/pressrel10/sl110310.htm.

[188] DOJ Press Release, "Local Man Pleads Guilty to Providing Material Support to Terrorist Organization," November 3, 2011, http://www.fbi.gov/stlouis/press-releases/2011/local-man-pleads-guilty-to-providing-material-support-to-terrorist-organization?utm_campaign=email-Immediate&utm_medium=email&utm_source=st-louis-press-releases&utm_content=44103.

- According to an indictment unsealed on November 2, 2010, San Diego residents **Basaaly Saeed Moalin, Mohamed Mohamed Mohamud,** and **Issa Doreh** conspired to provide material support to al-Shabaab. The indictment states that Moalin received a request for financial support from one of al-Shabaab's military leaders in December 2007 and subsequently worked with Mohamud and Doreh to fill the request.[189] In a separate indictment unsealed on December 3, 2010, Anaheim resident **Ahmed Nasir Taalil Mohamud** was tied to the scheme.[190] The quartet was convicted of material support in February 2013.[191]
- **Barry Bujol:** According to DOJ, Bujol, a U.S. citizen living in Texas, allegedly attempted to provide money, pre-paid telephone calling cards, and global positioning system receivers (among other items), to Al Qaeda in the Arabian Peninsula after he had communicated with radical cleric Anwar al-Awlaki.[192] He was arrested on May 30, 2010.[193] In November 2011, he was convicted of attempting to provide material support or resources to a designated foreign terrorist organization as well as aggravated identity theft.[194]
- **Khalid Quazzani:** On May 19, 2010, Quazzani, a naturalized U.S. citizen originally from Morocco and living in Kansas City, Missouri, pled guilty to participating in a material support scheme that provided more than $23,000 to Al Qaeda.[195]
- **Syed Hashmi:** A Pakistan-born U.S. citizen, Hashmi pled guilty to material support charges on April 27, 2010. He admitted that while he was a graduate student in London, he allowed a roommate to store in his apartment ponchos,

[189] DOJ Press Release, "Three California Men Charged with Conspiracy to Provide Material Support to al Shabaab," November 2, 2010, http://sandiego.fbi.gov/dojpressrel/pressrel10/sd110210.htm; *United States v. Basaaly Saeed Moalin, et al.,* Indictment, U.S. District Court, Southern District of California, November 2, 2010, http://www.investigativeproject.org/documents/case_docs/1409.pdf.

[190] DOJ Press Release, "California Man Charged with Conspiracy to Provide Material Support to al Shabaab," December 3, 2010, http://sandiego.fbi.gov/dojpressrel/pressrel10/sd120310a.htm.

[191] Ben Brumfield, "Four Somalis in U.S. Found Guilty of Supporting Terrorists Back Home," *CNN,* February 23, 2013, http://www.cnn.com/2013/02/23/us/somalia-al-shabaab/index.html?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+rss%2Fcnn_us+%28RSS%3A+U.S.%29. The Moalin case has been mentioned as an instance in which National Security Agency collection programs had been used to help thwart a terrorist attack. See CRS Report R43134, *NSA Surveillance Leaks: Background and Issues for Congress*, by John W. Rollins and Edward C. Liu.

[192] Evan Perez, "U.S. Terror Suspect Arrested," *Wall Street Journal,* June 3, 2010, http://online.wsj.com/article/SB10001424052748703340904575285310199323440.html; DOJ Press Release, "Texas Man Indicted for Attempting to Provide Material Support to Al Qaeda in the Arabian Peninsula," June 3, 2010, http://houston.fbi.gov/dojpressrel/pressrel10/ho060310.htm.

[193] Ibid.

[194] DOJ Press Release, "Texas Man Convicted for Attempting to Provide Material Support to Al Qaeda," November 14, 2011, http://www.justice.gov/usao/txs/1News/Releases/2011%20November/111114%20Bujol.htm; DOJ Press Release, "Texas Man Gets Max for Attempting to Provide Material Support to Al Qaeda," May 24, 2012, http://www.justice.gov/usao/txs/1News/Releases/2012%20May/120524%20Bujol.html.

[195] DOJ Press Release, "Al Qaeda Supporter Pleads Guilty to Supporting Terrorist Organization," May 19, 2010, http://kansascity.fbi.gov/dojpressrel/pressrel10/kc051910.htm. Terry Frieden, "U.S. Citizen Pleads Guilty to Sending Funds to al Qaeda," *CNN.com*, May 19, 2010, http://www.cnn.com/2010/CRIME/05/19/missouri.al.qaeda.funding.plea/index.html.

sleeping bags, and waterproof socks destined for Al Qaeda. Hashmi also loaned the individual $300 to travel to Waziristan, Pakistan, to deliver the goods.[196]

- **Raja Lahrasib Khan:** On March 25, 2010, Khan, a naturalized U.S. citizen born in Pakistan, was charged with providing material support (in the form of money) to Al Qaeda. The criminal complaint alleges that Khan accepted $1,000 from an undercover agent and assured him that the money would be used to purchase weapons and possibly other supplies. In February of 2012, he pled guilty to material support charges.[197]
- Between November 2007 and March 2010, U.S. citizens **Wesam El-Hanafi** and **Sabirhan Hasanoff** allegedly engaged in a scheme to, among other things, provide computer expertise to and purchase seven Casio digital watches for Al Qaeda.[198] In June 2012, El-Hanafi and Hasanoff pled guilty to providing material support Al Qaeda associates in Yemen and elsewhere and to conspiring to provide material support to al Qaeda.[199]

Little Stomach for Suicide or Martyrdom

Relatively few of the terrorist conspiracies examined in this report clearly contained suicidal or martyrdom overtones. Two terrorist plots clearly had suicide missions as core elements. Najibullah Zazi and his associates planned their attack on New York's subways as suicide missions.

Additionally, some Americans from Minneapolis, Minnesota, who were recruited into al-Shabaab reportedly committed suicide attacks. On October 29, 2008, al-Shabaab recruit Shirwa Ahmed became the first known American suicide bomber when he drove an explosives-laden truck into a government building in Somalia, one of five simultaneous assaults that killed 22 U.N. aid workers and others.[200] The FBI also identified Farah Mohamed Beledi as a suicide bomber who

[196] DOJ Press Release, "U.S. Citizen Sentenced in Manhattan Federal Court to 15 Years in Prison for Conspiring to Provide Material Support to Al Qaeda," June 9, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo060910.htm; Benjamin Weiser, "Former Brooklyn College Student Admits He Conspired to Help Al Qaeda," *New York Times,* April 28, 2010, http://www.nytimes.com/2010/04/28/nyregion/28hashmi.html; Allison Gendar, "Plea Gets Terror Thug 15 Years," *New York Daily News,* April 28, 2010.

[197] DOJ Press Release, "Chicago Man Pleads Guilty to Attempting to Provide Funds to Support al Qaeda in Pakistan," February 6, 2012, http://www.fbi.gov/chicago/press-releases/2012/chicago-man-pleads-guilty-to-attempting-to-provide-funds-to-support-al-qaeda-in-pakistan?utm_campaign=email-Immediate&utm_medium=email&utm_source=chicago-press-releases&utm_content=69007; Mike Robinson, "Chicago Terrorism Suspect Pleads Not Guilty," *Associated Press*, April 5, 2010, http://www.google.com/hostednews/ap/article/ALeqM5i8cDBcu_QALQpoeOTNk3X03l3L9AD9ET4U6O0; DOJ Press Release, "Chicago Man Charged with Providing Material Support to Al Qaeda by Attempting to Send Funds Overseas," March 26, 2010, http://www.justice.gov/usao/iln/pr/chicago/2010/pr0326_01.pdf.

[198] DOJ Press Release, "Manhattan U.S. Attorney Charges Two Brooklyn Men with Conspiring to Provide Material Support to al Qaeda," April 30, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo043010.htm; Benjamin Weisser, "2 Ex-Brooklyn Men Charged in Terror Plot," *New York Times,* April 30, 2010; http://www.nytimes.com/2010/05/01/nyregion/01terror.html.

[199] DOJ Press Release, "Two Brooklyn Men Plead Guilty in Manhattan Federal Court to Providing Material Support to Al Qaeda," June 18, 2012, http://www.justice.gov/usao/nys/pressreleases/june12/hasanoffandelhenafipleas.html. See also Benjamin Weiser, "Statements by Detained Terror Suspect Are Focus of Sentencing, and of Debate," *New York Times,* June 3, 2013, http://www.nytimes.com/2013/06/04/nyregion/statements-by-detained-egyptian-terrorism-suspect-are-focus-of-sentencing.html.

[200] DOJ Press Release, "Terror Charges Unsealed in Minnesota against Eight Defendants," November 23, 2009, (continued...)

died as he tried to detonate his suicide vest in a May 2011 attack in Mogadishu, Somalia.[201] According to media reports, al-Shabaab has claimed that Abdisalan Hussein Ali purportedly blew himself up while attacking African Union troops in Mogadishu in October 2011.[202]

Individuals in 16 other plots *clearly expressed* some level of willingness to engage in suicide missions. For example, Daniel Maldonado told authorities that he would be willing to become a suicide bomber if he were wounded and could not otherwise fight.[203] Al Qaeda member and U.S. citizen Bryant Neal Vinas wanted to become a suicide bomber but was rebuffed by the group.[204] In emails intercepted by law enforcement authorities, Colleen LaRose ("Jihad Jane") wrote that she was prepared to be a martyr. And, in recordings of his conversations with an informant, Shaker Masri stated that he would be willing to walk up to a group of U.S. Army soldiers and blow himself up as a martyr.[205]

The Success of Lone Wolves

Lone wolves (Nidal Hasan, Abdulhakim Muhammad, Hasan Akbar, and Mohammed Taheri-Azar) have conducted four of the five successful homegrown attacks since 9/11. Three other plotters acted alone. The remaining plots have involved two or more participants in a group or network of one type or another.[206] Three of the four lone wolf attacks involved firearms, and they targeted U.S. military personnel.

It is difficult to generalize from such a small pool of cases. However, the success of four solo actors may highlight two contrasting points. First, law enforcement may face significant challenges in identifying and stopping lone wolf terrorists involved in technically uncomplicated plots unconnected to terrorist groups. Second, U.S. Law enforcement has been successful in disrupting and dismantling homegrown terrorist groups or networks since 9/11. Bolstering this point, undercover agents or cooperating witnesses infiltrated and monitored 37 of the plots.

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http://minneapolis.fbi.gov/dojpressrel/pressrel09/mp112309.htm.

[201] FBI Press Release, "FBI Announces Identity of Transitional Federal Government Checkpoint Suicide Bomber," June 9, 2011, http://www.fbi.gov/minneapolis/press-releases/2011/fbi-announces-identity-of-transitional-federal-government-checkpoint-suicide-bomber.

[202] Josh Kron, "American Identified as Bomber in Attack on African Union in Somalia," *New York Times,* October 30, 2011, http://www.nytimes.com/2011/10/31/world/africa/shabab-identify-american-as-bomber-in-somalia-attack.html. See Mike Carter, "Somali Bomb Suspect Tied to Seattle," *The Seattle Times*, September 24, 2009. http://seattletimes.nwsource.com/html/localnews/2009930567_somalia24m.html.

[203] *United States v. Daniel Joseph Maldonado,* Superseding Criminal Complaint, U.S. District Court, Southern District of Texas, February 13, 2007, http://www.foxnews.com/projects/pdf/Maldonado_Complaint.pdf.

[204] Michael Powell, "U.S. Recruit Reveals How Qaeda Trains Foreigners," *New York Times,* July 23, 2009, http://www.nytimes.com/2009/07/24/nyregion/24terror.html.

[205] *United States v. Shaker Masri,* Affidavit in support of Criminal Complaint, U.S. District Court Northern District of Illinois Eastern Division, August 9, 2010, http://jnslp.files.wordpress.com/2010/08/masri-complaint1.pdf.

[206] People who plotted with undercover government investigators and no one else *are not* counted as lone wolves for this report, because the individuals in such cases believed that they were acting in concert with actual allies and not alone.

Varied Capabilities

Among the 74 homegrown plots since 9/11, the operational capabilities of participants diverge greatly. Some evinced terrorist tradecraft such as bomb making skills. Others did not. As mentioned elsewhere in this report, while it appears that the Tsarnaev brothers did not receive formal bomb-making training, they were allegedly able to assemble working explosive devices from instructions available on the Internet.

Two additional homegrown jihadist terrorist plots appear to stand out for the capability their plotters. Both came to public attention in 2009. Both involved homegrown jihadists who had strong ties to foreign terrorist organizations. Attorney General Eric Holder characterized one of those plots—Najibullah Zazi's plan to blow up explosives on the New York City subway—as

> one of the most serious terrorist threats to our nation since September 11th, 2001, and were it not for the combined efforts of the law enforcement and intelligence communities, it could have been devastating. This attempted attack on our homeland was real, it was in motion, and it would have been deadly. We were able to thwart this plot because of careful analysis by our intelligence agents and prompt actions by law enforcement.[207]

While a complete picture of Zazi's radicalization process is not publicly available, some details regarding his plot have emerged. In his youth, he may have listened to the radical messages of Saifur Rahman Halimi, an imam who advocated jihad, attended the same mosque as Zazi's family, and lived in the same Queens building.[208] Regardless, Zazi pled guilty on February 22, 2010, to a number of terrorism charges. As mentioned above, the young man admitted to receiving Al Qaeda training in the Waziristan region of Pakistan in 2008. There, he learned about explosives and discussed specific targets with Al Qaeda members. He returned to the United States in January 2009 and moved to Denver. He also traveled to New York to discuss the timing for the attacks with a network of conspirators. In July and early September in Denver, he gathered materials for detonator components and assembled them based on the detailed training he had received in Afghanistan. Zazi admitted to bringing the explosive Triacetone Triperoxide (TATP) into New York on Thursday September 10, 2009. He intended to finish bomb construction over the weekend and planned to target New York's subway lines early the next week.[209]

On March 18, 2010, David Headley pled guilty to terrorism charges. He admitted that he helped plan two plots for the Pakistani terrorist group, LeT—the November 2008 Mumbai attack and an un-executed conspiracy targeting a Danish newspaper. He received training from LeT and claimed membership in the organization. Headley attended the group's training camps five times between 2002 and 2005. These stints in Pakistan provided him with weapons training, indoctrination in jihad as well as instruction in close combat, survival skills, and counter-surveillance, among other things.

Between 2005 and 2008, he received extensive direction from LeT members and engaged in reconnaissance for the group in preparation for its Mumbai attack. To provide cover for his

[207] DOJ Press Release, February 22, 2010.

[208] Samantha Gross, David Caruso, and Michael Rubinkam, "Radical Influences All around NYC Terror Suspect," *Associated Press*, in *abcnews.com*, October 4, 2009, http://abcnews.go.com/US/wireStory?id=8741604.

[209] Zazi pled guilty to conspiracy to use weapons of mass destruction against U.S. persons or property, conspiracy to commit murder in a foreign country, and a provision of material support to a terrorist organization. DOJ Press Release, February 22, 2010. For more on Zazi's childhood, see Michael Wilson, "From Smiling Coffee Vendor."

surveillance activity, Headley encouraged a co-conspirator in Chicago, who owned an immigration services business, to open a satellite office in Mumbai.[210] Headley conducted video surveillance of potential Mumbai targets for LeT, and using a global positioning system device, he pinpointed landing sites for a waterborne assault. At the behest of LeT, Headley also conducted reconnaissance of the offices of the Danish newspaper *Morgenavisen Jyllands-Posten*. Representatives of both LeT and Al Qaeda schemed with him to strike the newspaper after it had published unflattering cartoons of the Prophet Muhammad.[211]

Other plotters appear to have been less equipped to commit terrorist acts than the Tsarnaevs, Zazi, or Headley. For instance, long before Derrick Shareef was apprehended in 2006, he likely intended to commit terrorist acts. However, he appears not to have possessed the capability to do so on his own until he was approached by an undercover FBI informant.

Shareef, a Muslim convert and 22 years old at the time of his arrest, plotted to set off hand grenades at a shopping mall in Rockford, Illinois. FBI informant William "Jamaal" Chrisman played a central part in the plot. At the behest of authorities, Chrisman befriended Shareef in September 2006 while the latter was working in a video store and had nowhere to live. Chrisman invited the young man to move in with him and began reporting to his law enforcement handlers regarding Shareef's jihadist tendencies.[212] Shareef was unaware that Chrisman secretly recorded their conversations. The duo talked about violent jihad against civilians, public buildings, and a judge in DeKalb, IL.[213] They concocted a plan to attack a local shopping mall. Chrisman told the young jihadist of a friend who could procure weapons for them. Unknown to Shareef, the "friend" was an undercover FBI agent.[214] On December 6, 2006, the duo met the undercover FBI agent in the mall's parking lot where Shareef attempted to trade stereo speakers for hand grenades and was arrested.[215] Shareef, who pled guilty to one count of attempting to use a weapon of mass destruction, was sentenced in September 30, 2008, to 35 years in prison.[216]

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[210] In June 2011, the friend, Tahawwur Hussain Rana, was convicted of conspiracy in the Danish plot and for providing material support to LeT. However, he was acquitted of involvement in the Mumbai plot. DOJ Press Release, "Chicago Businessman Tahawwur Hussain Rana Guilty of Providing Material Support to Terror Group and Supporting Role in Denmark Terrorism Conspiracy," June 9, 2011, http://www.fbi.gov/chicago/press-releases/2011/chicago-businessman-tahawwur-hussain-rana-guilty-of-providing-material-support-to-terror-group-and-supporting-role-in-denmark-terrorism-conspiracy; *United States v. David Coleman Headley,* Plea Agreement, U.S. District Court, Northern District of Illinois, 2010, http://www.hindu.com/nic/headleyplea.pdf; DOJ Press Release, March 18, 2010.

[211] Ibid.

[212] Michael Mayko, "FBI Informant Testifies in Terror Case," *Connecticut Post,* November 30, 2007, quoted in NEFA Foundation, "The Illinois Shopping Mall Plot," December 2007, p. 2, http://nefafoundation.org/miscellaneous/FeaturedDocs/ChicagoPlot1207.pdf; John Christoffersen, "After September 11, 3 Muslim Converts Take Different Paths," *Associated Press,* December 2, 2007. Hereinafter: Christoffersen, December 2, 2007.

[213] Pierre Thomas and Jason Ryan, "'Lone Wolf' Charged with Plotting Attack during Christmas Rush," abcnews.com, December 8, 2006. http://abcnews.go.com/TheLaw/story?id=2710776&page=1.

[214] *United States v. Derrick Shareef*, Affidavit, U.S. District Court for the Northern District of Illinois, 2006, http://www.investigativeproject.org/documents/case_docs/348.pdf.

[215] Melissa Bailey, "Ode to Osama," *New Haven Independent*, November 28, 2007. http://www.newhavenindependent.org/index.php/archives/entry/ode_to_osama/; Thomas and Ryan, "'Lone Wolf' Charged."

[216] Anti-Defamation League, "Illinois Man Sentenced for Planning Holiday Mall Attack," October 13, 2008, http://www.adl.org/main_Terrorism/darrick_shareef.htm.

Combating Homegrown Terrorism: Enforcement Activities

The Obama Administration recognized the significance of the homegrown jihadist threat in its June 2011 *National Strategy for Counterterrorism.*[217] The strategy focuses on Al Qaeda, its affiliates (groups aligned with it), and its *adherents* (individuals linked to or inspired by the terrorist group).[218] John Brennan, President Obama's top counterterrorism advisor at the time the strategy was released, publicly described the strategy as the first one, "that designates the homeland as a primary area of emphasis in our counterterrorism efforts."[219] The *Strategy* states:

> We know al-Qa'ida and its affiliates continue to try to identify operatives overseas and develop new methods of attack that can evade U.S. defensive measures. At the same time, plots directed and planned from overseas are not the only sort of terrorist threat we face. Individuals inspired by but not directly connected to al-Qa'ida have engaged in terrorism in the U.S. Homeland. Others are likely to try to follow their example, and so we must remain vigilant.[220]

The spate of recent arrests and other counterterrorism successes should not obscure the challenges facing law enforcement in disrupting homegrown terrorist plotting. Counterterrorism efforts exist within two broad contexts. Many of the legal behaviors associated with radicalization occur in the open marketplace of ideas where consumers weigh competing ideologies within the context of free speech. Conversely, the operational aspects of violent jihadist plots largely involve illegal activity. In this secretive realm involving criminality, law enforcement pursues terrorists in a real-world version of hide-and-seek.

The divergent nature of these two contexts may imply a distinct wall between the public realm and the secretive operational realm. In reality, the barrier is far from distinct. What happens operationally has significant impacts in the marketplace of ideas (**Figure 1**). The success of terrorist plots may spur radicalization, while effective policing may make terrorism a less popular option for radicals. High levels of radicalization may expand the potential pool of terrorist recruits.

[217] White House, *National Strategy for Counterterrorism,* June 2011, http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf. Hereinafter: *National Strategy.*

[218] Ibid, p. 3.

[219] Mathieu Rabechault, "U.S. Refocuses on Home-Grown Terror Threat," *AFP,* June 29, 2011, http://www.google.com/hostednews/afp/article/ALeqM5hLyJyB7khhqIxWOOlm1mCj7fYsRQ?docId=CNG.3f90005700ea65e0b05509a135c7a3a8.471; Karen DeYoung, "Brennan: Counterterrorism Strategy Focused on al-Qaeda's Threat to Homeland," *Washington Post*, June 29, 2011, http://www.washingtonpost.com/national/national-security/brennan-counterterrorism-strategy-focused-on-al-qaedas-threat-to-homeland/2011/06/29/AGki1LrH_story.html.

[220] *National Strategy,* p. 11.

Figure 1. Counterterrorism Context

Source: CRS

Intelligence Approaches

A group of intelligence and terrorism experts argues that "to infiltrate terrorist conspiracies, identify and head off future terrorist attacks, and build the knowledge base required to rapidly investigate when terrorist incidents do occur requires human intelligence."[221] The DOJ and FBI operate just over 100 Joint Terrorism Task Forces (JTTFs) in the United States—more than 70 created since 2001.[222] These interagency entities include more than 4,000 federal, state, and local law enforcement officers and agents who "investigate acts of terrorism that affect the U.S., its interests, property and citizens, including those employed by the U.S. and military personnel overseas."[223] As this suggests, their operations are highly tactical and focus on investigations, developing human sources (informants), and gathering intelligence to thwart terrorist plots.

JTTFs offer an important conduit for the sharing of information developed from FBI-led counterterrorism investigations with outside agencies. These task forces also connect state and local law enforcement with the U.S. Intelligence Community on terrorism-related investigative matters. To help facilitate this, especially as the threat of homegrown jihadists has emerged, the number of top-secret security clearances issued to local police working on JTTFs increased from 125 to 878 between 2007 and 2009.[224]

[221] *America's Domestic Intelligence is Inadequate,* June 2010.

[222] See http://www.fbi.gov/about-us/investigate/terrorism/terrorism_jttfs.

[223] Brig Barker and Steve Fowler, "The FBI Joint Terrorism Task Force Officer," *The FBI Law Enforcement Bulletin*, vol. 77, no. 11 (November 2008), pp. 12-15; FBI, "Protecting America Against Terrorist Attack: A Closer Look at Our Joint Terrorism Task Forces," May 2009, http://www.fbi.gov/page2/may09/jttfs_052809.html.

[224] Kevin Johnson, "FBI Issues More Top Secret Clearance for Terrorism Cases," USA Today, August 12, 2010, http://www.usatoday.com/news/nation/2010-08-12-secret-clearances_N.htm; STRATFOR, A Decade of Evolution in U.S. Counterterrorism Operations, Special Report, December 2009, http://www.stratfor.com/memberships/150745/analysis/20091216_us_decade_evolution_counterterrorism_operations?ip_auth_redirect=1; CRS Report RL33033, (continued...)

A significant dilemma for law enforcement and intelligence officials who straddle the public realm of ideas and the secretive realm of terrorist operations is how to sift the law-abiding, non-violent radical attracted to jihadist rhetoric from the would-be terrorist who merits targeting. The vast amount of terrorist-related material available on the Internet in a relatively anonymous setting attracts homegrown individuals open to radicalization. Many of these individuals may show great interest in radical content, engage in radical discourse, but not become terrorists.[225] A growing pool of those who view jihadism as "cool" and engage in online "talk" may make it harder for police to identify actual terrorists.

Preventive Policing

Since the 9/11 attacks, law enforcement has taken a more proactive, intelligence-driven posture in its investigations. While serving as Deputy Attorney General, Paul McNulty described the Justice Department's aggressive, proactive, and preventative course as

> the only acceptable response from a department of government charged with enforcing our laws and protecting the American people. Awaiting an attack is not an option. That is why the Department of Justice is doing everything in its power to identify risks to our Nation's security at the earliest stage possible and to respond with forward-leaning—preventative—prosecutions.[226]

One observer has described intelligence gathering in this context as "driven by a theory of preventive policing: in order to anticipate the next terror attack, authorities need to track legal activities…. It focuses not on crime, but on the possibility that a crime might be committed at some future date."[227]

The FBI and DOJ also emphasized their forward-leaning approach with the September 29, 2008, revision of the *Attorney General's Guidelines for Domestic FBI Operations*,[228] which they claim "make the FBI's operations in the United States more effective by providing simpler, clearer, and more uniform standards and procedures."[229] Referred to as the "Mukasey Guidelines" after Michael B. Mukasey, who was Attorney General at the time of their release, this is the latest in a series of guidelines stretching back to 1976 that govern the FBI's investigative activities.[230] The Mukasey Guidelines went into effect on December 1, 2008. In large part, these guidelines sprang

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Intelligence Reform Implementation at the Federal Bureau of Investigation: Issues and Options for Congress, by Alfred Cumming.

[225] Gilbert Ramsay, "Relocating the Virtual War," *Defence Against Terrorism Review*, Vol. 2, No. 1 (Spring 2009), p. 35, http://www.tmmm.tsk.tr/publications/datr3/03_Gilbert%20Ramsay.pdf.

[226] Prepared Remarks of Deputy Attorney General Paul J. McNulty at the American Enterprise Institute, Washington, DC, May 24, 2006, http://www.justice.gov/archive/dag/speeches/2006/dag_speech_060524.html.

[227] Thomas Cincotta, "From Movements to Mosques, Informants Endanger Democracy," *The Public Eye*, http://www.publiceye.org/magazine/v24n2/movements-to-mosques.html. Hereinafter: Cincotta, "From Movements to Mosques."

[228] Available at http://www.ignet.gov/pande/standards/prgexhibitg1.pdf.

[229] U.S. Department of Justice, "Memorandum for the Heads of Department Components: The Attorney General's Guidelines for Domestic FBI Operations," press release, September 29, 2008, http://www.justice.gov/ag/readingroom/guidelines-memo.pdf.

[230] Emily Berman, *Domestic Intelligence: New Powers, New Risks,* Brennan Center for Justice at New York University School of Law, 2011, pp. 8-9, 11. (Hereinafter: Berman, *Domestic Intelligence.*)

from the post-9/11 national security context, in which the FBI surmised that it could not simply react to crimes. It had to preemptively search for criminal, counterintelligence, and terrorist threats to the homeland.[231] As the FBI's General Counsel stated in congressional testimony:

> We believe that this will allow the FBI to take additional necessary steps to becoming a more proactive organization. One of the key issues that we think the FBI needs to be able to do is assess potential risks and vulnerabilities. Having these additional techniques available at the assessment level, we think, will be key to the FBI's ability to efficiently and effectively answer those questions and assess risks.[232]

The 2008 revision to the guidelines represents a consolidation of several other previously stand-alone documents that had governed FBI investigations. The 2008 *Domestic Investigations and Operations Guide* (DIOG)—the FBI's document governing the agency's implementation of the Mukasey Guidelines, which the FBI modified in 2011—reflects these changes as well.[233]

The most prominent changes in the Mukasey Guidelines and the DIOG concern "assessments." Agents and analysts may now use assessments outside of the more traditional preliminary and full investigations, which require some level of factual predication.[234] Preliminary investigations can be opened with "any 'allegation or information' indicative of possible criminal activity or threats to the national security."[235] Opening a full investigation requires an "'articulable factual basis' of possible criminal or national threat activity."[236] On the other hand, opening an assessment does not require particular factual predication.[237] Instead, assessments are to follow specifically articulated purposes, of which there are five:

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[231] Prepared Statement of Elisebeth Collins Cook, (then) Assistant Attorney General, Office of Legal Policy, DOJ, and Valerie Caproni, (then) General Counsel, FBI, U.S. Congress, Senate Select Committee on Intelligence, *Attorney General Guidelines for FBI Criminal Investigations, National Security Investigations, and the Collection of Foreign Intelligence*, 110th Cong., 2nd sess., September 23, 2008, S. HRG. 110–846 (Washington: GPO, 2009), p. 10, http://intelligence.senate.gov/pdfs/110846.pdf.

[232] U.S. Congress, Senate Select Committee on Intelligence, Attorney General Guidelines for FBI Criminal Investigations, National Security Investigations, and the Collection of Foreign Intelligence, 110th Cong., 2nd sess., September 23, 2008, S. HRG. 110–846 (Washington: GPO, 2009), p. 17, http://intelligence.senate.gov/pdfs/110846.pdf. (Hereinafter: Hearing, "Attorney General Guidelines.")

[233] Department of Justice, Office of the Inspector General, Oversight and Review Division, *Investigation of Allegations of Cheating on the FBI's Domestic Investigations and Operations Guide (DIOG) Exam,* Washington, DC, September 2010, pp. 1, 34, http://www.justice.gov/oig/special/s100927.pdf. Interestingly, this report discusses the findings of an investigation into a string of incidents in which FBI employees cheated on a mandatory exam covering the 2008 DIOG. DIOG, 2008, redacted, p. 2. For a description of the most recent changes to the DIOG, see Charlie Savage, "FBI Agents Get Leeway to Push Privacy Bounds," *New York Times,* June 12, 2011, http://www.nytimes.com/2011/06/13/us/13fbi.html?_r=1. For a redacted version of the October 15, 2011, DIOG update, see http://vault.fbi.gov/FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29/fbi-domestic-investigations-and-operations-guide-diog-2011-version. (Hereinafter: DIOG, 2011 update, redacted.)

[234] Hearing, "Attorney General Guidelines," p. 17.

[235] DIOG, 2011 update, redacted, p. 6—1.

[236] DIOG, 2011 update, redacted, p. 7—1.

[237] "Although difficult to define, 'no particular factual predication' is less than 'information or allegation' as required for the initiation of a preliminary investigation (PI). For example, an assessment may be conducted when: (i) there is reason to collect information or facts to determine whether there is a criminal or national security threat; and (ii) there is a rational and articulable relationship between the stated authorized purpose of the assessment on the one hand and the information sought and the proposed means to obtain that information on the other. An FBI employee must be able to explain the authorized purpose and the clearly defined objective(s), and reason the particular investigative methods were used to conduct the Assessment." DIOG, 2011 update, redacted, pp. 5—1 through 5—2.

> Seek information, proactively or in response to investigative leads, relating to activities—or the involvement or role of individuals, groups, or organizations relating to those activities—constituting violations of federal criminal law or threats to the national security;
>
> Identify, obtain, and utilize information about actual or potential national security threats or federal criminal activities, or the vulnerability to such threats or activities;
>
> Obtain and retain information to inform or facilitate intelligence analysis and planning;
>
> Seek information to identify potential human sources, assess their suitability, credibility, or value of individuals as human sources; and
>
> Seek information, proactively or in response to investigative leads, relating to matters of foreign intelligence interest responsive to foreign intelligence requirements.[238]

Assessments are not to be "pursued for frivolous or improper purposes and are not based solely on First Amendment activity or on the race, ethnicity, national origin, or religion of the subject of the assessment, or a combination of only such factors."[239] Assessments offer terrorism investigators a variety of techniques, including public surveillance and the use of confidential informants to penetrate conspiracies.[240]

Civil libertarians and Muslim community organizations have voiced broad concerns about the Mukasey guidelines.[241] According to media reporting, Farhad Khera, executive director of the nonprofit Muslim Advocates, has suggested that the Attorney General Guidelines are invasive and based on "generalized suspicion and fear on the part of law enforcement, not on individualized evidence of criminal activity."[242] The American Civil Liberties Union (ACLU) has criticized the FBI's amassing of racial and ethnic data based on the new guidelines.[243] As written, the guidelines allow for the collection of information about ethnic or racial communities and justify the gathering of such information for proactive purposes. The guidelines state that it should be done if it "will reasonably aid the analysis of potential threats and vulnerabilities, and, overall, assist domain awareness for the purpose of performing intelligence analysis."[244] One ACLU official has described this as "racial profiling of entire communities."[245]

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[238] See DIOG, 2011 update, redacted, p. 5-8; DIOG, 2008, redacted, pp. 44-56; Andrew Kalloch, "FBI General Counsel Defends New Guidelines," *Harvard Law Record,* December 4, 2008, updated September 29, 2009, http://www.hlrecord.org/2.4463/fbi-general-counsel-defends-new-guidelines-1.577396.

[239] DIOG, 2011 update, redacted, p. 5—2.

[240] Charlie Savage, "Wider Authority for F.B.I. Agents Stirs Concern," *New York Times,* October 29, 2009.

[241] Emily Berman, *Domestic Intelligence: New Powers, New Risks,* Brennan Center for Justice at New York University School of Law, 2011, pp. 8-9, 11.

[242] Yost, July 27, 2010.

[243] Letter from Laura W. Murphy, Director Washington Legislative Office, Michael German, Policy Counsel, and Hina Shamsi, Director National Security Project, to Hon. Eric H. Holder, Jr., U.S. Attorney General, October 20, 2011, http://www.aclu.org/files/assets/aclu_letter_to_ag_re_rm_102011_0.pdf; Brent Jones, "ACLU Seeks Information About FBI Racial, Ethnic Data Collection," *Baltimore Sun,* July 28, 2010, http://articles.baltimoresun.com/2010-07-28/news/bs-md-aclu-fbi-20100728_1_ethnic-data-profiling-aclu-representatives; Pete Yost, "FBI Defends Guidelines on Eve of Senate Testimony," *Associated Press,* in *boston.com,* July 27, 2010. Hereinafter: Yost, July 27, 2010. http://www.boston.com/news/nation/washington/articles/2010/07/27/fbi_defends_guidelines_on_eve_of_senate_testimony/

[244] DIOG, redacted, p. 32.

[245] Michael German, "Three Faces of Racial Profiling: Profiling Communities is Bad Law Enforcement," *ACLU Blog*
(continued...)

Additionally, assessments—like most law enforcement investigative processes and tools—are not perfect. For example, the FBI-led JTTF in Boston appears to have completed an assessment of Tamerlan Tsarnaev at the request of the Russian government.[246] As part of its assessment, the Bureau allegedly interviewed Tamerlan (as well as other family members), visited the community college Tamerlan attended, and checked databases for information about possible links he or his mother had to terrorists. The FBI found no such ties. Investigators also reputedly conducted surveillance of his apartment in Cambridge.[247] By June 2011, the Bureau closed its assessment. In August 2011, the FBI provided the assessment's results to the Russian government.[248] The Bureau also asked for more details from Russian authorities but purportedly received nothing else.[249]

In congressional testimony, Boston Police Commissioner Edward Davis claimed that the FBI did not share with Boston police the fact that it had investigated Tsarnaev.[250] The FBI has countered by stating that it placed information about the Tsarnaev assessment into a database that could be accessed by Boston police officers serving on the city's JTTF.[251] The Bureau has also noted that in 2011, its Boston office "conducted approximately 1,000 assessments, including the assessment of Tamerlan Tsarnaev."[252]

In another case, the JTTF tied to the FBI's Washington, DC, field office assessed Nidal Hasan and found him not to be a threat months prior to his attack at Fort Hood in November 2009. To make this determination, investigators took four hours to review and discuss evidence related to Hasan.[253] Members from San Diego's JTTF, who were also involved in the case, believed the Washington assessment "look[ed] a little slim, i.e. limited probing into [Hasan's] background, no contact w/command [Hasan's supervisors] and no interview of Hasan."[254] After the Fort Hood shooting, the FBI and Department of Defense established "a clearinghouse procedure to provide notice to [the Department of Defense] of any FBI counterterrorism assessment or investigation of

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of Rights, October 24, 2011, http://www.aclu.org/blog/racial-justice/three-faces-racial-profiling-profiling-communities-bad-law-enforcement. See also Peter J. Sampson, "Judge tosses suit against FBI by ACLU," *The Record* (Bergen County, New Jersey), October 5, 2012.

[246] Matt Viser, "Boston Police Commissioner Says His Department Was Not Notified of Tsarnaev Concerns," *Boston Globe,* May 9, 2013, http://www.boston.com/metrodesk/2013/05/09/boston-police-commissioner-urge-more-security-large-events/2fsc0eYOslTyKLqcqBRPzO/story.html.

[247] Greg Miller and Sari Horwitz, "Boston Exposes Antiterror Frailties," *Washington Post*, May 5, 2013. Hereinafter: Greg Miller and Sari Horwitz, "Boston Exposes." See also, Douglas Frantz, "Mueller Defends FBI in Boston Bombing, But Acknowledges Slip-Up on Suspect's Travel, *Washington Post,* May 16, 2013, http://www.washingtonpost.com/world/national-security/mueller-defends-fbi-in-boston-bombing-but-acknowledges-slip-up-on-suspects-travel/2013/05/16/90cf515c-be3b-11e2-89c9-3be8095fe767_story.html?hpid=z3. Hereinafter: Frantz, "Mueller Defends."

[248] "Boston Bombing Suspect," *CBS.*

[249] Ibid. The Bureau reportedly twice asked Russia for further information. See Frantz, "Mueller Defends."

[250] Scott Shane and Michael S. Schmidt, "Boston Police Weren't Told F.B.I. Got Warning on Brother," *New York Times,* May 9, 2013, http://www.nytimes.com/2013/05/10/us/boston-police-werent-told-fbi-got-warning-on-tsarnaev.html.

[251] FBI Press Release, "Statement by Special Agent in Charge Richard DesLauriers Regarding Information Sharing," May 9, 2013, http://www.fbi.gov/boston/press-releases/2013/statement-by-special-agent-in-charge-richard-deslauriers-regarding-information-sharing.

[252] Ibid. It appears that the FBI did not reopen the Tsarnaev assessment after Tamerlan had taken a trip to Russia during the first six months of 2012. Greg Miller and Sari Horwitz, "Boston Exposes."

[253] The William H. Webster Commission on the Federal Bureau of Investigation, Counterterrorism Intelligence, and the Events at Fort Hood, Texas, on November 5, 2009, *Final Report,* p. 57.

[254] Ibid., p. 59.

a known member of the military, a known [Department of Defense] civilian employee, or a person known to have access to military facilities."[255]

Detecting the Shift from Radical to Violent Jihadist

A major challenge for law enforcement is gauging how quickly and at what point individuals move from radicalized beliefs to violence.[256] Because not all terrorist suspects follow a single radicalization roadmap on their way to executing plots, U.S. law enforcement also faces the task of discerning exactly when radicalized individuals become real threats.

The bombing of the 2013 Boston Marathon, the 2009 Fort Hood shooting, and Abdulhakim Muhammad's June 1, 2009, attack on a U.S. Army-Navy Career Center Little Rock, Arkansas, emphasize the difficulty of discerning when radicals become terrorist threats. Even if a suspect comes to the attention of law enforcement, evaluating the person's intent and capability remains challenging. As noted above, the assessment the FBI did of Tamerlan Tsarnaev—well before the bombing of the Boston Marathon—provided no evidence that he was involved in terrorist plotting. Prior to the Fort Hood shooting, over the course of several months, Nidal Hasan sent a number of emails to Awlaki (who reportedly replied to two of them). The email exchange was assessed by investigators to be in line with the psychiatrist's research into Muslim U.S. soldiers' reactions to the wars in Iraq and Afghanistan, thus, presumably protected speech.[257] In retrospect it appears Hasan's intentions were far more menacing.

The FBI interviewed Abdulhakim Muhammad before his June 1, 2009, attack on a U.S. Army-Navy Career Center Little Rock, Arkansas. Muhammad spent 16 months in Yemen starting in the fall of 2007. While there, he married a woman from the southern part of the country. He allegedly taught English and learned Arabic during his time in the country. Yemeni officials imprisoned him in November 2008 on a visa overstay. He also supposedly possessed a fraudulent Somali visa.[258] Yemen deported him to the United States in January 2009.[259] The FBI is reported to have interviewed him while he was in prison in Yemen and then again in Nashville soon after he returned.[260] According to law enforcement officials, the episode in Yemen prompted a preliminary investigation by the FBI and other American law enforcement agencies into whether he had ties to extremist groups. But that investigation was inconclusive, leaving the FBI with insufficient evidence to wiretap his phone or put him under surveillance.[261]

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[255] Ibid., p. 94.

[256] Eileen Sullivan and Devlin Barrett, "Recent Cases Show Challenge of US Terrorists," *Associated Press*, in *abcnews.com,* March 17, 2010, http://abcnews.go.com/Politics/wireStory?id=10121734.

[257] David Tarrant, "Suspects in Dallas Plot, Fort Hood Shootings Were on FBI's Radar, But Only One Was Taken Down," *The Dallas Morning News*, November 22, 2009, http://www.dallasnews.com/sharedcontent/dws/news/texassouthwest/stories/112209dnentlonewolf.450512f.html. Hereinafter: Tarrant, November 22, 2009; Ann Scott Tyson and Dana Priest, "Army Sought Ways to Channel Hasan's Absorption with Islam," *The Washington Post*, November 12, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/11/11/AR2009111128106.html

[258] Ibid.

[259] James Dao, "Man Claims Terror Ties in Little Rock Shooting" *New York Times,* January 22, 2010, http://www.nytimes.com/2010/01/22/us/22littlerock.html, Hereinafter: Dao, January 22, 2010.

[260] Ibid; and Dina Temple-Raston, "FBI Encountered Accused Ark. Shooter in Yemen," *National Public Radio*, June 8, 2009, http://www.npr.org/templates/story/story.php?storyId=105128523.

[261] James Dao and David Johnson, "Suspect in Soldier Attack was Once Detained in Yemen," *New York Times*, June 3, 2009, http://www.nytimes.com/2009/06/04/us/04recruit.html.

In terrorism investigations, the FBI can monitor the online activity of suspects, particularly to ascertain the extent to which they are engaged in violent plotting. The USA PATRIOT Act (P.L. 107-56) authorizes the FBI to use National Security Letters to obtain a range of information including data pertaining to email and Internet use from Internet Service Providers.[262] In addition, according to an internal Justice Department document obtained under the Freedom of Information Act by the Electronic Frontier Foundation, law enforcement agents may also go undercover into social networking sites with false online profiles to exchange messages with suspects, identify a target's friends or relatives, and browse private information such as postings, personal photographs and video clips.[263]

A review of criminal complaints and indictments in terrorism cases reveal that the FBI has exploited the Internet activity of suspects and/or their email communications to build cases against defendants in at least 36 of the post-9/11 cases studied in this report. Although much is said about terrorist use of the Internet for recruitment, training, and communications, these cases suggest that terrorists and aspiring terrorists will *not* find the Internet a uniformly permissive environment.

The case involving Mohamed Alessa and Carlos Almonte highlights the complexities in detecting transitions from radicalization to violent extremism. Investigators arrested the duo on June 5, 2010, at John F. Kennedy Airport (JFK) in New York as they allegedly tried to fly to Egypt. They hoped to eventually link up with the Somali terrorist organization, al-Shabaab.[264] The case started with an email tip to the FBI on October 9, 2006, which stated,

> [e]very time [Alessa and Almonte] access the Internet all they look for is all those terrorist videos about the Islam holly [sic] war and where they kill US soldiers and other terrible things…. They keep saying that Americans are their enemies, that everybody other than Islamic followers are their enemies … and they all must be killed.[265]

This statement suggests that in 2006, the two young men engaged in radical behavior, perusing jihadist websites and discussing terrorist activity.

Between 2006 and 2010, investigators monitored the duo's actions as their beliefs arguably morphed into something more dangerous. Initially it was unclear whether the pair was just engaged in radical talk or actually planning for violent jihad.[266] In 2006 and 2007, investigators debated the level of threat posed by Alessa and Almonte. A key shift occurred when law enforcement discovered after the fact that the duo had travelled to Jordan in 2007 but failed to get recruited as mujahedeen fighters. This helped convince authorities of the two plotters' actual

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[262] For a discussion of the use of National Security Letters, see Laura K. Donohue, *The Costs of Counterterrorism: Power, Politics, and Liberty,* (New York: Cambridge University Press, 2008), pp. 236-243.

[263] Richard Lardner, "Break the Law and Your New 'Friend' May Be the FBI," *Associated Press* cited by *abcnews.com*, March 16, 2010. http://abcnews.go.com/Politics/wireStory?id=10111664.

[264] Richard Esposito, "Terror Raids at JFK Airport Net American Alleged Terror Plotters Headed for Somalia," *abcnews.com,* June 6, 2010, http://abcnews.go.com/Blotter/terror-raids-jfk-airport-net-alleged-terror-plotters/story?id=10839045.

[265] *U.S. v. Mohamed Alessa and Carlos E. Almonte*, Criminal Complaint, Magistrate No. 10-8109 (MCA), U.S. District Court, District of New Jersey, June 4, 2010, p. 11, http://www.scribd.com/doc/32643121/US-v-Alessa-and-Almonte. Hereinafter: *U.S. v. Alessa and Almonte,* Criminal Complaint.

[266] Peter Finn and Jerry Markon, "N.J. Men Arrested Are Latest From U.S. Tied To Terrorist Groups," *The Washington Post*, June 7, 2010. http://www.washingtonpost.com/wp-dyn/content/article/2010/06/06/AR2010060600418.html. Hereinafter: Finn and Markon, June 7, 2010.

intent to do harm. By 2009, the case included an undercover investigator from the NYPD interacting with the two suspects.[267]

The U.S. government's criminal complaint against Alessa and Almonte lays out the alleged overt activities marking the duo's change from radicals to terrorist suspects worthy of arrest. Back in New Jersey, Alessa and Almonte supposedly trained for jihad by lifting weights and rehearsing combat techniques using paintball guns. The government claims that they gathered equipment, including tactical-brand flashlights and combat boots. The pair also purportedly saved over $7,000 to fund their foreign violent jihad. The criminal complaint describes how the two discussed violent jihad and downloaded jihadist rhetoric. For example, Almonte is said to have kept a lecture by radical cleric Anwar al-Awlaki on his cell phone. The U.S. government contends that Alessa viewed a video including scenes of Al-Qaeda spokesperson Adam Gadahn praising Nidal Hasan, the alleged Fort Hood shooter. Also, according to the criminal complaint, Almonte possessed computer files of violent jihadist documents authored by Osama Bin Laden and his second-in-command Ayman al-Zawahiri. For the government, Alessa and Almonte's transformation from radicals to terrorists likely culminated when the two allegedly booked reservations for separate flights to Egypt scheduled for June 5, 2010.[268]

The Role of State and Local Law Enforcement

A terrorist attack in the United States, whether committed by homegrown or foreign terrorists, will occur in a community within a state or tribal area. Since the plotting and preparation for domestic terrorist attacks (such as surveillance of a target, acquisition and transport of weapons or explosives, and even the recruitment of participants) will also occur within local communities, preventing such attacks is not only a federal responsibility but also a state, local, and tribal one.[269]

Every day, officers at over 17,000 state and local law enforcement agencies collect and document information regarding behaviors, incidents, and other suspicious activity associated with crime including terrorism.[270] A joint study by the Departments of Justice and Homeland Security, and senior law enforcement officials concluded that "[t]he gathering, processing, reporting, analyzing, and sharing of suspicious activity is critical to preventing crimes, including those associated with domestic and international terrorism."[271] A former police chief observed that

[267] Ted Sherman, "FBI Followed Every Move of Two N.J. Terror Suspects for Years, Culminating in Airport Arrests," *Star-Ledger,* June 13, 2010, http://www.nj.com/news/index.ssf/2010/06/authorities_followed_every_mov.html.

[268] Finn and Markon, June 7, 2010.

[269] U.S. Congress, House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, *Internet Terror Recruitment and Tradecraft: How Can We Address an Evolving Tool While Protecting Free Speech?*, Written Testimony of Brian Michael Jenkins, 111th Cong., 2nd sess., May 26, 2010, p. 7. http://homeland.house.gov/SiteDocuments/20100526101532-91592.pdf. Hereinafter: Jenkins Testimony, May 26, 2010.

[270] *Findings and Recommendations of the SAR Support and Implementation Project, Final Draft,* June 2008, p. 6. The SAR Support and Implementation Project was a joint effort of DOJ's Bureau of Justice Assistance, the Major Cities Chiefs Association, DOJ's Global Justice Information Sharing Initiative, the Criminal Intelligence Coordinating Council, and DHS to develop recommendations to be used by law enforcement agencies to improve identification and reporting of suspicious activity and the sharing of that information with fusion centers and Joint Terrorism Task Forces. See pp. 1-2. http://online.wsj.com/public/resources/documents/mccarecommendation-06132008.pdf.

[271] Ibid, p. 2.

> On the beat or mobile, cops are sensitive to things that do not look right or do not sound right … [r]emember, it was a rookie cop on a routine check that resulted in the arrest of Eric Robert Rudolph in North Carolina despite the enormous commitment of federal resources.[272]

Another example is the case of Oklahoma City bomber Timothy McVeigh. He was arrested after a traffic stop when Oklahoma State Trooper Charles J. Hanger noticed that McVeigh's yellow 1977 Mercury Marquis had no license plate.[273] Using his home state as an example, a former U.S. Attorney maintains that "evidence of a potential terrorist threat or organized criminal enterprise is far more likely to be found in the incidental contact with the 10,000 police officers in the state of Washington than by the less than 150 FBI agents assigned to the Seattle Field Division."[274]

The role of state, local, and tribal law enforcement in detecting nascent terrorist plotting is particularly important considering the challenges noted elsewhere in this report in detecting terrorist lone wolves. The four successful homegrown jihadist terrorist attacks that have occurred since 9/11 were all committed by lone wolves. Preventing future terrorist attacks likely requires effective domestic intelligence collection that is best accomplished by local authorities.[275]

Integrating state, local, and tribal law enforcement into the national counterterrorism effort continues to be an abiding concern of policymakers. After the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) cited breakdowns in information sharing and the failure to fuse pertinent intelligence (i.e., "connecting the dots") as key factors in the failure to prevent the 9/11 attacks[276] several efforts were made to improve the sharing of terrorism information between federal, state, local, and tribal law enforcement agencies:

- States and major urban areas established intelligence fusion centers.[277] Congress has defined fusion centers as a "collaborative effort of two or more Federal, state, local, or tribal government agencies that combines resources, expertise, or information with the goal of maximizing the ability of such agencies to detect,

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[272] U.S. Congress, House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, *Homeland Security Intelligence: Its Relevance and Limitations*, Statement of John W. Gaissert, Chief of Police; Commerce, Georgia, 111th Cong., 1st sess., March 18, 2009, http://homeland.house.gov/SiteDocuments/20090318101123-58795.pdf.

[273] Trooper Hanger had no reason to suspect a connection between McVeigh and the bombing in Oklahoma City. But, the trooper's suspicions were raised when the driver looked at his bumper when told why he had been pulled over. Says Trooper Hanger: "I thought if he knew he didn't have a tag, why did he look at the back of the car like that? It just didn't seem right." In addition, McVeigh was unable to provide proof of insurance and a bill of sale for the vehicle and then disclosed that he had a firearm. Trooper Hanger arrested McVeigh for five misdemeanors and took him into custody. McVeigh was awaiting arraignment when the FBI connected him to the bombing. National Law Enforcement Officers Memorial at http://www.nleomf.com/TheFund/programs/OOM/hanger_oct01.htm.

[274] U.S. Congress, House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment, *A Report Card on Homeland Security Information Sharing*, Statement of John McKay, Former U.S. Attorney for the Western District of Washington, 110th Cong., 2nd sess., September 24, 2008. Hereinafter: McKay Testimony, September 24, 2008, http://homeland.house.gov/SiteDocuments/20080924102041-86400.pdf.

[275] Jenkins Testimony, May 26, 2010, p. 5.

[276] National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report*, July 22, 2004, pp. 353-356 and 416-418. http://www.9-11commission.gov. Hereinafter: *9/11 Commission Report.*

[277] For a full discussion of fusion centers, see CRS Report RL34070, *Fusion Centers: Issues and Options for Congress*, by John W. Rollins. For an informative discussion of one of the earliest efforts at local law enforcement collaboration and intelligence fusion and analysis, see John Sullivan and Alain Bauer, *Los Angeles Terrorist Early Warning Group*, published by the Los Angeles County Sheriff's Department in 2008.

prevent, investigate, apprehend, and respond to criminal or terrorist activity."[278] By 2013, there were 78 federally recognized fusion centers.[279]

- In the 2004 Intelligence Reform and Terrorism Prevention Act (P.L. 108-458), Congress mandated the creation of an Information Sharing Environment (commonly known as the "ISE")[280] to provide and facilitate the means of sharing terrorism information among all appropriate federal, state, local, and tribal entities, and the private sector through the use of policy guidelines and technologies.[281]
- Congress made information sharing a priority of the new intelligence structure in DHS, requiring it "to disseminate, as appropriate, information analyzed by the Department within the Department, to other agencies of the Federal government with responsibilities related to homeland security, and to agencies of State and local government and private sector entities, with such responsibilities in order to assist in the deterrence, prevention, preemption of, or response to, terrorist attacks against the United States."[282]
- Congress mandated that DHS support fusion centers in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53).[283] DHS supports these centers through its State, Local, and Regional Fusion Center Initiative by providing operational, analytic, reporting, and management advice and assistance; training; information technology systems and connectivity; and intelligence officers and analysts.[284]

The Nationwide Suspicious Activity Report Initiative (NSI) is a program to push terrorism-related information generated locally between and among federal, state, local, and tribal levels. Specifically, it is a framework to support the reporting of suspicious activity—from the point of initial observation to the point where the information is available in the information sharing environment.[285] It is a standardized, integrated approach to gathering, documenting, processing, analyzing, and sharing information about suspicious activity that is potentially terrorism-related while protecting the privacy and civil liberties of Americans.[286] The intent is for this locally generated suspicious activity reporting to be combined in a systematic way with other sources of intelligence at the federal level to uncover criminal activity, including terrorism.

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[278] P.L. 110-53, §511, 121 STAT. 322. Amends *Homeland Security Act of 2002* by adding §210A(j).

[279] Department of Homeland Security, "Fusion Center Locations and Contact Information," http://www.dhs.gov/files/programs/gc_1301685827335.shtm.

[280] P.L. 108-458, December 17, 2004, §1016(b), 118 STAT. 3665

[281] Ibid.

[282] Ibid., §201d(1), 116 STAT. 2146.

[283] P.L. 110-53, §511, 121 STAT. 318. Amends *Homeland Security Act of 2002* by adding §210A(a).

[284] Ibid. 121 STAT. 319. Amends *Homeland Security Act of 2002* by adding §210A(b) and (c).

[285] NSI Project Overview Briefing by Russ Porter, Chairman of the Criminal Intelligence Coordinating Council of the Global Justice Information Sharing Initiative.

[286] Ibid, p. A1-6, and PM-ISE, *Fact Sheet: Nationwide Suspicious Activities Reporting Initiative,* December 23, 2008, p. 1, http://www.ise.gov/docs/sar/Fact_Sheet_NSI_-_December_23_2008_Final.pdf *National Strategy for Information Sharing*,

Investigative Approaches

To counter violent jihadist plots, U.S. law enforcement has employed two tactics that have been described by one scholar as the "Al Capone" approach and the use of "agent provocateurs."[287] The Capone approach involves apprehending individuals linked to terrorist plots on lesser, non-terrorism-related offenses such as immigration violations. In agent provocateur cases—often called sting operations—government undercover operatives befriend suspects and offer to facilitate their activities. As the "Al Capone," moniker suggests, historically, these tactics have been employed against many types of targets such as mafia bosses, white-collar criminals, and corrupt public servants. While these techniques combined with the cultivation of informants as well as surveillance (especially in and around mosques) may be effective in stymieing rapidly developing terrorist plots, their use has fostered concern within U.S. Muslim communities.

The Capone Approach

As mentioned, the Capone approach involves apprehending individuals linked to terrorist plots on lesser, non-terrorism-related offenses such as immigration violations. This approach fits within a preventative mode of counterterrorism prosecution and has received media scrutiny.[288] Experts have noted that immediately after 9/11, DOJ often leveled lesser charges against terrorist suspects to preemptively squelch potential attacks. However, according to the Center on Law and Security at New York University School of Law, DOJ has moved toward trying suspected terrorists *as terrorists* instead of leaning heavily on lesser charges. In 2001 and 2002, 8% of defendants labeled as terrorists in the media were charged under terrorism statutes, this figure rose to 47% by 2006 and 2007.[289] Regardless, the Capone approach is still used in terrorism cases.

Lying to an FBI Special Agent is one of the violations reminiscent of the Capone approach.[290] A recent example stands out. On July 21, 2010, Paul Rockwood, Jr., a U.S. citizen and Muslim convert, pled guilty to making false statements to the FBI. Rockwood's wife, Nadia Rockwood, also pled guilty to making false statements related to her husband's case. By early 2010, while living in King Salmon, Alaska, Paul Rockwood had developed a list of 15 people he planned to kill, believing that they had desecrated Islam. He had also researched explosives and shared with others ideas about mail bombs or using firearms to kill his targets. It appears that prosecutors could not pursue a case based on more substantive terrorism charges and opted to neutralize a threat—someone apparently preparing to kill people—by using the Capone approach.

The utility of this preventative technique coupled with actual terrorism charges was exhibited by the FBI in its case against Najibullah Zazi. As mentioned above, Zazi arrived in New York on

[287] Lorenzo Vidino, "Homegrown Jihadist Terrorism in the United States: A New and Occasional Phenomenon?" *Studies in Conflict and Terrorism*, vol. 32, no. 1, January 2009, p. 13, http://pdfserve.informaworld.com/738522_731260637_907926062.pdf.

[288] Dan Eggen and Julie Tate, "U.S. Campaign Produces Few Convictions on Terrorism Charges," *The Washington Post*, June 12, 2005, http://www.washingtonpost.com/wp-dyn/content/article/2005/06/11/AR2005061100381.html; Andrew Adams, "FBI's New Approach: Minor Charges Now Stop Terrorism Later," *Lodi News-Sentinel*, June 17, 2005.

[289] The Center on Law and Security New York University School of Law, *Terrorist Trial Report Card: September 11, 2001-September 11, 2009*, New York, NY, January 2010, p. ii, http://www.lawandsecurity.org/publications/TTRCFinalJan142.pdf.

[290] 18 U.S.C. §1001.

September 10, 2009, with explosive material and plans to detonate bombs in New York's subway system. Zazi feared authorities had caught up to him and returned to Denver on September 12. Between September 10 and 19, the FBI monitored his activities and bolstered its case with searches of a vehicle and locations linked to him in New York and Denver. Zazi also agreed to interviews with the FBI in Denver. On September 19, Special Agents first arrested Zazi in Aurora, Colorado, for knowingly and willfully lying to the FBI. Presumably this was done because he might flee. Four days later, a grand jury returned a more substantive one-count indictment against him on weapons of mass destruction charges.[291]

DOJ used similar charges against Ahmad Wais Afzali, an imam from Queens. He was arrested for tipping off Zazi to the FBI's investigation. On March 4, 2010, Afzali pled guilty to lying to federal officials. He admitted that he warned Zazi that the FBI had asked about him. Afzali also stated that during the phone conversation he simply cautioned Zazi not to "get involved in Afghanistan garbage."[292] He stated in court that he misled the FBI about a telephone conversation he had with Zazi. Afzali claimed that by lying to investigators he had hoped to protect himself, not Zazi. Afzali had been a source of information for federal and New York City investigators in the past.[293]

In another instance of the Capone approach, in 2008 the federal government charged Tarek Mehanna for lying to FBI agents regarding his relationship to Daniel Maldonado, subsequently convicted and jailed for terrorism-related offenses. Mehanna's 2008 arrest occurred at Boston's Logan International Airport as he was preparing to leave the country, according to news reports. He was subsequently released on bail. His defense attorney claimed that the FBI wanted Mehanna to become an informant, and his refusal precipitated his 2009 indictment and re-arrest on terrorism charges.[294]

Agent Provocateur Cases

Agent provocateur cases rely on expert determination by law enforcement that a specific individual or group is likely to move beyond radicalized talk and engage in violent jihad. The ultimate goal is to catch a suspect committing an overt criminal act such as pulling the proverbial trigger but on a dud weapon. By engaging in such strategy, investigators hope to obtain ironclad evidence against suspects.

Three FBI investigations exemplify the utility of this approach. On November 26, 2010, Mohamed Osman Mohamud was arrested after he attempted to set off what he believed was a vehicle bomb at an annual Christmas tree lighting ceremony in Portland, Oregon. Mohamud thought he had plotted with terrorists to detonate the bomb. In actuality the device was a dud assembled by his co-conspirators, FBI undercover operatives. Mohamud offered the target for the

[291] DOJ Press Release, "Najibullah Zazi Pleads Guilty," Feb 22, 2010, http://www.justice.gov/opa/pr/2010/February/10-ag-174.html; Nicole Vap, "Timeline of Terror Plot Investigation," KUSA TV, NBC affiliate, September 2009, http://www.9news.com/news/specials/terrorplot/article.aspx?storyid=123658&catid=207.

[292] A.G. Sulzberger, "Imam Snared in Terror Plot Admits He Lied to the F.B.I." *New York Times*, March 4, 2010, http://www.nytimes.com/2010/03/05/nyregion/05terror.html.

[293] Al Baker, Karen Zraick, "Lawyer Defends Queens Imam Arrested in Terror Inquiry," *New York Times*, September 21, 2009, http://www.nytimes.com/2009/09/21/nyregion/21imam.html.

[294] Laura Crimaldi, "Many Rally for Alleged Terrorist," *The Boston Herald*, November 13, 2009, http://bh.heraldinteractive.com/news/regional/view.bg?articleid=1211567&srvc=next_article.

strike, provided components for assembly of the device, gave instructions for the operation, and mailed passport photographs for his getaway plan to FBI undercover operatives.[295]

On September 24, 2009, a Jordanian immigrant named Hosam Smadi was arrested for attempting to detonate what he thought was a car bomb in the parking lot of a 60-story skyscraper in Dallas, Texas. On May 26, 2010, he pled guilty to one count of attempted use of a weapon of mass destruction.[296] Smadi's apprehension resulted from an FBI operation including at least three undercover employees. The operation duped Smadi into believing he was planning an attack with Al Qaeda operatives. It ended with Smadi driving a truck he believed to contain a live bomb into the underground garage of 60-story Fountain Place in Dallas, Texas. He used a cell phone to try and trigger the dud.[297]

The same day of Smadi's arrest, the FBI apprehended Michael C. Finton in Springfield, IL, on similar but unrelated charges. Finton's case also relied heavily on undercover FBI personnel. Allegedly they supplied him with a van Finton believed contained almost one ton of high explosives. According to the DOJ, he drove and parked the van near the Paul Findley Federal Building and Courthouse in downtown Springfield. FBI Special Agents arrested Finton after he tried to detonate the bogus bomb using a cell phone.[298]

Initially, the FBI appears to have just tracked the activities of Finton and Smadi. How Mohamud's case played out is less certain, based on publicly available information. However, the investigations—particularly the Finton and Smadi cases—likely reached tipping points encouraging the Bureau to initiate much more proactive agent provocateur-type operations. Finton had converted to Islam while in prison on aggravated robbery and battery charges. According to court documents, he was released in 2006 but in 2007 was re-arrested and returned to prison because of a parole violation. At the time, a search of Finton's vehicle revealed passages he wrote that championed martyrdom as well as attempted correspondence with John Walker Lindh, a U.S. citizen who pled guilty in federal court to serving in the Taliban army and carrying weapons. In 2008, after Finton was released from prison for his parole violation, members of the FBI's Springfield JTTF interviewed him. The JTTF also used an informant to monitor Finton, who engaged in radical rhetoric after his release. In January 2009, the informant reported that Finton planned to travel to the Gaza strip to fight Israelis. At this juncture in the investigation, the FBI allegedly initiated its agent provocateur strategy to nab Finton.[299]

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[295] DOJ Press Release, "Oregon Resident Arrested in Plot to Bomb Christmas Tree Lighting Ceremony in Portland," November 27, 2010, http://portland.fbi.gov/dojpressrel/pressrel10/pd112610.htm. Hereinafter: DOJ Press Release, November 27, 2010.

[296] DOJ Press Release, "Man Admits Attempting to Use a Weapon of Mass Destruction to Bomb a Skyscraper in Downtown Dallas," May 26, 2010, http://dallas.fbi.gov/dojpressrel/pressrel10/dl052610.htm.

[297] *United States v. Hosam Maher Husein Smadi*, Affidavit, U.S. District Court Northern District of Texas, September 24, 2009, http://www.investigativeproject.org/documents/case_docs/1074.pdf. Hereinafter: *U.S. v. Smadi*, Affidavit; Jon Nielsen, "Officials: Teen Cut Video for bin Laden Tape, Other Evidence Leads Magistrate to Continue Smadi's Case," *The Dallas Morning News*, October 6, 2009; "Timeline of Dallas Terror Case," *Fort Worth Star-Telegram*, October 5, 2009, http://www.star-telegram.com/2009/10/05/1662752/timeline-of-dallas-terror-case.html.

[298] DOJ Press Release "Illinois Man Arrested in Plot to Bomb Courthouse and Murder Federal Employees: Vehicle Bomb Placed at Scene Was Inactive and Posed No Danger to Public," September 24, 2009, http://springfield.fbi.gov/dojpressrel/2009/si092409.htm.

[299] Bruce Rushton, "Man Accused in Bombing Plot Known for Strong Stance on Islam," *pjstar.com*, September 24, 2009, http://www.pjstar.com/archive/x1800826354/Man-accused-in-bombing-plot-known-for-strong-stance-on-Islam; *United States v. Michael C. Finton,* Affidavit, U.S. District Court for the Central District of Illinois, September 24, 2009, http://www.investigativeproject.org/documents/case_docs/1073.pdf. Hereinafter: *U.S. v. Finton,* Affidavit.

The tipping point in the Smadi investigation is a little less specific. He allegedly had come to the agency's attention because the jihadist sentiment he displayed among an online group of extremists supposedly "stood out."[300] Investigators claim Smadi exhibited "vehement intention to conduct terror attacks in the United States and ... zealous devotion to Osama Bin Laden and Al Qaeda."[301] As a result, an FBI undercover employee communicated with Smadi. More than 10 exchanges between the two emphasized Smadi's desire to conduct violent jihad on behalf of Al Qaeda. Thus, the FBI determined he was a "legitimate threat," introduced him to another undercover employee who posed as a senior member of an Al Qaeda sleeper cell, and ostensibly set the sting in motion.[302]

The tipping point in the Mohamud investigation is even less clear due to ambiguity in the publicly available information regarding the timeline of the case. At some point, someone from the local Muslim community alerted the FBI to Mohamud, a 19-year-old Somali-born naturalized U.S. citizen. Media reports have suggested that a family member, perhaps Mohamud's father, relayed concerns about the young man to officials.[303] According to DOJ, in December 2009 Mohamud communicated with an individual the U.S. government believed to be a terrorist located in Pakistan. The duo allegedly discussed Mohamud traveling to Pakistan to prepare for violent jihad. After Mohamud was not allowed to board a flight from Portland to Kodiak, Alaska, on June 14, 2010, the FBI interviewed him. He purportedly told the FBI that he planned to take a fishing job in Alaska for the summer and that he had previously wanted to travel to Yemen but had neither purchased tickets nor obtained a visa. According to court documents, shortly thereafter, on June 23, an FBI undercover employee professing to be an associate of the Pakistan-based terrorist emailed Mohamud. It is unclear whether or not Mohamud's attempt to travel to Alaska and his interview precipitated the undercover operation.[304]

Court documents in the Smadi, Finton, and Mohamud cases allege that FBI undercover employees tested the suspects to ascertain the depth of their intent to do harm. The FBI evaluated Mohamud's resolve on a number of occasions. Two stand out. Mohamud's first meeting with an undercover FBI operative entailed a discussion in which the would-be violent jihadist was told that he could help "the cause" in "a number of ways … ranging from simply praying five times a day to becoming a martyr." The young man responded, saying that he wanted to become "operational" and needed help in staging an attack. When in a following meeting Mohamud suggested the Christmas tree lighting ceremony as his intended target, an FBI undercover employee noted that children attend such events. Mohamud responded by saying that he wanted a large crowd "that will ... be attacked in their own element with their families celebrating the holidays."[305]

In the Smadi and Finton cases, the suspects received reassurances that if they quit the schemes, they would face no repercussions from their fellow (sham) plotters. FBI undercover operatives

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[300] *U.S. v. Smadi*, Affidavit.

[301] Thomas D. Petrowski, et al., "Case Study: The Hosam Smadi Case, an Example of Success," *FBI Law Enforcement Bulletin*, September 2011, p. 14.

[302] *U.S. v. Smadi*, Affidavit.

[303] Caryn Brooks, "Portland's Bomb Plot: Who Is Mohamed Mohamud?" November 28, 2010, *Time Magazine,* http://www.time.com/time/nation/article/0,8599,2033372,00.html.

[304] DOJ Press Release, November 27, 2010.

[305] Ibid; *United States v. Mohamed Osman Mohamud*, Criminal Complaint, U.S. District Court for the District of Oregon, November 26, 2010, http://media.oregonlive.com/portland_impact/other/USAFFIDAVIT.pdf.

repeatedly tried to discourage Smadi's violent jihadist sentiments. In July 2009, an undercover employee (the fictitious senior member of an Al Qaeda sleeper cell), offered Smadi a way out of the plot. The mock Al Qaeda operative counseled Smadi by saying that different types of jihad existed, and he did not have to follow through on the plot if he was uncomfortable with it. He reassured Smadi by stressing that if he backed out, he would remain part of Al Qaeda's "brotherhood." Regardless, Smadi steadfastly believed in the plot and refused to quit.[306] Like Smadi, Finton was given at least one opportunity to abandon his scheme. He allegedly understood that, "anytime he felt uncomfortable, he could walk out the door and still be a brother."[307]

The "Bind" for Law Enforcement

Not all agent provocateur cases appear as thorough in their efforts to reveal the harmful intent of suspects. Some cases have raised controversy about the extent to which government informants or agents have entrapped suspects and/or supported or pushed along terrorist plots. These instances illustrate what *Philadelphia Inquirer* reporter and author, Stephan Salisbury, describes as the "bind" the FBI finds itself in. "On one hand it is being charged by the Justice Department to go out and stop this stuff [terrorism] before it happens. But on the other, it is getting criticized for the techniques it is using to do that."[308] The 2008 Attorney General's Guidelines for Domestic FBI Operations address the same competing forces, and as mentioned their implementation has spurred concerns among civil liberties groups.

Investigations of the so-called Newburgh Four and Liberty City Seven plots illustrate this bind. In each, law enforcement has been criticized for its use of undercover informants. To counter this, in both cases, officials emphasized the importance of prevention—neutralizing threats posed by the groups involved. For example, in a press conference related to the Newburgh plot, New York City Mayor Michael Bloomberg reassured the public by stating that the plotters did not have ties to a larger terrorist organization. However, he went on to stress the preemptive aspects of the case, "I've always thought of our police department's primary job, not as first responders but as first preventers."[309] Cognizant of criticisms that the Liberty City men were neither competent nor their plotting viable, former Attorney General Gonzalez cautioned that

> our philosophy here is that we try to identify plots in the earliest stages possible, because we don't know what we don't know about a terrorist plot ... it's dangerous for us to make an evaluation case by case ... well, this is a really dangerous group, this is really not a dangerous group. And we felt that the combination of the planning and the overt acts taken were sufficient to support this prosecution.[310]

Newburgh Four

The Newburgh Four case kindled controversy regarding the use of an agent provocateur. In the investigation, an FBI informant allegedly offered plotters $250,000 and a luxury car, among other

[306] *U.S. v. Smadi,* Affidavit.

[307] *U.S. v. Finton,* Affidavit.

[308] Stephan Salisbury, "Leather Glove," Audio Interview, *tomdispatch.com*, July 5, 2010. http://tomdispatch.blogspot.com/2010/07/leather-glove.html. Hereinafter: Salisbury, "Leather Glove."

[309] Chris Dolmetsch and Edvard Pettersson, "N.Y. Bomb Suspects Said to Have No Terror Group Link," *Bloomberg,* May 21, 2010, http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aj43cfOgpp_A.

[310] Salisbury, "Leather Glove."

inducements to trigger explosives near a synagogue and to shoot down military aircraft.[311] On June 14, 2010, the federal judge hearing the trial delayed its start, because prosecutors may have failed to provide to defense attorneys relevant case information. Days earlier the defense received an FBI document suggesting that the lead plotter, James Cromitie, was not a threat.[312] News accounts suggest the plotters may have been heavily influenced by the FBI's informant.[313] They have also raised questions about the informant in the case, alleged to be a man named Shahed Hussain.[314] According to the *Village Voice*, Hussain duped the Newburgh Four into their plot. The *Voice* suggested that the quartet of smalltime felons had no grand terrorist ambitions, and Hussain had plied them with cash and suggestions.[315]

The Newburgh Four were arrested in May 2009. They purportedly had attempted to detonate explosives near a synagogue in the Riverdale section of the Bronx in New York City. The federal government asserts the plotters also planned to shoot down military airplanes at the New York Air National Guard Base at Stewart Airport in Newburgh, New York. Hussain allegedly passed himself off as a member of a Pakistani terrorist organization, Jaish-e-Mohammed, and provided the four suspects with inert C-4 explosives and an inactive Stinger surface-to-air missile.[316] The Newburgh Four were found guilty of the plot on October 18, 2010.[317]

According to other news reports, Hussain, a Pakistani immigrant, became an FBI informant in 2002 to win leniency and avoid deportation on fraud charges. They stemmed from when he worked as a translator for the New York Department of Motor Vehicles. Hussain pled guilty to production and transfer of false government identification documents—illegally helping immigrants obtain licenses. He had also served as the key informant in the 2003 and 2004 FBI

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[311] Chris Herring, "Bomb Case Bail Hearing," *Wall Street Journal,* June 22, 2010, http://online.wsj.com/article/SB10001424052748704256304575321131297175098.html?mod=WSJ_hpp_sections_newyork; A.G. Sulzberger, "Defense Cites Entrapment in Terror Case," *New York Times,* March 17, 2010, http://www.nytimes.com/2010/03/18/nyregion/18newburgh.html. Hereinafter: Sulzberger, "Defense Cites Entrapment."

[312] Chris Dolmetsch, "Synagogue Bomb Plot Trial Delayed for Medical Review," *Bloomberg BusinessWeek*, September 13, 2010, http://www.businessweek.com/news/2010-09-13/synagogue-bomb-plot-trial-delayed-for-medical-review.html; William Glaberson, "Newburgh Terrorism Case May Establish a Line for Entrapment," *New York Times,* June 15, 2010, http://www.nytimes.com/2010/06/16/nyregion/16terror.html.

[313] Timothy O'Connor, "Lawyers for 4 Accused in Synagogue Terror Plot Say Government Informant Enticed Them with Cash, Food," *The Journal News* (Westchester County, NY), September 18, 2009, http://pqasb.pqarchiver.com/lohud/access/1865253521.html?FMT=ABS&date=Sep+18%2C+2009; Jim Fitzgerald, "NYC Synagogue Bomb Defendants May Claim Entrapment," *Associated Press* in *abcnews.com*, September 17, 2009, http://abcnews.go.com/US/wireStory?id=8606330.

[314] Graham Rayman, "The Alarming Record of the FBI's Informant in the Bronx Bomb Plot," *The Village Voice*, July 8, 2009, http://www.villagevoice.com/2009-07-08/news/the-alarming-record-of-the-f-b-i-s-informant-in-the-bronx-bomb-plot/ (Hereinafter: Rayman, July 8, 2009); Tony Allen-Mills, "FBI 'Lured Dimwits' into Terror Plot," *The Sunday Times*, London, May 24, 2009, http://www.timesonline.co.uk/tol/news/world/us_and_americas/article6350389.ece

[315] Graham Rayman, July 8, 2009.

[316] Sulzberger, "Defense Cites Entrapment"; Murray Weiss, Dan Mangan, "Informant Fingered $$ Launderer Duo," *New York Post*, May 22, 2009, http://www.nypost.com/p/news/regional/item_6C8LbZXechQkuNGyAkHfGL;jsessionid=D864E8F8E05AB7CE4443B7C98281CEF1; Brendan Lyons, "Mosque Welcomed in Informant," *Albany Times Union*, August 8, 2004, http://www.timesunion.com/ASPStories/story.asp?StoryID=273922. Hereinafter: Weiss, Mangan, "Informant Fingered $$."

[317] DOJ Press Release, "Four Men Found Guilty of Plotting to Bomb New York Synagogue and Jewish Community Center and to Shoot Military Planes with Stinger Missiles," October 18, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo101810.htm.

sting operation implicating Mohammed Hossain and Yassin Aref in a plot to launder money related to the sham sale of surface to air missiles to terrorists.[318]

Liberty City Seven

Like the Newburgh Four case, the Liberty City Seven investigation also generated questions regarding informant use by the FBI. Seven Miami-area men were arrested in 2006 for allegedly plotting to blow up the Sears Tower (now called Willis Tower) in Chicago, the FBI building in North Miami Beach, and other government buildings in Miami-Dade County. Defense attorneys called the case an outrageous example of government entrapment claiming that the men had neither the will nor the means to carry out the crimes.[319] An FBI informant posing as an Al Qaeda member in the case, offered the men $50,000 as part of their plot. He also obtained warehouse space for the group's activities, led a ceremony in which the conspirators swore allegiance to Al Qaeda, gave the group video cameras for surveillance activities, and suggested targeting Miami's FBI offices.[320]

One of the two FBI informants in the investigation, Abbas al-Saidi, was jailed after reportedly having extorted $7,000 from a friend who raped his girlfriend and then, after accepting the money, beat her up.[321] The other informant, Elie Assad, also had a domestic battery charge on his record. According to FBI agents, Assad failed a polygraph test administered while he was working for them on a previous case in Chicago. A 35-year veteran of the FBI, who was hired as an expert witness by the Liberty City defense team, stated that Assad never should have been authorized to work on the [Liberty City] case at all. However, at trial, the former FBI agent was not allowed to testify nor did the judge permit the testimony about Assad's failed polygraph test.[322] After juries in the first two trials failed to reach a verdict, six of the seven Liberty City men were convicted at a third trial and sentenced to long prison sentences.

[318] Sulzberger, "Defense Cites Entrapment"; Weiss, Mangan, "Informant Fingered $$." For more information on Hussain, see Peter Finn, "Documents Provide Rare Insight into FBI's Terrorism Stings," *Washington Post,* April 13, 2012, http://www.washingtonpost.com/world/national-security/documents-provide-rare-insight-into-fbis-terrorism-stings/2012/04/13/gIQASJ6CGT_story.html.

[319] Carol J. Williams, "A Case of Terror or Entrapment," *Los Angeles Times,* November 30, 2007, http://articles.latimes.com/2007/nov/30/nation/na-liberty30.

[320] "5 Convicted in 'Liberty City' Terror Trial," *CNN.com,* May 12, 2009, http://www.cnn.com/2009/CRIME/05/12/liberty.seven/index.html "Sears Tower Bomb Plot Leader Narseal Batiste Jailed," *BBC News,* November 20, 2009, http://news.bbc.co.uk/2/hi/8371671.stm; Amanda Ripley, "Preemptive Terror Trials: Strike Two," *Time Magazine,* December 13, 2007, http://www.time.com/time/nation/article/0,8599,1694430,00.html; "Seven Charged over 'Chicago Plot,'" *BBC News,* June 23, 2006, http://news.bbc.co.uk/2/hi/americas/5110342.stm. Walter Pincus, "FBI Role in Terror Probe Questioned," *The Washington Post,* September 2, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/09/01/AR2006090101764.html.

[321] Ibid.

[322] Ibid.

Combating Homegrown Terrorism: Building Trust and Partnership

In August 2011, the Obama Administration released a strategy for combating violent extremism (CVE).[323] Many federal CVE efforts depend on government agencies cooperating with local groups to discourage people from embracing terrorist ideologies.[324] The Administration's national CVE strategy highlights a "community-based approach" for the federal government, and much of the activity it encompasses takes place in the "marketplace of ideas" described in **Figure 1**. To this end, the federal government most effectively acts as a "facilitator, convener, and source of information."[325] The federal-level CVE work that has revolved around engagement depends on fostering trust and partnership between communities and the federal government.[326]

Engagement and Community Policing

The concept of building trust through engagement and partnership is rooted in the community policing model developed by law enforcement professionals in the 1990s, and community policing is mentioned in the Administration's CVE strategy.[327] Following the 9/11 attacks, law enforcement agencies came to realize the prevention of terrorist attacks would require the cooperation and assistance of American Muslim, Arab, and Sikh communities. "Embedded within these communities," notes Professor Deborah Ramirez, "are the linguistic skills, information, and cultural insights necessary to assist law enforcement in its efforts to identify suspicious behavior. In order to have access to these critical tools and information, law enforcement recognized the need to build bridges required for effective communication with these groups."[328] At the same

[323] *Empowering Local Partners to Prevent Violent Extremism in the United States,* August 2011, http://www.whitehouse.gov/sites/default/files/empowering_local_partners.pdf. Hereinafter: *Empowering Local Partners.* The Administration's course of action was fleshed out to a degree in its December 2011 "Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States." *Strategic Implementation Plan for Empowering Local Partners to Prevent Violent Extremism in the United States,* December 2011, http://www.whitehouse.gov/sites/default/files/sip-final.pdf. The CVE strategy and the strategic implementation plan revolve around countering the radicalization of all types of potential terrorists, including violent jihadists, who are the key focus of the Administration's efforts.

[324] Please see CRS Report R42553, *Countering Violent Extremism in the United States* , for more on this topic.

[325] *Empowering Local Partners,* p. 3.

[326] Scholars who have studied the circumstances associated with voluntary cooperation of Muslim-Americans in anti-terror policing efforts have identified strong evidence that when authorities are viewed as more legitimate, their rules and decisions are more likely to be accepted. See Tom R. Tyler, Stephen Schulhofer, and Aziz Huq, "Legitimacy and Deterrence Effects in Counter-Terrorism Policing," New York University School of Law, Public Law Research Paper No. 10-15, February 23, 2010, p. 2, http://lsr.nellco.org/cgi/viewcontent.cgi?article=1182&context=nyu_plltwp.

[327] *Empowering Local Partners,* pp. 3, 6. The Justice Department defined community policing as "a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime." One of its key features is the establishment of collaborative partnerships between law enforcement agencies and individuals and organizations they serve to develop solutions to problems and increase trust in police. DOJ Office of Community Oriented Policing Services, *Community Policing Defined.* April 3, 2009, p. 3, http://www.cops.usdoj.gov/files/RIC/Publications/e030917193-CP-Defined.pdf.

[328] Deborah A. Ramirez, Sasha Cohen O'Connell, and Rabia Zafar, The Partnering for Prevention and Community Safety Initiative, *A Promising Practices Guide Executive Summary*, 2004, p. 2, http://www.cps.neu.edu/pfp/downloads/PFP_Executive_Summary__cover.pdf.

time, Muslim, Arab, and Sikh Americans recognized the need to define themselves as distinctly American communities who, like all Americans, desire to help prevent another terrorist attack.[329]

A study by the Homeland Security Institute found that "[c]ommunity policing has been applied with notable success in places such as New York City, Chicago, Boston, and San Diego, and has been widely adopted (at least in name) throughout the United States."[330] A Homeland Advisory Council (HSAC) working group[331] chaired by Maryland Governor Martin O'Malley found that Community-Oriented Policing works:

> Effective public-private partnerships, designed to enable civic engagement, problem-solving, and violent crime mitigation provide the foundation for efforts to prevent, protect against and respond to violent criminal activity—including that which may be motivated by ideological objectives.[332]

The Tension between Enforcement and Engagement Activities

An inherent challenge to building trust and partnership involves law enforcement investigative activities and tactics that can be perceived to unfairly target law-abiding citizens or infringe on speech, religion, assembly, or due process rights. One expert has noted that "counter-radicalization is not about intelligence-gathering nor is it primarily about policing."[333] The HSAC Countering Violent Extremism Working Group found that

> There can be tension between those involved in law enforcement investigations and those collaborating to establish local partnerships to stop violent crime. Community policing can be impeded if other enforcement tactics are perceived as conflicting with community partnership efforts.[334]

This challenge is evident in law enforcement efforts to recruit and manage informants. One Muslim community leader who has published widely on domestic terrorism, states that "many Muslim Americans fear that paid FBI informants specifically target impressionable youth and that

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[329] Ibid

[330] Rosemary Lark (Task Lead), Richard Rowe, and John Markey, *Community Policing within Muslim Communities: An Overview and Annotated Bibliography of Open-Source Literature,* Homeland Security Institute, December 27, 2006, p. iii. This study, prepared for the DHS Science and Technology Directorate, sought to identify the literature that examined community policing initiatives underway within Muslim Communities in the U.S., and the extent to which they were successful in achieving the objectives of (1) inclusiveness, promoting integration, and potentially minimize the disaffection that can lead to radicalization, particularly among Muslim youth; (2) serve as early warning to identify incipient radicalization or terrorist activities; and (3) open a new channel of communication with individuals who can navigate the linguistic and cultural complexities of Islam, providing needed context to inform intelligence analysis, http://www.homelandsecurity.org/hsireports/Task_06-99_Community_Policing_within_Muslim_Communities.pdf.

[331] The Homeland Security Advisory Council (HSAC) provides advice and recommendations to the Secretary of Homeland Security. The chair of the council is Judge William Webster, former Director of the CIA and Director of the FBI. Other members include leaders from state and local government, first responder communities, the private sector, and academia. The Countering Violent Extremism Working Group originated from a tasking by Secretary Napolitano to the HSAC in February 2010 to work with state and local law enforcement and relevant community groups to develop and provide recommendations on how DHS can better support community-based efforts to combat violent extremism domestically. Countering Violent Extremism Working Group, Spring 2010, p. 2.

[332] Homeland Security Advisory Council, Countering Violent Extremism Working Group, Spring 2010, p. 5. Hereinafter: HSAC CVE Working Group, Spring 2010.

[333] Neumann, *Preventing Violent Radicalization*, p. 19.

[334] HSAC CVE Working Group, spring 2010, p 6.

law enforcement agents coerce community members to become informants themselves to avoid complications with immigration procedures."[335]

Community leaders report numerous attempts by the FBI to recruit Muslims as informers. In virtually all cases, the Muslims in question had immigration and other legal problems or were applying for green cards according to Shakeel Syed of the Islamic Shura Council of Southern California, an umbrella organization of 68 area mosques. Syed said the FBI told Muslims, "We will make your problems vanish if you cooperate." He goes on to say that "For some individuals who have refused recruitment, there is startling evidence that the FBI has actually retaliated against them."[336]

Two cases that are often cited to support these allegations are those of Foad Farahi and Yassine Ouassif. Farahi is an imam at a mosque in North Miami Beach, Florida, who has lived in the United States since 1993. Although an Iranian citizen, he does not speak Farsi because he grew up as a Sunni Muslim in Kuwait speaking Arabic. He applied for political asylum in the United States in 2002 after it was determined that he could be removed from the country because he had failed to maintain his student status. He sought asylum based upon a fear of persecution if deported to Iran because he is a Sunni Muslim and Iran is overwhelmingly Shia.

In 2004, when he was first approached by the FBI, Farahi said he told them that he was willing to work with them, but the relationship would need to be public. He claimed the FBI wanted him to be a secret informant instead and promised him residency and money for school.[337] But Farahi declined saying "People trust you as a religious figure, and you're trying to kind of deceive them. That's where the problem is."[338]

In the summer of 2007, Farahi declined a second request from the FBI to become a secret informant. The consequences for this followed later that year at a hearing on his asylum case. Four Immigration and Customs Enforcement (ICE) agents, armed and wearing bullet proof vests, followed him into the Miami Immigration Court. They allegedly told his attorney they had a file with evidence that he was supporting or involved in terrorist groups and gave him an ultimatum: Drop the asylum case and leave the United States voluntarily or be charged as a terrorist. Farahi reported that these threats led to the involuntary and coerced withdrawal of his asylum application before the Immigration Court.[339]

According to Farahi's attorneys, the government has never shared any information or evidence that he was involved in terrorism, nor has the government charged him for any terrorist offenses. He has appealed the withdrawal of his asylum application to the U.S. Court of Appeals. Farahi believes that "People have two choices. Either they end up working with the FBI or they leave the

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[335] Alejandro J. Beutel, "Muslim Americans and U.S. Law Enforcement: Not Enemies, But Vital Partners," *The Christian Science Monitor*, December 30, 2009, http://www.csmonitor.com/Commentary/Opinion/2009/1230/Muslim-Americans-and-US-law-enforcement-not-enemies-but-vital-partners.

[336] Council on American-Islamic Relations, Greater Los Angeles Chapter, "The FBI's Use of Informants, Recruitment and Intimidation within Muslim Communities," March 26, 2009. p. 1, http://ca.cair.com/losangeles/campaign/fbi_instigators_in_the_american_muslim_community.

[337] Trevor Aronson, "FBI Tries to Deport Muslim Man for Refusing to be an Informant," *miaminewtimes.com,* Oct 8, 2009, http://www.miaminewtimes.com/2009-10-08/news/unholy-war-fbi-tries-to-deport-north-miami-beach-imam-foad-farahi-for-refusing-to-be-an-informant/. Hereinafter: Aronson, October 8, 2009.

[338] Ibid.

[339] Ibid.

country on their own. It's just sometimes when you're in that situation, not many people are strong enough to stand up and resist and fight—to reject their offers."[340]

Farahi's assertion that the government tried to coerce him to become an informant cannot be verified independently because the FBI won't comment on his case. When asked by a journalist who has written on the case, a Miami FBI Special Agent stated: "It is a matter of policy that we do not confirm or deny who we have asked to be a source."[341]

In a case reported by *The Wall Street Journal,* a 24-year-old Moroccan, Yassine Ouassif, was stopped in November 2005 and questioned for several hours by immigration officials as he crossed into New York from Canada. His lawful permanent resident card was taken from him and he was told to contact an individual when he returned home to San Francisco. Ouassif complied with the immigration officials' instructions and the individual he contacted turned out to be an FBI agent. The agent told him that he had been monitoring Ouassif and his friends for many months.[342]

According to Ouassif, the FBI agent offered him the opportunity to become an informant and regularly report to the FBI on what his Muslim friends in San Francisco were saying and doing. In exchange, his lawful permanent resident card would be returned and he could resume his education, bring his Moroccan wife to America, and pursue his dream of buying a car, moving to Sacramento, and becoming an engineer. If he refused, according to an account written by Ouassif soon after the meeting, the FBI agent told him, "I will work hard to deport you to Morocco as soon as possible."[343]

According to the *Los Angeles Times,* "this account of Ouassif's ordeal is based largely on interviews with him and his lawyer, as well as his own written chronicle. Immigration officials declined to comment, since no formal action was taken against Ouassif. FBI officials also declined to discuss the investigation, saying it is classified."[344]

The activity of one FBI informant has roiled the Muslim American community in Southern California.[345] The Bureau employed a convicted con man, Craig Monteilh, as an informant in an investigation called "Operation Flex." Monteilh claimed in interviews and court documents that he served the FBI as a paid informant from July 2006 to October 2007 and used concealed audio and video equipment to record thousands of hours of conversations with Muslims in homes, restaurants and mosques in Irvine, Tustin, Mission Viejo, and elsewhere.[346] Monteilh has also claimed that he signed a non-disclosure agreement with the FBI in exchange for $25,000. The

[340] Ibid.

[341] Aronson, October 8, 2009.

[342] Peter Waldman, "A Muslim's Choice: Turn U.S. Informant or Risk Losing Visa," *Wall Street Journal*, July 11, 2006, http://www.legalsanctuary.org/doc/article13970.pdf.

[343] Ibid.

[344] Lee Romney, "Immigrant Says FBI Tried Threats to Make Him Spy," *Los Angeles Times,* August 12, 2006. http://www.chron.com/disp/story.mpl/front/4112103.html.

[345] Teresa Watanabe and Paloma Esquivel, "L.A. area Muslims say FBI surveillance has a chilling effect on their free speech and religious practices." *Los Angeles Times,* March 1, 2009, http://articles.latimes.com/2009/mar/01/local/me-muslim1. Hereinafter: Watanabe and Esquivel, March 1, 2009.

[346] Salvador Hernandez, "Release terms eased for man accused of lying about alleged terrorist ties," *The Orange County Register,* June 11, 2010, http://www.ocregister.com/articles/niazi-252994-fbi-case.html?pic=1. Hereinafter: Hernandez, June 11, 2010.

Washington Post reports that an FBI letter to Monteilh's attorney on file in U.S. District Court in Santa Ana says Monteilh signed the non-disclosure agreement in 2007.[347] Additionally, the ACLU of Southern California and the Los Angeles chapter of the Council on American-Islamic Relations (CAIR), which describes itself as an "Islamic advocacy group,"[348] filed a lawsuit against the FBI regarding Monteilh's activities.[349] The lawsuit alleges Monteilh's activity at the behest of his FBI handlers violated the religious freedom of people he monitored.[350] In August 2012, a federal judge dismissed the lawsuit.[351]

While working for the FBI, Monteilh allegedly posed as a new convert and arrived at the Irvine Islamic Center in 2006. He purportedly wore robes and a long beard and used the name Farouk al-Aziz. Monteilh had a criminal record that included serving 16 months in state prison on two grand theft charges. Members of the Islamic Center of Irvine were reportedly alarmed about Monteilh and his talk of jihad and plans for a terrorist attack. The local chapter of the Council on American-Islamic Relations reported him to the Irvine police and obtained a three-year restraining order against him.[352]

Monteilh's role as an FBI informant was first revealed in a bail hearing for Ahmadullah Niazi, a U.S. citizen born in Afghanistan, who was accused in a February 2009 indictment of lying about ties to terrorist groups on immigration documents among other charges. Much of the evidence was FBI testimony about Niazi's recorded conversations with an FBI informant, who sources say was Monteilh.[353] On September 30, 2010, prosecutors summarily moved to dismiss the case against Niazi, and a judge agreed. The U.S. attorney's office in Los Angeles cited the lack of an overseas witness and "evidentiary issues." Sources familiar with the decision said Monteilh's role—and his potential testimony for the defense—was also a factor.[354]

An editorial in the *Orange County Register*, the largest circulation newspaper in the Southern California county where Monteilh's activities occurred, made the following points:

> Everyone understands the need for legitimate undercover activities in response to credible evidence. But we cannot fathom the justification for fishing expeditions and entrapment.… Muslims are afraid to talk about politics or civil liberties issues within their mosques or even

[347] Jerry Markon, "Mosque Infiltration Feeds Muslims' Distrust of FBI," *Washington Post*, December 5, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/12/04/AR2010120403720.html. Hereinafter: Markon, December 5, 2010.

[348] CAIR, "Who We Are," June 2010, http://www.cair.com/CivilRights/CAIRWhoWeAre.aspx.

[349] Jerry Markon, "Lawsuit Alleges FBI Violated Muslims' Freedom of Religion," *Washington Post,* February 22, 2011, http://www.washingtonpost.com/wp-dyn/content/article/2011/02/22/AR2011022206975.html.

[350] Ibid.

[351] The judge reasoned the case involved, "intelligence that, if disclosed, would significantly compromise national security." Victoria Kim, "Federal Judge Throws out Lawsuit over Spying on O.C. Muslims," *Los Angeles Times,* August 15, 2012, http://articles.latimes.com/2012/aug/15/local/la-me-mosque-spying-20120815. Individual FBI agents can still be sued by the plaintiffs.

[352] Thomas Cincotta, "From Movements to Mosques, Informants Endanger Democracy," *The Public Eye*, Summer 2009, http://www.publiceye.org/magazine/v24n2/movements-to-mosques.html. Hereinafter: Cincotta, "From Movements to Mosques."

[353] Markon, December 5, 2010.

[354] Ibid.

> among their friends because of fear that it will draw attention from undercover agents … there should not be a presumption of guilt among an entire community."[355]

The use of informants can be a controversial issue, especially those with criminal records who may be working on behalf of authorities in exchange for reduced jail time. According to open source reports, confidential informants or undercover agents were used in 37 of the post-9/11 homegrown jihadist cases. In some of those cases, the informants had criminal histories. The use of informants poses the following risks:

> Informants do not merely observe and collect data. They make things happen…. Informants can cause confusion and dissatisfaction among members of groups and communities they infiltrate, discrediting leaders, and fostering factionalism as people wonder if any of their colleagues are spies. Their handlers' structure of incentives—raises, promotions, transfers, financial rewards, waived jail time—creates a system where informants consciously or subconsciously create and then destroy terrorist threats that would not otherwise exist. These pressures can push them from passive observer to aggressive actor, with serious consequences for constitutionally protected free speech. Another unplanned result: government loses legitimacy and support in the eyes of targeted communities, if they feel they have been manipulated.[356]

Acknowledging the challenge, then-FBI Director Robert Mueller said in 2009, "Oftentimes, the communities from which we need the most help are those who trust us the least. But it is in these communities that we ... must redouble our efforts."[357] Then-FBI spokesman John Miller has said the agency values its relationships with Muslims and has worked hard on outreach efforts that range from town hall meetings to diversity training for FBI agents.[358] Miller said there is no factual basis for claims the FBI infiltrates mosques or conducts blanket surveillance of Muslim leaders. "Based on information of a threat of violence or a crime, we investigate individuals, and those investigations may take us to the places those individual go."[359]

Former FBI agents and federal prosecutors note that informants are "still one of the government's best weapons to thwart terrorists and that the benefit to national security is likely to far outweigh any embarrassment to the agency." They claim that "although the law places almost no constraints on the use of informants, the agency takes sending an informant into a mosque very seriously and imposes a higher threshold for such requests."[360] Former FBI counterterrorism chief Robert Blitzer states that "What matters to the FBI is preventing a massive attack that might be planned by some people ... using the mosque or church as a shield because they believe they're

[355] "FBI Creates Climate of Fear" An *Orange County Register* Editorial, March 22, 2009, http://www.ocregister.com/articles/fbi-18893-ocprint-fear-.html.

[356] Cincotta, "From Movements to Mosques."

[357] Quoted in Matthai Kuruvila, "U.S. Muslims Debate How Much to Help FBI," *San Francisco Chronicle*, April 6, 2009, http://articles.sfgate.com/2009-04-06/news/17193854_1_american-muslim-taskforce-muslim-community-american-islamic-relations.

[358] Quoted in Samantha Henry, "Some Muslims Rethink Close Ties to Law Enforcement," *Associated Press*, May 4, 2009, http://www.breitbart.com/article.php?id=D97VH09O0&show_article=1.

[359] Ibid.

[360] Gillian Flaccus, "Calif. Case Highlights Use of Mosque Informants," *Associated Press,* March 1 2009, http://www.breitbart.com/article.php?id=D96LD2A81&show_article=1.

safe there. That is what the American people want the FBI to do. They don't want some type of attack happening on U.S. soil because the FBI didn't act on information."[361]

Maher Hathout from the Muslim Public Affairs Council counters by saying that "People cannot be suspects and partners at the same time. Unless the FBI's style changes, the partnership with the Muslim community will not be fruitful."[362] The Homeland Security Advisory Council's Countering Violent Extremism Working Group also cautions that "Law enforcement should be sensitive to the fact that perceptions regarding enforcement actions and intelligence gathering can impact community-oriented policing goals."[363]

Although many public officials support engagement with U.S. Muslim communities, significant challenges may exist in the development of programs that foster substantive relationships rather than token discussions or community relations events. Many of these challenges revolve around balancing security and liberty. These challenges focus on the ability of government officials to develop policies and programs that address terrorism both publicly in the marketplace of ideas and secretively in the realm of counterterrorism investigations. Depending on local communities to provide critical information to further proactive policing while simultaneously building trust and preserving the freedoms of community members is seen as difficult within this context. Law enforcement investigative tactics may pose particular complications in community engagement. Especially challenging are policing efforts perceived by community members to be unfairly targeting law-abiding citizens or infringing on speech, religion, assembly, or due process rights.

The use of informants—essential to many law enforcement investigations—is one technique that may pose obstacles when police officials attempt to engage the same populations their agencies investigate. For example, some Muslim community activists fear that law enforcement coerces immigrants into becoming informants, especially those with legal problems or those applying for green cards. Others fear that informants target and potentially entice impressionable youth into fictitious terrorist plots. There has also been public discussion of the trustworthiness of informants with criminal backgrounds. In considering the tradeoff between security and liberty, policy makers face a key judgment call in cases when investigative tactics might inflame members of a particular community. Will the controversy surrounding an investigative tactic outweigh its usefulness in bringing terrorists to justice?

In **Appendix A** that follows, details about each of the post-9/11 homegrown jihadist plots and attacks are provided in reverse chronological order.

[361] Ibid.

[362] Watanabe and Esquivel, March 1, 2009.

[363] HSAC CVE Working Group, Spring 2010, p. 6.

Appendix A. Summary of Post-9/11 Homegrown Violent Jihadist Terrorist Plots[364]

Terry Lee Loewen—Plot to Detonate Car Bomb at Wichita Mid-Continent Airport, December 2013

In December 2013, law enforcement officers arrested Terry Lee Loewen on charges of attempting to

- use a weapon of mass destruction,
- damage property by means of an explosive,
- and provide material support to a designated foreign terrorist organization.

The Department of Justice (DOJ) alleges that Loewen had plotted to trigger an explosive device at Wichita Mid-Continent Airport.[365] As reported, the 58-year-old avionics technician and U.S. citizen worked at the airport.[366]The Federal Bureau of Investigation's (FBI, the Bureau) case on the would-be bomber began in the early summer of 2013. It evolved into a sting operation culminating in Loewen's failed attempt to drive what he thought was a functional car bomb into a secure area of the airport and detonate the explosive while still in the vehicle.[367]

The plot started with an online interchange. It is unclear if and when he became a Muslim, but DOJ asserts that by the summer of 2013, the would-be terrorist was conversing online with an FBI undercover employee about violent jihad.[368] Investigators claim that Loewen believed that this acquaintance was an individual tied to Al Qaeda in the Arabian Peninsula (AQAP). According to the criminal complaint in the case, in October 2013, Loewen sent his ersatz friend "photographs of his airport access badge, entrance gates to the tarmac, and the devices used to access the gates."[369] Loewen also allegedly claimed that Osama Bin Laden and Anwar al-Awlaki were "a great inspiration" to him and that he had read significant screeds related to violent jihad.[370] The pen pals began fleshing out details for an attack at the airport and also worked through at least one misgiving Loewen had—the killing of children.[371] Loewen's online

[364] Appendix A is based on unsealed DOJ indictments and other open source reporting.

[365] DOJ Press Release, "Kansas Man Charged in Plot to Explode Car Bomb at Airport," December 13, 2013, http://www.fbi.gov/kansascity/press-releases/2013/kansas-man-charged-in-plot-to-explode-car-bomb-at-airport. Hereinafter: DOJ Press Release, "Kansas Man Charged."

[366] Tim Potter, Roy Wenzl, "Terry Lee Loewen Charged in Planned Suicide Bombing at Wichita Airport," *Kansas City Star,* December 13, 2013, http://www.kansascity.com/2013/12/13/4690142/wichita-news-conference-set-friday.html.

[367] DOJ Press Release, "Kansas Man Charged." See also *United States v. Terry L. Loewen,* Criminal Complaint, United States District Court for the District of Kansas, December 13, 2013. Hereinafter: *United States v. Terry L. Loewen,* Criminal Complaint.

[368] *United States v. Terry L. Loewen,* Criminal Complaint; Molly McMillan, "Ex-Wife of Terry Lee Loewen: 'I Would Have Never Ever Thought He Would do Anything This Horrible,'" *Wichita Eagle,* December 14, 2013, http://www.kansas.com/2013/12/14/3179013/ex-wife-of-terry-lee-loewen-i.html.

Read more here: http://www.kansas.com/2013/12/14/3179013/ex-wife-of-terry-lee-loewen-i.html#storylink=cpy

[369] *United States v. Terry L. Loewen,* Criminal Complaint.

[370] Ibid.

[371] Ibid.

companion eventually placed him in direct contact with another FBI undercover employee who posed as a member of AQAP. The would-be bomber met with this second undercover operative, and the two planned the specifics of a car bomb attack and assembled the explosive device.[372]

Basit Javed Sheikh—Attempt to Join the Nusra Front to Fight Against the Bashar al Asad Regime in Syria, November 2013

In November 2013, law enforcement officers arrested Basit Javed Sheikh as he attempted to board a plane at the Raleigh-Durham International Airport in North Carolina. DOJ alleges that Sheikh was destined for Syria, where he intended to join the Nusra Front, a terrorist organization opposing the Bashar al Asad regime in Syria's civil war.[373] Sheikh, a Pakistani immigrant, lawful permanent resident of the United States, and 29 years old at the time of his arrest, resided in Cary, NC.[374] He reputedly used Facebook accounts to post material related to violent jihad and to contact sympathizers. Via his online activity, he purportedly came into contact with an informant working for the FBI. DOJ has stated that the informant steered Sheikh toward an individual online who claimed to be affiliated with the Nusra Front. In reality, this person was an FBI online covert employee who appears to have played a central role in the sting operation that ended up nabbing him.[375]

Reportedly, Sheikh had tried to travel to Syria in 2012, getting as far as nearby Turkey, where he grew disillusioned by what he saw as the materialism of some of the revolutionaries confronting the Asad regime and returned home. He also booked a flight to Istanbul, Turkey, in September 2013, but did not go to the airport. Sheikh had grown worried, because he could not reach his reputed contact in Turkey. The criminal complaint in the case also notes that he felt that he "could not muster the strength to leave his parents."[376] DOJ notes that Sheikh wanted to either provide the Nusra Front with logistical support or actually fight in the conflict. He also was not opposed to martyrdom.[377]

Sinh Vinh Ngo Nguyen—Attempt to Join Al Qaeda in the Arabian Peninsula, October 2013

According to news coverage, DOJ has asserted that, after his October 2013 arrest, Sinh Vinh Ngo Nguyen confessed to trying to travel to Pakistan and join Al Qaeda. The indictment leveled against Nguyen charged him with making a false statement on a passport application and providing material support to a terrorist organization.[378] In December 2013, Nguyen pled guilty to the latter.[379] Authorities allegedly apprehended him in Santa Ana, CA, as he "prepared to board a

[372] Ibid.

[373] *United States v. Basit Javed Sheikh,* Criminal Complaint, United States District Court for the Eastern District of North Carolina, November 4, 2013. Hereinafter: *United States v. Basit Javed Sheikh,* Criminal Complaint.

[374] Ibid.

[375] *United States v. Basit Javed Sheikh,* Criminal Complaint.

[376] Ibid. See also Andrew Kenney, "Cary Man Charged with Attempting to Aid Terrorist Group," *News and Observer,* November 11, 2013, http://www.newsobserver.com/2013/11/11/3362769/cary-man-charged-with-aiding-a.html.

[377] Ibid.

[378] *United States v. Sinh Vinh Ngo Nguyen,* Indictment, United States District Court for the Central District of California, October 11, 2013.

[379] DOJ Press Release, "Southern California Man Pleads Guilty to Attempting to Assist al Qaeda by Providing (continued...)

bus for Mexico with plane tickets to Pakistan," where he hoped to train terrorists.[380] Additionally, Nguyen admitted to prosecutors that during 2012 he was involved in the conflict between rebel groups and the Bashar al Asad Regime in Syria.[381] It is unclear for whom he fought—it may have been the Free Syrian Army. Media reports have indicated that the FBI used an undercover investigation to nab Nguyen, who had purportedly described his Syrian exploits on Facebook.[382] In one newspaper account, his mother claimed that the 24-year-old terrorism suspect converted from Catholicism to Islam about two years ago.[383]

Shelton Thomas Bell—Attempt to Join Al Qaeda in the Arabian Peninsula, July 2013

DOJ claims that Shelton Thomas Bell traveled abroad to join the terrorist organization Ansar al Sharia, otherwise known as Al Qaeda in the Arabian Peninsula (AQAP).[384] As a result, Bell was charged "with conspiring and attempting to provide material support to terrorists."[385] Bell is from Jacksonville, Florida, and was 19 years old when his indictment was made public in July 2013.[386] Reportedly, he had been in jail since January 2013 on charges of grand theft and organized fraud. It is not clear whether these charges stem from a sham business he allegedly ran to help fund his plot.[387] It is also unclear what caused the FBI to start its case on Bell. According to media sources, in 2012, leaders from a Jacksonville mosque contacted the FBI when they discovered that Bell may have been talking about violent jihad with the son of a congregant.[388] Reputedly, Bell, who is said to have converted to Islam, attended prayers at the mosque but was not a member.[389]

DOJ claims that Bell spent much of 2012 preparing to become a foreign fighter. He obtained a U.S. passport and tried to recruit additional individuals to join him. Bell and others (not named in the indictment) also trained with firearms.[390] In July 2012, Bell and someone else damaged

(...continued)

Weapons Training to Fighters in Pakistan," December 27, 2013, http://www.fbi.gov/losangeles/press-releases/2013/southern-california-man-pleads-guilty-to-attempting-to-assist-al-qaeda-by-providing-weapons-training-to-fighters-in-pakistan?utm_campaign=email-Immediate&utm_medium=email&utm_source=los-angeles-press-releases&utm_content=284872. Hereinafter: DOJ Press Release, "Southern California Man."

[380] Linda Deutsch, "Prosecutor: American Planned to Aid Al-Qaida," *Associated Press,* October 21, 2013.

[381] Ibid. See also DOJ Press Release, "Southern California Man."

[382] Doug Irving, Alyssa Duranty, and Scott Schwebke, "Man Suspected of Helping Al-Qaida Pleads Not Guilty," *Orange County Register,* October 11, 2013, http://www.ocregister.com/articles/santa-530681-grove-qaida.html.

[383] Ibid.

[384] DOJ Press Release, "Florida Man Indicted for Conspiring and Attempting to Provide Material Support to Terrorists," July 18, 2013, http://www.fbi.gov/jacksonville/press-releases/2013/florida-man-indicted-for-conspiring-and-attempting-to-provide-material-support-to-terrorists.

[385] Ibid.

[386] Ibid.

[387] Lorena Inclan, "Islamic Center Helps Police in Local Terrorist Investigation," *WTEV,* July 17, 2013; "Florida Man Planned to Join Overseas Holy War, Feds Say," *Orlando Sentinel,* July 19, 2013, http://articles.orlandosentinel.com/2013-07-19/news/os-terrorists-jihad-holy-war-florida-man-20130719_1_indictment-holy-war-florida-man. See also *United States v. Shelton Thomas Bell,* Indictment, United States District Court for the Middle District of Florida, July 18, 2013. Hereinafter: *United States v. Bell,* Indictment.

[388] Derek Kinner and Tamara Lush, "Fla. Mosque Leaders Say Teen Talked of Jihad," *Associated Press,* July 19, 2013, http://bigstory.ap.org/article/fla-mosque-leaders-say-teen-talked-jihad.

[389] Ibid.

[390] *United States v. Bell,* Indictment.

religious statues at a Jacksonville cemetery in a nighttime "mission" in which the duo "dressed in dark clothing, wore masks and gloves, [and] wrapped their footwear in tape."[391] They recorded the incident to use as a recruitment tool.[392] Also, according to DOJ, he and a juvenile[393] purchased supplies—including gauze pads, batteries, athletic tape, and razors—for their planned trip to wage violent jihad in Yemen. As described in the indictment, in late September, they left the United States, traveling as far as Amman, Jordan.[394] How Bell was apprehended is unclear.

Abdella Ahmad Tounisi—Attempt to Join the Nusra Front to Fight against the Bashar al Asad Regime in Syria, April 2013

According to DOJ, Abdella Ahmad Tounisi, 18 years old at the time of his arrest in April 2013, was apprehended at Chicago's O'Hare International Airport while he tried to board a flight for Istanbul, Turkey. Tounisi, a U.S. citizen, allegedly intended to travel to Syria to join the Nusra Front.[395] Between January and April 2013, he purportedly researched violent jihadist activity, foreign travel, and the Nusra front online.[396]

The FBI claims to have employed a sting operation to build its case against Tounisi and apprehend him.[397] The Bureau allegedly developed a fake website espousing violent jihadist sentiments and had an undercover FBI employee act as a Nusra recruiter to entice Tounisi.[398] In March 2013, according to DOJ, the undercover FBI employee exchanged emails with Tounisi, "in which Tounisi shared his plan to get to Syria by way of Turkey, as well as his willingness to die for the cause."[399] According to DOJ, the undercover operative also gave Tounisi a bus ticket for travel from Istanbul to Turkey's border with Syria. The would-be foreign fighter was charged "with one count of attempting to provide material support to a foreign terrorist organization."[400]

DOJ also alleges that Tounisi was friends with Adel Daoud, who was arrested in September 2012 (described below) for plotting to trigger a bomb near a Chicago bar. DOJ asserts that the duo discussed potential targets but that Tounisi was not involved in the execution of Daoud's scheme.[401] Reportedly, Tounisi decided to end his role in the plot. He was concerned that a third plotter was a law enforcement officer. Also, religious leaders at the mosque Tounisi attended appear to have partly dissuaded him. He may have been worried about killing civilians.[402]

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[391] Ibid.

[392] Ibid.

[393] This individual's identity is known to the grand jury that indicted Bell.

[394] *United States v. Bell,* Indictment.

[395] DOJ Press Release, "FBI Arrests Suburban Chicago Man on Charge of Supporting Terrorism Overseas," April 20, 2013, http://www.fbi.gov/chicago/press-releases/2013/fbi-arrests-suburban-chicago-man-on-charge-of-supporting-terrorism-overseas. Hereinafter: DOJ Press Release, "FBI Arrests Suburban Chicago Man."

[396] Ibid.

[397] Ibid; Michael Tarm, "Chicago-Area Teen Latest Snared in Website Traps," *Associated Press*, April 23, 2013, http://bigstory.ap.org/article/hearing-aurora-teens-material-support-case. Hereinafter: Tarm, "Chicago-Area Teen."

[398] Ibid.

[399] DOJ Press Release, "FBI Arrests Suburban Chicago Man."

[400] Ibid.

[401] Ibid. See also *United States v. Abdella Ahmad Tounisi,* Criminal Complaint, United States District Court for the Northern District of Illinois, April 20, 2013.

[402] Tarm, "Chicago-Area Teen."

Tounisi's concerns about the third individual involved in the plot were justified. The person proved to be an undercover agent.[403]

Tamerlan and Dzhokhar Tsarnaev—Bombing of Boston Marathon, April 2013

On April 15, 2013, two bombs exploded near the finish line of the Boston Marathon. They claimed the lives of three individuals and injured more than 200 people. The alleged perpetrators were Tamerlan and Dzhokhar Tsarnaev (respectively ages 26 and 19 on the day of the bombing). Prior to the bombing, the ethnic Chechen duo lived for several years in the Boston area, primarily in Cambridge, Massachusetts.[404] Tamerlan died after the duo, using firearms and explosives, reportedly battled law enforcement officers in the early morning hours of April 19.[405] Authorities arrested Dzhokhar in the evening of April 19, 2013. In June 2013, he was charged "with the use of a weapon of mass destruction resulting in death and conspiracy; bombing of a place of public use resulting in death and conspiracy; malicious destruction of property resulting in death and conspiracy; use of a firearm during and in relation to a crime of violence; use of a firearm during and in relation to a crime of violence causing death; carjacking resulting in serious bodily injury; interference with commerce by threats or violence; and aiding and abetting."[406]

In a criminal complaint and an indictment, DOJ has identified Tamerlan and Dzhokhar as the bombers who set off the explosions at the Boston Marathon.[407] Some media outlets have reported that the brothers may have initially planned to attack the festivities marking Independence Day (the 4th of July) in Boston.[408] According to unnamed officials quoted in press reports, the duo moved up the date of their attack and targeted the Marathon, because they completed building

[403] Ibid.

[404] On April 19, 2013, the FBI released their identities. The Bureau also identified Tamerlan as a lawful permanent resident of the U.S. and Dzhokhar as a naturalized citizen. FBI, Press Release, "2011 Request for Information on Tamerlan Tsarnaev from Foreign Government," April 19, 2013, http://www.fbi.gov/news/pressrel/press-releases/2011-request-for-information-on-tamerlan-tsarnaev-from-foreign-government. Hereinafter: FBI, Press Release, "2011 Request." Marc Fisher, "The Tsarnaev Family: A Faded Portrait of an Immigrant's American Dream," *Washington Post,* April 27, 2013, http://www.washingtonpost.com/sf/feature/wp/2013/04/27/the-tsarnaev-family-a-faded-portrait-of-an-immigrants-american-dream/. Hereinafter: Fisher, "The Tsarnaev Family." See also Deborah Sontag, David M. Herszenhorn, and Serge F. Kovaleski, "A Battered Dream, Then a Violent Path," *New York Times,* April 27, 2013, http://www.nytimes.com/2013/04/28/us/shot-at-boxing-title-denied-tamerlan-tsarnaev-reeled.html?pagewanted=all. Hereinafter: Deborah Sontag, David M. Herszenhorn, and Serge F. Kovaleski, "A Battered Dream." Leila Saralayeva, "Boston Suspects' Chechen Family Traveled Long Road," *Associated Press,* April 20, 2013.

[405] Shelley Murphy, et al. "Bombing Suspect in Custody after Standoff in Watertown," *Boston Globe,* April 19, 2013, http://www.bostonglobe.com/metro/2013/04/18/mit-police-officer-hit-gunfire-cambridge-police-dispatcher-says/4UeCClOVeLr8PHLvDa99zK/story.html.

[406] FBI, Press Release, "2011 Request"; DOJ, Press Release, "Federal Grand Jury Returns 30-Count Indictment Related to Boston Marathon Explosions and Murder of MIT Police Officer Sean Collier," June 27, 2013, http://www.fbi.gov/boston/press-releases/2013/federal-grand-jury-returns-30-count-indictment-related-to-boston-marathon-explosions-and-murder-of-mit-police-officer-sean-collier; DOJ, Press Release, "Suspect in Boston Marathon Attack Charged with Using a Weapon of Mass Destruction," April 22, 2013, http://www.fbi.gov/boston/press-releases/2013/suspect-in-boston-marathon-attack-charged-with-using-a-weapon-of-mass-destruction.

[407] *United States v. Dzhokhar A. Tsarnaev,* Indictment, United States District Court for the District of Massachusetts, June 27, 2013. Hereinafter: *United States v. Dzhokhar A. Tsarnaev,* Indictment. *United States v. Dzhokhar Tsarnaev,* Criminal Complaint, United States District Court for the District of Massachusetts, April 15, 2013. Hereinafter: *United States v. Dzhokhar Tsarnaev,* Criminal Complaint.

[408] Ross Kerber, Jim Finkle and Mark Hosenball, "Boston Bombing Suspects had Planned July 4 Attack," *Reuters,* May 3, 2013, http://news.yahoo.com/marathon-bombing-suspects-had-planned-july-4-attack-003807316.html.

their explosive devices sooner than they had initially planned.[409] They also purportedly *chose* not to use suicide as a tactic in the Marathon bombing.[410] Dzhokhar reportedly indicated to authorities that the brothers selected the Marathon as a target only one or two days prior to the event.[411]

In the aftermath of the bombing, on April 18, the FBI released video and still images of two individuals that the Bureau suspected were the bombers. Dzhokhar reputedly indicated to authorities that once the brothers realized that these were images of them, they decided to travel to New York City's Times Square to detonate the remaining explosive devices they had made.[412] According to DOJ, at about 10:00 PM on April 18, the brothers armed themselves with a semiautomatic handgun, five explosive devices, a machete, and a hunting knife.[413] Late in the evening of April 18, the Tsarnaev brothers allegedly killed an on-duty police officer at the Massachusetts Institute of Technology.[414] That night, the duo also supposedly carjacked a sport utility vehicle (SUV) in the Boston neighborhood of Brighton.[415] Wielding a handgun, Tamerlan reportedly threatened the driver of the SUV and ordered him to drive as Dzhokhar trailed in another vehicle. Tamerlan and his captive are said to have eventually picked up Dzhokhar. The two alleged bombers appear to have discussed going to New York City, used the victim's automated teller machine card to withdraw money, and purchased gasoline for the SUV in nearby Cambridge. According to the hostage's own account, at this point—after 90 minutes under the control of the Tsarnaevs—the hostage escaped and called police.[416] The Tsarnaevs' hostage had left his cellphone in the vehicle, however.

Purportedly, authorities used the carjacking victim's cellphone to determine that the brothers were in nearby Watertown, Massachusetts. Early in the morning of April 19, a local police officer identified the brothers driving the stolen SUV and another car. The brothers and law enforcement

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[409] Ibid. The attack occurred on Patriots' Day in Boston. The day "is a state holiday in Massachusetts and Maine, marking the anniversary of the battles of Lexington and Concord on April 19, 1775. Patriots Day is celebrated on the third Monday in April." See North of Boston Library Exchange, "Patriots' Day," http://www.noblenet.org/year/patriotsday/. Since 1897, the Boston Marathon has been run on Patriots' Day. See Yoni Appelbaum, "The History of the Boston Marathon: A Perfect Way to Celebrate Patriot's Day," *The Atlantic,* April 17, 2013, http://www.theatlantic.com/national/archive/2013/04/the-history-of-the-boston-marathon-a-perfect-way-to-celebrate-patriots-day/275023/.

[410] Eric Schmitt, et al., "Boston Plotters Said to Initially Target July 4 for Attack," *New York Times,* May 2, 2013, http://www.nytimes.com/2013/05/03/us/Boston-bombing-suspects-planned-july-fourth-attack.html?pagewanted=all&_r=0. Hereinafter, Schmitt, et al., "Boston Plotters."

[411] Steve Almasy, "Sources: Boston Bombs Built in Older Tsarnaev's Home, First Target Was July 4," *CNN,* May 3, 2013, http://www.cnn.com/2013/05/02/us/boston-attack/index.html. According to the indictment in the case, much of the preparation for the bombing occurred between February and April 2013. DOJ asserts that during this period, Tamerlan purchased fireworks containing about eight pounds of low explosive powder and acquired electronic components that could be used in the assembly of explosive devices. Also in this time period, the brothers allegedly practiced shooting handguns at a firing range. See *United States v. Dzhokhar A. Tsarnaev,* Indictment.

[412] Jerry Markon, Sari Horwitz, and Peter Finn, "Authorities: Tsarnaev Brothers Planned Attack on New York's Times Square," *Washington Post,* April 25, 2013, http://articles.washingtonpost.com/2013-04-25/national/38810796_1_boston-marathon-faisal-shahzad-federal-court.

[413] *United States v. Dzhokhar A. Tsarnaev,* Indictment.

[414] James Novogrod, Tom Winter and Michael Isikoff, "Green Honda Could Prove Crucial If Tsarnaev Charged in MIT Officer's Killing," *NBC News,* May 1, 2013, http://openchannel.nbcnews.com/_news/2013/05/01/17991679-green-honda-could-prove-crucial-if-tsarnaev-charged-in-mit-officers-killing?lite.

[415] *United States v. Dzhokhar Tsarnaev,* Criminal Complaint.

[416] Eric Moskowitz, "Carjack Victim Recounts His Harrowing Night," *Boston Globe,* April 25, 2013, http://www.boston.com/metrodesk/2013/04/25/carjack-victim-recounts-his-harrowing-night/BhQWGzarWee8MZ6KtMHJNN/story.html. *United States v. Dzhokhar Tsarnaev,* Criminal Complaint.

officials quickly became embroiled in a gunfight. The Tsarnaevs lobbed explosive devices during the incident, which claimed Tamerlan's life and led to the wounding of a transit police officer. Dzhokhar reportedly got away in the stolen SUV, quickly abandoned it, and fled on foot. Police found unexploded bombs at the site of the confrontation.[417] The younger Tsarnaev brother was discovered on the evening of the 19th hiding in a boat parked in a residential neighborhood in Watertown. Law enforcement officers opened fire on the boat and apprehended Dzhokhar. At the time of his arrest, he had gunshot wounds to "the head, neck, legs, and hand."[418]

Allegedly, some of the bombs used by the brothers were assembled in the Cambridge apartment that Tamerlan shared with his daughter and his wife, Katherine Russell.[419] Reportedly, some of these explosive devices were built out of pressure cookers.[420] Media reports have suggested that jihadist material has been found on a computer belonging to Russell. She has not been charged in the bombing case. It is unclear if she shared the computer with Tamerlan.[421]

Dzhokhar reputedly admitted to law enforcement officials that he and his brother had relied on the English language violent jihadist magazine, *Inspire*, for bomb-making instructions.[422] One month prior to the Marathon bombing, *Inspire* published its "Lone Mujahid Pocketbook," a guide that included directions for assembling a pressure cooker bomb using explosives gleaned from fireworks.[423] DOJ claims that Dzhokhar had downloaded a copy of *Inspire's* first volume from 2010 that also included instructions for assembling a bomb with components including a pressure cooker.[424] The FBI and the Department of Homeland Security have noted that such devices "contain[ing] the initiator, switch, and explosive charge frequently have been used in Afghanistan, India, Nepal, and Pakistan."[425]

At least four additional people have been linked to this case. Two men, 19 years old at the time of their arrests, **Dias Kadyrbayev** and **Azamat Tazhayakov**, "both of New Bedford [Massachusetts], were charged with conspiracy to obstruct justice by conspiring to destroy,

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[417] *United States v. Dzhokhar Tsarnaev,* Criminal Complaint; Mark Arsenault, Sean P. Murphy and Beth Daley, "Evidence Mounts of Radical Turn for Suspected Bomber," *Boston Globe,* April 22, 2013, http://www.bostonglobe.com/news/nation/2013/04/21/dead-suspect-disrupted-speakers-mosque/zInGybr3sxsoAX6wkXbjLM/story.html.

[418] *United States v. Dzhokhar Tsarnaev,* Criminal Complaint.

[419] Pete Williams and Jeff Black, "Boston Suspects Had Plotted July 4 Attack, Investigators Say," *NBC News,* May 2, 2013, http://usnews.nbcnews.com/_news/2013/05/02/18024074-boston-suspects-had-plotted-july-4-attack-investigators-say?lite. This was the same apartment in which Tamerlan, Dzhokhar, their parents, and two sisters had lived. Kim Murphy, Joseph Tanfani, and Sergei L. Loiko, "The Tsarnaev Brothers' Troubled Trail to Boston," *Los Angeles Times,* April 28, 2013, http://www.latimes.com/news/nationworld/nation/la-na-boston-suspects-20130428-dto,0,15030.htmlstory. Hereinafter: Sergei L. Loiko, "The Tsarnaev Brothers' Troubled Trail."

[420] Kevin Deutsch, "Source: Tamerlan Tsarnaev Built Bombs While Caring for 3-Year-Old Daughter at Home," *Long Island Newsday,* May 4, 2013.

[421] Ibid.

[422] Sari Horwitz, "Investigators Sharpen Focus on Boston Bombing Suspect's Widow," *Washington Post,* May 3, 2013, http://www.washingtonpost.com/world/national-security/investigators-sharpen-focus-on-boston-bombing-suspects-widow/2013/05/03/a2cd9d28-b413-11e2-baf7-5bc2a9dc6f44_story.html?hpid=z1.

[423] Scott Shane, "A Homemade Style of Terror: Jihadists Push New Tactics," *New York Times,* May 5, 2012, http://www.nytimes.com/2013/05/06/us/terrorists-find-online-education-for-attacks.html?hp. Hereinafter: Shane, "A Homemade Style."

[424] *United States v. Dzhokhar A. Tsarnaev,* Indictment.

[425] FBI and Department of Homeland Security, Roll Call Release, "Update: Pressure Cookers as IED Components," April 16, 2013.

conceal, and cover up tangible objects belonging to suspected marathon bomber Dzhokhar Tsarnaev."[426] **Robel Phillipos**, from Cambridge and also 19 at the time of his arrest, was charged with "willfully making materially false statements to federal law enforcement officials during a terrorism investigation."[427] Kadyrbayev and Tazhayakov are citizens of Kazakhstan. They were visiting the United States on student visas when arrested. Phillipos is a U.S. citizen.[428] The three and Dzhokhar were friends while attending the University of Massachusetts at Dartmouth.[429]

DOJ alleges that on the evening of April 18, the trio removed a backpack and laptop owned by Dzhokhar from the alleged bomber's dorm room. DOJ argues that Kadyrbayev and Tazhayakov also "admitted that they agreed to get rid of [the backpack] after concluding from news reports that Tsarnaev was one of the Boston Marathon bombers."[430] The backpack, which DOJ asserts Kadyrbayev threw out, contained fireworks that had been "opened and emptied of powder."[431] In the room, Dzhokhar's friends also purportedly found a jar of Vaseline that they thought might have been used in bomb making. According to DOJ, a month before the bombing, Dzhokhar had told Kadyrbayev and Tazhayakov that he knew how to fashion an explosive device. On April 26, law enforcement agents found the backpack (including the emptied fireworks and jar of Vaseline) in a landfill in New Bedford.[432] Dzhokhar's laptop has not been recovered.

It appears that **Ibragim Todashev** (age 27), another individual linked to the investigation, was killed while FBI and other law enforcement officials interviewed him in Orlando, Florida, during the early hours of May 22, 2013.[433] The FBI claims that Todashev initiated the violent confrontation.[434] Media reports have described Todashev as a Chechen immigrant who had been granted political asylum in the United States. These reports have speculated that he was tied to an illegal drug-related triple homicide in Waltham, Massachusetts, in 2011, alleging that just before he was killed, Todashev may have implicated Tamerlan in the Waltham crime.[435]

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[426] DOJ, Press Release, "Three Men Arrested in Connection with Marathon Bombing Investigation," May 1, 2013, http://www.fbi.gov/boston/press-releases/2013/three-men-arrested-in-connection-with-marathon-bombing-investigation. See also DOJ Press Release, "Federal Grand Jury Indicts Two Men for Obstruction of Justice in the Boston Marathon Bombing Investigation," August 8, 2013, http://www.fbi.gov/boston/press-releases/2013/federal-grand-jury-indicts-two-men-for-obstruction-of-justice-in-the-boston-marathon-bombing-investigation.

[427] Ibid. See also DOJ Press Release, "Cambridge Man Indicted for Making False Statements in the Boston Marathon Bombing Terrorism Investigation," August 29, 2013, http://www.fbi.gov/boston/press-releases/2013/cambridge-man-indicted-for-making-false-statements-in-the-boston-marathon-bombing-terrorism-investigation.

[428] Ibid.

[429] Ibid. At the time of the investigation, Kadyrbayev was no longer in school. He had been expelled because of bad grades. Additionally, Tazhayakov and Phillipos stopped attending the university after the 2012 fall semester. Kadyrbayev and Tazhayakov may have violated the conditions of their student visas. John R. Ellement et al., Two Kazakh Men, Cambridge Man, Face Charges in Disposal of Backpack Owned by Boston Marathon Bombing Suspect," *Boston Globe,* May 1, 2013, http://www.boston.com/metrodesk/2013/05/01/three-additional-people-taken-into-custody-boston-marathon-bombings/dhLzU1e5vfbuhxyjWlBOSP/story.html. "Bomb Suspect's Friend out on Bail, Released to Mom," *CNN,* May 7 2013, http://www.cnn.com/2013/05/06/us/boston-suspect-friends/index.html.

[430] *United States v. Dias Kadyrbayev and Azamat Tazhayakov,* Criminal Complaint, United States District Court for the District of Massachusetts, May 1, 2013.

[431] Ibid.

[432] Ibid.

[433] FBI, Press Release, "FBI Boston Division's Response to Shooting Incident in Orlando, Florida," May 22, 2013, http://www.fbi.gov/boston/press-releases/2013/fbi-boston-divisions-response-to-shooting-incident-in-orlando-florida.

[434] Ibid.

[435] For example, see Susan Candiotti, et, al., "Official: Dead Boston Bombings Suspect Involved in 2011 Slayings," *CNN,* May 23, 2013, http://www.cnn.com/2013/05/22/justice/florida-fbi-shooting-boston.

Based on publicly available sources, prior to 2011, the Tsarnaev brothers had not come to law enforcement attention. In 2011, at the request of the Russian government, both the FBI and Central Intelligence Agency (CIA) examined the backgrounds of Tamerlan and his mother, Zubeidat. The FBI claims that the Russian request indicated that Tamerlan "was a follower of radical Islam and a strong believer, and that he had changed drastically since 2010 as he prepared to leave the United States for travel to the country's region to join unspecified underground groups."[436]

The FBI responded to the Russian request by opening an assessment[437] on Tamerlan and his mother.[438] A Customs and Border Protection officer detailed to the Boston Joint Terrorism Taskforce (JTTF) also added Tamerlan's identity to the Treasury Enforcement Communications System (TECS). This process would potentially alert customs officials and law enforcement about Tamerlan's international travel.[439] Additionally, Tamerlan's identity entered the FBI's Guardian threat tracking system—a classified tool used by the FBI to store information about terrorism-related suspicious activity.[440]

As part of its assessment, the Bureau allegedly interviewed Tamerlan (as well as other family members), visited the community college Tamerlan attended, and checked databases[441] for information about possible links he or his mother had to terrorists. The FBI found no such ties. Investigators also reputedly conducted surveillance of the Tsarnaev apartment in Cambridge.[442] By June 2011, the Bureau closed its assessment. In August 2011, the FBI provided the

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[436] FBI, Press Release, "2011 Request."

[437] For more on FBI assessments as part of the investigative process, see CRS Report R41780, *The Federal Bureau of Investigation and Terrorism Investigations*, by Jerome P. Bjelopera.

[438] According to press reporting the Russian government passed the information to the FBI in Moscow on March 4, 2011. The information had two potential dates of birth for Tamerlan—both incorrect—and two spellings of his name in Cyrillic. Greg Miller and Sari Horwitz, "Boston Exposes Antiterror Frailties," *Washington Post*, May 5, 2013. Hereinafter: Greg Miller and Sari Horwitz, "Boston Exposes." "Boston Bombing Suspect Tamerlan Tsarnaev Caught on Russia Wiretap," *CBS,* April 27, 2013, http://www.cbsnews.com/8301-202_162-57581760/ap-boston-bombing-suspect-tamerlan-tsarnaev-talked-jihad-on-russia-wiretap/. Hereinafter: "Boston Bombing Suspect," *CBS.*

[439] Eric Schmitt and Michael S. Schmidt, "2 U.S. Agencies Added Boston Bomb Suspect to Watch Lists," *New York Times,* April 24, 2013, http://www.nytimes.com/2013/04/25/us/tamerlan-tsarnaev-bomb-suspect-was-on-watch-lists.html?ref=us&_r=0. Hereinafter: Eric Schmitt and Michael S. Schmidt, "2 U.S. Agencies."

[440] The Bureau describes Guardian as a system in which "[c]ounterterrorism suspicious activities can be stored, assigned, triaged, and searched by all FBI employees and other government agency partners who need this intelligence information in a classified closed system." See Federal Bureau of Investigation, Press Release, "FBI Response to OIG Review of Guardian," November 7, 2008, http://www.fbi.gov/news/pressrel/press-releases/fbi-response-to-oig-review-of-guardian.

[441] The Bureau has not publicly explained which databases were checked during the assessment. The FBI may have used a "Type 1 & 2" assessment to explore the backgrounds of Tamerlan and his mother. Such assessments "seek information, proactively or in response to investigative leads relating to activities—or the involvement or role of individuals, groups, or organizations in those activities—constituting violations of federal criminal law or threats to the national security (i.e. the prompt checking of leads on individuals, activity, groups, or organizations)." Such assessments also allow investigators to conduct searches of FBI or DOJ records, U.S. intelligence community records, and "any other U.S. government records, state or local records ... and internet searches." See http://vault.fbi.gov/FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29/fbi-domestic-investigations-and-operations-guide-diog-2011-version, pp. 5—9 and 5—11.

[442] Greg Miller and Sari Horwitz, "Boston Exposes." See also, Douglas Frantz, "Mueller Defends FBI in Boston Bombing, But Acknowledges Slip-Up on Suspect's Travel, *Washington Post,* May 16, 2013, http://www.washingtonpost.com/world/national-security/mueller-defends-fbi-in-boston-bombing-but-acknowledges-slip-up-on-suspects-travel/2013/05/16/90cf515c-be3b-11e2-89c9-3be8095fe767_story.html?hpid=z3. Hereinafter: Frantz, "Mueller Defends."

assessment's results to the Russian government.[443] The Bureau also asked the Russian government for more details but purportedly received nothing else.[444] In congressional testimony, Boston Police Commissioner Edward Davis claimed that the FBI did not share the fact that they investigated Tsarnaev with the Boston Police Department.[445] It is unclear what impact, if any, such sharing may have had on subsequent events.

In September 2011, the Russian government also provided the CIA with the same information on Tamerlan and his mother that it had given to the FBI.[446] The CIA turned over this information to the National Counterterrorism Center, and in October 2011, Tamerlan and his mother were added to the Terrorist Identities Datamart Environment (TIDE), the U.S. government's "central repository of information on international terrorist identities."[447] The names were also entered into the Terrorist Screening Database (TSDB). Administered by the FBI, this database contains the names of foreign and domestic "individuals who are known or reasonably suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism."[448] It is used as the basis for narrower screening processes, including the No Fly and Selectee lists used by the Transportation Security Administration for air passenger screening.[449] It appears that neither Tamerlan nor his mother was included in any other lists aside from TIDE, the TSDB, and TECS.[450]

In January 2012, Tamerlan traveled to Russia. While there, he allegedly visited the Russian Republic of Dagestan. Reportedly, three days prior to his flight from the United States to Russia, the TECS system—as it is designed to do—notified the FBI that Tamerlan was set to travel. However, a second designed follow-up notification meant to alert authorities the day of travel failed to happen, possibly because of a misspelling of his name by an airline employee that occurred as Tsarnaev checked in for his flight.[451] When Tamerlan returned to the United States in

[443] "Boston Bombing Suspect," *CBS.*

[444] Ibid. The Bureau reportedly twice asked Russia for further information. See Frantz, "Mueller Defends."

[445] Scott Shane and Michael S. Schmidt, "Boston Police Weren't Told F.B.I. Got Warning on Brother," *New York Times,* May 9, 2013, http://www.nytimes.com/2013/05/10/us/boston-police-werent-told-fbi-got-warning-on-tsarnaev.html.

[446] "Boston Bombing Suspect, *CBS*; Eric Schmitt and Michael S. Schmidt, "2 U.S. Agencies;" Bryan Bender, "Russia Alerted CIA about Tamerlan Tsarnaev in September 2011, Adding to List of Agencies with Knowledge," *Boston Globe,* April 24, 2013, http://www.boston.com/politicalintelligence/2013/04/24/russia-alerted-cia-about-tamerlan-tsarnaev-september-adding-list-agencies-with-knowledge/P0U3hkfct1JwGu4XG2MOyM/story.html; Greg Miller and Sari Horwitz, "Boston Exposes."

[447] Ibid. See also National Counterterrorism Center, Fact Sheet, "Terrorist Identities Datamart Environment (TIDE)," http://www.nctc.gov/docs/Tide_Fact_Sheet.pdf.

[448] Greg Miller and Sari Horwitz, "Boston Exposes." Miller and Horowiz note that "Tsarnaev was not added to the database by the FBI, which had taken the closest look at him. U.S. officials said the bureau puts a person in the database only when an 'assessment' advances to the more serious level of 'preliminary investigation.'" Federal Bureau of Investigation, "Frequently Asked Questions" (Terrorist Screening Center and the Terrorist Screening Database), http://www.fbi.gov/about-us/nsb/tsc/tsc_faqs.

[449] Timothy J. Healy, (then) Director, Terrorist Screening Center, Federal Bureau of Investigation, Statement Before the House Judiciary Committee, Washington, D.C., March 24, 2010, http://www.fbi.gov/news/testimony/sharing-and-analyzing-information-to-prevent-terrorism.

[450] For more information on watchlists, see CRS Report R42336, *Terrorist Watch List Screening and Background Checks for Firearms*, by William J. Krouse.

[451] Greg Miller and Sari Horwitz, "Boston Exposes."

July 2012, the Boston JTTF received a TECS notification, but this information was not widely shared within the JTTF.[452]

It is unclear exactly when, why, or how Tamerlan and Dzhokhar may have radicalized. There is the possibility that one or both of the brothers had contact or ties to foreign terrorists. However, U.S. officials, including President Obama, have suggested that the Tsarnaev brothers radicalized on their own.[453] At the very least, Dzhokhar radicalized in the United States. Unlike his brother, he did not travel abroad in 2012.

The brothers may have been motivated by U.S. military activity in Iraq and Afghanistan.[454] A note allegedly left by Dzhokhar in the boat where he was captured appears to support this claim. The note—purportedly penned on a wall inside the boat—also suggests that the alleged bombers viewed the civilians they killed as "collateral damage."[455]

Eric Harroun—Fighting with Nusra Front Members against the Bashar al Asad Regime in Syria, March 2013

In March 2013, Eric Harroun, of Phoenix, Arizona, was arrested for "conspiring to use a rocket propelled grenade (RPG) [a weapon of mass destruction] while fighting with the al Nusrah Front."[456] According to DOJ, on March 27, 2013, Harroun arrived at Dulles International Airport in northern Virginia after spending several months abroad, including time in Syria and Turkey.[457] Shortly after Harroun's return to the United States, the FBI reportedly took the 30-year-old U.S. citizen, self-described convert to Islam, and former U.S. Army soldier into custody.[458] He was indicted in June 2013 for conspiracy to provide material support to a foreign terrorist organization and conspiracy to use destructive devices overseas.[459]

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[452] Ibid.

[453] Schmitt, et al., "Boston Plotters."

[454] Frantz, "Mueller Defends."

[455] John Miller, "Boston Bombings Suspect Dzhokhar Tsarnaev Left Note in Boat He Hid in, Sources Say," *CBS,* May 16, 2013, http://www.cbsnews.com/8301-505263_162-57584771/boston-bombings-suspect-dzhokhar-tsarnaev-left-note-in-boat-he-hid-in-sources-say/. For a detailed discussion of the two brothers and the Tsarnaev family, see Sally Jacobs, David Filipov, and Patricia Wen, "The Fall of the House of Tsarnaev," *Boston Globe,* December 15, 2013.

[456] DOJ Press Release, "Former U.S. Soldier Charged with Conspiring to Use Destructive Device While Fighting with al Qaeda-Affiliated Group in Syria," March 28, 2013, http://www.fbi.gov/washingtondc/press-releases/2013/former-u.s.-soldier-charged-with-conspiring-to-use-destructive-device-while-fighting-with-al-qaeda-affiliated-group-in-syria?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=191247. For more context on the Nusra front, see CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard.

[457] *United States v. Eric Harroun,* Affidavit, United States District Court for the Eastern District of Virginia, March 28, 2013. Hereinafter: *United States v. Eric Harroun,* Affidavit. According to the Affidavit, "Harroun served with the United States Army from 2000 to 2003. In 2003, he was injured in a car accident and was medically discharged from the military." Greg Tepper and Ilan Ben Zion, "US-Born Former Army Vet Known as 'The American' Fights alongside Al Qaeda," *Fox News,* March 11, 2013, http://www.foxnews.com/world/2013/03/11/muslim-holy-warrior-known-as-american-seen-in-syria/?intcmp=related. Hereinafter: Tepper and Ben Zion, "US-Born Former Army Vet."

[458] Terry Frieden, "U.S. Ex-Soldier Charged With Using RPG For al Qaeda Group," *CNN,* March 29, 2013, http://www.cnn.com/2013/03/28/justice/former-soldier-charged.

[459] DOJ Press Release, "U.S. Citizen Indicted for Conspiring to Provide Material Support to a Foreign Terrorist Organization," June 20, 2013, http://www.fbi.gov/washingtondc/press-releases/2013/u.s.-citizen-indicted-for-conspiring-to-provide-material-support-to-a-foreign-terrorist-organization?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=235245.

It appears that in building its case, the FBI relied on Harroun's own portrayals of what he did while in Syria. According to DOJ, before his arrest, Harroun voluntarily submitted to an FBI interview at a hotel in northern Virginia. During it, he allegedly admitted to being part of a Nusra "RPG team" and engaging in combat.[460] Prior to his meeting with the FBI in Virginia, Harroun also voluntarily participated in three interviews with the Bureau at the U.S. Consulate in Istanbul, Turkey. During the sessions in Turkey, he allegedly claimed to have initially fought with the Free Syrian Army (a Syrian opposition group), only falling in with the Nusra Front after he, his Free Syrian Army comrades, and a band of Nusra fighters engaged in a skirmish against Syrian regime forces.[461] Additionally, the FBI searched Harroun's Facebook account in March 2013. The Bureau states that it found photographs of him holding RPGs and other weapons.[462] Before his arrest, it appears that media outlets also interviewed Harroun, who openly discussed with them his purported exploits involving the Nusra Front.[463] Harroun described himself as a freedom fighter in one of these interviews.[464]

Reaz Qadir Khan—Support of 2009 Suicide Attack near the Headquarters of Pakistan's Inter-Services Intelligence (ISI) Directorate Headquarters, March 2013

In March 2013, Reaz Qadir Khan, a naturalized U.S. citizen from Portland, Oregon, was arrested on material support charges. These were related to a terrorist strike near ISI headquarters in Lahore, Pakistan, in 2009. DOJ claims that Khan provided advice and money to one of the three people involved in the attack, Ali Jaleel.[465] According to DOJ, between 2005 and 2008, Kahn exchanged emails with Jaleel. They are said to have corresponded about martyrdom and how to get Jaleel from the Maldives, where he lived, to Pakistan to participate in violent jihad.[466] The duo also allegedly discussed how Khan was to support Jaleel's family after the latter had died. The U.S. government purports that Khan sent Jaleel $2,450 to facilitate his entrance into a terrorist training camp and forwarded an additional $750 to Jaleel's family.[467] The 2009 attack, which included the detonation of an explosive-laden van as well as gunfire, killed more than 30 people.[468] Al Qaeda released a video in which Jaleel claimed responsibility for the attack.[469]

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[460] *United States v. Eric Harroun,* Affidavit.

[461] Ibid.

[462] Ibid.

[463] For example, see Tepper and Ben Zion, "US-Born Former Army Vet."

[464] Ibid.

[465] DOJ Press Release, "Oregon Resident Charged with Conspiring to Provide Material Support to Terrorists in Connection with Suicide Bombing of ISI Headquarters in Pakistan," March 5, 2013, http://www.fbi.gov/portland/press-releases/2013/oregon-resident-charged-with-conspiring-to-provide-material-support-to-terrorists-in-connection-with-suicide-bombing-of-isi-headquarters-in-pakistan?utm_campaign=email-Immediate&utm_medium=email&utm_source=portland-press-releases&utm_content=183870.

[466] *United States v. Reaz Qadir Khan,* Indictment, United States District Court for the District of Oregon, December 27, 2012 (unsealed March 5, 2013).

[467] Ibid.

[468] Kim Murphy, "Portland Man Charged with Aiding Suicide Bomber in Pakistan," *Los Angeles Times,* March 5, 2013, http://www.latimes.com/news/nation/nationnow/la-na-nn-portland-arrest-suicide-bomber-20130305,0,6928168.story.

[469] Ibid.

Matthew Aaron Llaneza—Oakland, California, Plot to Blow up a Bank, February 2013

In February 2013, DOJ charged Matthew Aaron Llaneza with "attempted use of a weapon of mass destruction against property used in an activity that affects interstate or foreign commerce."[470] Llaneza, 28 years old at the time of his arrest, reportedly a former Marine, a convert to Islam, and a resident of San Jose, California, allegedly conspired to detonate a car bomb near a Bank of America branch in Oakland, California.[471] DOJ asserts that he built a bomb and devised a plot to trigger the device with a man he thought was tied to the Taliban. This individual was an FBI undercover agent, and the bomb was inert.[472] Llaneza allegedly

> proposed structuring the attack to make it appear that the responsible party was an umbrella organization for a loose collection of anti-government militias and their sympathizers. Llaneza's stated goal was to trigger a governmental crackdown, which he expected would trigger a right-wing counter-response against the government followed by, he hoped, civil war.[473]

With the undercover agent, Llaneza also reputedly discussed plans to travel to Pakistan once he had successfully executed his plot in the United States.[474] Llaneza was apprehended after he purportedly tried to trigger the bomb in front of the bank.[475]

News reports and court documents suggest that Llaneza had a troubled past. In 2011, after a police investigation, Matthew Llaneza was convicted in California for illegally transporting an AK-47 rifle and high-capacity magazines. He had stated to police that he had legally purchased these items in Arizona.[476] Llaneza's father alerted authorities to concerns he had about his son's behavior—namely, that he was suicidal.[477] As part of the weapons-related criminal case, California probation officers noted in official paperwork that Matthew Llaneza suffered suicidal tendencies, believed that drug cartels were hunting him, and had received mental health treatment.[478]

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[470] DOJ Press Release, "Federal Agents Arrest Man after He Attempts to Bomb Bank in Oakland," February 8, 2013, http://www.fbi.gov/sanfrancisco/press-releases/2013/federal-agents-arrest-man-after-he-attempts-to-bomb-bank-in-oakland?utm_campaign=email-Immediate&utm_medium=email&utm_source=san-francisco-press-releases&utm_content=176635. Hereinafter: DOJ, "Federal Agents Arrest Man."

[471] Ibid.; Mark Emmons and Robert Salonga, "FBI: San Jose Man Believed He Was Working with Taliban when He Tried to Car Bomb Oakland Bank of America Branch," *San Jose Mercury News,* February 8, 2013, http://www.mercurynews.com/crime-courts/ci_22550284/fbi-san-jose-man-arrested-after-trying-blow. Hereinafter: Emmons and Salonga, "FBI: San Jose Man."

[472] DOJ, "Federal Agents Arrest Man."

[473] Ibid.

[474] *United States v. Matthew Aaron Llaneza,* Criminal Complaint, United States District Court for the Northern District of California, February 7, 2013.

[475] Ibid.

[476] Ibid.;" Paul Elias, Man Arrested in Alleged Bomb Plot at Calif. Bank," *Associated Press,* February 9, 2013; *California v. Matthew Aaron Llaneza,* Report of Probation Officer, Superior Court of the California County of Santa Clara, November 3, 2011. Hereinafter: *California v. Matthew Aaron Llaneza,* Report of Probation Officer.

[477] Emmons and Salonga, "FBI: San Jose Man."

[478] Tracy Seipel, "San Jose Neighbors Stunned by Alleged Terrorist Living in Their Midst," *Contra Costa Times,* February 9, 2013; Jaxon Van Derbeken and Bob Egelko, "Man Held in Plot to Detonate Bomb at Oakland Bank," *San Francisco Chronicle,* February 9, 2013. Matthew Llaneza told police officials that he was on medication for psychosis and bi-polar disorder. *California v. Matthew Aaron Llaneza,* Report of Probation Officer.

Erwin Antonio Rios—Plot to Travel Overseas to Wage Jihad, February 2013

A criminal complaint issued in federal court in February 2013 claimed that Erwin Antonio Rios considered himself to be a believer in "the ideology of Radical Islamic Extremism," who hoped to participate in violent jihad abroad.[479] During the course of the FBI's investigation into Rios's activities, he allegedly discussed the writing of now-deceased radical cleric Anwar al-Awlaki with an informant.[480] In May 2013, Rios, a 19-year-old resident of Fayetteville, North Carolina, pled guilty "to possession of a stolen firearm."[481] DOJ asserts that he plotted to obtain a firearm so he could "commit violent robberies within North Carolina."[482] He also purportedly considered attacking law enforcement officials.[483] In February 2013, Rios purchased what he thought was a stolen firearm from a Bureau confidential informant—the culmination of an FBI sting operation.[484] Rios was subsequently detained by FBI agents.[485]

Marcos Alonso Zea and Justin Kaliebe—Plotting to Travel Overseas to Join Al Qaeda in the Arabian Peninsula, January 2012, October 2013

According to DOJ, Marcos Alonso Zea and Justin Kaliebe conspired to join Al Qaeda in the Arabian Peninsula (AQAP). In October 2013, terrorism-related federal grand jury charges were leveled against Zea, 25 years old at the time. DOJ alleges that in January 2012, Zea, a U.S. citizen from Brentwood, on Long Island in New York, tried to fly from New York City to Yemen via London. However, customs officials in the United Kingdom intercepted him and returned him to the United States. Reportedly, this did not stop Zea's violent jihadist ambitions. Subsequently, he encouraged Kaliebe's efforts to join AQAP by advising him, giving him money, and trying to inspire him as well. During their investigation, federal officials found "an assortment of violent Islamic extremist materials" on Zea's computer hard drive, including issues of *Inspire* magazine.[486] Zea converted from Catholicism to Islam several years ago according to a news report citing the alleged terrorist's father.[487]

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[479] *United States v. Erwin Antonio Rios,* Criminal Complaint, United States District Court for the Eastern District of North Carolina, February 7, 2013. Hereinafter: *United States v. Erwin Antonio Rios,* Criminal Complaint.

[480] *United States v. Erwin Antonio Rios,* Criminal Complaint. Anwar al-Awlaki was a radical imam and key international charismatic figure in jihadist circles. In September 2011, Awlaki died in a widely reported U.S. air strike in Yemen. He was a U.S. citizen born in New Mexico in 1971 and had been linked to a number of domestic jihadist plots.

[481] DOJ, Press Release, "Fayetteville Man Pleads Guilty to Possession of Stolen Firearm Intended for Use in Terrorist Activities," May 14, 2013, http://www.fbi.gov/charlotte/press-releases/2013/fayetteville-man-pleads-guilty-to-possession-of-stolen-firearm-intended-for-use-in-terrorist-activities. Hereinafter: DOJ, Press Release, "Fayetteville Man Pleads."

[482] Ibid.

[483] *United States v. Erwin Antonio Rios,* Criminal Complaint.

[484] DOJ Press Release, "Fayetteville Man Pleads."

[485] Ibid. See also *United States v. Erwin Antonio Rios,* Criminal Complaint.

[486] DOJ Press Release, "Long Island Man Arrested for Attempting to Join al Qaeda in the Arabian Peninsula, Conspiring to Commit Murder Overseas," October, 18, 2013, http://www.fbi.gov/newyork/press-releases/2013/long-island-man-arrested-for-attempting-to-join-al-qaeda-in-the-arabian-peninsula-conspiring-to-commit-murder-overseas.

[487] Robert E. Kessler and Bart Jones, "Brentwood Man Marcos Alonso Zea Pleads Not Guilty to Terror Charges," *Long Island Newsday,* October 18, 2013, http://www.newsday.com/long-island/suffolk/brentwood-man-marcos-alonso-zea-pleads-not-guilty-to-terror-charges-1.6278192.

Kaliebe was 18 years old at the time the terrorism charges against him were made public in June 2013, in a separate indictment. Kaliebe is a U.S. citizen and convert to Islam who had lived in Babylon and Bay Shore on Long Island in New York.[488] According to DOJ, Kaliebe tried to travel to Yemen to join AQAP.[489] One of Kaliebe's attorneys has suggested that the young man suffers from autism and did not comprehend his own efforts to join a terrorist organization.[490] Kaliebe was arrested while trying to start his trip at New York's John F. Kennedy Airport in January 2013. In February 2013, he pled guilty "to attempting to provide material support to [AQAP] and attempting to provide material support to terrorists."[491] DOJ has noted that Kaliebe was in high school during the investigation into his activities. These activities included revealing to undercover investigators that he was interested in waging violent jihad, swearing loyalty to AQAP and Al Qaeda leaders (including Anwar al- Awlaki), purchasing airline tickets, and procuring a passport.[492]

Mohammad Abdul Rahman Abukhdair and Randy Wilson—Mobile, Alabama, Plot to Wage Jihad in Africa, December 2012

DOJ claims that Mohammad Abdul Rahman Abukhdair and Randy Wilson conspired to provide material support to terrorists by plotting to travel to Africa and engage in violent jihad. Both were 25 years old and living in Mobile, Alabama, when arrested in December 2012. U.S. citizens, the two were apprehended en route to Mauritania. They had discussed traveling from there to Mali to join a terrorist organization, perhaps Al Qaeda in the Islamic Maghreb.[493]

According to DOJ, the two met online in 2010. At the time, Wilson resided in Mobile and Abukhdair was in Egypt. (Abukhdair had moved to Egypt in 2007 to study Arabic.) DOJ claims that both had ties to suspected terrorists prior to meeting. Allegedly, Wilson knew Omar Hammami, and Egyptian officials ended up arresting Abukhdair on terrorism charges in 2010.[494]

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[488] Frank Eltman and Adam Goldman, "Lawyer Says Teenage NY Terror Suspect Autistic." *Associated Press,* July 11, 2013, http://bigstory.ap.org/article/lawyer-says-ny-terror-suspect-did-not-grasp-intent. Hereinafter: Eltman and Goldman, "Lawyer Says."

[489] DOJ Press Release, "Long Island Resident Pleads Guilty to Attempting to Provide Material Support to al Qaeda Affiliate," June 26, 2013, http://www.fbi.gov/newyork/press-releases/2013/long-island-resident-pleads-guilty-to-attempting-to-provide-material-support-to-al-qaeda-affiliate. Hereinafter: DOJ, "Long Island Resident." Chad Bray, "Teen Is Accused in Jihad Trip," June 26, 2013, http://online.wsj.com/article/SB10001424127887323419604578570082571532510.html.

[490] Eltman and Goldman, "Lawyer Says."

[491] DOJ, "Long Island Resident."

[492] Ibid.

[493] Abukhdair was also charged with passport fraud. DOJ Press Release, "Alabama Men Arrested on Terrorism Charges," December 11, 2012, http://www.fbi.gov/mobile/press-releases/2012/alabama-men-arrested-on-terrorism-charges?utm_campaign=email-Immediate&utm_medium=email&utm_source=mobile-press-releases&utm_content=160653; *United States v. Mohammad Abdul Rahman Abukhdair and Randy Wilson,* Criminal Complaint, United States District Court for the Southern District of Alabama, December 10, 2012. Hereinafter: *United States v. Mohammad Abdul Rahman Abukhdair and Randy Wilson,* Criminal Complaint.

[494] *United States v. Mohammad Abdul Rahman Abukhdair and Randy Wilson,* Criminal Complaint. The criminal complaint in the case wrongly states that Wilson "was a close friend, and the former roommate, of Omar Hammami," In court, the FBI noted that this statement was incorrect. However, Wilson's defense attorney reportedly suggested that Wilson and Hammami knew each other. See Brendan Kirby, "FBI Affidavit Was Wrong: Accused Mobile Terrorism Defendant Never Roomed with Omar Hammami," *Press-Register,* December 17, 2012, http://blog.al.com/live/2012/12/fbi_affidavit_was_wrong_accuse.html. Hammami, also known as "Abu Mansour al-Amriki," is originally from Daphne, Alabama. In 2007, he emerged as a key international intermediary for the Somali terrorist group al-Shabaab (continued...)

Egyptian authorities kept him in prison for two months and then deported him to the United States in early 2011. He moved to Mobile in October 2011 and lived with Wilson and his family.[495] It is unclear whether Abukhdair radicalized in the United States or abroad or how his experience in an Egyptian prison shaped his outlook. The criminal complaint describes one conversation in which the plotters discussed attacking targets in the United States, however, it appears that their scheme almost completely revolved around joining a foreign terrorist group.[496] At one point, Abukhdair and Wilson even raised money for, opened, and briefly operated a men's fragrance store to appear more legitimate after they began to suspect that they were under law enforcement surveillance. In fact, the FBI used an undercover employee and an informant during the investigation.[497] It appears that Abukhdair and Wilson never considered that these particular individuals worked for investigators. In April 2013, Wilson pled guilty to conspiracy to provide material support.[498] Abukhdair pled guilty in August 2013.[499]

Qazi Brothers—Florida Plot, November 2012

Two brothers residing in Broward County, Florida, were arrested in November 2012. Little is known about the plot, aside from some basic details regarding the brothers and the charges they face. The duo was charged with "conspiracy to provide material support to terrorists and conspiracy to use a weapon of mass destruction (explosives)."[500] The two suspects are **Raees Alam Qazi** (age 20 at the time of his arrest and a naturalized U.S. citizen from Pakistan) and **Sheheryar Alam Qazi** (age 30 at the time of his arrest and a naturalized U.S. citizen from Pakistan). The brothers pled not guilty to the charges. The case reportedly did not involve an FBI sting operation but did include confidential informants. Raees Qazi allegedly scouted targets in New York City over Thanksgiving weekend 2012, and he possessed articles from Al Qaeda in the Arabian Peninsula's magazine, *Inspire,* detailing how to assemble bomb components, some of which he may have been gathering.[501] It is not clear whether the duo had ties to a specific terrorist organization, but their plotting stemmed back to at least July 2011.[502]

(...continued)

but has since broken with the group.

[495] Ibid.

[496] Ibid.

[497] Ibid. The informant was friends with Hammami and Wilson prior to agreeing to aid the FBI in its investigation. On previous occasions, this individual had schemed with Wilson to join a foreign terrorist group.

[498] Melissa Nelson-Gabriel, "US Man Pleads Guilty to Supporting Terrorism," *Associated Press,* April, 19, 2013, http://news.yahoo.com/us-man-pleads-guilty-supporting-terrorism-165931084.html.

[499] "Suspect in Ala. Terror Plot Changes Plea to Guilty," *Associated Press,* August 6, 2013, http://bigstory.ap.org/article/suspect-ala-terror-plot-changes-plea-guilty.

[500] DOJ Press Release, "Two South Florida Residents Charged with Terrorism Violations," November 30, 2012, http://www.fbi.gov/miami/press-releases/2012/two-south-florida-residents-charged-with-terrorism-violations. Paula McMahon, "Oakland Park men plead innocent to terrorism charges," *South Florida Sun Sentinel,* December 7, 2012, http://articles.sun-sentinel.com/2012-12-07/news/fl-oakland-park-brothers-qazi-20121207_1_sheheryar-alam-qazi-terrorism-charges-terrorist-group.

[501] Lizette Alvarez, "Details Are Revealed in Brothers' Terror Case," *New York Times*, December 18, 2012, http://www.nytimes.com/2012/12/19/us/details-are-revealed-in-brothers-terror-case.html?_r=0.

[502] "South Florida Brothers Plead Not Guilty in Terrorism Case," *Associated Press,* December 7, 2012, http://www.nbcmiami.com/news/South-Florida-Brothers-Due-in-Court-in-Terrorism-Case-182516881.html.

Four California Men Attempt to Join Al Qaeda and the Taliban, November 2012

On November 19, 2012, DOJ announced a federal criminal complaint implicating four men from Southern California in a plot to join either Al Qaeda or the Taliban. The alleged plotters include

- **Sohiel Omar Kabir**—age 34 at the time of arrest; a former resident of Pomona, California; a naturalized U.S. citizen; and born in Afghanistan.
- **Ralph Deleon**—age 23 at the time of arrest; from Ontario, California; a lawful permanent resident alien; and born in the Philippines.
- **Miguel Alejandro Santana Vidriales**—age 21 at the time of arrest; from Upland, California; and a lawful permanent resident born in Mexico, whose application for citizenship is pending in the United States.
- **Arifeen David Gojali**—age 21 at the time of arrest; from Riverside, California; and a U.S. citizen.[503]

DOJ alleges that in 2010, Kabir "influenced Santana and Deleon to convert to Islam and introduced [them] to radical and violent Islamic doctrine.... " This purportedly included posting items online and perusing violent jihadist material on the web.[504] DOJ asserts that Kabir listed content related to Al Qaeda on his Facebook page and that, in turn, Santana and Deleon used the Facebook "like" function to highlight some of these links via their own Facebook accounts.[505] Some of the jihadist material that members of the group reputedly accessed included propaganda developed by Anwar al-Awlaki. DOJ notes that in January 2012, while crossing from Mexico into the United States at the San Ysidro, California, port of entry, Santana admitted to carrying a copy of *Inspire Magazine* that he had downloaded. Kabir reportedly introduced Santana to *Inspire*.[506] The FBI used an undercover operative online to evaluate the threat posed by at least one suspect.[507]

According to DOJ, all four suspects planned to join Al Qaeda or Taliban training camps in Afghanistan, and Kabir traveled to the country, where he was apprehended.[508] While Kabir lived in Afghanistan, he allegedly communicated with the other conspirators in the plot. DOJ describes some of the plotters discussing the targeting of the U.S. military abroad as well as suicide missions.[509] Additionally, DOJ asserts that Santana, Deleon, Gojali (who was brought into the group by Deleon), and an FBI informant practiced shooting AK-47 and M16-styled rifles at a

[503] DOJ Press Release, "Four Men Charged for Conspiracy to Provide Material Support to Terrorism," November 19, 2012, http://www.fbi.gov/losangeles/press-releases/2012/four-men-charged-for-conspiracy-to-provide-material-support-to-terrorism?utm_campaign=email-Immediate&utm_medium=email&utm_source=los-angeles-press-releases&utm_content=155227. Hereinafter: DOJ, "Four Men Charged."

[504] *United States v. Sohiel Omar Kabir, et al.,* Criminal Complaint, United States District Court for the Central District of California, November 16, 2012 (unsealed November 19, 2012). Hereinafter: *United States v. Sohiel Omar Kabir, et al.,* Criminal Complaint.

[505] Facebook describes its "like" function as a "social plugin" that allows users to share content from each other's Facebook profiles. See http://developers.facebook.com/docs/plugins/.

[506] A violent jihadist propaganda magazine published in English by Al Qaeda in the Arabian Peninsula. *United States v. Sohiel Omar Kabir, et al.,* Criminal Complaint.

[507] Ibid.

[508] DOJ, "Four Men Charged."

[509] Ibid.

shooting range in Los Angeles, California. These four also purportedly visited a paintball facility in Corona, California, to engage in what they viewed as training for their violent jihad.[510]

Adel Daoud—Plot to Bomb a Chicago, Illinois, Bar, September 2012

On September 14, 2012, Adel Daoud was arrested after he allegedly attempted to trigger what he thought was a car bomb in front of a bar in downtown Chicago. He was charged with one count of attempt to use of a weapon of mass destruction and one count of attempt to damage and destroy a building by means of an explosive. The bomb was a dud supplied by an FBI undercover agent. A U.S. citizen, Daoud was 18 years old at the time of his arrest. He attracted law enforcement attention after purportedly distributing items related to violent jihad online such as photographs, a PowerPoint presentation, and emails. He reputedly accessed and distributed electronic information related to radical cleric Anwar al-Awlaki. The Department of Justice (DOJ) asserts that in May 2012, FBI online undercover employees began communicating with Daoud, and by June 2012, introduced him to an undercover agent posing as a terrorist. According to DOJ, the suspect proceeded to develop "a list of approximately 29 potential targets, including military recruiting centers, bars, malls, and other tourist attractions in the Chicago area. He then selected, researched and surveilled a target [the bar] for attack ... " On September 14, about a block away from the targeted establishment, Daoud allegedly attempted to remotely detonate the fake car bomb.[511] Additionally, in August 2013, DOJ implicated Daoud in an attempt to solicit the murder of an undercover FBI agent who had been involved in the terrorism case targeting the would-be bomber. Daoud "was charged with one count each of solicitation of murder or attempted murder of a federal agent, murder-for-hire, and obstruction of justice."[512]

Amine El Khalifi—Plot to Attack U.S. Capitol Building, February 2012

On February 17, 2012, Amine El Khalifi was arrested in Washington, DC, for "allegedly attempting to detonate a bomb in a suicide attack on the U.S. Capitol building as part of what he intended to be a terrorist operation."[513] El Khalifi, a Moroccan citizen, who was 29 years old at the time of his arrest, entered the United States in 1999 on a B2 (tourism) visa. He remained in the country illegally after his visa expired in 1999.[514]

El Khalifi's arrest resulted from an undercover investigation by the FBI. During the course of the investigation, El Khalifi reputedly discussed targeting a synagogue and cased a restaurant in

[510] *United States v. Sohiel Omar Kabir, et al.,* Criminal Complaint.

[511] DOJ Press Release, "Hillside Man Arrested After FBI Undercover Investigation on Federal Charges for Attempting to Bomb Downtown Chicago Bar," September 15, 2012, http://www.fbi.gov/chicago/press-releases/2012/hillside-man-arrested-after-fbi-undercover-investigation-on-federal-charges-for-attempting-to-bomb-downtown-chicago-bar; *United States v. Adel Daoud,* Criminal Complaint, United States District Court for the Northern District of Illinois, September 15, 2012.

[512] DOJ Press Release, "Chicago-Area Man Indicted for Allegedly Obstructing Justice and Soliciting the Murder of an Undercover FBI Agent," August 29, 2013, http://www.fbi.gov/chicago/press-releases/2013/chicago-area-man-indicted-for-allegedly-obstructing-justice-and-soliciting-the-murder-of-an-undercover-fbi-agent.

[513] DOJ Press Release, "Virginia Man Accused of Attempting to Bomb U.S. Capitol in Suicide Attack," February 17, 2012, http://www.fbi.gov/washingtondc/press-releases/2012/virginia-man-accused-of-attempting-to-bomb-u.s.-capitol-in-suicide-attack. Hereinafter: DOJ, "Virginia Man Accused."

[514] *United States v. Amine El Khalifi,* Criminal Complaint, United States District Court for the Eastern District of Virginia, February 17, 2012.

preparation to bomb it. DOJ has asserted that he intended to kill U.S. military personnel who frequented the eatery, and he purportedly thought his efforts were part of a larger Al Qaeda plan targeting a nearby military installation.[515] According to the criminal complaint filed in the case, El Khalifi changed his mind and opted to detonate a suicide vest in the U.S. Capitol instead of attacking the restaurant.[516] He conducted surveillance of the building and was arrested after taking possession of a firearm and suicide vest rendered inoperable by law enforcement.[517] In June 2012, El Khalifi pled guilty to one count of attempted use of a weapon of mass destruction against U.S. property.[518]

Jamshid Muhtorov—Plot to Join Islamic Jihad Union (IJU), January 2012

According to DOJ, Jamshid Muhtorov, a refugee from Uzbekistan living in Aurora, Colorado, prior to his arrest on January 21, 2012, "planned to travel overseas where he intended to fight on behalf of the Islamic Jihad Union (IJU), a designated foreign terrorist organization."[519] Muhtorov allegedly communicated with a website administrator linked to the IJU, and this brought him to the FBI's attention. According to DOJ, Muhtorov professed his allegiance to IJU and noted that he was "ready for any task, even with the risk of dying."[520] In March 2012, the FBI arrested one of Muhtorov's associates, **Bakhtiyor Jumaev**, in Philadelphia on one count of conspiracy to provide material support to the IJU. Jumaev allegedly sent funds intended for the IJU to Muhtorov.[521]

Sami Osmakac—Plot to Bomb Locations in Tampa, Florida, January 2012

On January 7, 2012, the FBI arrested Sami Osmakac, a naturalized U.S. citizen born in the former Yugoslavia (Kosovo) on one count of attempted use of a weapon of mass destruction.[522] The FBI used a sting operation to apprehend Osmakac, who was 25 years old at the time of his arrest.[523]

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[515] Ibid.

[516] Ibid.

[517] DOJ, "Virginia Man Accused."

[518] DOJ Press Release, "Virginia Man Pleads Guilty in Plot to Carry Out Suicide Bomb Attack on U.S. Capitol," July 22, 2012, http://www.fbi.gov/washingtondc/press-releases/2012/virginia-man-pleads-guilty-in-plot-to-carry-out-suicide-bomb-attack-on-u.s.-capitol?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=108483.

[519] DOJ Press Release, "Colorado Man Arrested for Providing Material Support to a Designated Foreign Terrorist Organization," January 23, 2011, http://www.fbi.gov/denver/press-releases/2012/colorado-man-arrested-for-providing-material-support-to-a-designated-foreign-terrorist-organization?utm_campaign=email-Immediate&utm_medium=email&utm_source=denver-press-releases&utm_content=64913. According to the press release, "[t]he IJU, a Pakistan-based extremist group, adheres to an anti-western ideology, opposes secular rule in Uzbekistan and seeks to replace the current regime with a government based on Islamic law. In addition to conducting suicide attacks in Uzbekistan, the IJU has claimed responsibility for numerous attacks against coalition forces in Afghanistan."

[520] *United States v. Jamshid Muhtorov,* Criminal Complaint, United States District Court for the District of Colorado, January 19, 2012.

[521] DOJ Press Release, "Philadelphia Man Charged in Colorado for Conspiracy to Provide Material Support to a Designated Foreign Terrorist Organization," March 15, 2012, http://www.justice.gov/usao/co/press_releases/2012/March2012/3_15_12.html.

[522] DOJ Press Release, "Florida Resident Charged with Plotting to Bomb Locations in Tampa," January 9, 2012, http://www.justice.gov/usao/flm/press/2012/jan/20120109_Osmakac.html. Hereinafter: DOJ, "Florida Resident."

[523] Ibid.

According to FBI investigators, in September 2011, an FBI source reported that Osmakac and another person had asked about the availability of Al Qaeda-related flags at the source's business. The source continued to interact with Osmakac and report to the Bureau about his activities.[524] Osmakac allegedly expressed interest in obtaining firearms and explosives for attacks he was planning in the Tampa area, and the source introduced him to an FBI undercover employee reputed to have access to such materials.[525] The undercover employee supplied Osmakac with hand grenades, an assault rifle, a pistol, a car bomb, and an explosive belt. Osmakac was unaware that the items actually did not work.[526] In the course of his plotting Osmakac purportedly discussed targets such as "night clubs in the Ybor City area of Tampa, the Operations Center of the Hillsborough County Sheriff's Office in Ybor City, and a business in ... South Tampa ... "[527] Muslims in Tampa reportedly aided the FBI in its investigation. Osmakac purportedly expressed extremist views prompting at least one local Muslim to tell authorities about him. According to news reports, the Islamic Society of Pinellas County, a mosque in the Tampa area, had expelled Osmakac.[528]

Craig Baxam—Attempt to Join Al al-Shabaab, January 2012

On January 6, 2012, the FBI arrested Craig Baxam as he returned to the United States from travels in Africa, where he attempted to join al-Shabaab.[529] Baxam was 24 at the time of his arrest and a resident of Laurel, Maryland. DOJ alleges that in December 2011 he traveled from the United States to Kenya, intending to eventually transit into Somalia via bus routes and taxis.[530] Kenyan police reportedly arrested Baxam before he could leave the country to join al-Shabaab.[531] According to court documents, between 2007 and July 2011, Baxam, a U.S. citizen, served as a soldier in the U.S. Army. He converted to Islam shortly before leaving the service. Baxam hoped to join al-Shabaab to live under and defend its moral strictures.[532] In January 2014, he pled guilty to "destroying records that might be used in a terrorism investigation."[533] Baxam admitted that he

[524] The source even employed Osmakac. See *United States v. Sami Osmakac*, Criminal Complaint, United States District Court for the Middle District of Florida, January 8, 2012.

[525] Ibid.

[526] Ibid.

[527] DOJ, "Florida Resident."

[528] William R. Levesque and Jamal Thalji, "Feds Accuse Man of Planning Bomb and Gun Attacks in South Tampa and Ybor City," *Tampa Bay Times,* January 10, 2012, http://www.tampabay.com/news/courts/criminal/article1209814.ece.

[529] Al-Shabaab is a group on the Department of State's list of designated terrorist organizations. It is waging an insurgency in Somalia.

[530] DOJ Press Release, "Former Army Solider Charged with Attempting to Provide Material Support to al Shabaab," January 9, 2012, http://www.fbi.gov/baltimore/press-releases/2012/former-army-solider-charged-with-attempting-to-provide-material-support-to-al-shabaab. Baxam was indicted on material support charges in March 2012. See DOJ Press Release, "Former Army Soldier Indicted for Attempting to Provide Material Support to al Shabaab," March 7, 2012, http://www.fbi.gov/baltimore/press-releases/2012/former-army-soldier-indicted-for-attempting-to-provide-material-support-to-al-shabaab?utm_campaign=email-Immediate&utm_medium=email&utm_source=baltimore-press-releases&utm_content=77625.

[531] Ibid.

[532] *United States v. Craig Benedict Baxam,* Criminal Complaint, United States District Court for the District of Maryland, January 9, 2012; Matt Zapotosky, Craig Baxam, "Ex-U.S. Soldier, Charged with Trying to Aid Terror Group al-Shabab," *Washington Post,* January 9, 2011, http://www.washingtonpost.com/local/craig-baxam-ex-us-soldier-charged-with-trying-to-aid-terror-group-al-shabab/2012/01/09/gIQAJvMbmP_story.html?tid=pm_local_pop.

[533] DOJ Press Release, "Former U.S. Soldier Who Sought to Join Terrorist Group Convicted and Sentenced to Seven Years in Prison," January 13, 2014, http://www.fbi.gov/baltimore/press-releases/2014/former-u.s.-soldier-who-sought-to-join-terrorist-group-convicted-and-sentenced-to-seven-years-in-prison?utm_campaign=email-Immediate&
(continued...)

had destroyed and discarded his personal computer to thwart investigators before he left the United States.[534]

Jose Pimentel—Plot to Bomb New York City Targets and Troops Returning from Combat Overseas, November 2011

On November 19, 2011, New York City police arrested naturalized U.S. citizen, convert to Islam, and New York state resident, Jose Pimentel on terrorism charges.[535] According to then New York City Police Commissioner Raymond W. Kelly, Pimentel purportedly discussed "killing U.S. military personnel returning home from Iraq and Afghanistan," in conjunction with "bombing post offices in and around Washington Heights and police cars in New York City, as well as a police station in Bayonne, N.J."[536] The would-be bomber was said to be building explosive devices when he was arrested after two years of surveillance by the New York City Police Department (NYPD).[537] In February 2014, Pimentel pled guilty to a state charge, "attempted criminal possession of a weapon in the first degree as a crime of terrorism."[538] DOJ did not bring federal charges against Pimentel.[539]

Pimentel discussed his plans with an individual he did not know was an NYPD criminal informant. Pimentel appears to have sympathized with Al Qaeda and drawn inspiration from radical cleric Anwar al-Awlaki. The would-be bomber purportedly tried but failed to correspond with Awlaki via email, and the cleric's death may have sped up Pimentel's plotting.[540] According to the criminal complaint filed in the case, the NYPD tracked Pimentel's internet activity.[541] Commissioner Kelly publicly noted that Pimentel had posted online pro-Al Qaeda material as well as an article detailing how to make a bomb from *Inspire Magazine*.[542] Working in the apartment of an NYPD criminal informant, Pimentel followed *Inspire's* bomb making instructions, scraping match heads, collecting the incendiary material, as well as drilling holes in

(...continued)

utm_medium=email&utm_source=baltimore-press-releases&utm_content=288807.

[534] Ibid.

[535] He was indicted on the charges in February 2012. See Russ Buettner, "Manhattan Man Indicted in Pipe Bomb Case," *New York Times,* February 29, 2012, http://www.nytimes.com/2012/03/01/nyregion/manhattan-man-charged-in-terror-case-is-indicted.html?_r=1.

[536] Joseph Goldstein, William K. Rashbaum, "City Bomb Plot Suspect Is Called Fan of Qaeda Cleric," *New York Times,* November 20, 2011, http://www.nytimes.com/2011/11/21/nyregion/jose-pimentel-is-charged-in-new-york-city-bomb-plot.html. Hereinafter: Goldstein and Rashbaum, "City Bomb Plot."

[537] Ibid. See also Tom McElroy, "'Al-Qaida Sympathizer' Accused of NYC Bomb Plots," *Associated Press,* November 21, 2011. Hereinafter: McElroy, "'Al-Qaida Sympathizer.'"

[538] James C. McKinley, Jr., "Man Pleads Guilty to Reduced Charge in Terrorism Case," *New York Times,* February 19, 2014, http://www.nytimes.com/2014/02/20/nyregion/manhattan-man-pleads-guilty-to-reduced-charges-in-terror-case.html?_r=0.

[539] William K. Rashbaum and Joseph Goldstein, "Informer's Role in Terror Case Is Said to Have Deterred F.B.I." *New York Times,* November 21, 2011, http://www.nytimes.com/2011/11/22/nyregion/for-jose-pimentel-bomb-plot-suspect-an-online-trail.html.

[540] Goldstein and Rashbaum, "City Bomb Plot;" McElroy, "'Al-Qaida Sympathizer.'"

[541] *New York State v. Jose Pimentel,* Criminal Complaint, November 20, 2011, http://cbsnewyork.files.wordpress.com/2011/11/jose-pimentel_complaint.pdf. Hereinafter: *New York State v. Jose Pimentel,* Criminal Complaint.

[542] McElroy, "'Al-Qaida Sympathizer.'" See also "Attorney for Alleged 'Lone Wolf' Terror Suspect Jose Pimentel Raises Possibility of Entrapment Defense," *CBS New York,* November 21, 2011, http://newyork.cbslocal.com/2011/11/21/attorney-for-alleged-lone-wolf-terror-suspect-jose-pimintel-raises-possibility-of-entrapment-defense/.

three pipes, among other steps.[543] A native of the Dominican Republic, Pimentel lived in Manhattan most of his life and resided in Schenectady, New York, for five years.[544]

Rezwan Ferdaus—Plot to Attack U.S. Capitol and Pentagon—September 2011

On September 28, 2011, Rezwan Ferdaus, a U.S. citizen from Ashland, Massachusetts, was arrested on terrorism charges. In July 2012, Ferdaus pled guilty to attempting to damage and destroy a federal building by using explosives and attempting to provide material support to terrorists.[545] He plotted to attack the Pentagon and the U.S. Capitol with explosives-laden remote-controlled airplanes. According to DOJ, he planned a ground assault in conjunction with his aerial attack, intending to use firearms and to involve six conspirators in this phase of his plot. Ferdaus also attempted to provide Al Qaeda with modified cell phones he believed would be used as detonators for improvised explosive devices intended to harm U.S. soldiers abroad. As described by DOJ, FBI undercover employees acting as members of Al Qaeda supplied Ferdaus with money, fake explosives for the airplanes, firearms, and hand grenades. In turn, (among other things) Ferdaus provided the cell phone detonators to these phony Al Qaeda recruiters as well as a training video on how to construct them.[546]

Ferdaus reportedly began plotting in 2010. In January 2011, he discussed his plans with an FBI informant. In May 2011, he visited the Washington, DC, area to conduct surveillance of his targets and view the site from which he intended to launch his remote-controlled airplanes.[547] According to the FBI, Ferdaus believed that one of his airplanes could collapse the Capitol dome. It appears that Ferdaus did not view his domestic plot as a suicide mission. The FBI stated that in April 2011, it recorded Ferdaus discussing his desire to go abroad once he completed his attack in the United States. Aside from the undercover aspects of the sting operation, the Bureau also relied on Ferdaus's email and telephone records to build its case.[548]

Agron Hasbajrami—Plot to Fight in Pakistan—September 2011

On September 6, 2011, Agron Hasbajrami was arrested at John F. Kennedy International Airport in New York City as he tried to board a flight to Turkey. According to DOJ, Hasbajrami, a lawful permanent resident in the United States and an Albanian citizen, planned to join a jihadist fighting group in the Federally Administered Tribal Areas of Pakistan. He also sent more than $1,000 to

[543] *New York State v. Jose Pimentel*, Criminal Complaint.

[544] Goldstein and Rashbaum, "City Bomb Plot."

[545] DOJ Press Release, "Massachusetts Man Agrees to Plead Guilty to Plotting Attack on Pentagon and U.S. Capitol and Attempting to Provide Material Support to Terrorists," July 10, 2012, http://www.fbi.gov/boston/press-releases/2012/massachusetts-man-agrees-to-plead-guilty-to-plotting-attack-on-pentagon-and-u.s.-capitol-and-attempting-to-provide-material-support-to-terrorists?utm_campaign=email-Immediate&utm_medium=email&utm_source=boston-press-releases&utm_content=120676.

[546] DOJ Press Release, "Ashland Man Charged With Plotting Attack on Pentagon and U.S. Capitol and Attempting to Provide Material Support to Foreign Terrorist Organization," September 28, 2011, http://www.fbi.gov/boston/press-releases/2011/massachusetts-man-charged-with-plotting-attack-on-pentagon-and-u.s.-capitol-and-attempting-to-provide-material-support-to-a-foreign-terrorist-organization.

[547] Evan Perez, "U.S. Man Charged in Pentagon, Capitol Plot," *Wall Street Journal,* September 28, 2011, http://online.wsj.com/article/SB10001424052970204138204576599133895661752.html.

[548] *United States v. Rezawan Ferdaus*, Criminal Complaint, United States District Court for the District of Massachusetts, September 28, 2011.

Pakistan to support the efforts of a militant with whom he communicated.[549] In April 2012, Hasbajrami pled guilty to attempting to provide material support to terrorists.[550]

Naser Abdo—Plot to Attack Targets near Fort Hood—July 2011

On July 27, 2011, U.S. Army Private Naser Abdo was arrested near Fort Hood in Texas for plotting a shooting spree and bombing in the area—near the same place where Army Major Nidal Hasan killed 13 individuals in 2009. In May 2012, Abdo was convicted of one count of attempted use of a weapon of mass destruction, one count of attempted murder of officers or employees of the United States, two counts of possession of a firearm in furtherance of a federal crime of violence, and two counts of possession of a destructive device in furtherance of a federal crime of violence.[551]

Abdo, described in the media as a Muslim soldier in the 101st Airborne Division at Fort Campbell, Kentucky, was reportedly absent without leave from the Army after applying for conscientious objector status.[552]

According to media reports, Abdo purchased gunpowder, shotgun ammunition, and a magazine for a semi-automatic pistol at a gun store near Fort Hood.[553] An employee at the gun store supposedly brought Abdo to the attention of law enforcement officers. Federal officials noted that Abdo possessed a .40 caliber handgun, bomb making materials, and an article on how to construct an explosive device, among other items. The article was from *Inspire,* an English-language magazine produced by Al Qaeda in the Arabian Peninsula.[554]

Ulugbek Kodirov—Plot to Assassinate President Obama, July 2011

Law enforcement authorities arrested Ulugbek Kodirov near Birmingham, Alabama, on July 13, 2011, for plotting to assassinate President Barak Obama. On July 26, 2011, a federal grand jury

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[549] DOJ Press Release, "New York City Resident Indicted for Providing Material Support to Terrorists," September 9, 2011, http://www.justice.gov/usao/nye/pr/2011/2011sep09.html.

[550] DOJ Press Release, "Albanian National Arrested En Route to Fight Jihad Pleads Guilty to Attempting to Support Terrorists," April 12, 2012, http://www.fbi.gov/newyork/press-releases/2012/albanian-national-arrested-en-route-to-fight-jihad-pleads-guilty-to-attempting-to-support-terrorists?utm_campaign=email-Immediate&utm_medium=email&utm_source=new-york-top-stories&utm_content=87300.

[551] DOJ Press Release, "Jury Convicts Naser Jason Abdo on All Counts in Connection with Texas Bomb Plot," May 24, 2012, http://www.fbi.gov/sanantonio/press-releases/2012/jury-convicts-naser-jason-abdo-on-all-counts-in-connection-with-texas-bomb-plot.

[552] Peter Finn and Jason Ukman, "AWOL Soldier Accused of Plotting Fort Hood Attack," *Washington Post*, July 28, 2011, http://www.washingtonpost.com/world/national-security/awol-soldier-accused-of-plotting-fort-hood-attack/2011/07/28/gIQAvml1fI_story.html. For more information see also DOJ Press Release, "Federal Grand Jury Returns Superseding Indictment Against Naser Jason Abdo in Connection with Bomb Plot," November 8, 2011, http://www.fbi.gov/sanantonio/press-releases/2011/federal-grand-jury-returns-superseding-indictment-against-naser-jason-abdo-in-connection-with-bomb-plot?utm_campaign=email-Immediate&utm_medium=email&utm_source=san-antonio-press-releases&utm_content=45727.

[553] "Official: Soldier Said He Wanted to Attack Fort Hood Troops," *CNN.com*, July 29, 2011, http://www.cnn.com/2011/CRIME/07/28/fort.hood.arrest/.

[554] DOJ Press Release, "Naser Jason Abdo Charged Federally in Bomb Plot," July 29, 2011; David Goodman, "Soldier Held amid Claim of Terror Plot at Fort Hood," *New York Times,* July 28, 2011, http://www.nytimes.com/2011/07/29/us/29awol.html?_r=1.

indicted Kodirov for threatening the President's life and illegally possessing weapons.[555] Additionally on February 9, 2012, Kodirov was charged with material support of terrorism.[556] The would-be assassin pled guilty to the three charges the following day.[557]

As part of his plotting, Kodirov admitted to communicating with someone he thought was a member of the Islamic Movement of Uzbekistan, a terrorist organization designated by the Department of State.[558] He also watched jihadist videos on his laptop computer with an individual and told the person that "he wanted to assist others in jihad overseas."[559] Kodirov met with an undercover agent from whom he obtained disassembled hand grenades and a fully automatic machine gun to use in his planned assassination of the President.[560] After Kodirov took possession of the weapons, agents arrested him.[561] Reportedly, at the time of his arrest, he was in the country illegally and had come to the United States in 2009 on a student visa that was revoked when he failed to enroll in school.[562] Investigators reportedly received assistance from local Muslim community members during the case.[563]

Emerson Begolly—Plot to Encourage Jihadist Acts in the United States—July 2011

On July 14, 2011, Emerson Begolly, a U.S. citizen from New Bethlehem, Pennsylvania, was indicted for allegedly attempting to encourage jihadists to commit acts of terrorism within the United States and distributing information related to explosives online. In August 2011, he pled guilty to "soliciting others to engage in acts of terrorism within the United States and to using a firearm during and in relation to an assault on FBI agents."[564] According to DOJ, Begolly posted "links to a 101-page document that contain[ed] information on how to set up a laboratory, conduct basic chemistry, and manufacture explosives." Also, according to the federal government, Begolly had bitten two FBI agents attempting to execute search warrants in January 2011, and during the altercation, he was in possession of a concealed firearm.[565]

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[555] DOJ Press Release, "Illegal Alien from Uzbekistan Indicted for Threatening to Kill the President and Possessing Machine Gun and Grenades," July 26, 2011, http://www.fbi.gov/birmingham/press-releases/2011/illegal-alien-from-uzbekistan-indicted-for-threatening-to-kill-the-president-and-possessing-machine-gun-and-grenades.

[556] DOJ Press Release, "Uzbek National Pleads Guilty to Charges of Threatening to Kill the President and Providing Material Support to Terrorist Activity," February 10, 2012, http://www.fbi.gov/birmingham/press-releases/2012/uzbek-national-pleads-guilty-to-charges-of-threatening-to-kill-the-president-and-providing-material-support-to-terrorist-activity?utm_campaign=email-Immediate&utm_medium=email&utm_source=birmingham-press-releases&utm_content=70313. Hereinafter: DOJ Press Release, "Uzbek National Pleads."

[557] Ibid.

[558] Ibid.

[559] *United States v. Ulugbek Kodirov*, Plea Agreement, U.S. District Court for the Northern District of Alabama, February 8, 2012.

[560] Ibid., and DOJ Press Release, "Uzbek National Pleads."

[561] Ibid.

[562] Verna Gates, "Uzbek Man Guilty of Plotting to Kill President Obama," *Reuters,* February 10, 2012, http://www.reuters.com/article/2012/02/11/us-usa-uzbek-obama-idUSTRE8191UI20120211.

[563] Ibid.

[564] DOJ Press Release, "Pennsylvania Man Pleads Guilty to Terrorist Solicitation and Firearms Offense," August 9, 2011, http://www.fbi.gov/washingtondc/press-releases/2011/pennsylvania-man-pleads-guilty-to-terrorist-solicitation-and-firearms-offense.

[565] DOJ Press Release, "Pennsylvania Man Indicted for Soliciting Jihadists to Kill Americans," July 14, 2011, (continued...)

Abu Khalid Abdul-Latif and Walli Mujahidh—Plot to Attack Seattle, Washington, Military Processing Center—June 2011

On June 22, 2011, Abu Khalid Abdul-Latif and Walli Mujahidh, were arrested on terrorism and firearms charges for plotting to attack a Seattle military processing center. According to DOJ, law enforcement first learned of the duo's plotting from a citizen who reported their activities, and an FBI sting operation apprehended the two as they took possession of machine guns they had purchased for the plot. The firearms had been rendered inert as part of the sting. The Assistant Attorney General for National Security described the plot as, "driven by a violent, extreme ideology."[566] While the two reportedly had not worked out all of the details of their plot, they allegedly were frustrated by "American war policies" and hoped for an attack that would garner wide attention.[567] In December 2011, Mujahidh pled guilty to "conspiracy to murder officers and agents of the United States, conspiracy to use weapons of mass destruction, and unlawful possession of a firearm."[568]

Yonathan Melaku—Plot to Shoot Targets in Washington, DC, Area—June 2011

On June 23, 2011, DOJ announced that Yonathan Melaku, an Ethiopian native living in Alexandria, Virginia, had been charged with destruction of property and firearm violations. These charges stemmed from five shootings at military installations in Northern Virginia between October and November 2010. No one was harmed in the shootings.[569] It is unclear to what extent Melaku, a Marine Corps reservist, was driven by jihadist motivations; however, investigators linked Melaku to a "spiral notebook with numerous Arabic statements referencing the Taliban, Al Qaeda, Osama bin Laden, 'The Path to Jihad,' as well as a list of several other individuals associated with foreign terrorist organizations."[570] Law enforcement officials also found a video when they searched Melaku's bedroom. It reportedly depicted "Melaku in an automobile driving near what appears to be the U.S. Marine Corps Heritage Museum and repeatedly firing a handgun out the passenger-side window." In the video, he allegedly states, "that's my target. That's the military building. It's going to be attacked," and then he shouts, "Allahu Akbar."[571] In January 2012, Melaku pled "guilty to a three-count information that included injuring property of the

(...continued)

http://www.fbi.gov/philadelphia/press-releases/2011/pennsylvania-man-indicted-for-soliciting-jihadists-to-kill-americans.

[566] DOJ Press Release, "Two Men Charged in Plot to Attack Seattle Military Processing Center," June 23, 2011, http://seattle.fbi.gov/dojpressrel/pressrel11/se062311.htm.

[567] William Yardley, "Officials Say Two Planned Armed Attack in Seattle," *New York Times*, June 23, 2011, http://www.nytimes.com/2011/06/24/us/24seattle.html.

[568] DOJ Press Release, "Former Los Angeles Resident Pleads Guilty in Plot to Attack Seattle Military Processing Center," December 8, 2011, http://www.justice.gov/opa/pr/2011/December/11-nsd-1600.html.

[569] DOJ Press Release, "Alexandria Man Charged with Shooting at Military Buildings in Northern Virginia," June 23, 2011, http://www.fbi.gov/washingtondc/press-releases/2011/alexandria-man-charged-with-shooting-at-military-buildings-in-northern-virginia. Hereinafter: DOJ, "Alexandria." See Sean Collins Walsh, "Reservist Charged in '10 Building Shootings," *New York Times,* June 23, 2011, http://www.nytimes.com/2011/06/24/us/24reservist.html.

[570] DOJ, "Alexandria."

[571] Ibid. This case is not counted as a successful attack in this memorandum, because it is unclear whether Melaku wanted to harm anyone.

United States, use of a firearm during a crime of violence and attempted injury to veterans' memorials on U.S. property."[572]

Ahmed Ferhani and Mohamed Mamdouh—Plot to Attack New York City Targets—May 2011

On May 12, 2011, Ahmed Ferhani (an Algerian native living in Queens, New York) and Mohamed Mamdouh (a naturalized U.S. citizen from Morocco) were arrested for plotting to blow up a synagogue as well as churches in New York City. However, the duo had not chosen a specific target. New York City officials alleged that Ferhani was "driven by a hatred of Jews and a belief that Muslims are mistreated the world over." He and Mamdouh allegedly had purchased firearms and a hand grenade from an undercover detective posing as a gun dealer. The two were charged under a New York state terrorism statute and do not face federal charges.[573]

Khalid Ali-M Aldawsari—Plot to Bomb U.S. Targets—February 2011

On February 23, 2011, FBI agents arrested Khalid Ali-M Aldawsari, a citizen of Saudi Arabia and resident of Lubbock, Texas. He was charged with attempted use of a weapon of mass destruction. The federal government also argued that he plotted to purchase material to make an improvised explosive device and had researched potential U.S. targets. A chemical supplier provided information to the FBI about a suspicious attempted purchase by Aldawsari.[574] Prosecutors also stated that Aldawsari documented his interest in violent jihad and martyrdom in blog postings and a personal journal.[575] According to DOJ, among the targets Aldawsari researched were "the names and home addresses of three American citizens who had previously served in the U.S. military and had been stationed for a time at Abu Ghraib prison in Iraq."[576] In June 2012, Aldawsari was found guilty of one count of attempted use of a weapon of mass destruction.[577]

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[572] DOJ Press Release, "Man Pleads Guilty to Shooting Military Buildings in Northern Virginia," January 26, 2012, http://www.fbi.gov/washingtondc/press-releases/2012/man-pleads-guilty-to-shooting-military-buildings-in-northern-virginia?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=66244.

[573] William K. Rahsbaum and Al Baker, "Suspects in Terror Case Wanted to Kill Jews, Officials Say," *New York Times*, May 12, 2011, http://www.nytimes.com/2011/05/13/nyregion/two-men-arrested-in-new-york-terror-case-police-say.html?pagewanted=1&_r=1.

[574] DOJ Press Release, "Texas Resident Arrested on Charge of Attempted Use of Weapon of Mass Destruction," February 24, 2011, http://www.fbi.gov/dallas/press-releases/2011/dl022411.htm.

[575] Ibid.

[576] Ibid.

[577] DOJ Press Release, "Texas Resident Convicted on Charge of Attempted Use of Weapon of Mass Destruction," June 27, 2012, http://www.fbi.gov/dallas/press-releases/2012/texas-resident-convicted-on-charge-of-attempted-use-of-weapon-of-mass-destruction?utm_campaign=email-Immediate&utm_medium=email&utm_source=dallas-press-releases&utm_content=109780. Logan G. Carver, "Terror Suspect Aldawsari To Use Insanity Defense," *Lubbock Avalanche-Journal,* November 10, 2011, http://lubbockonline.com/crime-and-courts/2011-11-09/terror-suspect-aldawsari-use-insanity-defense#.TsJ4aEfh_y1.

Antonio Martinez—Plot to Attack an Armed Forces Recruiting Station in Maryland—December 2010

On December 8, 2010, federal officials charged Antonio Martinez, a Muslim convert, with the attempted murder of federal officers and employees and attempted use of a weapon of mass destruction against federal property. Caught by the FBI in a sting operation, Martinez allegedly planned to attack an Armed Forces recruiting station in Maryland using a sport utility vehicle (SUV) loaded with what he believed was a bomb.[578] According to DOJ, in late September 2010, Martinez had posted a statement on his Facebook account, "calling for violence to stop the oppression of Muslims."[579] During the course of his plot, he also allegedly tried to recruit others to join him, discussed martyrdom, and praised Anwar al-Awlaki, among other things.[580] In January 2012, Martinez pled guilty to attempted use of a weapon of mass destruction.[581]

Mohamed Osman Mohamud—Plot to Detonate Van Packed with Explosives in Portland, Oregon—November 2010

Mohamed Osman Mohamud, a Somali-born naturalized U.S. citizen, was arrested on November 26, 2010, moments after he tried to detonate a van he allegedly believed was packed with explosives in Portland's Pioneer Courthouse Square. The square was crowded with thousands of people who had gathered for an annual Christmas tree lighting event.[582]

According to federal officials, Mohamud came to the attention of the FBI after a tip from the Muslim community. This led officials to discover an email exchange that occurred in 2009 between Mohamud and an unindicted associate located in Pakistan. The two communicated regularly, and in December 2009 it is alleged that they discussed the possibility of Mohamud traveling there to prepare for violent jihad[583] presumably targeting U.S. troops.

The FBI subsequently developed a sting operation that involved recorded meetings between Mohamud and undercover FBI operatives beginning in the summer of 2010. According to DOJ, in an August 2010, meeting with two FBI undercover operatives, Mohamud stated that "he had

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[578] Dina Temple-Raston, "Officials Worry About Some Latino Converts To Islam," *National Public Radio,* August 24, 2011, http://www.npr.org/2010/12/09/131916271/officials-worry-about-some-latino-converts-to-islam; DOJ Press Release, "Maryland Man Charged in Plot to Attack Armed Forces Recruiting Center," December 8, 2010, http://www.fbi.gov/baltimore/press-releases/2010/ba120810.htm.

[579] Ibid.

[580] Anti-Defamation League, "Baltimore Man Arrested for Attempting to Bomb Army Recruiting Center," December 9, 2010, http://www.adl.org/main_Terrorism/Antonio_Martinez.htm.

[581] DOJ Press Release, "Maryland Man Pleads Guilty to Attempted Use of a Weapon of Mass Destruction in Plot to Attack Armed Forces Recruiting Center," January 26, 2012, http://www.fbi.gov/baltimore/press-releases/2012/maryland-man-pleads-guilty-to-attempted-use-of-a-weapon-of-mass-destruction-in-plot-to-attack-armed-forces-recruiting-center?utm_campaign=email-Immediate&utm_medium=email&utm_source=baltimore-press-releases&utm_content=66202.

[582] Jerry Markon, "FBI Foils Elaborate Bomb Plot in Oregon," *Washington Post,* November 28, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/11/27/AR2010112700546.html. Hereinafter: Markon, November 28, 2010.

[583] *United States v. Mohamed Osman Mohamud*, Criminal Complaint, U.S. District Court for the District of Oregon, November 26, 2010, p. 2, http://media.oregonlive.com/portland_impact/other/USAFFIDAVIT.pdf (Hereinafter: *U.S. v. Mohamud*, Criminal Complaint).

been thinking of committing some form of violent jihad since the age of fifteen."[584] As part of the sting, the undercover agents purportedly went along with Mohamud's plotting for a terrorist attack. This included a "trial run" where Mohamud and the undercover operatives detonated a bomb in a backpack in a remote Oregon location. In addition, Mohamud reportedly bought various bomb components and mailed them to the undercover agents.[585]

According to DOJ, during another meeting with an undercover operative, Mohamud identified Portland's Pioneer Courthouse Square Christmas lighting event as a potential target for a bomb. When the undercover operative pointed out that "there would be lots of children at such an event … Mohamud replied he was looking for a 'huge mass that will … be attacked in their own element with their families celebrating the holidays.'"[586]

On November 26, undercover operatives showed Mohamud a white van with a dummy explosive device inside that was actually supplied by the FBI. He was reported to have said the device looked "beautiful."[587] They later drove the van to Pioneer Courthouse Square where Mohamud allegedly attempted to detonate the device on two separate occasions using a cell phone. After the second attempt he was taken into custody. Officials stated that at no time did the device pose a danger to the public.[588]

At a hearing in Federal District Court in Portland on November 29, 2010, Mohamud plead not guilty to the charges. His lawyers suggested that the government might be "manufacturing crime" and accused authorities of timing the plot for maximum publicity and effect.[589] Attorney General Eric Holder was quoted as saying of the case, "I am confident that there is no entrapment here, and no entrapment claim will be found to be successful."[590] In January 2013, Mohamud was found guilty of "attempting to use a weapon of mass destruction."[591] In November 2013, DOJ revealed that warrantless electronic foreign intelligence surveillance authorized under U.S. law had been employed in the case against Mohamud.[592]

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[584] Ibid, p. 3. Mohamud was 19 years old at the time of his arrest.

[585] Winston Ross, "The Oregon Bomb Plot Kid," *The Daily Beast,* November 28, 2010, http://www.thedailybeast.com/blogs-and-stories/2010-11-28/oregon-bombing-the-teenager-behind-the-plot/2/.

[586] *U.S. v. Mohamud*, Criminal Complaint.

[587] Ibid.

[588] Markon, November 28, 2010.

[589] William Yardley, "Entrapment is Argued in Defense of Suspect," *New York Times,* November 29, 2010, http://www.nytimes.com/2010/11/30/us/30mohamud.html.

[590] Ibid.

[591] DOJ Press Release, "Oregon Resident Convicted in Plot to Bomb Christmas Tree Lighting Ceremony," January 31, 2013, http://www.fbi.gov/portland/press-releases/2013/oregon-resident-convicted-in-plot-to-bomb-christmas-tree-lighting-ceremony.

[592] Bryan Denson, "Feds Acknowledge Warrantless Wiretaps Played Role in Portland Bomb-Plot Case against Mohamed Mohamud," *Portland Oregonian,* November 20, 2013, http://www.oregonlive.com/portland/index.ssf/2013/11/feds_acknowledge_warrantless_w.html; Helen Jung, "Mohamed Mohamud: Lawyers Seek Documents, Say Warrantless Wiretaps Tainted Trial," *The Oregonian,* January 13, 2014, http://www.oregonlive.com/portland/index.ssf/2014/01/mohamed_mohamud_lawyers_seek_d.html.

Farooque Ahmed—Plot to Bomb Washington, DC, Subway Stations—October 2010

Farooque Ahmed, a naturalized U.S. citizen born in Pakistan, was arrested on October 27, 2010, and charged with conspiring with others he believed to be al Qaeda operatives to bomb subway stations in Washington, DC. In fact, his co-conspirators were really undercover law enforcement officers. They provided Ahmed with a Quran including code words for locations of future meetings which were held in various hotel rooms in the Northern Virginia area and recorded by the FBI.[593] In April 2011, Ahmed was sentenced to 23 years in prison for his plotting.[594]

The allegations against Ahmed were contained in an indictment unsealed on October 27, 2010.[595] According to the indictment, between April and October of 2010, Ahmed met with individuals he thought were representatives of a terrorist organization at several Northern Virginia hotels. At these meetings, Ahmed agreed to conduct surveillance and assess the security of Washington, DC, Metrorail stations in the Arlington County area. He allegedly wanted to "kill as many military personnel as possible." Ahmed later gave to undercover operatives posing as terrorists a thumb drive containing video images of some of the stations as well as sketches of the stations. He also discussed at these meetings the best time and location for an attack in order to cause the most casualties.[596]

According to court documents, Ahmed told undercover operatives that "he wished to fight in jihad himself, and has trained to do so using various firearms." He also claimed to have studied martial arts for four years and learned knife, gun, and disarming techniques. He is alleged to have said that he planned to travel to engage in jihad after participating in the Hajj (pilgrimage to Mecca). Court documents allege that Ahmed also "discussed his desire to provide financial assistance" to jihadists fighting abroad.[597]

Ahmed emigrated with his family from Pakistan in 1993. He graduated from the College of Staten Island in New York. He is a married father of one who was working for a telecommunications company in Northern Virginia at the time of his arrest. The FBI and White House have said the public was never in danger because FBI agents had Ahmed under tight surveillance before the sting began and until his arrest. Law enforcement officials have also said that the tip that led the FBI to Ahmed came from a source in the Muslim community.[598]

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[593] Matt Apuzzo and Adam Goldman, "Officials: Muslim Source Turned in Terror Suspect," *Associated Press* cited on *msnbc.com*, October 28, 2010, http://www.msnbc.msn.com/id/39894024/ns/us_news-security. Hereinafter: Apuzzo and Goldman, October 28, 2010.

[594] DOJ Press Release, "Virginia Man Sentenced to 23 Years in Prison for Plotting Attacks on D.C. - Area Metro Stations With People He Believed To Be Al-Qaeda Members," April 11, 2011, http://www.justice.gov/usao/vae/news/2011/04/20110411ahmednr.html.

[595] *United States v. Farooque Ahmed*, United States District Court for the Eastern District of Virginia, October 26, 2010, http://www.lawfareblog.com/wp-content/uploads/2010/10/Ahmed_indictment.pdf.

[596] Ibid.

[597] Affidavit in Support of Application for Search Warrant, Case Number 1:10-sw-569, U.S. District Court for the Eastern District of Virginia, October 26, 2010, http://www.cbsnews.com/htdocs/pdf/Ahmed_warrant_affidavit.pdf.

[598] Apuzzo and Goldman, October 28, 2010.

Abdel Hameed Shehadeh—Travel Abroad to Wage Jihad—October 2010

Abdel Hameed Shehadeh, a U.S. citizen born in New York City to a Palestinian American family, was arrested on October 22, 2010, in Honolulu, Hawaii. Among the accusations against him was that he tried to join the U.S. military so he could be deployed to Iraq but would desert and fight with anti-American insurgency forces.

A criminal complaint unsealed on October 25, 2010, accused Shehadeh of making false statements in a matter involving international terrorism.[599] According to the complaint, in early 2008 Shehadeh devised a plan to travel to Pakistan in order to join the Taliban or a similar fighting group. In furtherance of his plan, on June 13, 2008, Shehadeh flew on a one-way airline ticket from John F. Kennedy International Airport (JFK), New York, to Islamabad, Pakistan. Upon landing in Pakistan, Shehadeh was denied entry into the country by Pakistani officials and he returned to the United States. He was questioned by FBI agents and New York Police Department (NYPD) detectives on multiple occasions about the purpose of his trip to Pakistan. He told them that he had traveled to Pakistan in order to visit an Islamic university and to attend a friend's wedding. The complaint alleges that Shehadeh subsequently admitted to FBI agents in Hawaii that the true purpose of his trip to Pakistan was to join a fighting group such as the Taliban.

According to the complaint, several weeks after Shehadeh was denied entry to Pakistan, he attempted to enlist in the U.S. Army at the Times Square recruiting station in New York City. Shehadeh's application was denied when it was discovered that he had concealed his prior trip to Pakistan. Although Shehadeh claimed that he attempted to enlist for career opportunities and benefits, the complaint alleges that his true motive was to deploy to Iraq, where he intended to desert and fight against the U.S. military alongside Iraqi insurgent forces.[600]

In addition, the complaint alleges that Shehadeh created and administered multiple websites dedicated to spreading violent jihadist ideology. The content of these websites included, among other things, speeches from known Al Qaeda leaders such as Abu Yahya al-Libi and Ayman al-Zawahiri. In December 2010 Shehadeh was indicted for lying to FBI agents.[601]

The New York Times reported that relatives of Shehadeh were surprised by the charges. Although he seemed "confused and lost," according to one relative, he was nevertheless aware, as was the whole family, that he was being tracked by investigators. "He was trying to outsmart the FBI," said the relative, who spoke on condition of anonymity. "He thought it was a game."[602] A federal court in Brooklyn, New York, ordered Shehadeh held without bail.[603]

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[599] DOJ Press Release, "Hawaii Resident Charged with Making False Statements in a Matter Involving International Terrorism," October 26, 2010, http://honolulu.fbi.gov/dojpressrel/pressrel10/hn102610.htm.

[600] Ibid.

[601] Mitchel Maddux, "SI Man Indicted on Terror Charges," December 23, 2010, *New York Post,* http://www.nypost.com/p/news/local/si_man_indicted_on_terror_charges_S9CIMVjQiVkvOrpSDKfJ0J.

[602] Kareem Fahim and William K. Rashbaum, "Former City Resident is Accused of Trying to Join Terrorists," *New York Times,* October 26, 2010, http://www.nytimes.com/2010/10/27/nyregion/27terror.html.

[603] John Marzulli, "Terrorist Wannabe Charged With Lying About Attempt to Become Taliban Jihadist Held Without Bail," *New York Daily News,* November 2, 2010, http://www.nydailynews.com/news/ny_crime/2010/11/02/2010-11-02_terrorist_wannabe_charged_with_lying_about_attempt_to_become_taliban_jihadist_he.html#ixzz16gGo9JG8.

Omar Hammami—al-Shabaab Figure—August 2010

In an indictment unsealed in August 2010,[604] Omar Hammami, an American citizen from Daphne, Alabama, was accused of supporting al-Shabaab. According to public reports, Hammami appeared in several propaganda videos on behalf of al-Shabaab that were distributed worldwide. One showed him allegedly instructing recruits in urban warfare. His time with al-Shabaab possibly included involvement in the group's recruitment strategy and financial management as well as other operational responsibilities.[605] In March 2012, experts noted that Hammami may have been caught up in power struggle within al-Shabaab.[606] In September 2013, he publicly renounced his ties to al-Shabaab and Al Qaeda, and news reports indicated that he was killed by assassins from the terrorist group.[607]

According to press accounts, as a child, Hammami lived between the Christian world of his American mother and the Muslim beliefs of his Syrian-born father. He converted to Islam in high school, and while a student at the University of South Alabama, led the Muslim Student Association and began adhering to Salafi doctrine. His Salafism sprang in part from a desire to rebel against his father. In 2002, he dropped out of school, and by 2004 he had found his way to Toronto, Canada, where the American involvement in Iraq and Afghanistan encouraged him to reconsider his nonviolent Salafi views. One of his friends alleges that Hammami began surfing the web for information on jihad. While in Canada, he married a Somali woman. In 2005 they moved to Cairo, and by late 2006 he purportedly was in Somalia pursuing violent jihad.[608]

Jehad Mostafa—Attempted Travel to Somalia to Fight—August 2010

Few details are publicly available about Jehad Mostafa, a U.S. citizen who grew up in San Diego, California, and allegedly left the United States to fight with al-Shabaab in Somalia. The indictment in Mostafa's case mentions little specifically about his alleged terrorist activity but ties

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[604] *United States v. Omar Shafik Hammami,* U.S. District Court for the Southern District of Alabama Southern Division, September 24, 2009 (unsealed August 5, 2010), http://jurist.law.pitt.edu/paperchase/Hammami%20Indictment%208-5-10.pdf

[605] DOJ Press Release, "Fourteen Charged with Providing Material Support to Somalia-Based Terrorist Organization al Shabaab," August 5, 2010, http://www.justice.gov/ag/speeches/2010/ag-speech-100805.html; Spencer S. Hsu, "Arrest of Va. Man Spotlights al-Qaeda's New American Recruiter," *The Washington Post,* August 1, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/07/31/AR2010073102680.html; Andrea Elliott, "The Jihadist Next Door," *New York Times Magazine*, January 31, 2010, http://www.nytimes.com/2010/01/31/magazine/31Jihadist-t.html; John Goddard, "Terrorist Leader Lived in Toronto," *The Hamilton Spectator*, Ontario, Canada, January 4, 2010; Brendan Kirby, "Report: Former Daphne High and USA Student Has Been Charged in a Secret Indictment in Mobile with Providing Material to Terrorists," *Mobile Register*, September 5, 2009, http://blog.al.com/live/2009/09/report_former_daphne_high_and.html; The Nine Eleven Finding Answers (NEFA) Foundation, "Shabaab al-Mujahideen Releases Footage of 'Abu Suleim Training Camp,'" September 2009, http://www1.nefafoundation.org/multimedia-prop.htm.

[606] Clint Watts and Andrew Lebovich, *Hammami's Plight Amidst Al-Shabaab and Al-Qaeda's Game of Thrones*, Homeland Security Policy Institute, HSPI Commentary Series, Commentary 25, Washington, DC, March 19, 2012, p. 1. Hereinafter: Watts and Lebovich, *Hammami's Plight.*

[607] Abdi Guled and Jason Straziuso, "Somalia: Reports indicate American jihadi killed," *Associated Press,* September 12, 2013; "'American al-Shabab' Disavows Militant Group, al-Qaida," *Voice of America News,* September 5, 2013, http://www.voanews.com/content/american-alshabab-disavows-militant-group-alqaida/1743983.html.

[608] Watts and Lebovich, *Hammami's Plight*.

him to al-Shabaab between March 2008 and June 2009. News sources suggest that he left the United States in December 2005.[609]

Shaker Masri—Attempted Travel to Somalia or Afghanistan to Fight—July 2010

Shaker Masri, a U.S. citizen born in Alabama but raised abroad, was arrested by the FBI on August 3, 2010, just before he was allegedly planning to travel to Somalia or Afghanistan to join either al-Shabaab or Al Qaeda. The FBI used a cooperating source who met Masri in November 2008 and subsequently consensually recorded conversations with him for the investigation. According to court documents,[610] Masri encouraged the cooperating source to "review speeches" by Anwar al-Awlaki. In July 2012, Masri pled guilty to material support charges for his planned travel to Somalia.[611]

Zachary Chesser—Attempted Travel to Somali to Fight, Encouraging Violent Jihadists to Kill U.S. Citizens—July 2010

On July 21, 2010, Zachary Chesser, a U.S. citizen from Fairfax County, Virginia, was arrested on terrorism-related charges. According to DOJ, Chesser told FBI agents that on two occasions he tried to travel to Somalia to join al-Shabaab. In his last attempt, Chesser brought his infant son with him to John F. Kennedy International Airport (JFK) in New York City to potentially disguise his intentions.[612]

Three months later, on October 20, 2010, Chesser pled guilty to charges that he communicated threats against the writers of the "South Park" television show, solicited violent jihadists to desensitize law enforcement, and attempted to provide material support to al-Shabaab.[613] He received a 25-year sentence.[614] DOJ described Chesser first showing interest in Islam in 2008 and developing a fascination with extremist views, sending Anwar al-Awlaki emails and receiving

[609] Greg Moran, "Former SD Man Among 14 Charged with Aiding Terror Group," *San Diego Union-Tribune,* August 5, 2010, http://www.sandiegounion-tribune.com/news/2010/aug/05/san-diegan-among-those-charged-aiding-somalian-ter/; *United States v. Jehad Serwan Mostafa,* Indictment, District Court for the Southern District of California, October 2009 (unsealed August 6, 2010).

[610] *United States v. Shaker Masri,* Criminal Complaint, U.S. District Court Northern District of Illinois Eastern Division, August 9, 2010, http://jnslp.files.wordpress.com/2010/08/masri-complaint1.pdf.

[611] DOJ Press Release, "Chicago Man Pleads Guilty to Planning Travel to Somalia to Join al Shabaab Terrorist Organization in Jihad Combat," July 30, 2012, http://www.fbi.gov/chicago/press-releases/2012/chicago-man-pleads-guilty-to-planning-travel-to-somalia-to-join-al-shabaab-terrorist-organization-in-jihad-combat?utm_campaign=email-Immediate&utm_medium=email&utm_source=chicago-press-releases&utm_content=126832.

[612] DOJ Press Release, "Fairfax County Man Accused of Providing Material Support to Terrorists," July 21, 2010, http://www.justice.gov/usao/vae/Pressreleases/07-JulyPDFArchive/10/20100721chessernr.html; *United States. v. Zachary Adam Chesser*, Affidavit, 1:10-MJ-504, U.S. District for the Eastern District of Virginia, July 21, 2010, http://www.investigativeproject.org/documents/case_docs/1343.pdf. Hereinafter: *U.S. v. Chesser*, Affidavit.

[613] DOJ Press Release, "Virginia Man Pleads Guilty to Providing Material Support to a Foreign Terrorist Organization and Encouraging Violent Jihadists to Kill U.S. Citizens," October 20, 2010, http://www.justice.gov/opa/pr/2010/October/10-nsd-1174.html. Hereinafter: DOJ Press Release, "Virginia Man Pleads."

[614] DOJ Press Release, "Virginia Man Sentenced to 25 Years in Prison for Providing Material Support and Encouraging Violent Jihadists to Kill U.S. Citizens," February 24, 2011, http://www.fbi.gov/washingtondc/press-releases/2011/wfo022411a.htm.

two replies from the radical cleric. He also started his own YouTube.com account and operated his own blog where he promoted violent jihad.[615]

According to court documents filed with his plea agreement, "Chesser maintained several online profiles dedicated to extremist jihadist propaganda ... took repeated steps in April 2010 to encourage violent jihadists to attack the writers of South Park for their depiction of Muhammad … solicit[ed] others to desensitize law enforcement by placing suspicious-looking but innocent packages in public places … and twice attempt[ed] to leave the United States and travel to Somalia for the purpose of joining al-Shabaab and engage in violent jihad as a foreign fighter."[616]

Federal investigators have linked three others to Chesser's activities. His wife, **Proscovia Kampire Nzabanita**, pled guilty to making a false statement to an FBI agent during the course of the Bureau's investigation of her husband.[617] **Jesse Curtis Morton (aka Younus Mohammad)** and **Yousef Mohamid Al-Khattab (aka Joseph Cohen)** were implicated in the threats to the creators of *South Park*. In May 2011, Morton , a onetime Brooklyn resident and co-founder of the extremist group Revolution Muslim, was also charged with threatening the writers of *South Park* online. According to press reports, he and Chesser cooperated in drafting a "clarification statement" regarding Chesser's initial postings targeting the writers of *South Park*. In court documents, DOJ argues that the "clarification statement" was actually a threat.[618] Morton was arrested by Moroccan officials in May 2011.[619] In February 2012, he pled guilty in federal court to "using his position as a leader of the Revolution Muslim Organization's Internet sites to conspire to solicit murder, make threatening communications, and use the Internet to place others in fear."[620] In October 2013, Al-Khattab, who administered Revolution Muslim's website and other internet platforms, pled guilty to "us[ing] the Internet to place others in fear of serious bodily injury."[621] For example, as part of Al-Khattab's online efforts, in January 2009, he posted a video and photo of the headquarters of a Jewish organization in Brooklyn. He included "a map and directions to specific facilities." Al-Khattab also posted "a link to *The Anarchist Cookbook*, which is a manual for (among other things) constructing and using explosive devices."[622]

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[615] *U.S. v. Chesser*, Affidavit.

[616] DOJ Press Release, "Virginia Man Pleads."

[617] DOJ Press Release, "Wife of Zachary Chesser Pleads Guilty to Making False Statement," November 8, 2010, http://www.fbi.gov/washingtondc/press-releases/2010/wfo110810b.htm.

[618] "Muslim Convert Charged with Threats to 'South Park' Creators," *CNN.com,* May 19, 2011, http://articles.cnn.com/2011-05-19/justice/us.terror.charge_1_online-threats-postings-radical-islamic-group?_s=PM:CRIME. Since November 2010, Revolution Muslim has morphed into a group called "Islam Policy."

[619] "Muslim Convert Arrested in 'South Park' Case," *CNN.com,* May 30, 2011, http://articles.cnn.com/2011-05-30/world/us.terror.charge_1_online-threats-revolution-muslim-website?_s=PM:WORLD.

[620] DOJ Press Release, "Leader of Revolution Muslim Pleads Guilty to Using Internet to Solicit Murder and Encourage Violent Extremism," February 9, 2012, http://www.fbi.gov/washingtondc/press-releases/2012/leader-of-revolution-muslim-pleads-guilty-to-using-internet-to-solicit-murder-and-encourage-violent-extremism?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=69655.

[621] DOJ Press Release, "Leader of 'Revolution Muslim' Website Pleads Guilty to Using Internet to Threaten Jewish Organizations," October 31, 2013, http://www.fbi.gov/washingtondc/press-releases/2013/leader-of-revolution-muslim-website-pleads-guilty-to-using-internet-to-threaten-jewish-organizations?utm_campaign=email-Immediate&utm_medium=email&utm_source=washington-press-releases&utm_content=271105; *United States v. Yousef Al-Khattab,* Statement of Facts, U.S. District Court for the Eastern District of Virginia, October 30, 2013.

[622] Ibid.

Paul Rockwood, Jr. and Nadia Rockwood—Plot to Kill People on a Hit List—July 2010

On July 21, 2010, Paul Rockwood, Jr., a U.S. citizen and Muslim convert, pled guilty to making false statements to the FBI in connection with a terrorism investigation. On the same day, Rockwood's wife, Nadia Rockwood, also pled guilty to making false statements related to her husband's case.

According to DOJ, Paul Rockwood, Jr. converted to Islam in late 2001 or early 2002 while living in Virginia and followed the teachings of radical cleric Anwar al-Awlaki.[623] Authorities allege that after Rockwood moved to Alaska in 2006, he visited websites to research explosive components, assembly of remote triggering devices, and construction of bombs. In 2009, he reportedly began discussing using mail bombs and possibly shooting people in the head. By early 2010, Rockwood had allegedly formalized a list of targets he wanted to kill."[624]

Paul Rockwood received the maximum sentence of eight years in prison, consistent with his plea agreement. His wife was allowed to return to the United Kingdom and serve five years of probation there and may not return to the United States without prior approval.[625]

Mohamed Alessa and Carlos Almonte—Attempted Travel to Somalia to Fight—June 2010

On June 5, 2010, two New Jersey residents Mohamed Alessa (a U.S. citizen from a Palestinian American family) and Carlos Almonte (a Dominican American and Muslim convert)—were arrested at JFK in New York prior to boarding separate flights to Egypt. Authorities allege the two had hoped to eventually link up with al-Shabaab in Somalia.[626] The following day, they were charged with conspiracy to kill Americans abroad. They are alleged to have vowed to "slice up" troops in "a thousand pieces," according to the criminal complaint which cites conversations secretly recorded by a NYPD undercover officer.[627] In March 2011, the duo pled guilty to conspiring to murder individuals overseas on behalf of al-Shabaab.[628]

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[623] DOJ Press Release, "Alaska Man Pleads Guilty to Making False Statements in Domestic Terrorism Investigation, Spouse Pleads Guilty to Making False Statements," July 21, 2010, http://anchorage.fbi.gov/dojpressrel/pressrel10/ak072110.htm.

[624] Mary Pemberton, "Alaska Couple Accused of Terrorism Pleads Guilty to Charges of Lying about Alleged Hit List," *Associated Press*, July 21, 2010, http://www.newser.com/article/d9h3qhh80/alaska-couple-accused-of-terrorism-pleads-guilty-to-charges-of-lying-about-alleged-hit-list.html#ixzz0wOUH9tRq.

[625] Colleen Kelly, "Alaskan Couple in Domestic Terrorism Plot Sentenced, *ktva.com* (Anchorage, Alaska), August 23, 2010, http://www.ktva.com/ci_15870578. *United States v. Paul Gene Rockwood, Jr.,* Sentencing Memorandum, United States District Court, District of Alaska, August 16, 2010, http://www.investigativeproject.org/documents/case_docs/1362.pdf.

[626] Richard Esposito, "Terror Raids at JFK Airport Net American Alleged Terror Plotters Headed for Somalia," *ABC News*, June 6, 2010, http://abcnews.go.com/Blotter/terror-raids-jfk-airport-net-alleged-terror-plotters/story?id=10839045.

[627] *U.S. v. Mohamed Alessa and Carlos E. Almonte*, Criminal Complaint, Magistrate No. 10-8109 (MCA), U.S. District Court, District of New Jersey, June 4, 2010, p. 11, http://www.scribd.com/doc/32643121/US-v-Alessa-and-Almonte.

[628] DOJ Press Release, "Two New Jersey Men Plead Guilty to Conspiring to Kill Overseas for Designated Foreign Terrorist Organization al Shabaab," March 3, 2011, http://www.fbi.gov/newark/press-releases/2011/nk030311.htm.

Law enforcement interest in Alessa and Almonte began when an email tip was received by the FBI on October 9, 2006. It suggested that the two young men were engaged in radical behavior, perusing jihadist websites, and discussing terrorist activity.[629] They were then monitored by authorities for the next four years. Initially it was unclear whether the pair was just engaged in radical talk or actually planning for violent jihad. However, in 2007, the two traveled to Jordan where they wanted to be recruited to fight in Iraq, but were rejected and "were upset at the individuals who failed to recruit them."[630] By 2009, the case included an undercover investigator from the NYPD interacting with the two suspects.[631]

In the criminal complaint, the two allegedly participated in several activities that had officials concerned that they were moving further from radicalization to violent extremism. This included lifting weights and rehearsing combat techniques using paintball guns, and gathering equipment, including tactical-brand flashlights and combat boots, among other things.[632] According to officials, when the duo booked separate flights in June 2010 to Egypt, they were arrested because they were preparing to leave the country to fight overseas.[633]

Faisal Shahzad—Attempted Car Bombing in Times Square, New York City—May 1, 2010

On May 1, 2010, Faisal Shahzad—a naturalized U.S. citizen born in Pakistan—parked his Nissan Pathfinder SUV containing a crude incendiary device along West 45th Street near Times Square in New York City. A t-shirt vendor in the area observed smoke coming from the vehicle and alerted police. The device within the SUV did not explode and was subsequently rendered safe by the New York City Police bomb squad.[634]

Shahzad was arrested three days later at JFK after he had boarded an Emirates Air flight bound for Dubai. At a news conference to announce the arrest, Attorney General Eric Holder stated "[i]t was clear that the intent behind this terrorist act was to kill Americans." Law enforcement officials reported that the information that led to Shahzad's arrest centered on evidence gathered about the sale of the Nissan Pathfinder that was used in the attempted attack. Police discovered that Shahzad had purchased the vehicle through an Internet listing. Although he gave the seller a false name, police were able to trace back to him a disposable cell phone number that he also gave the seller.[635]

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[629] Peter Finn and Jerry Markon, "New Jersey Men Arrested Are Latest from U.S. Tied to Terrorist Groups" *Washington Post*, June 7, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/06/AR2010060600418.html. Hereinafter: Finn and Markon, June 7, 2010.

[630] Ibid.

[631] Ted Sherman, "FBI Followed Every Move of Two N.J. Terror Suspects for Years, Culminating in Airport Arrests," *Star-Ledger,* June 13, 2010, http://www.nj.com/news/index.ssf/2010/06/authorities_followed_every_mov.html.

[632] Ibid, pp. 8-9.

[633] Finn and Markon, June 7, 2020.

[634] New York City Police Department (NYPD) Counterterrorism Bureau, "Times Square Car Bomb," May 2, 2010. Because the explosive device did not cause any real damage or physical harm (aside from damaging the SUV), this memorandum does not consider the plot a successful attack.

[635] Anne E. Kornblut, Jerry Markon, and Spencer Hsu, "U.S. Citizen from Pakistan Arrested in Times Square Bomb Case." *The Washington Post*, May 4, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/05/03/AR2010050300847.html.

On June 21, 2010, Shahzad pled guilty to 10 terrorism charges that were contained in a superseding indictment handed down by a grand jury in New York and which added five additional counts to the original May 5, 2010, indictment.[636] He was charged with 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.[637] Since his arrest, DOJ reports that Shahzad has not only admitted his role in the plot, but continued to cooperate with authorities, and provided valuable intelligence.[638]

Shortly after the failed attack, the terrorist organization Tehrik-e-Taliban Pakistan (TTP) claimed responsibility in a message on an audiotape posted on the Internet.[639] Days later, U.S. officials said that investigators had developed evidence to support the TTP claim.[640] According to press accounts, Pakistani authorities arrested or detained at least 13 people in Pakistan in connection with the case. One of those arrested was reported to have provided an "independent stream" of evidence that the Pakistani Taliban was behind the attempt and has admitted to helping Faisal Shahzad travel into Pakistan's tribal belt for bomb training.[641]

In the courtroom where he pled guilty, Shahzad admitted to having received explosives training from the TTP at a camp in Pakistan's Waziristan region.[642] However the device found inside the Nissan Pathfinder was crudely constructed. It consisted of three 20-gallon propane tanks, 152 M-88 (consumer-grade) fireworks, one 4-foot by 2-foot metal gun locker filled with 250 pounds of urea-based fertilizer, and two alarm clocks connected by wires.[643] The fertilizer was inert and not usable as an explosive. Had the device been viable, police say it could have produced a "significant fireball" and sprayed shrapnel with enough force to kill pedestrians and knock out windows in the crowded theater district in midtown Manhattan.[644]

Two other individuals were indicted in the United States in connection with this terrorist plot:

- **Mohammad Younis**, of Long Island, New York, was arrested in September 2010 and accused of operating an unlicensed money transmitting business which

[636] Benjamin Weiser, "Guilty Plea in Times Square Bomb Plot," *New York Times*, June 21, 2010. http://www.nytimes.com/2010/06/22/nyregion/22terror.html. Hereinafter: Weiser, June 21, 2010.

[637] *United States of America v. Faisal Shahzad*, Criminal Complaint 10 MAG 928, U.S. District Court, Southern District of New York, May 5, 2010, http://www.cbsnews.com/htdocs/pdf/shahzad.pdf.

[638] See "Times Square Suspect Charged, Admits Role in Failed Attack," wync.com, May 4, 2010. http://www.wnyc.org/news/articles/154447; and DOJ Press Release, "Faisal Shahzad to Appear in Manhattan Court," May 18, 2010, http://www.justice.gov/usao/nys/pressreleases/May10/shahzadfaisalcourtpr.pdf.

[639] NEFA Report, May 2010.

[640] Anne Kornblut and Karin Brulliard, "U.S. Blames Pakistani Taliban For Times Square Bomb Plot," *The Washington Post,* May 10, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/05/09/AR2010050901143.html.

[641] Greg Miller, "Pakistan Arrests Man With Militant Ties Who Says He Aided Times Square Bomb Suspect" *The Washington Post,* May 14, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/05/13/AR2010051305032.html.

[642] "Times Square Suspect Had Explosives Training, Documents Say" *CNN.com,* May 5, 2010, http://edition.cnn.com/2010/CRIME/05/04/new.york.car.bomb/?hpt=T2.

[643] Nine Eleven Finding Answers (NEFA) Foundation, "The 2007 London and 2010 Times Square Bomb Plots," May 2010, http://www.nefafoundation.org/miscellaneous/londontimesq0510.pdf. Hereinafter: NEFA Report, May 2010.

[644] Tom Hays and Colleen Long, "NYC Bomb Suspect Nabbed Aboard Dubai-bound plane, Associated Press, in standard.net, May 4, 2010, http://www.standard.net/topics/crime/2010/05/02/nyc-bomb-suspect-nabbed-aboard-dubai-bound-plane.

provided funds to Faisal Shahzad. There were no allegations, however, that Younis was aware of the intended use of the money. In the indictment, he was charged with operating an unlicensed money transfer business between the United States and Pakistan and conspiracy to operate an unlicensed money transfer business. In August 2011, he pled guilty to the former charge.[645]

- **Aftab Ali**, a Pakistani citizen residing in Watertown, Massachusetts, was charged in a criminal complaint in November 2010 with immigration fraud and making false statements.[646] The complaint alleges that Ali entered the United States in August 2009 and began working at a gas station without obtaining a work permit. It also alleges that Ali provided $4,900 to Shahzad in February 2010 as part of a *hawala*[647] transaction. The complaint does not allege that Ali was aware of the intended use of the $4,900 by Shahzad. In April 2011, Ali pled guilty to charges of unlicensed money transmitting and immigration document fraud. He was sentenced to time served and ordered to be deported.[648]

Colleen LaRose ("Jihad Jane")—Conspiracy to Kill and Material Support to Terrorism—March 2010

On March 4, 2010, a Pennsylvania woman, Colleen LaRose, was charged with providing material support to terrorism, conspiracy to commit murder outside the United States, lying to federal agents, and transferring a U.S. passport for the purposes of facilitating a terrorist act.[649] LaRose was arrested in October 2009, but her case was kept under seal until 2010. She is alleged to have used the Internet to recruit others to "wage violent jihad" where she was known by the aliases, "Jihad Jane" and "Fatima LaRose." She has also been tied to a plot to assassinate a Swedish cartoonist who depicted the prophet Muhammad atop the body of a dog.[650] In February 2011, LaRose pled guilty "to all counts of a superseding indictment charging her with conspiracy to

[645] Chad Bray, "Plea in Bomb-Link Case," *Wall Street Journal,* August 19, 2011, http://online.wsj.com/article/SB10001424053111903596904576516790620314306.html; U.S. Attorney's Office for the Southern District of New York, Press Release, "Manhattan U.S. Attorney Charges Long Island Man with Engaging in Hawala Activity That Funded Attempted Times Square Bomber," September 15, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo091510a.htm.

[646] DOJ Press Release, "Pakistani Man Charged with Immigration Fraud and False Statements," November 16, 2010, http://boston.fbi.gov/dojpressrel/pressrel10/bs111610.htm

[647] Hawala is an alternative or parallel remittance system. It exists and operates outside of, or parallel to 'traditional' banking or financial channels. It was developed in India, before the introduction of western banking practices, and is currently a major remittance system used around the world The components of hawala that distinguish it from other remittance systems are trust and the extensive use of connections such as family relationships or regional affiliations. Unlike traditional banking, Hawala makes minimal (often no) use of any sort of negotiable instrument. Transfers of money take place based on communications between members of a network of hawaladars, or hawala dealers. See Interpol, "The Hawala Alternative Remittance System and its Role in Money Laundering, January 2000, http://www.interpol.int/public/financialcrime/moneylaundering/hawala/default.asp.

[648] DOJ Press Release, "Pakistani Man Sentenced on Unlicensed Money Transmitting and Immigration Fraud Charges," April 12, 2011, http://www.fbi.gov/boston/press-releases/2011/pakistani-man-sentenced-on-unlicensed-money-transmitting-charges-and-immigration-fraud.

[649] *United States v. Colleen R. LaRose*, Grand Jury Indictment, U.S. District Court for the Eastern District of Pennsylvania, March 4, 2010, http://intelfiles.egoplex.com/2010-03-04-LaRose-Indictment.pdf.

[650] Charlie Savage, "Pennsylvania Woman Tied to Plot on Cartoonist," *New York Times*, March 9, 2010, http://www.nytimes.com/2010/03/10/us/10pennsylvania.html

provide material support to terrorists, conspiracy to kill in a foreign country, making false statements, and attempted identity theft."[651]

Three others have been publicly linked to the case. In March 2011, a Colorado woman, **Jamie Paulin-Ramirez,** pled guilty to one count of conspiracy to provide material support to terrorists.[652] According to the indictment, LaRose recruited Paulin-Ramirez to join the plot to kill the Swedish cartoonist and invited her to Europe to attend a "training camp."[653] **Mohammed Khalid**—a citizen of Pakistan, a U.S. lawful permanent resident, and a minor at the time of his reported arrest—conspired with LaRose**.** In May 2012, Khalid pled guilty to conspiring to provide material support to terrorists.[654] As part of his alleged support role, Khalid hid a U.S. passport that LaRose had stolen and was purportedly asked by another conspirator, Algerian national **Ali Damache,** to recruit supporters online. Damache resided in Ireland at the time of his arrest.[655] DOJ further asserts that "Paulin-Ramirez married Damache on the day she arrived with her minor child in Europe to live and train with jihadists, even though she had never met Damache in person."[656]

Five Northern Virginian Men Convicted of Terrorism Offenses in Pakistan—December 2009

Five men from Northern Virginia were convicted of terrorism charges on June 24, 2010, by a special Pakistani anti-terrorism court and sentenced to 10 years in prison.[657] They were arrested in Sarghoda (near Lahore), Pakistan, in December 2009, where they were alleged to have traveled hoping to work with jihadist groups and battle U.S. troops in Afghanistan. Prosecutors say they were in the planning stages of attacks against a Pakistani nuclear plant, an air base, and other targets in Afghanistan as well as "territories of the United States."[658] Police reportedly recovered

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[651] DOJ Press Release, "Pennsylvania Woman Pleads Guilty in Plot to Recruit Violent Jihadist Fighters and to Commit Murder Overseas," February 1, 2011, http://www.fbi.gov/philadelphia/press-releases/2011/ph020111.htm; Derrick Nunnally et al., "'Jihad Jane' Said to Have Confessed, *Philly.com*, March 18, 2010, http://www.philly.com/philly/news/breaking/88307227.html

[652] DOJ Press Release, "Colorado Woman Pleads Guilty to Conspiracy to Provide Material Support to Terrorists," March 8, 2011, http://www.fbi.gov/philadelphia/press-releases/2011/ph030811.htm.

[653] Michael Hinkelman, "Mum's the Word: Accused Jihadist Nods Her 'Not Guilty,'" *Philadelphia Daily News,* April 8, 2010, http://nl.newsbank.com/nl-search/we/Archives?p_action=doc&p_docid=12EF67E54DA7CDC8&p_docnum=1

[654] DOJ Press Release, "Maryland Man Pleads Guilty to Conspiracy to Provide Material Support to Terrorists," May 4, 2012, http://www.fbi.gov/philadelphia/press-releases/2012/maryland-man-pleads-guilty-to-conspiracy-to-provide-material-support-to-terrorists?utm_campaign=email-Immediate&utm_medium=email&utm_source=philadelphia-press-releases&utm_content=94754.

[655] DOJ Press Release, "Two Indicted for Conspiracy to Provide Material Support to Terrorists," October 20, 2011, http://www.fbi.gov/philadelphia/press-releases/2011/two-indicted-for-conspiracy-to-provide-material-support-to-terrorists?utm_campaign=email-Immediate&utm_medium=email&utm_source=fbi-in-the-news&utm_content=39253. Hereinafter: DOJ Press Release, October 20, 2011. John Shiffman, "Teen Tied to Jihad Jane Allegedly Plotted School Shooting," *Philadelphia Inquirer,* August 28, 2011, http://articles.philly.com/2011-08-28/news/29938534_1_jihad-jane-mohammed-terror-cases.

[656] DOJ Press Release, October 20, 2011.

[657] Shaig Hussain and Brigid Schulte, "5 N.Va. Men Convicted on Terrorism Charges in Pakistan, Given 10 years in Prison," *The Washington Post*, June 25, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/06/24/AR2010062400843.html?hpid=topnews

[658] Jerry Markon, et. al., "Pakistan Charges 5 Northern Virginia Men in Alleged Terrorism Plot," *The Washington Post*, March 18, 2010, p. A1. http://www.washingtonpost.com/wp-dyn/content/article/2010/03/17/AR2010031700430_pf.html

jihadist literature, laptop computers, and maps of parts of Pakistan when the men were arrested near Lahore. The maps included areas where the Taliban train.

The story of the five men from the Alexandria, Virginia area—**Uman Chaudhry**, **Ramy Zamzam**, **Ahmad A. Minni**, **Waqar Khan**, and **Aman Hassan Yemer**—became public when the Council on American-Islamic Relations got their families in touch with the FBI after the five left the United States without telling their families. The men were arrested at the home of Chaudhry's father, Khalid Farooq Chaudhry.[659] Attorneys for the men contended that the five were tortured by Pakistani jailers.[660] In addition, they alleged that police in Pakistan fabricated incriminating evidence.[661]

The motives for the group's trip to Pakistan are unclear. Zamzam claimed in a Pakistani court that the young men were not in the country to pursue terrorism and wanted to provide medical and financial assistance to Afghan Muslims.[662] The group reportedly met with representatives from two militant organizations, Jaish-e-Muhammad (tied to Al Qaeda) and Jamaat-ud-Dawa.[663] They were arrested in a house allegedly tied to Jaish-e-Muhammad after failing to link up with any terrorists. It has been reported that the two groups they approached rejected them because they lacked references from other trusted terrorists.[664] According to a news report citing Pakistani investigators, the five communicated online and visited websites that included footage of reputed terrorist attacks on U.S. forces in Afghanistan. Families, neighbors, and friends of the five young men are reported to have had difficulty believing that the five had tried to link up with terrorist groups.[665]

Al-Shabaab Minnesota Recruits—2007-2011

"Operation Rhino" is an FBI investigation of al-Shabaab-related recruitment of individuals in Minnesota—the Minneapolis area has the largest community of Somali Americans in the United States.[666] Reportedly, some of individuals indicted in the case began their terrorism-related

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[659] Ibid.

[660] Ibid.

[661] Saeed Shah, "American Jihadi Suspects 'Set Up' by Police, Say Lawyers," *The Guardian* (London), April 11, 2010, http://www.guardian.co.uk/world/2010/apr/11/us-pakistan-jihadi-suspects-set-up

[662] Kamran Haider, "Pakistani Court Rejects Americans' Bail Request," *Reuters*, February 17, 2010, http://www.reuters.com/article/idUSTRE61F1IQ20100217; "Americans Detained in Pakistan Defend 'Jihad' Plans," *USA Today*, January 4, 2010, http://www.usatoday.com/news/world/2010-01-03-pakistan-americans-court_N.htm.

[663] Waqar Gillani, "Pakistani Court Approves Arrests of 5 Americans," *New York Times*, December 16, 2009, http://www.nytimes.com/2009/12/16/world/asia/16inquire.html.

[664] Margaret Neighbour, "Al-Qaeda 'Rejected US Muslims Because They Lacked References,'" *The Scotsman*, December 11, 2009, http://news.scotsman.com/world/AlQaeda-39rejected-US-Muslims.5903482.jp; Lolita C. Baldor, "Americans Held in Pakistan Straddled 2 Worlds," *Associated Press* in *The Guardian*, December 12, 2009, http://www.guardian.co.uk/world/feedarticle/8854274. Hereinafter: Baldor, December 12, 2009.

[665] Baldor, December 12, 2009.

[666] DOJ Press Release, "Minneapolis Man Pleads Guilty to Terrorism Offense," July 18, 2011, http://www.fbi.gov/minneapolis/press-releases/2011/minneapolis-man-pleads-guilty-to-terrorism-offense. Hereinafter: DOJ Press Release, July 18, 2011. DOJ Press Release, "Fourteen Charged with Providing Material Support to Somalia-Based Terrorist Organization," August 5, 2010, http://www.justice.gov/opa/pr/2010/August/10-ag-898.html. Hereinafter: DOJ Press Release, August 5, 2010; DOJ Press Release, "Terror Charges Unsealed Against Eight Defendants," November 23, 2009, http://www.justice.gov/opa/pr/2009/November/09-nsd-1267.html. Hereinafter: DOJ Press Release, November 23, 2009.

activities in 2007, around the time al-Shabaab stepped up its insurgency against Somalia's transitional government and its Ethiopian supporters. The Minnesota recruits who traveled to Somalia received weapons training alongside individuals from other countries, including Britain, Australia, Sweden and Canada.[667] The indicted American recruits face a variety of accusations including recruiting and raising funds for the trips, engaging in terrorist acts in Somalia, and perjury.[668]

Documents associated with the federal investigation into the recruitment of these individuals from the Minneapolis area reveal the importance of a local al-Shabaab support network that provided the organization financing and foot soldiers. It included older individuals who helped in the radicalization process and aided in supplying the young men with equipment and money to go to Somalia. At least six individuals appear to have played important roles:[669]

- In February 2012, **Ahmed Hussein Mahamud** pled guilty to conspiring to provide material support to al-Shabaab. He admitted that he helped raise funds for men from Minnesota to join the terrorist organization. He and his co-conspirators "claimed the money raised would be used for a local mosque or to help orphans in Somalia. In fact, the money collected was used to purchase airline tickets and to pay other expenses so men could travel from Minnesota to Somalia to join al Shabaab."[670]
- In July 2011, **Omer Abdi Mohamed** pled guilty to conspiring to provide material support to a conspiracy to murder, kidnap, and maim abroad. Among his activities, he helped some recruits obtain airplane tickets.[671]
- In October 2011, two women, **Amina Ali and Hawo Hassan**, were convicted as part of a scheme to raise money for al-Shabaab by soliciting funds door-to-door and via teleconferences. According to DOJ, in some instances, Ali raised money by misleading donors into believing the funds were destined for "the poor and needy."[672] Ali and Hassan are both naturalized U.S. citizens from Somalia.[673]

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[667] Anti-Defamation League (ADL), "Al Shabaab's American Recruits: Introduction," June 7, 2010, http://www.adl.org/main_Terrorism/al_shabaab_american_recruits.htm. Hereinafter: ADL, All Shabaab's American Recruits.

[668] DOJ Press Release, "Fourteen Charged"; "Netherlands Terror Suspect Fights U.S. Extradition," *Associated Press* in *FOXNews.com*, February 22, 2010, http://www.foxnews.com/world/2010/02/22/netherlands-terror-suspect-fights-extradition/.

[669] Raffaello Pantucci, "American Jihad: New Details Emerge About al-Shabaab Recruitment in North America," *The Jamestown Foundation*, December 3, 2009, http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=35797&cHash=f6e78a6e93.

[670] DOJ Press Release, "Ohio Man Pleads Guilty to Conspiracy to Provide Material Support to Somali-Based Terror Group," February 6, 2012, http://www.fbi.gov/minneapolis/press-releases/2012/ohio-man-pleads-guilty-to-conspiracy-to-provide-material-support-to-somali-based-terror-group?utm_campaign=email-Immediate&utm_medium=email&utm_source=minneapolis-press-releases&utm_content=69015.

[671] DOJ Press Release, July 18, 2011.

[672] DOJ Press Release, "Two Minnesota Women Convicted of Providing Material Support to al Shabaab," October 20, 2011, http://www.fbi.gov/minneapolis/press-releases/2011/two-minnesota-women-convicted-of-providing-material-support-to-al-shabaab?utm_campaign=email-Immediate&utm_medium=email&utm_source=minneapolis-press-releases&utm_content=39314; DOJ Press Release, August 5, 2010.

[673] Ibid.

- **Mahamud Said Omar** is a Somali citizen who was granted permanent U.S. resident status in 1994. In October 2012, Omar was found guilty on four charges related to providing material support to al-Shabaab.[674] The government accused him of providing money to young men to travel from Minneapolis to Somalia to train with and fight for al-Shabaab. He also allegedly visited an al-Shabaab safe house and provided hundreds of dollars to fund the purchase of AK-47 rifles for the men.[675] Omar was held in a high-security Dutch prison after his arrest at the request of the U.S. government in November 2009. In May 2010, a Rotterdam District Court ruled that Omar could be extradited to the United States.[676]
- **Abdiweli Yassin Isse** is a legal resident of the United States. An October 9, 2009, criminal complaint charged Isse with encouraging others to travel to Somalia to fight Ethiopians. At a gathering of co-conspirators, he purportedly described his plans to wage jihad against Ethiopians. He also raised money to buy airplane tickets for others to make the trip to Somalia for the same purpose. In raising that money, he allegedly misled community members into thinking they were contributing money to send young men to Saudi Arabia to study the Quran.[677] Isse is still wanted by the FBI.[678]
- **Cabdulaahi Ahmed Faarax** is a Somali-born naturalized U.S. citizen. An affidavit filed in support of an October 9, 2009, criminal complaint states that in the fall of 2007, Faarax attended a meeting with co-conspirators at a Minneapolis residence, where he encouraged others to travel to Somalia to fight and told them how he had experienced true brotherhood while fighting a jihad in Somalia.[679] He detailed his own experiences in guerilla combat and reassured his listeners that it was fun and not to be afraid. He further underscored that recruits would get the chance to use firearms.[680] Faarax is still wanted by the FBI.[681]

In July 2012, concerns were renewed again as two new Minneapolis recruits reportedly joined al-Shabaab.[682] However, there is some suggestion that interest among young U.S. citizens in joining

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[674] Dan Browning and Allie Shah, "Minneapolis Man Found Guilty of Aiding Somalia Terrorist Group," *Minneapolis Star Tribune,* October 18, 2012, http://www.startribune.com/local/minneapolis/174834731.html?refer=y.

[675] DOJ Press Release, November 23, 2009.

[676] DOJ Press Release, "Man Extradited from Netherlands Appears in Federal Court on Charges of Supporting Terrorists," August 15, 2011, http://www.fbi.gov/minneapolis/press-releases/2011/man-extradited-from-netherlands-appears-in-federal-court-on-charges-of-supporting-terrorists; "Terror Suspect's Extradition to the U.S. to be Appealed," *Associated Press*, June 1, 2010, http://www.google.com/hostednews/ap/article/ALeqM5heU1OoqeTWyr3O1YtURr-yIeZv8QD9G2J1QG1.

[677] DOJ Press Release, November 23, 2009.

[678] See http://www.fbi.gov/wanted/alert/providing-material-support-1/view.

[679] DOJ Press Release, November 23, 2009.

[680] *United States v. Cabdulaahi Ahmed Faarax and Abdiweli Yassin Isse*, Criminal Complaint, United States District Court for the District of Minnesota. See Dina Temple-Raston, "Jihadi Cool: Terrorist Recruiters' Latest Weapon," *National Public Radio*, March 26, 2010, http://www.npr.org/templates/story/story.php?storyId=125186382&ft=1&f=1001.

[681] Ibid.

[682] See Laura Yuen, "Terrorist Pipeline Continues to Flow from Minn. to Somalia," *Minnesota Public Radio,* October 26, 2012, http://minnesota.publicradio.org/display/web/2012/10/26/news/terrorist-pipeline-continues-to-flow-from-minnesota-to-somalia/.

al-Shabaab may be waning from a high point in 2007-2008 as reports of recruits who had died in terrorist actions reached U.S. Somali communities.[683]

In 2009, the Director of the National Counterterrorism Center told Congress that at least seven Americans had been killed in fighting in Somalia.[684] In October 2008, **Shirwa Ahmed,** 27, a college student from Minneapolis, became the first known American suicide bomber when he drove an explosives-laden truck into a government building in Somalia, one of five simultaneous attacks that killed 22 U.N. aid workers and others.[685] Additionally, **Farah Mohamed Beledi** was identified as a suicide bomber who died as he tried to detonate his suicide vest in a May 2011 attack in Mogadishu, Somalia.[686] Also, according to media reports, al-Shabaab has claimed that **Abdisalan Hussein Ali** purportedly blew himself up while attacking African Union troops in Mogadishu in October 2011.[687]

Nidal Malik Hasan—Fort Hood, Texas, Shooting—November 5, 2009

A mass shooting took place on November 5, 2009, at the Soldier Readiness Center at the U.S. Army's Fort Hood, located outside Killeen, Texas.[688] In August 2013, a military jury found U.S. Army Major Nidal Malik Hasan guilty of "13 counts of premeditated murder and 32 counts of attempted premeditated murder" resulting from the attack.[689] In a court hearing in June 2013, Hasan, acting as his own attorney, had suggested that the attack resulted from his wish to defend Taliban leadership in Afghanistan from the U.S. Army.[690] At the time of the shooting, Hasan was serving as a psychiatrist in the Army.

Hasan is reported to have fired 100 rounds at soldiers processing through cubicles in the center. He was seriously wounded in an exchange of gunfire during the incident. Hasan was armed with

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[683] Eric Schmitt, "Islamic Extremist Group Recruits Americans for Civil War, Not Jihad," *New York Times,* June 6, 2010, http://www.nytimes.com/2010/06/07/nyregion/07shabaab.html.

[684] "The Threat from Somalia," *The Washington Post*, November 2, 2009. http://www.washingtonpost.com/wp-dyn/content/article/2009/11/01/AR2009110101774.html.

[685] DOJ Press Release, November 23, 2009.

[686] FBI Press Release, "FBI Announces Identity of Transitional Federal Government Checkpoint Suicide Bomber," June 9, 2011, http://www.fbi.gov/minneapolis/press-releases/2011/fbi-announces-identity-of-transitional-federal-government-checkpoint-suicide-bomber.

[687] Josh Kron, "American Identified as Bomber in Attack on African Union in Somalia," *New York Times,* October 30, 2011, http://www.nytimes.com/2011/10/31/world/africa/shabab-identify-american-as-bomber-in-somalia-attack.html.

[688] Department of Defense (DOD), Report of the DOD Independent Review, *Protecting the Force: Lessons from Fort Hood,* January 2010, p. 1.

[689] Nathan Koppel, "Hasan Found Guilty in Fort Hood Shooting," *Washington Post,* August 23, 2013, http://online.wsj.com/article/SB10001424127887323665504579030933574360364.html?KEYWORDS=Jury+Convicts+Hasan+of+Murder. "Court Rules Fort Hood Massacre Suspect Must Shave Beard," *CBS News,* October 18, 2012, http://www.cbsnews.com/8301-201_162-57535648/court-rules-fort-hood-massacre-suspect-must-shave-beard/; Jeremy Schwartz, "Hasan To Face Court-Martial, Possible Death Penalty," *Austin American-Statesman,* July 6, 2011, http://www.statesman.com/blogs/content/shared-gen/blogs/austin/blotter/entries/2011/07/06/hasan_to_face_courtmartial_pos.html; Manny Fernandez, "Major Is Arraigned in Fort Hood Killings," *New York Times,* July 20, 2011, http://www.nytimes.com/2011/07/21/us/21hood.html.

[690] Hasan was attempting a "defense of others" approach in court to explain his actions and present his case. See Manny Fernandez, "Fort Hood Suspect Says Rampage Was to Defend Afghan Taliban Leaders," *New York Times,* June 4, 2013, http://www.nytimes.com/2013/06/05/us/fort-hood-suspect-says-he-was-defending-taliban-leaders.html?_r=1&.

an FN FiveseveN® 5.7 millimeter pistol[691] and an older model Smith and Wesson .357 revolver. However, law enforcement officials do not believe the latter gun was fired by Hasan.[692]

Hasan is the son of Palestinian immigrants and was born and grew up in Virginia.[693] He is reported to have expressed radical beliefs on several occasions during his Army career. In a 2007 presentation to Walter Reed physicians, Hasan said that the Army should allow Muslim soldiers to claim conscientious objector status to forgo fighting other Muslims. However, there is no record of disciplinary action having been taken by the U.S. Army nor did they ever consider him unfit for duty or a security threat. A Pentagon review found that officers failed to comply with applicable policies in Hasan's career evaluations.[694]

The FBI discovered email correspondence between Hasan and Anwar al-Awlaki. Over the course of several months, Hasan sent 16 emails to Awlaki (who reportedly replied to only two of them). The email exchange was assessed by investigators to be in line with the psychiatrist's research into Muslim U.S. soldiers' reactions to the wars in Iraq and Afghanistan.[695] After the Fort Hood shootings, Awlaki issued a statement dubbing him a hero but denying that he had incited Hasan.[696]

David Headley—Plots to Attack Offices of Newspaper in Copenhagen and Support Mumbai Terrorist Attacks—October 2009

On March 18, 2010, David Coleman Headley pled guilty to numerous criminal charges including a plot to attack employees of the *Jyllands-Posten* newspaper in Copenhagen, Denmark; helping plan the 2008 Mumbai terrorist attack; and providing material support to Lashkar-e-Taiba (LeT), a militant Pakistani Islamist group. As part of the plea agreement, prosecutors would not pursue the death penalty against him if he cooperates with law enforcement and intelligence officials.[697]

Headley was born Daood Sayed Gilani in Washington, DC, to a Pakistani father and an American mother. He reportedly changed his Muslim name to a Judeo-Christian name to hide his Muslim identity. Arrested in October 2009, Headley allegedly attended LeT terrorism training camps in Pakistan in 2002 and 2003 and also conducted extensive surveillance for both the Copenhagen and Mumbai plots. In late 2005 a LeT handler and another LeT-linked individual conspired with Headley to have him perform advanced surveillance and scouting for the Mumbai attacks. The LeT personnel discussed the idea of opening an immigration office in Mumbai as cover for his

[691] The FN Five-seveN® single-action autoloading pistol is designed and manufactured in Belgium by FN Herstal. It fires the low-recoil 5.7x28mm cartridge.

[692] "Ft. Hood Shooter Nidal Hasan Used Private, Legally-Bought Pistol—Not Military Weapon—in Rampage," *Associated Press* in *New York Daily News,* November 7, 2009. http://www.nydailynews.com/news/national/2009/11/07/2009-11-07_ft_hood_shooter_nidal_hasan_used_private_legallybought_pistol__not_military_weap.html.

[693] Elisabeth Bumiller and Scott Shane, "Pentagon Report on Fort Hood Details Failures, *New York Times*, January 16, 2010, http://www.nytimes.com/2010/01/16/us/politics/16hasan.html.

[694] William H. McMichael, "Review of Ft. Hood Slayings Faults Hasan's Supervisors," *Army Times*, January 25, 2010.

[695] David Tarrant, "Suspects in Dallas Plot, Fort Hood Shootings Were on FBI's Radar, But Only One Was Taken Down," *The Dallas Morning News*, November 22, 2009, http://www.dallasnews.com/sharedcontent/dws/news/texassouthwest/stories/112209dnentlonewolf.450512f.html.

[696] Andy Soltis, "Fiend Laughed 4 Times, but Not Last," *New York Post,* October, 1, 2011, http://www.nypost.com/p/news/international/fiend_laughed_times_but_not_last_e2Gf2P0zP0luSuiX1K8tgP.

[697] Carrie Johnson, "U.S. Citizen, David Coleman Headley Admits Role in Mumbai Attacks," *The Washington Post*, March 19, 2010, p. A16. http://www.washingtonpost.com/wp-dyn/content/article/2010/03/18/AR2010031805407.html.

scouting activities. Using the sham office as cover, between September 2006 and July 2008, Headley made five trips to the city, photographed and videotaped potential targets following the instructions of LeT. He also received an additional $3,000 and a GPS device from LeT. In November 2008, LeT attacked Mumbai targets killing 164 individuals.[698]

Headley was also involved in a plot to attack the facilities of Danish newspaper, *Morgenavisen Jyllands-Posten*. The plot involved attacking an editor and a cartoonist involved in the publication of controversial editorial cartoons depicting the Prophet Muhammad which sparked protests throughout the Muslim world. Headley met with an LeT member in Pakistan in 2008 to discuss surveillance of the newspaper. In January 2009 he cased the newspaper and met with its representatives. In July and August 2009, he met in Europe with contacts of Ilyas Kashmiri, a member of a terrorist organization in Pakistan, to conduct additional surveillance.[699]

Three others alleged to have collaborated with Headley have been charged by U.S. authorities in the Mumbai and Copenhagen plots:

- **Tahawwur Hussain Rana** is a Canadian citizen who emigrated from Pakistan, was trained as a physician, and resided in Chicago until his arrest in October 2009. According to Headley's plea agreement, he shared with Rana—a longtime friend—details of his trips to Pakistan and his association with LeT.[700] In turn, Rana helped Headley disguise his surveillance activity in India.[701] Rana also provided cover for Headley's reconnaissance work in Denmark.[702] In June 2011, Rana was convicted of conspiracy in the Danish plot and for providing material support to LeT. However, he was acquitted of involvement in the Mumbai plot.[703]
- **Ilyas Kashmiri** was killed in June 2011, reportedly in a missile strike by a U.S. unmanned aerial vehicle.[704] He had been a leader of Harakat-ul Jihad Islami a terrorist organization in Pakistan and was believed to be in contact with Al Qaeda leaders. In February 2009, he allegedly met with Headley in Waziristan. He also purportedly reviewed Headley's Denmark surveillance footage and suggested the use of a truck bomb. According to DOJ, he met with Headley again in May 2009

[698] DOJ Press Release, "Two Chicago Men Charged in Connection with Alleged Roles in Foreign Terror Plot That Focused on Targets in Denmark," October 27, 2009, http://chicago.fbi.gov/dojpressrel/pressrel09/cg102709.htm; DOJ Press Release, "Chicagoan David Headley Charged with Conspiracy in 2008 Mumbai Attacks in Addition to Foreign Terror Plot in Denmark," December 7, 2009, http://www.justice.gov/usao/iln/pr/chicago/2009/pr1207_01.pdf; DOJ Press Release, "Chicagoans Tahawwur Rana and David Headley Indicted for Alleged Roles in India and Denmark Terrorism Conspiracies: Ilyas Kashmiri and Retired Pakistani Major Charged in Denmark Plot," January 14, 2010, http://www.justice.gov/usao/iln/pr/chicago/2010/pr0114_01.pdf. Hereinafter: DOJ Press Releases, dated October 27, 2009; December 7, 2009; and January 14, 2010.

[699] Ibid.

[700] *United States v. David Coleman Headley,* Plea Agreement, U.S. District Court, Northern District of Illinois (undated).

[701] Ibid. See "Tahawwur Hussain Rana's Pre-Trial Conference Tomorrow," *zeenews.com* (India), March 28, 2010, http://www.zeenews.com/news614664.html

[702] DOJ Press Release, "Chicago Businessman Tahawwur Hussain Rana Guilty of Providing Material Support to Terror Group and Supporting Role in Denmark Terrorism Conspiracy," June 9, 2011, http://www.fbi.gov/chicago/press-releases/2011/chicago-businessman-tahawwur-hussain-rana-guilty-of-providing-material-support-to-terror-group-and-supporting-role-in-denmark-terrorism-conspiracy.

[703] Ibid.

[704] Brian Bennett, "U.S. Has Verified Al Qaeda Operative's Death, Official Says," July 8, 2011, http://articles.latimes.com/2011/jul/08/world/la-fg-pakistan-kashmiri-20110708.

and directed him to link up with his operatives in Europe. He also advised cutting out LeT from the operation. LeT reportedly agreed.[705] Kashmiri was charged in the plots.

- **Abdur Rehman Hashim Syed** is a retired major in the Pakistani military and is alleged to have coordinated Headley's travel to Denmark and helped plan the attack. He connected Headley with Kashmiri.[706] Syed has been charged in the plot but is not in U.S. custody.

Apparently Headley's life swung widely between the strictures of conservative Islam and the wide-open excesses of the West. Born in 1960 in Washington, DC, he is the son of a Pakistani father, Syed Saleem Gilani, who worked at the Pakistani Embassy. Headley's mother, Serrill Headley, a Bryn Mawr, Pennsylvania native, also worked at the embassy. Soon after David/Daood was born, the family moved to Pakistan. But Serrill left Syed and Pakistan in 1968, because she could not abide by their conservative views of married women. She returned to Philadelphia in the early 1970s and opened up a bar called Khyber Pass.

In 1977, after Pakistan suffered a military coup, Headley's mother brought David/Daood back to the United States. He struggled to fit in, at times espousing extremist views while developing a heroin habit. In 1985, his mother made him manager of the bar she owned. He reportedly failed at this role and his mother was forced to sell the bar. That same year, he married a bartender whom he divorced in 1987 because of cultural differences. His wife at that time said that David/Daood was torn between two cultures—calling Indians "infidels," for example. A Khyber Pass employee remembered him discussing infidels and Islam taking over the world. The Drug Enforcement Administration (DEA) nabbed him twice (1988 and 1997) on heroin smuggling charges, and he worked as an informant for them and served prison sentences.[707]

Tarek Mehanna—Plot to Assassinate Politicians and Attack Shopping Malls—October 2009

Tarek Mehanna, a dual U.S. and Egyptian citizen,[708] from the Boston suburb of Sudbury, Massachusetts, was arrested on October 21, 2009, on charges that he plotted to kill two prominent U.S. politicians and shoot people at American shopping malls. He was accused of conspiring with two other men—**Ahmad Abousamra,** a friend from childhood who authorities say is now in Syria and, presumably, **Kareem Abu-zahra**, who received immunity from prosecution related to the case by cooperating with authorities. At Mehanna's trial, prosecutors argued that he traveled to Yemen to look for a terrorist camp. Unsuccessful in his attempts, he returned to the U.S. and plotted to provide material support to Al Qaeda.[709] In December 2011, Mehanna was convicted of

[705] DOJ Press Releases, dated October 27, 2009; December 7, 2009; and January 14, 2010.

[706] Ibid.

[707] Joseph Tanfani, John Shiffman, and Kathleen Brady Shea, "American Suspect in Mumbai Attack Was DEA Informant," McClatchy Washington Bureau, December 14, 2009, http://www.mcclatchydc.com/2009/12/14/v-pring/80622-american-suspect-in-mumbai-attack.html; Ginger Thompson, "A Terror Suspect With Feet in East and West," *New York Times*, November 22, 2009, http://www.nytimes.com/2009/11/22/us/22terror.html.

[708] Denise Lavoie, "Mass. Terror Suspect Taught Kids at Muslim School," *Associated Press foreign,* in *guardian.co.uk*, October 21, 2009, http://www.guardian.co.uk/world/feedarticle/8766970. Hereinafter: Denise Lavoie, October 21, 2009.

[709] Denise Lavoie, "Defense Contests Key Witness in Mass. Terror Case," *Associated Press,* November 30, 2011, http://www.google.com/hostednews/ap/article/ALeqM5gsm1sGM3YYzYFt9SuZ_Db-E1nx7g?docId=
(continued...)

"conspiracy to provide material support to al-Qaeda; providing material support to terrorists (and conspiracy to do so); conspiracy to commit murder in a foreign country; conspiracy to make false statements to the FBI and two counts of making false statements."[710]

Much of the case against Mehanna involved material support to terrorism.[711] According to DOJ, "Beginning in or about 2001, and continuing until in or about May 2008, Mehanna conspired with Ahmad Abousamra, and others to provide material support and resources for use in carrying out a conspiracy to kill, kidnap, maim or injure persons or damage property in a foreign country and extraterritorial homicide of a U.S. national."[712] Specifically, the complaint affidavit alleges that Mehanna and co-conspirators discussed their desire to participate in violent jihad against American interests and that they would talk about fighting jihad and their desire to die on the battlefield. The complaint further alleges that the co-conspirators attempted to radicalize others and inspire each other by, among other things, watching and distributing jihadi videos.[713]

At the time of his 2009 arrest Mehanna was free on bail from an earlier arrest that occurred in November 2008, at Logan International Airport in Boston. In the prior incident, he was charged with lying to federal investigators during a 2006 interview about his ties to Daniel Maldonado, who subsequently pled guilty to participating in terrorism training in Somalia. Maldonado is serving a 10-year prison sentence on that charge.[714] According to court documents, the conspirators had

> multiple conversations about obtaining automatic weapons and randomly shooting people in a shopping mall, and that the conversations went so far as to discuss the logistics of a mall attack, including coordination, weapons needed and the possibility of attacking emergency responders. It is alleged that the plan was ultimately abandoned, because of their inability to obtain the automatic weapons they deemed necessary to effectively carry out the attacks.[715]

Mehanna graduated from the Massachusetts College of Pharmacy in 2008 where his father is a professor. Mehanna and his co-conspirators were said to have found inspiration in the 2002 Washington, DC, sniper attacks.[716] Mehanna taught math and religion at a Muslim school in Worcester, Massachusetts.[717]

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3f8038ef17244f4095e94e864c6be9fa.

[710] DOJ Press Release, "Massachusetts Man Convicted on Terrorism-Related Charges," December 20, 2011, http://www.fbi.gov/boston/press-releases/2011/massachusetts-man-convicted-on-terrorism-related-charges.

[711] U.S. Code, Title 18, Part I, Chapter 113B, Section 2339A. For more information on this statute, see CRS Report R41333, *Terrorist Material Support: An Overview of 18 U.S.C. 2339A and 2339B*, by Charles Doyle.

[712] DOJ Press Release, "Massachusetts Man Charged with Conspiracy to Provide Material Support to Terrorists" October 21, 2009. http://boston.fbi.gov/dojpressrel/pressrel09/bs102109a.htm. Hereinafter: DOJ, "Massachusetts Man."

[713] Ibid.

[714] Shelley Murphy and Milton J. Valencia, "Details Emerge on Plot Suspects," *The Boston Globe,* October 23, 2009. http://www.boston.com/news/local/massachusetts/articles/2009/10/23/details_emerge_on_plot_suspects/. Hereinafter: Murphy and Valencia, October 23, 2009.

[715] DOJ, "Massachusetts Man."

[716] Abby Goodnough and Liz Robbins, "Mass. Man Arrested in Terrorism Case," *New York Times*, October 21, 2009, http://www.nytimes.com/2009/10/22/us/22terror.html.

[717] Denise Lavoie, October 21, 2009.

Abousamra is the son of a physician who worked at Massachusetts General Hospital for 21 years and was president of the Islamic Center of New England before moving to the Detroit area in 2007. Abousamra was named in an affidavit filed in October 2009, in federal court in Boston as a conspirator with Mehanna. He allegedly fled to Syria after being questioned by the FBI. The affidavit asserts Abousamra tried to join a terrorist training camp in Pakistan in 2002 and 2003, but was rejected by the Taliban because of a "lack of experience."[718] In October 2012, the Bureau offered a reward for his capture.[719]

Hosam Smadi—Plot to Bomb a Dallas, Texas, Skyscraper—September 2009

On September 24, 2009, Hosam Maher Husein Smadi, a Jordanian citizen who is reported to have remained in the United States illegally for one year after his visa expired, parked an SUV packed with what he thought were explosives outside Fountain Place, a 60-story office tower at Ross Avenue and Field Street in Dallas, Texas. When Smadi dialed a cell phone that he thought would detonate the "truck bomb," he was arrested by undercover FBI agents who had been posing as fellow anti-American terrorists.

The arrest was part of an FBI sting operation that began after an agent monitoring an online extremist website discovered Smadi espousing jihad against the United States. Smadi was charged on October 7, 2009, with attempting to use a weapon of mass destruction. David Kris, Assistant Attorney General for National Security, reported that "The Criminal complaint alleges that Hosam Smadi sought and attempted to bomb the Fountain Place office tower, but a coordinated undercover law enforcement action was able to thwart his efforts and ensure no one was harmed."[720] Undercover FBI agents, posing as members of an Al Qaeda "sleeper cell" were introduced to Smadi, who repeatedly indicated to them that he came to the U.S. for the specific purpose of committing "Jihad for the sake of God." Smadi clarified that he was interested in "self-jihad" because it was "the best type of jihad." The investigation determined Smadi was not associated with other terrorist organizations.[721]

DOJ also claims that "undercover FBI agents repeatedly encouraged Smadi to reevaluate his interpretation of jihad, counseling him that the obligation of jihad can be satisfied in many ways. Every time this interaction occurred, Smadi aggressively responded that he was going to commit significant, conspicuous acts of violence as his jihad."[722]

In late August 2009, while meeting with one of the undercover FBI agents in Dallas, authorities allege that

> Smadi discussed the logistics and timing of the bombing, stating that he would have preferred to do the attack on "11 September," but decided to wait until after the month of Ramadan, which ended on September 20, 2009. At the conclusion of the meeting, Smadi decided that a vehicle-borne improvised explosive device (VBIED) would be placed at the foundation of the Fountain Place office tower. Unbeknownst to Smadi, the FBI ensured the

[718] Murphy and Valencia, October 23, 2009.

[719] See http://www.fbi.gov/news/stories/2012/october/help-us-catch-a-terrorist/help-us-catch-a-terrorist.

[720] DOJ Press Release, "FBI Arrests Jordanian Citizen for Attempting to Bomb Skyscraper in Downtown Dallas," September 24, 2009, http://dallas.fbi.gov/dojpressrel/pressrel09/dl092409.htm.

[721] Ibid

[722] Ibid

> VBIED contained only an inert/inactive explosive device which contained no explosive materials.[723]

Tom Leppert, Dallas mayor at the time of the plot, said local authorities were notified of the operation before it happened. "We were clearly communicated to that there was not going to be danger to anybody."[724]

On May 26, 2010, Smadi pled guilty to one count of attempted use of a weapon of mass destruction. He was sentenced on October 20, 2010, to 24 years in prison.[725]

Michael Finton—Plot to Bomb the Springfield, Illinois, Federal Building—September 2009

On September 23, 2009, Michael C. Finton, who had converted to Islam and changed his name to Talib Islam, was arrested after he drove a van he thought was loaded with explosives—but was actually provided to him by the FBI—to the Paul Findley Federal Building in Springfield, Illinois. Prosecutors say he parked and locked the vehicle, then moved a few blocks away before twice making cell phone calls he believed would trigger a blast that would kill or injure people inside the building. In May 2011, he pled guilty to attempting to bomb the building and was sentenced to 28 years in prison.[726]

Finton reportedly had converted to Islam while in an Illinois prison from 2001 to 2006, serving a sentence for aggravated robbery and aggravated battery. He came to the attention of federal authorities in August 2007 when a search of his vehicle turned up a letter about his dreams of being a *shahid*, or martyr.

According to the affidavit filed in support of the criminal complaint, "after his arrest it was discovered that Finton had written a letter to John Walker Lindh, an American who was captured fighting for the Taliban and is imprisoned on terrorism violations. In a January 2008 interview with the FBI after his release from prison on a parole violation, Finton allegedly explained that he idolized Lindh. The affidavit further alleges that, in March 2008, Finton received funds from an individual in Saudi Arabia that he used to travel to Saudi Arabia the following month. He returned to the United States in May 2008."[727]

In February 2009, an FBI special agent posing as a member of Al Qaeda was introduced to Finton. The affidavit alleges that in the ensuing months, Finton discussed possibly targeting locations in the United States and ultimately suggested the Paul Findley Federal Building and

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[723] Ibid.

[724] Jason Trahon, Todd J. Gillman, and Scott Goldstein, "Dallas Bomb Plot Suspect Told Landlord He Was Moving Out," *The Dallas Morning News*, September 26, 2009, http://www.dallasnews.com/sharedcontent/dws/dn/latestnews/stories/092409dnmetbombarrest.1b177db8b.html.

[725] Jason Trahan, "Dallas Bombing Plotter Hosam Smadi Sentenced to 24 Years in Prison, *The Dallas Morning News,* October 20, 2010, http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/DN-smadi_20met.ART0.State.Edition1.33928b1.html.

[726] DOJ Press Release, "Illinois Man Admits Plotting to Bomb Federal Courthouse and Is Sentenced to 28 Years in Prison," May 9, 2011, http://www.justice.gov/opa/pr/2011/May/11-nsd-590.html; DOJ Press Release, "Illinois Man Arrested in Plot to Bomb Courthouse and Murder Federal Employees Vehicle Bomb Placed at Scene Was Inactive and Posed No Danger to Public," September 24, 2009, http://springfield.fbi.gov/dojpressrel/2009/si092409.htm.

[727] Ibid.

Courthouse in downtown Springfield as a primary target. He conducted surveillance of the building and proposed a remotely detonated car bomb for the attack. Further, according to the affidavit, Finton observed that U.S. Congressman Aaron Schock's office, located at the corner of East Monroe and 6th Streets, would be a secondary target."[728]

On September 1, 2009, Finton met with the undercover FBI officer and was told that the vehicle for the attack would be carrying close to one ton of explosives. According to the affidavit, Finton indicated awareness that the bomb would cause civilian casualties, but expressed his view that such casualties were justified. Unbeknownst to him, the FBI ensured that the vehicle for the attack contained no actual explosive materials.[729]

Najibullah Zazi—Plot to Bomb the New York City Subway—September 2009

Najibullah Zazi, a citizen of Afghanistan and a legal resident of the United States, has admitted that he plotted to bomb New York City subway trains in September 2009. Zazi told investigators that he and two friends planned to strap explosives to their bodies, board trains at the Grand Central and Times Square stations—two of the busiest in New York City—and explode their bombs during the crowded rush hour.[730]

On February 22, 2010, Zazi pled guilty to conspiracy to use weapons of mass destruction, conspiracy to commit murder overseas, and providing material support for a terrorist organization. There is no complete picture of Zazi's radicalization process, but there are details regarding his plot. In his youth, he may have listened to the radical messages of Saifur Rahman Halimi—an Imam who advocated jihad, attended the same mosque as Zazi's family, and lived in the same Queens building.[731] Zazi has admitted that he and others agreed to travel to Afghanistan to join Taliban forces. In August 2008, he and his accomplices flew from Newark to Peshawar, Pakistan, and instead of training with the Taliban, Al Qaeda recruited and trained them in the Waziristan region of Pakistan. Al Qaeda asked Zazi and his companions to return to the United States and engage in suicide operations.[732]

While training, Zazi received instruction on explosives, discussed specific targets, and took detailed notes. He returned to the United States in January 2009 and moved to Colorado, taking a job driving a shuttle bus at Denver International Airport. Between July and early September, he and accomplices purchased chemicals at beauty supply stores in Denver. Investigators suggest that Zazi used the same hotel suite twice to try and produce bomb-making chemicals using handwritten bomb making notes developed while in Pakistan to guide his production of triacetone triperoxide (TATP).[733] He even supposedly contacted an individual for production guidance. In

[728] Ibid.

[729] Ibid.

[730] John Marzulli, "Zazi, Al Qaeda Pals Planned Rush-Hour Attack on Grand Central, Times Square Subway Stations," *New York Daily News,* April 12, 2010. http://www.nydailynews.com/news/ny_crime/2010/04/12/2010-04-12_zazi_pals_planned_rushhour_attack_on_2_busiest_subway_stations.html.

[731] Samantha Gross, David Caruso, and Michael Rubinkam, "Radical Influences All around NYC Terror Suspect," *Associated Press*, October 4, 2009, http://abcnews.go.com/US/wireStory?id=8741604. For more on Zazi's childhood see, Michael Wilson, "From Smiling Coffee Vendor to Terror Suspect," *New York Times* September 26, 2009, http://www.nytimes.com/2009/09/26/nyregion/26profile.html?_r=1&pagewanted=print. Hereinafter: Wilson, September 26, 2009.

[732] Ibid.

[733] TATP (also known as acetone peroxide) has been used by suicide bombers in Israel, as a detonator by the thwarted (continued...)

the hotel's ventilation system, the FBI gathered residue from the chemicals Zazi had heated. Beauty store surveillance footage also recorded Zazi's activities.[734] He also searched the website of a Queens store that carried muriatic acid, which can be used to develop TATP.

On September 8, 2009, Zazi rented a car and departed for New York the next day. Upon arriving in New York City on September 10, Zazi's car was stopped by Port Authority of New York Police at the behest of the FBI as he crossed the George Washington Bridge. It has been reported that to avoid tipping him off, the police pretended the stop was a random drug checkpoint.[735] Authorities initially stated that they found nothing incriminating. However, court papers indicated that law enforcement subsequently found a laptop in the car containing an image of nine pages of handwritten notes on how to make and handle bombs. When FBI agents interviewed Zazi, he claimed that he drove to New York from Aurora, Colorado, to deal with an issue involving a coffee cart business his family operated in Manhattan. He then falsely stated he had never seen the notes.[736] Zazi has subsequently admitted that he planned to finish bomb construction over the September 12-13 weekend, and then target New York's subway lines on September 14, 15, or 16. However, when he suspected that the police were on to him, he claimed he shut down the operation.[737]

During this time, the NYPD was showing Zazi's photograph to people in his old neighborhoods in Queens and, at one point, the police towed Zazi's car. *The New York Times* reported that with their interest exposed, "law enforcement agents feared that some part of a plot they had not yet uncovered might be aborted and evidence destroyed. They moved fast, raiding four homes in Queens beginning late in the night on Sept. 20."[738] Zazi was arrested and charged on September 24, with one count of conspiring with others to use weapons of mass destruction, including bombs or other explosives.[739]

Others arrested in this case are

- **Mohammed Wali Zazi,** Najibullah Zazi's father, a naturalized U.S. citizen, was arrested in the fall of 2009 for lying to investigators. On February 1, 2010, he was indicted for conspiring to dispose of his son's bomb-making materials and chemicals. In an eight-count superseding indictment unsealed on November 29,

(...continued)

"shoe bomber" Richard Reid, and as the explosive in the July 7, 2005, London public transport system bombings. TATP is relatively easy to make compared to other explosives. Although it is highly susceptible to heat, friction, and shock, it can be prepared in a basement lab using commercially available materials obtained from hardware stores, pharmacies, or stores selling cosmetics. See *GlobalSecurity.org.* http://www.globalsecurity.org/military/systems/munitions/tatp.htm, and Philippe Naughton, "TATP is suicide bombers' weapon of choice," *Times Online* (London), July 15, 2005, http://www.timesonline.co.uk/tol/news/uk/article544334.ece.

[734] William K. Rashbaum, "Terror Suspect Is Charged with Preparing Explosives," *New York Times*, September 25, 2009, http://www.nytimes.com/2009/09/25/nyregion/25terror.html.

[735] Sean Gardiner, "Police Let Terrorist Slip Through," *Wall Street Journal*, April 26, 2010, http://online.wsj.com/article/SB10001424052748703441404575205954118455716.html?mod=WSJ_hpp_MIDDLENexttoWhatsNewsSecond.

[736] David Johnston and William K. Rashbaum, "Terror Suspect Had Bomb Guide, Authorities Say," *New York Times*, September 21, 2009, http://www.nytimes.com/2009/09/21/us/21terror.html.

[737] Ibid.

[738] "Najibullah Zazi," *New York Times*, February 22, 2010, http://topics.nytimes.com/topics/reference/timestopics/people/z/najibullah_zazi/index.html.

[739] Ibid. Zazi was originally arrested on the charge of making false statements to the FBI.

2010, he was also charged with obstruction of justice, witness tampering, making false statements, and visa fraud.[740] In July 2011, the elder Zazi was found guilty in federal court on one count of conspiracy to obstruct justice and one count of obstruction of justice.[741]

- **Ahmad Wais Afzali**, a Queens Imam, was arrested for informing Zazi of the FBI investigation. Afzali had been a source of information for federal and New York City investigators in the past.[742] On March 4, 2010, Afzali, pled guilty to lying to federal officials. He stated in court that he lied about a conversation he had with Zazi tipping him off to the FBI's investigation. Afzali hoped to protect himself, not Zazi. Afzali claimed that during his phone conversation with Zazi, he simply cautioned him not to "get involved in Afghanistan garbage."[743] During sentencing on April 15, 2010, Afzali told the judge, "Honest to God, it was never my intention to help those idiots for what they do in the name of Islam."[744] On July 5, 2010, he left the United States as specified in his plea agreement. He may not return without special permission.[745]
- **Naqib Jaji**, Zazi's uncle, was secretly arrested in the case.[746] In 2010, he pled guilty to obstructing justice in the investigation.[747]
- **Zarein Ahmedzay** and **Adis Medunjanin**, who were classmates of Zazi's at Flushing High School in Queens, New York, were also indicted in the case. They allegedly accompanied Zazi on a flight from Newark to Peshawar, Pakistan, in late August 2008 where it is claimed they received military-style training from Al Qaeda. Ahmedzay and Medunjanin, both U.S. citizens, were charged in a five-count superseding indictment unsealed on February 25, 2010, with conspiracy to use weapons of mass destruction (explosive devices) against persons or property in the United States. Specifically, they were charged with conspiring with Zazi to conduct an attack on Manhattan subway lines.[748] In April 2010, Ahmedzay pled

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[740] Chad Bray, "Father of NY Bomb-Plotter Faces More Charges, *Wall Street Journal*, November 30, 2010, http://online.wsj.com/article/SB10001424052748704679204575646842735976282.html; and John Marzulli, "Mohammed Wali Zazi, Father of Terror Suspect Najibullah Zazi, Free On Bail," *New York Daily News,* February 18, 2010, http://www.nydailynews.com/news/ny_crime/2010/02/18/2010-02-18_terror_suspect_zazis_dad_free_on_bail.html.

[741] Jessica Dye, "Zazi's Father Guilty in New York Bomb Plot Coverup," *Reuters,* July 22, 2011, http://www.reuters.com/article/2011/07/22/us-usa-zazi-idUSTRE76L4TQ20110722. Hereinafter: Dye, "Zazi's Father."

[742] Al Baker and Karen Zraick, "Lawyer Defends Queens Imam Arrested in Terror Inquiry," *New York Times*, September 21, 2009, http://www.nytimes.com/2009/09/21/nyregion/21imam.html.

[743] A.G. Sulzberger, "Imam Snared in Terror Plot Admits He Lied to the F.B.I." *New York Times*, March 4, 2010. http://www.nytimes.com/2010/03/05/nyregion/05terror.html.

[744] A.G. Sulzberger, "Imam and Informant Tells Why He Lied," *New York Times*, April 15, 2010. http://www.nytimes.com/2010/04/16/nyregion/16imam.html?scp=1&sq= %E2%80%9CImam%20and%20Informant%20Tells%20Why%20He%20Lied,%E2%80%9D%20&st=cse

[745] Colleen Long, "Imam Entangled in Terrorism Case Leaves U.S." *Associated Press*, in *CBSNews.com*, July 6, 2010, http://www.cbsnews.com/stories/2010/07/06/national/main6650661.shtml?utm_source=feedburner&utm_medium= feed&utm_campaign=Feed%3A+FromTheRoadCBSNews+(From+The+Road%3A+CBSNews.com).

[746] William K. Rashbaum, "Uncle Who Vouched for Terror Suspect Arrested," *New York Times*, January 27, 2010, http://www.nytimes.com/2010/01/28/nyregion/28zazi.html.

[747] Dye, "Zazi's Father."

[748] DOJ Press Release, "Two Charged with Terror Violations in Connection with New York Subway Plot," February 25, 2010, http://newyork.fbi.gov/dojpressrel/pressrel10/nyfo022510a.html.

guilty to the charges. In May 2012, Medunjanin "was convicted of conspiring to use weapons of mass destruction, conspiring to commit murder of U.S. military personnel abroad, providing and conspiring to provide material support to al Qaeda, receiving military training from al Qaeda, conspiring and attempting to commit an act of terrorism transcending national boundaries, and using firearms and a destructive devices in relation to these offenses."[749]

- In March 2011, DOJ announced the unsealing of an indictment charging **Ferid Imam**—a Canadian citizen—with aiding in Zazi, Ahmedzay, and Medunjanin's receipt of training from al Qaeda when the three men traveled to Pakistan in 2008.[750]

On July 7, 2010, DOJ announced the indictments of four additional men in the plot and revealed that it was directed by senior al-Qaeda leadership in Pakistan, and was related to a scheme by al-Qaeda plotters in Pakistan to use Western operatives to attack a target in the United Kingdom.[751] The superseding indictment charged **Adnan El Shukrijumah**, **Abid Naseer**; **Tariq Ur Rehman**; and a defendant known as **"Ahmad," "Sohaib" or "Zahid"** with several terrorism offenses.[752]

It is alleged that the plot was organized by el-Shukrijumah and two others—**Saleh al-Somali** and **Rashid Rauf,** who were described as leaders of Al Qaeda's "external operations" program dedicated to terrorist attacks in the United States and other Western countries.[753] The Saudi-born, El-Shukrijumah, is a naturalized U.S. citizen who has been sought for several years by U.S. authorities who have offered $5 million for information leading to his capture.[754] Specifically he is alleged to have recruited Zazi and Zazi's co-conspirators, Adis Medunjanin and Zarein Ahmedzay. Al-Somali and Rauf are believed to have been killed in U.S. drone attacks.[755]

Abid Naseer, a British citizen, is alleged to have exchanged coded emails with the same account that "Ahmad" was using to communicate with the Zazi cell. He and Tariq Ur Rehman were arrested in Britain in April 2009. A search of their residences yielded large amounts of flour and oil in addition to surveillance photos and maps of public areas of Manchester, England.[756]

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[749] DOJ Press Release, "Al Qaeda Operative Convicted by Jury in One of the Most Serious Terrorist Threats to the United States Since 9/11," May 1, 2012, http://www.fbi.gov/newyork/press-releases/2012/al-qaeda-operative-convicted-by-jury-in-one-of-the-most-serious-terrorist-threats-to-the-united-states-since-9-11?utm_campaign=email-Immediate&utm_medium=email&utm_source=new-york-press-releases&utm_content=93934; Janon Fisher, "Suspect in Subway Terror Plot Pleads Not Guilty," *New York Post,* August 6, 2010, http://www.nypost.com/p/news/local/queens/suspect_in_subway_terror_plot_pleads_ul5seb9NDPmxETe4ewIyBK#ixzz0wUo8qs77.

[750] DOJ Press Release, "Indictment Unsealed Charging Additional Member of al Qaeda Plot," March 15, 2011, http://www.fbi.gov/newyork/press-releases/2011/indictment-unsealed-charging-additional-member-of-al-qaeda-plot.

[751] DOJ Press Release, "Charges Unsealed against Five Alleged Members of Al-Qaeda Plot to Attack the United States and United Kingdom," July 7, 2010, http://www.justice.gov/opa/pr/2010/July/10-nsd-781.html. Hereinafter: DOJ Press Release, July 7, 2010.

[752] The indictment also includes charges related to attempts by Medunjanin to cause an accident on the Whitestone Expressway.

[753] DOJ Press Release, July 7, 2010.

[754] William K. Rashbaum, "Qaeda Leader Indicted in Subway Plot," *New York Times*, July 7, 2010, http://www.nytimes.com/2010/07/08/nyregion/08terror.html.

[755] Dina Temple-Raston, "Feds: N.Y. Subway Bomb Plot Included U.K. Targets," *National Public Radio*, July 8, 2010, http://www.npr.org/templates/story/story.php?storyId=128368594. Hereinafter: Temple-Raston, July 8, 2010.

[756] Julia Love, "Alleged Al Qaeda Operatives in New York Plot," *Los Angeles Times*, July 8, 2010, http://articles.latimes.com/2010/jul/08/nation/la-na-ny-terror-20100708. Hereinafter: Love, July 8, 2010.

Betim Kaziu—Plot to Join Foreign Jihadist Groups—August 2009

In July 2011, Betim Kaziu, a U.S. citizen from Brooklyn, New York, was convicted on charges related to his attempts to join Al Qaeda-linked groups. In February 2009, Kaziu and a friend named **Sulejah Hadzovic** (also a U.S. citizen and Brooklyn native) traveled to Cairo, Egypt, where they planned to link up with either al-Shabaab or other terrorist organizations operating in places such as Iraq, Afghanistan, or Pakistan. Believing he had made a mistake, Hadzovic returned home and cooperated with federal officials. Kaziu journeyed to Kosovo where he was apprehended by the Kosovo Police Service in August 2009.[757]

Daniel Boyd and Others—Plot to Attack Quantico Marine Base and Conspiracy to Commit Murder Abroad—July 2009

In 2009, Daniel Patrick Boyd, members of his family, and others were charged with plotting to attack the U.S. Marine Corps base in Quantico, Virginia, and for providing material support to terrorists and conspiring to murder persons abroad.

On July 22, 2009, a federal grand jury in North Carolina indicted the following eight individuals, charging them with conspiring to provide material support to terrorists and conspiring to murder, kidnap, maim, and injure persons abroad:

- **Daniel Patrick Boyd,** a U.S. citizen and resident of North Carolina;
- **Hysen Sherifi,** a native of Kosovo and a U.S. lawful permanent resident located in North Carolina;
- **Anes Subasic,** a naturalized U.S. citizen and resident of North Carolina;
- **Zakariya Boyd,** a U.S. citizen and resident of North Carolina;
- **Dylan Boyd,** a U.S. citizen and resident of North Carolina;
- **Mohammad Omar Aly Hassan,** a U.S. citizen and resident of North Carolina;
- **Ziyad Yaghi,** a U.S. citizen and resident of North Carolina; and
- **Jude Kenan Mohammad**, a U.S. citizen.

The indictment alleges that Daniel Boyd is a veteran of terrorist training camps in Pakistan and Afghanistan who conspired with others to recruit and help young men travel overseas in order to kill.[758]

According to the indictment, during the period from 1989 through 1992, Daniel Boyd traveled to Pakistan and Afghanistan where he received military-style training in terrorist training camps for

[757] Tom Hays, "NYC Terror Witness Tells of Friendship, Betrayal," *Associated Press,* July 5, 2011; DOJ Press Release, "Brooklyn Man Convicted of Conspiracy to Kill U.S. Soldiers Abroad and Attempting to Provide Material Support to al Shabaab," July 7, 2011, http://www.fbi.gov/newyork/press-releases/2011/brooklyn-man-convicted-of-conspiracy-to-kill-u.s.-soldiers-abroad-and-attempting-to-provide-material-support-to-al-shabaab.

[758] DOJ Press Release, "Seven Charged with Terrorism Violations in North Carolina," July 27, 2009, http://www.justice.gov/opa/pr/2009/July/09-nsd-725.html; DOJ Press Release, "Kosovar National Charged with Terrorism Violations," June 17, 2010, http://charlotte.fbi.gov/dojpressrel/pressrel10/ch061710.htm. Hereinafter: DOJ Press Release, "Kosovar."

the purpose of engaging in violent jihad. Following this training, he allegedly fought in Afghanistan. From roughly November 2006 through at least July 2009, the indictment alleges that Daniel Boyd and the other defendants conspired to provide material support and resources to terrorists, including currency, training, transportation, and personnel. The defendants also conspired to murder, kidnap, maim, and injure persons abroad during this period. The object of the conspiracy, according to the indictment, was to advance violent jihad, including supporting and participating in terrorist activities abroad and committing acts of murder, kidnapping, or maiming persons abroad.[759] The indictment also alleges that Daniel Boyd obtained a variety of weapons in furtherance of the conspiracy to murder persons overseas and provide material support to terrorists.

In a superseding indictment unsealed on September 24, 2009, additional charges were made against Boyd, his son Zakariya, and Hysen Sherifi. They are accused in a plot to attack the Marine Corps Base at Quantico, Virginia. Charges included conspiracy to murder U.S. military personnel, possession of weapons in furtherance of a crime of violence, and providing weapons to a convicted felon. The superseding indictment alleges, among other things, that as part of the conspiracy, Boyd undertook reconnaissance of the Marine Corps Base in Quantico, and obtained maps of the base in order to plan an attack. It also alleges that Boyd possessed armor piercing ammunition, stating it was "to attack the Americans."[760]

In an April 19, 2010, criminal complaint unsealed in June 2010, a ninth person, **Bajram Asilani**, was charged with being a member of the conspiracy involving the above defendants. He was arrested by authorities in Kosovo on June 17, 2010, at the request of the United States, which sought his extradition to Raleigh, North Carolina, to stand trial.[761] However, a Judge of the European Union Rule of Law Mission denied the extradition request, ruling that Kosovo does not have an extradition treaty with the United States.[762]

In February 2011, Daniel Boyd pled guilty to conspiracy to provide material support to terrorists and conspiracy to murder, kidnap, maim, and injure persons in a foreign country.[763] In June 2011, Zakariya Boyd pled guilty to one count of conspiracy to provide material support to terrorists.[764] In September 2011, Dylan Boyd pled guilty to one count of aiding and abetting a conspiracy to provide material support to terrorists.[765] In October 2011, Hassan, Yaghi, and Sherifi were found guilty of their involvement in the plot.[766] Sherifi had also been accused of conspiring to kill

[759] Ibid.

[760] DOJ Press Release, "Superseding Indictment in Boyd Matter Charges Defendants with Conspiring to Murder U.S. Military Personnel, Weapons Violations," September 24, 2009, http://www.justice.gov/opa/pr/2009/September/09-nsd-1023.html.

[761] DOJ Press Release, "Kosovar."

[762] Kelcey Carlson, "Report: Judge Denies Extradition of Triangle Terrorism Suspect," *wral.com*, June 21, 2010, http://www.wral.com/news/local/story/7821448/.

[763] DOJ Press Release, "Raleigh-Area Man Pleads Guilty to Terrorism Charges," February 9, 2011, http://www.fbi.gov/charlotte/press-releases/2011/ce020911.htm.

[764] DOJ Press Release, "North Carolina Man Pleads Guilty to Terrorism Charge," June 7, 2011, http://www.fbi.gov/charlotte/press-releases/2011/north-carolina-man-pleads-guilty-to-terrorism-charge.

[765] DOJ Press Release, "North Carolina Man Pleads Guilty to Terrorism Charge," September 14, 2011, http://www.fbi.gov/charlotte/press-releases/2011/north-carolina-man-pleads-guilty-to-terrorism-charge-1.

[766] Ned Barnett, "North Carolina Men Convicted of Conspiring to Aid Militants," *Reuters,* October 13, 2011, http://www.reuters.com/article/2011/10/14/us-crime-northcarolina-militants-idUSTRE79D03O20111014.

witnesses in his case and was found guilty in the matter in November 2012.[767] His younger brother, Shkumbin, and another suspect, Nevine Aly Elshiekh, also pled guilty in this subsequent plot.[768] In June 2012, Subasic was found guilty of conspiring to provide material support to terrorists and conspiring to murder, kidnap, maim and injure persons abroad.[769] In 2011, Mohammad was killed in a U.S. counterterrorism operation in Pakistan.[770]

Abdulhakim Muhammad—Shooting at the Little Rock, Arkansas, Military Recruiting Center—June 1, 2009

On June 1, 2009, Abdulhakim Muhammad was arrested in connection with a shooting at the U.S. Army-Navy Career Center in Little Rock, Arkansas, that killed one soldier and wounded another. The police recovered from Muhammad's SUV a Mossberg rifle with a scope and rifle sight, an SKS assault rifle,[771] and a Lorcin L380 semiautomatic handgun.[772] The Little Rock resident and Muslim convert who changed his name from Carlos Leon Bledsoe, was charged with capital murder, attempted capital murder, and 10 counts of unlawful discharge of a firearm.[773] In Arkansas state court, in July 2011, Muhammad pled guilty to these charges. He did so to avoid the death penalty.[774]

Muhammad called the June 1, 2009, shooting another "Jihadi Attack." "I wasn't insane or post traumatic nor was I forced to do this Act," he stated in a January 12, 2010, handwritten note to the presiding judge in his court case. In the letter, he claimed ties to Al Qaeda in the Arabian Peninsula (AQAP) and dubbed himself a soldier for them. His father is a Memphis businessman who doubts that his son had ties to AQAP but could have been radicalized in Yemen.[775] His sister, who was stunned by the shooting, has stated publicly that a week before the shooting he seemed upbeat. In press reporting, his family has described Muhammad as a "happy-go-lucky" teen who had become a "deeply observant Muslim in college."[776]

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[767] DOJ Press Release, "Jury in North Carolina Finds Convicted Terrorist Guilty of Murder-for-Hire Plot," November 8, 2012, http://www.fbi.gov/charlotte/press-releases/2012/jury-in-north-carolina-finds-convicted-terrorist-guilty-of-murder-for-hire-plot?utm_campaign=email-Immediate&utm_medium=email&utm_source=charlotte-press-releases&utm_content=152228; Michael Biesecker, "FBI: Man Convicted in Homegrown Terror Plot in NC Wanted Witnesses Against Him Beheaded," *Associated Press* in *Washington Post,* January 24, 2012, http://www.washingtonpost.com/national/fbi-man-convicted-in-homegrown-terror-plot-wanted-witnesses-against-him-beheaded/2012/01/24/gIQA13rSOQ_story.html.

[768] Michael Biesecker, "Brother Pleads Guilty in NC Beheading Plot," November 1, 2012, *Associated Press.*

[769] DOJ Press Release, "North Carolina Resident Found Guilty of Terrorism Violations," June 14, 2012, http://www.justice.gov/opa/pr/2012/June/12-nsd-755.html.

[770] Riaz Khan, "Pakistan Arrested American Who Was Killed by Drone," *Associated Press,* May 23, 2013, http://bigstory.ap.org/article/pakistan-arrested-american-who-was-killed-drone.

[771] The Russian-designed Simonov SKS (*Samozariadnyia Karabina Simonova*) is a gas operated, self-loading, semi-automatic rifle that fires the 7.62 mm cartridge.

[772] The NEFA Foundation, "Target America Series #18: The Little Rock Arkansas Recruiting Station Shooting," June 2009, http://www.nefafoundation.org/miscellaneous/FeaturedDocs/NEFA_littlerockrecruitingshooting.pdf.

[773] James Dao, "Man Claims Terror Ties in Little Rock Shooting," *New York Times*, January 22, 2010, http://www.nytimes.com/2010/01/22/us/22littlerock.html. Hereinafter: Dao, January 22, 2010.

[774] "Man Pleads Guilty to Recruiting Center Killing, Gets Life," *CNN.com,* July 25, 2011, http://articles.cnn.com/2011-07-25/justice/arkansas.recruiter.shooting_1_capital-murder-quinton-ezeagwula-carlos-bledsoe?_s=PM:CRIME.

[775] Ibid.

[776] James Dao, "A Muslim Son, a Murder Trial, and Many Questions," *New York Times*, February 16, 2010, http://www.nytimes.com/2010/02/17/us/17convert.html. Hereinafter: Dao, February 16, 2010.

In seven handwritten letters he sent to the Memphis, Tennessee, *Commercial Appeal* newspaper between May-October 2010, Muhammad provided insights into his motivation for the June 2009 shooting:

> It's a war against Islam and Muslims and I'm on the side of the Muslims point blank….The U.S. has to pay for the rape, murder, bloodshed, blasphemy it has done and still doing to the Muslims and Islam. So consider this a small retaliation the best to come Allah willing. This is not the first attack and won't be the last.[777]

Muhammad spent 16 months in Yemen starting in the fall of 2007. While he was in the country, he married a woman from South Yemen. He allegedly taught English and learned Arabic while there. Yemeni officials imprisoned him in November 2008 on a visa overstay, and he also supposedly possessed a fraudulent Somali visa.[778] Yemen deported him to the United States in January 2009.[779]

The FBI is reported to have interviewed him before the shooting, including while he was in prison in Yemen and then again in Nashville soon after he returned.[780] According to law enforcement officials, the episode in Yemen prompted a preliminary inquiry by the FBI and other American law enforcement agencies into whether he had ties to extremist groups. But that investigation was inconclusive reportedly leaving the FBI with insufficient evidence to wiretap his phone or place him under surveillance.[781]

The Newburgh Four—Plot to Bomb Bronx, New York, Synagogue and Jewish Center, and Attack Stewart Air National Guard Base—May 2009

On May 20, 2009, the FBI and the NYPD arrested four men for plotting to blow up a Bronx synagogue and Jewish Center while simultaneously shooting a plane out of the sky. The men allegedly parked car bombs wired to cell phones outside the Riverdale Temple and nearby Riverdale Jewish Center in the Bronx. They were also heading to Stewart Air National Guard Base in Newburgh, New York.[782] However, the explosives in the car bombs and Stinger missile they intended to use in the attack were phony. The explosives had been supplied by undercover agents posing as Pakistani militants linked to Al Qaeda. The four "were petty criminals who appeared to be acting alone, not in concert with any terrorist organization," according to the New York City Police Commissioner.[783]

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[777] Kristina Goetz, "Muslim Who Shot Soldier in Arkansas Says He Wanted to Cause More Death," knoxnews.com, November 13, 2010, http://www.knoxnews.com/news/2010/nov/13/muslim-who-shot-solider-arkansas-says-he-wanted-ca/.

[778] Ibid.

[779] Dao, January 22, 2010.

[780] See Dao, February 16, 2010; and Dina Temple-Raston, "FBI Encountered Accused Ark. Shooter in Yemen," *National Public Radio*, June 8, 2009, http://www.npr.org/templates/story/story.php?storyId=105128523.

[781] James Dao and David Johnson, "Suspect in Soldier Attack was Once Detained in Yemen," *New York Times*, June 3, 2009, http://www.nytimes.com/2009/06/04/us/04recruit.html.

[782] *United States v. James Cromitie, David Williams, Onta Williams, Laguerre Payen,* Indictment, U.S. District Court, Southern District of New York (undated). http://www.investigativeproject.org/documents/case_docs/990.pdf. Hereinafter: *U.S. v. Cromitie, et al*.

[783] Javier C. Hernandez and Sewell Chan, "N.Y. Bomb Plot Suspects Acted Alone, Police Say," *New York Times,* May 21, 2009, http://www.nytimes.com/2009/05/22/nyregion/22terror.html?ref=nyregion.

The suspects were three U.S.-born citizens—**James Cromitie, David Williams,** and **Onta Williams** (no relation to David)—and one Haitian immigrant, **Laguerre Payen.** At least three of the four were said to be jailhouse converts to Islam and were reportedly angry about the deaths of Muslims in Afghanistan.

An FBI cooperating witness played a key role in the quartet's efforts to obtain the explosives and missile components for the planned attacks. According to the indictment in the case,[784] the four defendants met with the cooperating witness repeatedly beginning in October 2008 and discussed attacking military aircraft at the Air National Guard base. Starting in April 2009, the four selected the synagogue, the Jewish community center, and the air base as targets. They cased their targets, taking photographs and developing plans. Together with the cooperating witness, they purchased cell phones and a handgun for the operation. The cooperating witness also helped them obtain three improvised explosive devices (IED) containing fake C-4 explosives and gave the group an inactive stinger missile, informing them that it came from Jaish-e-Mohammed, a Pakistan-based terrorist group.[785]

Some questioned whether the Newburgh Four were actually capable of pulling off the terrorist plot without the involvement of the cooperating witness, a Pakistani man named Shahed Hussain, who agreed to work for the FBI to obtain leniency after he was arrested in 2002 for fraud.[786] One commentator described the Newburgh Four as a group of struggling, disaffected petty criminals, who bonded at a Newburgh mosque over having spent time in prison and were taken in by a Pakistani immigrant looking to win leniency for a crime of his own. "There's little doubt the bumbling would-be bombers went far enough with the plot to demonstrate that they had the intention to commit terror, and for that they'll pay the price. But the whole tale comes off perhaps more as a sad glimpse into the lives of a loose group of aimless and obscurely embittered Americans than as a dire illustration of the threat of home-grown terrorism."[787]

Graham Ravman, writing in the *Village Voice*, suggests that the Newburgh Four were smalltime felons who had no grand terrorist ambitions until Hussain plied them with cash and suggestions. Moreover, this was not the first time [Hussain] went undercover to help the government. "He played a similar role four years ago in an Albany case, in which he helped the FBI arrest a man named Mohammed Hossain, a cash-poor pizzeria owner, and his Imam, Yassin Aref, after persuading them to launder $50,000 in a made-up plot to bring a missile to the United States and assassinate a Pakistani prime minister [the target of the invented plot was actually against the Pakistani United Nations Representative]…. In both cases, it is claimed that [Hussain] did not stumble upon active terror cells plotting to bring destruction on American soil [rather he] needed long periods of time to recruit his Muslim contacts, spin elaborate tales about his terror contacts, and develop solid plans of action, all the while providing the defendants with large amounts of resources and cash incentives."[788]

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[784] *U.S. v. Cromitie, et al*.

[785] DOJ Press Release, "Four Arrested for Plot To Bomb Synagogue and Jewish community center and to Shoot Military Planes with Stinger Missiles," May 20, 2009, http://newyork.fbi.gov/dojpressrel/pressrel09/nyfo052009.htm.

[786] Graham Rayman, "The Alarming Record of the FBI's Informant in the Bronx Bomb Plot," *The Village Voice*, July 8, 2009, http://www.villagevoice.com/2009-07-08/news/the-alarming-record-of-the-f-b-i-s-informant-in-the-bronx-bomb-plot/3. Hereinafter: Ravman, July 8, 2009.

[787] Zachary Roth, "The Newburgh Four—And The Government Mole Who Betrayed Them," *TPM Muckraker*, May 22, 2009. http://talkingpointsmemo.com/muckraker/the-newburgh-four-and-the-goverment-mole-who-betrayed-them.

[788] Ravman, July 8, 2009.

The trial of the four began on August 24, 2010. It had been delayed earlier in the summer by the federal judge in the case saying prosecutors had failed to turn over information that should have been given to the defense. In June 2010, prosecutors turned over to defense attorneys a 2008 memorandum from the FBI written by the lead agent on the case. The agent reportedly wrote that he had told officials at Stewart Airport that James Cromitie, the alleged leader of the Newburgh Four, would be looking over the airport for a potential attack but that he would pose no danger without the assistance of the informant. U.S. District Court Judge Colleen McMahon said the memorandum should have been turned over to the defense months earlier.[789]

Defense attorneys at the trial argued that the case crossed the line into entrapment. But the jury rejected the entrapment defense and convicted the four on October 18, 2010.[790]

Bryant Neal Vinas—Plot to Bomb Long Island Railroad, Rocket Attack on U.S. Base in Afghanistan—September 2008

In a November 22, 2008, sealed indictment[791] (unsealed on July 22, 2009), Bryant Vinas, an American Muslim convert who grew up on Long Island, New York, was charged with conspiracy to murder U.S. nationals, providing material support to Al Qaeda, and receiving military-type training from Al Qaeda. He pled guilty to all three counts on January 28, 2009.[792]

The charges stem from Vinas's activities in Pakistan from his arrival in the fall of 2007 until his arrest by Pakistani police in November 2008 following a tip provided by U.S. authorities. Vinas was subsequently extradited to the United States and has cooperated extensively with counterterrorism officials.[793] Vinas has admitted that he met with Al Qaeda leaders in Pakistan and, between March and July 2008, attended three Al Qaeda training courses focused on weapons, explosives, and rocket-based or propelled weaponry.[794] In September 2008, he took part in firing rockets at a U.S. military base in Afghanistan. He told officials, "Although we intended to hit the military base and kill American soldiers, I was informed the rockets missed and the attack failed."[795] Vinas also testified in court, "I consulted with a senior Al Qaeda leader and

[789] William Glaberson, "Trial of Newburgh Men Accused of Terror Plot Delayed," *New York Times*, June 14, 2010, http://www.nytimes.com/2010/06/15/nyregion/15terror.html.

[790] Kareem Fahim, "4 Convicted of Attempting to Blow up 2 Synagogues," *New York Times*, October 18, 2010, http://www.nytimes.com/2010/10/19/nyregion/19plot.html. See DOJ Press Release, "Three Men Each Sentenced in Manhattan Federal Court to 25 Years in Prison for Plotting to Bomb Bronx Synagogues and Shoot Down U.S. Military Planes," June 29, 2011, http://www.fbi.gov/newyork/press-releases/2011/three-men-each-sentenced-in-manhattan-federal-court-to-25-years-in-prison-for-plotting-to-bomb-bronx-synagogues-and-shoot-down-u.s.-military-planes. The convictions have been upheld on appeal. See Adam Wisnieski and Graham Kates, "Newburgh Four Appeal Denied, *Riverdale Press,* May 4, 2011, http://www.riverdalepress.com/stories/Newburgh-Four-appeal-denied-,48521?page=1&content_source=.

[791] *United States v. John Doe,* U.S. District Court, Eastern District of New York, November 22, 2008, http://intelfiles.egoplex.com/2009-07-22-Bryant-Neal-Vinas-Court-Docs.pdf.

[792] *United States against Bryant Neal Vinas*, Cr. No. 08-823 NGG, Unsealing Application, U.S. District Court, Eastern District of New York, July 22, 2009, http://intelfiles.egoplex.com/2009-07-22-Bryant-Neal-Vinas-Court-Docs.pdf#page=13.

[793] Sebastian Rotella and Josh Meyer, "U.S.-born Militant Who Fought For Al Qaeda Is In Custody," *Los Angeles Times,* July 23, 2009, http://articles.latimes.com/2009/jul/23/nation/na-american-jihad23.

[794] Paul Cruickshank, Nic Robertson, and Ken Shiffman, "From Long Island to Lahore: The Plot to Bomb New York," *CNN.com*, May 21, 2010, http://edition.cnn.com/2010/CRIME/05/14/bryant.neal.vinas.part2/index.html. Hereinafter: CNN, May 21, 2010.

[795] Ibid.

provided detailed information about the operation of the Long Island Railroad system, which I knew because I had ridden the railroad on so many occasions ... the purpose of providing information was to help plan a bomb attack on the Long Island Railroad system."[796] This led U.S. officials to issue a security alert in November 2008 and beefed up security on the New York area commuter rail system.[797]

The arrest of Vinas was kept secret until his indictment was unsealed in July 2009 probably because of the significance of the information he has provided to U.S. counterterrorism authorities. That information has reportedly helped U.S. forces target Al Qaeda camps with drone attacks and understand how Al Qaeda provides its members with training in assassinations, poison, kidnappings, forgery, and advanced bomb-making.[798] Vinas has also submitted a witness statement that was entered into evidence in the trial of an alleged Belgian Al Qaeda cell in Brussels.[799]

Vinas is the son of immigrants from Peru and Argentina, who was raised as a Catholic and loved to play baseball. After 9/11, he joined the Army but was discharged before completing basic training. Reportedly dispirited after returning to Long Island, he met the relative of a friend who was a Muslim convert. Shortly thereafter, Vinas also converted. He eventually began visiting extremist websites and was reported to have become increasingly influenced by another religiously conservative acquaintance. One of the websites led Vinas to the Islamic Thinkers Society, an extremist group in New York reportedly supportive of Al Qaeda. His acquaintance was already a member, and Vinas began to move within its circles.[800]

Plot to Bomb Jet Fuel Artery at Kennedy International Airport in New York—June 2007

On June 2, 2007, authorities announced they had broken up a plot by four men to blow up a jet fuel artery that runs through residential neighborhoods to the JFK Airport in New York. **Russell Defreitas,** a U.S. citizen originally from Guyana, was arrested as the ring leader of the plot.[801] Defreitas had worked as a cargo handler at JFK until 1995, but was described as hapless and episodically homeless. Friends say he supported himself by selling incense on street corners and collecting welfare.[802]

The others charged in the plot are **Abdul Kadir,** a citizen of Guyana and former member of its parliament, **Kareem Ibrahim,** a citizen of Trinidad and Tobago; and **Abdel Nur,** a citizen of Guyana.[803] The latter three were arrested in Trinidad and eventually extradited to the United

[796] Ibid.

[797] Anti-Defamation League, "New Yorker Pleads Guilty to Providing NYC Transit Information to Al Qaeda," July 23, 2009, http://www.adl.org/main_Terrorism/vinas_guilty_plea.htm.

[798] Ibid.

[799] CNN, May 21, 2010.

[800] Ibid. For more information see Claire Suddath, "Bryant Neal Vinas: An American in Al Qaeda," *Time Magazine,* July 24, 2009, http://www.time.com/time/nation/article/0,8599,1912512,00.html.

[801] John Marzulli, ""I Was Brain of It All ..." *New York Daily News*, January 6, 2010, http://www.nydailynews.com/news/ny_crime/2010/01/06/2010-01-06_untitled__pipeline06m.html.

[802] Carol Eisenberg, "JFK Terror Plot: Credibility of Case in Question," *Newsday*, June 6, 2007. Hereinafter: Eisenberg, June 6, 2007.

[803] Chris Michaud, "Four Charged in Plot to Blow up JFK Airport," *Reuters,* June 2, 2007, http://www.reuters.com/ (continued...)

States in June 2008. All four were indicted with conspiracy to cause death, serious bodily injury and extensive destruction.[804]

The FBI said the alleged plot never got beyond the planning stages[805] and there is some dispute over how serious any attack against the 40-mile pipeline would have been. The pipeline originates in Linden, New Jersey, crosses Staten Island, and goes underwater to Brooklyn traveling mostly along the Long Island Rail Road right-of-way to the airport. Because of their thickness and safeguards, such pipelines are difficult to damage, an official said.[806]

However, at a news conference announcing the arrests, U.S. Attorney, Roslynn Mauskopf called it "one of the most chilling plots imaginable. Had the plot been carried out, it could have resulted in unfathomable damage, deaths and destruction."[807] But safety experts have criticized the government's description of the plot's danger. John Goglia, a former member of the National Transportation Safety Board, describes the plot as a "fantasy," saying, "You could definitely reach the tank, definitely start a fire, but to get the kind of explosion they were thinking they were going to get ... this is virtually impossible to do."[808]

The Washington Post reported that the alleged conspirators were initially detected via information gathered by the CIA in South America and the Caribbean. That led federal and local authorities in the New York region to launch a 16-month sting operation focused on the activities of Defreitas. According to the complaint filed in the case, Defreitas conducted surveillance of the airport four times in January, focusing on fuel tanks, noting security precautions and reviewing an escape plan.[809]

Defreitas was apparently unaware that one of the plotters with him much of the time was a law enforcement informant who recorded much of what he said. It has been reported that Defreitas said in one recorded conversation, "Any time 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, this whole country will be mourning. You can kill the man twice."[810]

According to *The Smoking Gun*, which obtained and posted on its website a copy of the criminal complaint in the case, a paid "confidential source" was credited with infiltrating the terror cell and gathering critical information on the alleged plot—via tape recordings, documents, videos,

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article/idUSN0238499820070602. Another individual, Donald Nero, admitted early involvement in the plot but broke with Defreitas and the others, testifying against them. See Thom Weidlich and Cullen Wheatley, "JFK Airport Bomb Plotter from Guyana Gets Four-Year Sentence," *Bloomberg BusinessWeek,* October 28, 2011, http://www.businessweek.com/news/2011-10-28/jfk-airport-bomb-plotter-from-guyana-gets-four-year-sentence.html.

[804] "4 indicted in terror plot to blow up JFK airport," *Newsday*, June 29, 2007.

[805] "Four Charged over JFK Bomb Plot, *BBC News*, June 3, 2007, http://news.bbc.co.uk/2/hi/americas/6715443.stm. Hereinafter: *BBC News,* June 3, 2007.

[806] Anthony Faiola and Steven Mufson, "NY Airport Target of Plot, Officials Say," *The Washington Post,* June 3, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/06/02/AR2007060200606_pf.html. Hereinafter: *The Washington Post,* June 3, 2007.

[807] *BBC News*, June 3, 2007.

[808] John Goglia quoted in "Plot to Destroy New York Airport Considered Overhyped," *History Commons*., June 2, 2007, http://www.historycommons.org/entity.jsp?entity=russell_defreitas_1.

[809] *The Washington Post*, June 3, 2007.

[810] *BBC News,* June 3, 2007.

and photographs. The government informant is a longtime New York City drug trafficker who began cooperating with federal investigators after NYPD detectives arrested him on a Bronx street and charged him with possession of about $2 million in cocaine. A footnote in the criminal complaint notes that the source had two prior drug convictions and was, through his cooperation, seeking leniency in sentencing on the drug trafficking charge.[811]

In opening arguments for the July 2010 trial of two of the defendants—Defreitas and Kadir—Defreitas' attorney accused prosecutors of being "overzealous." The government, he said, took a "poor lonely, bitter old man that talked big game," and, through an informant, nudged him into incriminating himself. "Without the government, Russell Defreitas is nothing. His words were 'all sizzle and no steak.'"[812] After five days of deliberation, however, the jury convicted both men of five counts of conspiring to commit acts of terrorism.[813]

In June 2010, Nur pled guilty to providing material support to terrorism.[814] In August 2010, Defreitas and Kadir were convicted for their involvement in the plot.[815] Kareem Ibrahim was tried separately and in May 2011 was convicted of involvement in the conspiracy.[816]

Plot to Attack Soldiers at Fort Dix, New Jersey—May 2007

Six men were arrested in a plot against Fort Dix, a U.S. Army base in New Jersey. In December 2008, a jury found five of the six guilty of conspiring to kill military personnel but cleared them of attempted murder. Four received life sentences without parole and the other received a 33-year sentence. A sixth man pled guilty to a lesser charge and was sentenced to 20 months in prison. As far as is known, the group had no connection to any foreign terrorist organization.

The arrests were made after a 16-month FBI operation that included infiltrating the group. The investigation began in January 2006 with a tip from an electronics store clerk in Mount Laurel, Pennsylvania. Two men dropped off an 8-millimeter tape and wanted it converted to a DVD. The tape showed the defendants firing rifles and shouting Islamic battle cries. The clerk called police. FBI agents and two paid informants who had criminal records spent the next 15 months shadowing the suspects, recording conversations and searching their computers. During the

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[811] "Meet the JFK Informant," *The Smoking Gun.com*, June 14, 2007, http://www.thesmokinggun.com/archive/years/2007/0614071jfkplot1.html.

[812] Basil Katz, "Trial Opens for Accused NY Airport Bomb Plotters," *Reuters,* June 30, 2010, http://www.reuters.com/article/idUSTRE65T6PK20100630.

[813] A.G. Sulzberger, "Two Men Convicted in Kennedy Airport Plot," *New York Times*, August 2, 2010, http://www.nytimes.com/2010/08/03/nyregion/03kennedy.html?_r=1&ref=russell_m_defreitas.

[814] John Marzulli, "Abdel Nur Pleads Guilty to Helping Plot Explosion of Fuel Tanks at JFK Airport," *New York Daily News,* June 29, 2010, http://articles.nydailynews.com/2010-06-29/local/27068560_1_fuel-tanks-russell-defreitas-abdel-nur.

[815] John Marzulli and Bill Hutchinson, "Guilty: Would-Be Terrorists Russell Defreitas, Abdul Kadir Face Life in Prison for JFK Bomb Plot," *New York Daily News,* August 2, 2010, http://articles.nydailynews.com/2010-08-02/news/27071504_1_russell-defreitas-jfk-bomb-plot-jet-fuel.

[816] John Marzulli, "Brooklyn Jury Convicts Imam Kareem Ibrahim in Kennedy Airport Plot," May 27, 2011, *New York Daily News,* http://articles.nydailynews.com/2011-05-27/news/29606238_1_defreitas-and-co-defendant-fuel-lines-and-fuel-abdel-nur; DOJ Press Release, "Russell Defreitas Sentenced to Life in Prison for Conspiring to Commit Terrorist Attack at JFK Airport," February 17, 2011, http://www.fbi.gov/newyork/press-releases/2011/russell-defreitas-sentenced-to-life-in-prison-for-conspiring-to-commit-terrorist-attack-at-jfk-airport; A.G. Sulzberger, "3 Years Later, Trial to Start in JFK Bomb Plot," *New York Times*, June 29, 2010, http://www.nytimes.com/2010/06/30/nyregion/30terror.html.

investigation, authorities recorded hundreds of conversations with the defendants with help from the two informants.[817]

The plotters and verdicts in their cases:

- **Mohamad Ibrahim Shnewer,** a U.S. citizen born in Jordan. Guilty of conspiracy to kill military personnel, not guilty of attempted murder and guilty of possession or attempted possession of a firearm in furtherance of the conspiracy. Sentenced to life in prison without parole.[818]
- **Dritan "Tony" Duka,** illegal immigrant born in the former Yugoslavia. Guilty of conspiracy to kill military personnel, not guilty of attempted murder, guilty of possession or attempted possession of a firearm in furtherance of the conspiracy, guilty of possession or attempted possession of a machine gun and guilty of two counts of possession or attempted possession of a firearm by an illegal alien. Sentenced to life in prison without parole.[819]
- **Eljvir Duka,** illegal immigrant born in the former Yugoslavia. Guilty of conspiracy to kill military personnel, not guilty of attempted murder, not guilty of possession or attempted possession of a firearm in furtherance of the conspiracy and guilty of possession or attempted possession of a firearm by an illegal alien. Sentenced to life in prison without parole.[820]
- **Shain Duka,** illegal immigrant born in the former Yugoslavia. Guilty of conspiracy to kill military personnel, not guilty of attempted murder, guilty of possession or attempted possession of a firearm in furtherance of the conspiracy, guilty of possession or attempted possession of a machine gun and guilty of two counts of possession or attempted possession of a firearm by an illegal alien. Sentenced to life in prison without parole.[821]
- **Serdar Tatar,** a Turkish-born lawful permanent resident of the United States. Guilty of conspiracy to kill military personnel and not guilty of attempted murder. Sentenced to 33 years in prison.[822]
- **Agron Abdullahu**, a Kosovo-Albanian who arrived with his family as a refugee from Kosovo (ironically, first arriving in the United States at a refugee center at Fort Dix). He was charged with letting the brothers Dritan, Eljvir and Shain Duka shoot various weapons at a firing range in Pennsylvania. The indictment states that the weapons used were an SKS semi-automatic rifle, a Beretta Storm semi-

[817] Christopher Dela Cruz, "Three convicted in Fort Dix terror plot are sentenced to life in prison" *NJ.com*, April 28, 2009, http://www.nj.com/news/index.ssf/2009/04/judge_sentences_fort_dix_defen.html. Hereinafter: Dela Cruz, *NJ.com* April 28, 2009.

[818] "Raw Data: Charges in Fort Dix Terror Trial," *Associated Press* in *FoxNews.com*, December 22, 2008, http://www.foxnews.com/story/0,2933,470897,00.html. Hereinafter: "Raw Data in Fort Dix Trial," December 22, 2008; and Dela Cruz, *NJ.com*, April 28, 2009.

[819] Ibid.

[820] Ibid.

[821] Ibid.

[822] Raw Data in Fort Dix Trial," December 22, 2008; "The Fifth Man Convicted of Plotting to Kill Military Personnel at Fort Dix in New Jersey Has Been Sentenced to 33 Years in Prison," *Associated Press* in *FoxNews.com*, April 29, 2009, http://www.foxnews.com/story/0,2933,518337,00.html.

automatic rifle, a Mossberg 12-gauge pump and a 9mm Beretta handgun. These were all firearms that Abdullahu owned legally. However, it is a crime for illegal immigrants like the Duka brothers to possess guns. He pled guilty to the charge and was sentenced March 31, 2008, to 20 months in prison.[823]

Daniel Maldonado—Training with Al Qaeda in Somalia—February 2007

An indictment unsealed on February 14, 2007, charged Daniel Joseph Maldonado with receiving training from a foreign terrorist organization and conspiring to use an explosive device outside the United States. According to a Justice Department official, "This case represents the first criminal prosecution of an American suspected of joining forces with Islamic extremist fighters in Somalia."[824]

Maldonado had been captured by the Kenyan military on January 21, 2007, as he fled into Kenya to avoid Ethiopian and Somali forces. He was turned over to American authorities the following month. On April 19, 2007, Maldonado pled guilty to receiving training from a foreign terrorist organization in exchange for prosecutors agreeing not to file any more federal charges against him.[825] In June 2007, Maldonado was sentenced to 10 years in prison.[826]

According to DOJ, Maldonado admitted that in November 2005 he had traveled from Houston, Texas, to Africa, eventually making it to Somalia in December 2006 to join the Islamic Courts Union (ICU)[827] and elements of Al Qaeda to fight "jihad" against the Somali Transitional Federal Government. While in Somalia, authorities say Maldonado was provided an AK-47, equipped with military combat uniforms and boots in Mogadishu, and participated in training camps in Kismaayo and Jilib, Somalia. The camps included physical fitness, firearms and explosives training all in preparation to go to the front to fight for the ICU. Al Qaeda members were present at the training camps. The ICU and Al Qaeda worked together to train fighters in the camps to fight jihad to establish an independent Islamic state in Somalia.[828]

The criminal complaint in the case alleges that Maldonado admitted that while training at camps in Somalia, he watched and learned techniques for manufacturing small explosive devices. He also admitted to participating in the interrogation of a spy who was later killed—a flight attendant

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[823] Geoff Mulvihill, "Man sentenced in Fort Dix plot case" *Associated Press* in *USA Today*, March 31, 2008. http://www.usatoday.com/news/nation/2008-03-31-619191134_x.htm.

[824] U.S. Attorney Southern District of Texas, Press Release, "U.S. Citizen Pleads Guilty to Training to Fight Jihad," April 19, 2007, http://nefafoundation.org/miscellaneous/FeaturedDocs/U.S._v_Maldonado_DOJPR_GuiltyPlea.pdf. Hereinafter: U.S. Attorney Press Release, April 19, 2007.

[825] "American Citizen Charged with Training in Somalia with Al Qaeda, Learning to Become Homicide Bomber," *Foxnews.com,* February 14, 2007, http://www.foxnews.com/story/0,2933,251820,00.html.

[826] Shelley Murphy and Milton J. Valencia, "Details Emerge on Plot Suspects," *The Boston Globe,* October 23, 2009, http://www.boston.com/news/local/massachusetts/articles/2009/10/23/details_emerge_on_plot_suspects/.

[827] Following the collapse of the Somali government in the 1990's, a group of Sharia Courts functioned as quasi-governmental entities. In the late 1990's, they united to form the Islamic Courts Union (ICU), a rival administration to the Transitional Federal Government (TFG) of Somalia. Until the end of 2006, they controlled most of southern Somalia and the capital, Mogadishu. In December 2006, they lost several battles and were driven from Mogadishu by Somali forces supporting the TFG and the Ethiopian army which intervened to support the TFG against the ICU. Hardline Islamists broke ranks from the ICU and formed other militant groups, such as al-Shabaab and Hizbul Islam, to continue the war against the government. The less-militant members of the ICU went into exile.

[828] U.S. Attorney Press Release, April 19, 2007.

who had a cell phone camera and was observed taking pictures of jihadis as they arrived by airplane in Kismaayo, Somalia. Maldonado also admitted that he would be willing to become a suicide bomber if he were wounded and could not otherwise fight.[829]

Derrick Shareef—Plot to Attack Shopping Mall in Rockford, Illinois—December 2006

On December 6, 2006, Derrick Shareef, an American Muslim convert, was arrested in Rockford, Illinois, after he attempted to swap two stereo speakers for four (non-functioning) hand grenades, a 9mm handgun, and several rounds of (non-functioning) ammunition with an undercover FBI agent posing as a weapons dealer. Prior to his arrest, Shareef had plotted to set off hand grenades in a garbage can at the CherryVale Shopping Mall near Rockford on the Friday before Christmas 2006. Shareef was charged with attempting to use a weapon of mass destruction against persons and property and with attempting to maliciously damage and destroy, by means of fire and an explosive, a building and real and personal property used in interstate commerce.[830]

The case began in September 2006, when the FBI assigned a cooperating witness, William "Jamaal" Chrisman, to befriend Shareef. Chrisman had converted to Islam in prison where he served time for armed robbery and car theft convictions.[831] Chrisman claimed that he decided to help the government because "after 9/11 Muslim scholars in Saudi Arabia and Morocco said that it was incumbent on Muslims to stop terrorists."[832] They met at the video store where Shareef was working and hours later moved into Chrisman's home. According to Chrisman, "He was supposed to move in with his manager. I told him he was better off staying with me, a Muslim staying with a Muslim."[833]

Shareef was unaware that Chrisman was secretly recording their conversations which included his confiding to Chrisman that he wanted to commit acts of violent jihad against civilians. Shareef also discussed shooting a judge in DeKalb, Illinois, and attacking local buildings including city hall, the federal courthouse and the shopping center.[834] Shareef also told Chrisman that he wanted to obtain weapons to commit violent jihad. Chrisman said he had a friend who could do so and would introduce them. However, the "friend" was an undercover FBI agent.[835]

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[829] *United States v. Daniel Joseph Maldonado,* Superseding Criminal Complaint, U.S. District Court, Southern District of Texas, February 13, 2007, http://www.foxnews.com/projects/pdf/Maldonado_Complaint.pdf.

[830] *United States v. Derrick Shareef*, U.S. District Court, Northern District of Illinois, Eastern District, January 4, 2007, http://www.justice.gov/usao/iln/indict/2007/us_v_shareef_indictment.pdf.

[831] Melissa Bailey, "Ode to Osama," *New Haven Independent*, November 28, 2007, http://www.newhavenindependent.org/index.php/archives/entry/ode_to_osama/.

[832] Michael Mayko, "FBI Informant Testifies in Terror Case," *Connecticut Post,* November 30, 2007, quoted in NEFA Foundation, "The Illinois Shopping Mall Plot," December 2007, p. 2, http://nefafoundation.org/miscellaneous/FeaturedDocs/ChicagoPlot1207.pdf. Hereinafter: NEFA Foundation, December 2007.

[833] Ibid.

[834] Pierre Thomas and Jason Ryan, "'Lone Wolf' Charged with Plotting Attack during Christmas Rush," *abcnews.com,* December 8, 2006, http://abcnews.go.com/TheLaw/story?id=2710776&page=1. Hereinafter: Thomas and Ryan, December 8, 2006.

[835] Affidavit of Jared Ruddy, FBI, filed December 8, 2006, regarding criminal complaint, *United States v. Derrick Shareef*, U.S. District Court, Northern District of Illinois, Eastern District, http://www.thesmokinggun.com/archive/1208061shareef1.html.

On November 30, and December 1, 2006, Shareef and Chrisman cased the CherryVale mall and allegedly plotted a grenade attack. The following day, Shareef and Chrisman made video tapes that included a last will and testament for each. On the video, Shareef again mentioned jihad and said, "This is a warning to those who disbelieve, that we are here for you and I am ready to give my life."[836] On December 6, 2006, Shareef and the undercover agent met in the mall parking lot to exchange the speakers for four dud grenades and the handgun and ammunition. After the exchange, Shareef was arrested.

During an FBI interview on December 7, 2006, Shareef told FBI agents that he had been "pushing himself to conduct the attack on the mall" and that "no one could have stopped" him, "not even his mother." He believed "it was the right jihad." But he also told the agents that he "viewed his arrest by the FBI as a blessing from Allah because the FBI stopped him from doing something that Allah would have chastised him for." Aware that "he does not have the authority to speak on behalf of Islam," Shareef asserted that he would "rather spend the rest of his life in jail than live with the torment of having killed innocent people and having acted against Allah's desires."[837]

On November 28, 2007, Shareef pled guilty to one count of attempting to use a weapon of mass destruction. He was sentenced on September 30, 2008, to 35 years in prison.

Houston Taliban Plot—November 2006

In November 2006, the government alleged that four men—Kobie Diallo Williams, an American Muslim convert; and three foreign national students, Adnan Baber Mirza, Syed Maaz Shah, and Shiraz Syed Qazi—conspired to support the Taliban, unlawfully possess firearms, and to train with firearms to prepare to join the Taliban "to engage in battlefield jihad."[838] Specifically they were accused of meeting at shooting ranges and camp sites in Texas on at least eight occasions in 2005 and 2006 "for the purpose of conducting firearms and paramilitary training to hone their skills with weapons and to assist fighters engaging United States forces in Afghanistan, Pakistan, and Iraq." They were also accused of making a contribution of goods and services to the Taliban.[839]

The government used two informants to build the case against the four. One of the informants told federal agents he was concerned that some of the men were preparing for armed conflict overseas. A 2005 camping trip was part of a government setup using the informants to catch the men.[840]

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[836] Thomas and Ryan, December 8, 2006.

[837] *United States v. Hassan Abujihaad*, U.S. District Court for Connecticut, Exhibit 3, Federal Bureau of Investigation FD-302 of Derrick L. Shareef, Interview conducted December 7, 2006; in NEFA Foundation, December 2007, p. 5.

[838] Anti-Defamation League, "Houston Man Sentenced for Supporting the Taliban, *adl.com*, May 27, 2010, http://www.adl.org/main_Terrorism/houston_taliban.htm. Hereinafter: ADL, May 27, 2010.

[839] *United States v. Kobie Diallo Williams and Adnan Babar Mirza*, U.S. District Court, Southern District of Texas, November 22, 2006 (unsealed Nov 28, 2006), http://nefafoundation.org/miscellaneous/FeaturedDocs/U.S._v_Williams_Indictment.pdf.

[840] Mary Flood, "Houston Taliban Supporter Gets 4-1/2 Years in Prison," *Houston Chronicle*, Aug 7, 2009, http://www.chron.com/disp/story.mpl/metropolitan/6564474.html.

- **Kobie Diallo Williams**, a former University of Houston student, pled guilty soon after his arrest to conspiring to unlawfully possess firearms and supporting the Taliban.[841]
- **Syed Maaz Shah,** a Pakistani national studying at the University of Texas, Dallas, was convicted in May 2007 on firearms charges.[842]
- **Shiraz Syed Qazi**, a Pakistani national, who was a student at Houston Community College, was convicted in January 2007 on a firearms charge.[843]
- **Adnan Baber Mirza**, a Pakistani national, who was a student at Houston Community College but had overstayed his student visa, was convicted in May 2010 of two conspiracy counts and seven firearms violations.[844]

The Liberty City Seven—Plot to Bomb Sears Tower in Chicago—June 2006

On June 22, 2006, seven men—Narseal Batiste, Patrick Abraham, Stanley Grant Phanor, Naudimar Herrera, Burson Augustin, Lyglenson Lemorin, and Rotschild Augustine—were arrested for allegedly plotting to blow up the Sears Tower in Chicago, the FBI building in North Miami Beach, and other government buildings in Miami-Dade County. Five of the men are U.S. citizens, Abraham is a lawful permanent resident from Haiti, and Lemorin is a Haitian national illegally present in the United States. Each was charged with four counts: conspiracy to provide material support to a terrorist organization, namely Al Qaeda; 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.[845]

The indictment alleges that Batiste intended to recruit and supervise individuals to organize and train for a mission of war against the United States, which included a plot to destroy by explosives the Sears Tower in Chicago, Illinois.[846] It also alleges that Batiste and his co-conspirators attempted to obtain the support of Al Qaeda for their plot.[847] The indictment further alleges that Batiste detailed (to an FBI informant posing as an 'Al Qaeda representative') "his mission to wage a 'full ground war' against the United States in order to 'kill all the devils we can,' in a mission that would 'be just as good or better than 9/11,' beginning with the destruction of the Sears Tower."[848]

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[841] Ibid.

[842] Jason Trahan, "UTD Student Convicted for Having Weapon," *The Dallas Morning News,* May 24, 2007, http://www.dallasnews.com/sharedcontent/dws/news/localnews/stories/052507dntexterrorcharges.271768e.html.

[843] ADL, May 27, 2010.

[844] Mary Flood, "Ex-HCC Student Convicted of Trying to Help Taliban," *Houston Chronicle*, May 28, 2010, http://www.chron.com/disp/story.mpl/metropolitan/7026012.html.

[845] DOJ, "Transcript of Press Conference Announcing Florida Terrorism Indictments," June 23, 2006. Hereinafter: DOJ Press Conference, June 23, 2006. http://www.nefafoundation.org/miscellaneous/Miami_Plot.pdf.

[846] *United States v. Narseal Batiste, et al.,* U.S. District Court, Southern District of Florida, June 22, 2006, http://nefafoundation.org/miscellaneous/FeaturedDocs/U.S._v_Batiste_GovtsResponse.pdf.

[847] Ibid.

[848] Ibid.

The arrests resulted from an investigation involving two FBI informants and recordings and videotapes of the conspirators discussing their plot. *The Washington Post* cites court papers that indicate that one of the informants took a key role in the plotting. "Not only did government informants provide money and a meeting place for Batiste and his followers, but they also gave them video cameras for conducting surveillance, as well as cell phones, and suggested that their first target be a Miami FBI office."[849] Both informants were paid for their services, and one was given approval of his petition for political asylum in the United States.[850]

Defense attorneys for the Liberty City Seven men called the case an outrageous example of government entrapment claiming they had neither the will nor the means to carry out the crimes.[851] In 2007, the jury in the first trial of the defendants acquitted Lyglenson Lemorin of all charges, but could not reach a verdict on the others. Lemorin was subsequently taken into immigration custody and was ordered deported in 2009. A second trial was held in 2008 and again the jury failed to reach verdicts against the six remaining defendants.

A third trial was held in 2009. The jury in that trial acquitted Naudimar Herrera of all charges, but convicted alleged ringleader Narseal Batiste on all four counts; Patrick Abraham on three counts; and Stanley Grant Phanor, Burson Augustin, and Rotschild Augustine on two counts each.[852] In November 2009, Narseal Batiste was sentenced to 13-1/2 years in prison. Burson Augustin and Rotschild Augustine were sentenced to six and seven years, respectively. Stanley Phanor and Patrick Abraham were sentenced to eight and nine years, respectively. In November 2011, a federal appeals court upheld the convictions of all five men.[853]

Ehsanul Islam Sadequee and Syed Haris Ahmed—Plot to Attack Buildings in Washington, DC—April 2006

Two men living in Atlanta, Georgia—Ehsanul Islam Sadequee, a U.S. citizen born in Virginia, and Syed Haris Ahmed, a naturalized U.S. citizen from Pakistan, were charged in April 2006 with conspiracy to provide material support to a designated foreign terrorist organization and lying to the FBI. Prosecutors alleged that in 2005, when Ahmed and Sadequee were ages 18 and 20 respectively, they discussed violent jihad on several web forums which later grew into an active conspiracy to commit terrorist acts. Specifically, they were accused of traveling to Canada to

[849] Pincus, September 2, 2006.

[850] Walter Pincus, "FBI Role in Terror Probe Questioned," *The Washington Post*, September 2, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/09/01/AR2006090101764.html. Hereinafter: Pincus, September 2, 2006,

[851] Carol J. Williams, "A Case of Terror or Entrapment," *Los Angeles Times,* November 30, 2007, http://articles.latimes.com/2007/nov/30/nation/na-liberty30.

[852] Damien Cave and Carmen Gentile, "Five Convicted in Plot to Blow up Sears Tower," *New York Times*, May 13, 2009, http://www.nytimes.com/2009/05/13/us/13miami.html.

[853] Curt Anderson, "Court Upholds Convictions of 5 in Fla. Terror Plot," *Associated Press,* November 1, 2011. Burson Augustin was charged in August 2013 for allegedly attempting to sell 29 grams of cocaine to a law enforcement informant. Augustin was released from prison in September 2012 after serving his prison term for involvement in the Liberty City Seven plot. When arrested on the drug charges, he was under supervised release for a period of 10 years related to the Liberty City Seven case. DOJ Press Release, "Former Member of Liberty City Seven Charged in Federal Court for Drug Distribution," August 15, 2013, http://www.fbi.gov/tampa/press-releases/2013/former-member-of-liberty-city-seven-charged-in-federal-court-for-drug-distribution?utm_campaign=email-Immediate&utm_medium=email&utm_source=tampa-press-releases&utm_content=249524.

discuss potential terrorist targets with members of the "Toronto 18,"[854] a group alleged by the government of Canada to be members of an Islamic terrorist cell that had plotted a series of attacks against targets in Ontario until their arrests in June 2006.[855]

According to a Canadian Security Intelligence Service informant, the two Americans also discussed with the group whether they would be able to hide in Canada if they were to carry out attacks in the United States.[856] Sadequee and Ahmed were also alleged to have videotaped potential targets in the Washington, DC, area including the U.S. Capitol and the World Bank headquarters, the Masonic Temple, and a fuel farm. Later, Sadequee sent several of the videos to Younis Tsouli, a propagandist and recruiter for Al Qaeda and Asbid Hussein Khan, a facilitator for Lashkar-e-Taiba, both of whom are serving prison sentences in Great Britain for terrorism-related offenses.[857]

The two men pled not guilty to the charges, but were convicted in separate trials in August 2009. In December, Sadequee was sentenced to 17 years and Ahmed to 13 years in prison.[858]

Mohammed Reza Taheri-Azar—Attempted Vehicular Murder at the University of North Carolina at Chapel Hill—March 2006

On March 3, 2006, Mohammed Reza Taheri-Azar, a naturalized American citizen from Iran, drove his SUV into a crowd at The Pit, a popular student gathering spot at the University of North Carolina at Chapel Hill. The SUV struck several people, although none were injured seriously. Taheri-Azar was charged the next day with nine counts of attempted murder.

It was reported that police found a letter in Taheri-Azar's apartment that said he wanted revenge for the deaths of Muslims overseas that he said were caused by the United States. He said he rented a Jeep Cherokee because it was better equipped for what he planned to do.[859] The chief of the University's police department confirmed that Taheri-Azar told investigators that he wanted to "avenge the deaths or murders of Muslims around the world."[860]

Taheri-Azar pled guilty to two counts of attempted murder. On August 26, 2008, he was sentenced to 33 years in prison.[861]

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[854] For an overview and status of the "Toronto 18" cases, see "Toronto 18: Key Events in Case," *CBC News*, http://www.cbc.ca/canada/story/2008/06/02/f-toronto-timeline.html.

[855] DOJ Press Release, "Terrorism Defendants Sentenced in Atlanta," December 14, 2009, http://www.justice.gov/opa/pr/2009/December/09-nsd-1338.html. Hereinafter: DOJ Press Release, December 14, 2009.

[856] PBS, *Frontline*, "Canada: The Cell Next Door," January 30, 2007, http://www.pbs.org/frontlineworld/about/episodes/602_transcript.html.

[857] DOJ Press Release, December 14, 2009.

[858] Ibid.

[859] Ibid.

[860] "Driver Charged for Plowing through Crowd," *msnbc.com,* March 5, 2006, http://www.msnbc.msn.com/id/11660817/.

[861] *Associated Press*, August 26, 2008.

Toledo, Ohio Plotters—Travel Abroad to Kill Americans—February 2006

On February 21, 2006, three residents of Toledo, Ohio—**Mohammad Zaki Amawi**, a dual U.S. and Jordanian citizen; **Marwan Othman El-Hindi**, a naturalized U.S. citizen from Jordan; and **Wassim I. Mazloum**, a lawful permanent resident from Lebanon, were charged with conspiracy to kill or maim persons in locations outside the United States, to include U.S. Armed Forces personnel serving in Iraq.[862] The indictment alleges several overt acts in furtherance of the conspiracy. These acts included meeting another individual called "the trainer" (who was actually an undercover informant) to discuss and plan violent jihadist training. Following those meetings, the informant engaged in an instructional session on the construction and use of improvised explosive devices and timing devices, sought explosives, and participated in weapons training and practiced target shooting on several occasions.[863]

During a news conference announcing the charges, the agent in charge of the FBI's Cleveland office credited the Muslim and Arab American community for passing along the information that ultimately led to the arrest of the three. He said individuals within Toledo's Muslim community contacted the FBI about what he termed the "violent and radical views" the suspects were articulating.[864]

On June 13, 2008, a federal jury convicted all three of conspiring to commit terrorist acts against Americans overseas and providing material support to terrorists. On October 21, 2009, Amawi was sentenced to 20 years in prison, El-Hindi to 12 years in prison, and Mazloum to 8 years, 4 months in prison.[865]

Two cousins from Illinois, **Zubair Ahmed** and **Khaleel Ahmed**, who had connections to the three Toledo men, pled guilty on January 15, 2009, to one count of conspiracy to provide material support or resources to terrorists. It was alleged that Marwan Othman El-Hindi introduced the two men to the undercover informant known as "the trainer." During this meeting, the cousins allegedly discussed sniper tactics and surveillance techniques, and said they were willing to travel abroad to carry out terror attacks.[866] In 2004, both had traveled to Cairo hoping to eventually go to Afghanistan or Iraq, but returned home after Zubair's father, Haris Ahmed, learned of their intentions. On July 12, 2010, Zubair Ahmed was sentenced to 10 years in prison, while Khaleel Ahmed received an 8-year, 4-month sentence.[867]

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[862] *U.S v. Mohammad Zaki Amawi, et al.*, Indictment 3:06CR0719, U.S. District Court for the Northern District of Ohio, Western Division, February 16, 2006, p. 2, http://www.justice.gov/opa/documents/indictment_22006.pdf.

[863] Ibid, p. 4.

[864] "Toledo's Arab Community Called "Crucial" to Terrorism Investigation," *wtol.com,* February 21, 2006, http://www.wtol.com/Global/story.asp?S=4533250.

[865] Anti-Defamation League, "Three Men Face Terrorism Charges in Ohio," *adl.org,* October 21, 2009, http://www.adl.org/main_Terrorism/Ohio_men_trial.htm.

[866] Anti-Defamation League, "Chicago Cousins Plead Guilty in Terrorism Case," *adl.org*, January 26, 2009, http://www.adl.org/main_Terrorism/ahmed_cousins_guilty.htm.

[867] Richard A. Serrano, "Cousins Sentence in Ohio on Terrorism Charges," *latimes.com*. July 12, 2010, http://www.latimes.com/news/nationworld/nation/wire/sc-dc-0713-ohio-terror.-20100712,0,6294758,print.story.

Jamiyyat Ul-Islam Is-Saheeh (JIS)—Plot to Attack Targets in Southern California—August 2005

Kevin James, Levar Haley Washington, Gregory Vernon Patterson, and Hammad Riaz Samana, were arrested and charged in August 2005 for their involvement in a plot to attack Jewish institutions and other targets in the Los Angeles area, including synagogues, the Israeli Consulate, Los Angeles International Airport, U.S. military recruiting offices, and military bases.[868]

- **Kevin James**, the apparent leader of the terror cell, pled guilty to conspiring to levy war against the United States and was sentenced on March 6, 2009, to 16 years in prison.[869]
- **Levar Washington** pled guilty to levy war against the United States through terrorism and conspiracy to possess and discharge firearms and was sentenced to 22 years in prison. He was sentenced to an additional 22 years in prison on August 25, 2008, on related robbery and weapons charges.[870]
- **Gregory Patterson** pled guilty to conspiracy to levy war against the United States through terrorism and conspiracy to possess and discharge firearms and was sentenced to 12 years in prison.[871]
- **Hammad Samana**, a legal U.S. resident from Pakistan, conducted Internet-based research of the targets and was the getaway driver for at least one of the gas station robberies (see below), according to a U.S. federal judge. He was later convicted and sentenced in August 2009 to 70 months in prison.[872]

In 1997, James founded Jam'iyyat Ul-Islam Is-Saheeh (JIS)—Arabic for Assembly of Authentic Islam—a group based on his interpretation of Islam, according to court documents. James' views are apparent in several documents he wrote in prison, including a 104-page document titled the *JIS Protocol.* In this document, James supports the establishment of an Islamic Caliphate in the U.S. and describes "Jihad [as] the only true 'anti-terrorist action' [,] a defensive battle against the aggression of theological imposters led by Zionism."[873] The document also advocated the killing of "lawful targets," including non-Muslims.

James met Washington in prison in 2004 and introduced him to JIS and its beliefs. Washington, who converted to Islam while he was in prison, recruited Patterson, an employee at Los Angeles International Airport, and a fourth defendant, Hammad Riaz Samana, at the Jamaat-E-Masijudal mosque in Inglewood, California, where they all worshipped. Both Patterson and Samana swore allegiance to Washington and pledged to serve as "mujahideen," according to court documents.[874]

[868] Anti-Defamation League, "Two Sentenced in Los Angeles Terror Plot against Jewish Institutions," *adl.com*, August 24, 2008, http://www.adl.org/main_Terrorism/los_angeles_sentenced.htm.

[869] Ibid.

[870] Ibid.

[871] Ibid.

[872] Ibid.

[873] Ibid.

[874] Ibid.

According to the indictment, in July 2005, the men engaged in firearms training and physical training at a park in Los Angeles in preparation for the attacks. In addition, the defendants purchased weapons or otherwise tried to acquire weapons in furtherance of their terrorist conspiracy and made efforts to raise money by robbing gas stations. The indictment alleges that eleven times beginning on May 30, 2005, the defendants—armed with shotguns—robbed or attempted to rob gas stations in several cities and towns in Southern California, including Los Angeles, Torrance, Playa Del Ray, Bellflower, Pico Rivera, Walnut, Orange, Playa Vista, and Fullerton.[875]

Part of the funds obtained in these robberies was directly linked by the FBI to Patterson's purchase of a .223 caliber rifle. The men were arrested by the Torrance police after Patterson dropped his cell phone at the scene of one of the robberies in July 2005. Police were able to connect the robberies to the larger terror plot after authorities searched Washington and Patterson's apartment and discovered various Jihadist documents.[876]

Lodi, California, Case—the Hayats—Travel to Terrorist Training Camp—June 2005

In Lodi, California, **Umer Hayat** and **Hamid Hayat**, a Pakistani immigrant and his American son, were arrested on June 5, 2005, after allegedly lying to the FBI about the son's attendance at a terrorist training camp in Pakistan. The son, Hamid Hayat was found guilty on April 25, 2006, of one count of providing material support or resources to terrorists, and three counts of making false statements to the FBI in matters related to international/domestic terrorism.

Prosecutors alleged that between October 2003 and November, 2004, Hayat attended a jihadi training camp in Pakistan and ultimately returned to the United States with the intent to wage violent jihad upon receipt of orders.[877] Hayat confessed to FBI agents that he had attended a terrorist training camp but his attorneys later argued that his admissions were fabrications intended to appease the federal agents he hoped would let him go home. The nine-week trial was reported to rely on that contested confession and conversations secretly taped by an FBI informant who had been paid $200,000 to infiltrate Lodi's large Muslim community after the 9/11 attacks.[878]

DOJ issued a press release stating:

> According to evidence adduced at trial, between March, 2003 and August, 2003, defendant Hayat, during the course of numerous recorded conversations with a cooperating witness, pledged his belief in [violent] jihad, indicated that jihad was the duty of every Muslim, indicated that he had knowledge of jihadi camps including Jaish-e-Muhammed camps in the Balakot/Mansehar area, pledged to go to a jihadi training camp, and indicated that he, in fact,

[875] Ibid.

[876] Ibid.

[877] DOJ Press Release, "Hamid Hayat Sentenced to 24 Years in Connection with Terrorism Charges," September 10, 2007, http://www.justice.gov/opa/pr/2007/September/07_nsd_700.html. Hereinafter: DOJ Press Release, September 10, 2007.

[878] Eric Bailey "Lodi man gets 24 years in terrorism case" *Los Angeles Times,* September 11, 2007, http://articles.latimes.com/2007/sep/11/local/me-lodi11. Hereinafter: Bailey, September 11, 2007.

> was going to jihadi training after Ramadan in 2003 (which was to occur at the end of November, 2003).[879]

In his closing comments to the jury, the Assistant U.S. Attorney stated: "Hamid Hayat had a jihadi heart and a jihadi mind."[880] In interviews, several jurors said Hayat's confession and evidence of what the jury foreman called "un-Americanism" convinced them that he posed a danger.[881] In September 2006, Hamid Hayat was sentenced to 24 years in prison.

Umer Hayat, Hamid's father, was tried by a separate federal jury in early 2006 for two counts of making false statements to the FBI about having first-hand knowledge of terrorist training camps in Pakistan and that his son had attended a jihadist training camp in Pakistan. That proceeding ended in a mistrial when the jury was unable to reach a unanimous verdict. Umer Hayat later pled guilty to making a false statement to the FBI and U.S. Customs and Border Protection about his attempt to carry $28,000 into Pakistan. He was sentenced to time served.[882]

Albany, New York, Mosque Plot—August 2004

Two Albany, New York, residents, **Yassin M. Aref**, an Imam at the Masjid As Salam in the city, and **Mohammed Mosharref Hossain**, a pizzeria owner, were convicted of conspiring to aid a terrorist group and provide support for a weapon of mass destruction, as well as money-laundering and supporting a foreign terrorist organization. They were sentenced to 15 years in prison. Aref is a refugee from Iraqi Kurdistan and Hossain is an immigrant from Bangladesh who has lived in the United States for over two decades.

The case was the result of a sting operation by the FBI which had been watching the Masjid As Salam since 2002 after one of its founders had been deported following the 9/11 attacks. The FBI had an undercover informant befriend Hossain, a member of the mosque who was reported to be having financial problems with his pizza business. The informant was a Pakistani immigrant facing a long prison sentence and deportation after he had pled guilty to one felony count of engaging in the production and transfer of false government identification documents. After a period of time, Hossain asked the informant for a loan. The informant proposed a scheme to launder through Hossain's pizza shop and real estate holdings the proceeds of the sale of a shoulder-fired surface-to-air missile, which was purportedly to be used in a fictitious plot to assassinate Pakistan's United Nations envoy.[883]

According to court records, the Kurdish Imam, Yassan Aref, was not approached by the informant. Rather, Aref was enlisted by Hossain to witness the transactions under Muslim tradition.[884] However, federal authorities admitted that Aref was the "ultimate target" of the sting operation. Two months after the sting began, American military forces found Aref's name and

[879] DOJ Press Release, September 10, 2007.

[880] Bailey, September 11, 2007.

[881] Ibid.

[882] DOJ Press Release, September 10, 2007.

[883] Brendan Lyons, "Mosque Welcomed in Informant," *timesunion.com,* (Albany, NY), August 8, 2004, http://www.timesunion.com/AspStories/story.asp?storyID=273922.

[884] Brendan Lyons, "Terror Suspect Wants Own Trial," *timesunion.com*, December 10, 2005, http://www.timesunion.com/AspStories/story.asp?storyID=428450&category=REGIONOTHER&BCCode=LOCAL&newsdate=12/10/2005&TextPage=1.

phone number in a notebook at a bombed out encampment in Iraq that the government contended was occupied by "terrorists."[885] The notebook was said to contain a reference in the Kurdish language to Aref as "commander" which led prosecutors to believe that Aref might be connected to the Ansar al-Islam terrorist group. It was also cited by the judge in the case as grounds for denying bail to the defendants.[886]

Later, however, federal prosecutors admitted to making an error and acknowledged that the word in question could be translated as "brother," rather than "commander." The U.S. attorney for the Northern District of New York was quoted as saying that the translation discrepancy was not terribly significant. He said the heart of the case had to do with Mr. Aref's and Mr. Hossain's failure to turn away from the fake plot even after they knew the intentions of the government informer.[887]

Aref and Hossain were arrested on August 5, 2004, on a 19-count indictment charging them with money laundering. The government subsequently added more charges, including allegations the men conspired to provide material support to a Pakistani terrorist group.[888]

The case was not without controversy. Aref and Hossain maintained their innocence throughout their trials. Defense attorneys claimed the two were entrapped. Pakistan angrily protested to Washington over the FBI sting operation describing it as "a bizarre mission."[889] Albany's two main daily newspapers—the Albany *Times Union* and the Schenectady *Daily Gazette*—ran editorials at the time of the sentencing asking for extreme leniency.[890] Two of the columnists who had followed the trial closely were also very critical of the prosecution.[891] And several inmates at the Rensselaer County Jail, where Aref and Hossain were being held, wrote letters to the judge in the case vouching for the defendants' good character and benign influence.[892]

After the indictment, an article in *The New York Times* quoted government officials as saying that Aref's case resulted from evidence gathered by the warrantless National Security Agency domestic wiretapping program. On January 5, 2006, defense attorneys filed a motion to suppress evidence and dismiss the indictment as the fruit of illegal surveillance.[893] The district court denied that motion in a sealed *ex parte* opinion based on a sealed *ex parte* submission by the

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[885] Brendan Lyons, "Suspects Raise Domestic Spy Issue," *timesunion.com,* January 5, 2006, http://www.timesunion.com/AspStories/story.asp?storyID=436432&category=REGION&newsdate=1/5/2006 Hereinafter: Lyons, January 5, 2006.

[886] Marc Santora, "Key Evidence Cast in Doubt on a Claim of Terrorism," *New York Times,* Aug 18, 2004, http://www.nytimes.com/2004/08/18/nyregion/18missile.html.

[887] Ibid.

[888] Lyons, January 5, 2006.

[889] Jim Lobe, "From One Blunder to the Next," *Asia Times*, August 11, 2004, http://www.atimes.com/atimes/South_Asia/FH11Df04.html.

[890] The FBI responded by running an op-ed piece in the *Daily Gazette* upholding the sting operation as legitimate.

[891] See Carl Strock, "The View from Here," Schenectady *Daily Gazette,* February 4, 2007, http://www.nepajac.org/Strock.htm; and Fred LeBrun, "History Will Remember Albany Terrorism Sting as a Witch Hunt," Albany *Times Union*, January 12, 2007, http://www.nepajac.org/FredLeBrun.htm.

[892] Carl Strock, "Inmates Go to Bat for Aref and Hossain," Schenectady *Daily Gazette,* March 22, 2007, http://www.yassinaref.com/news/03-22-07_Strock.htm.

[893] *United States v. Aref and Hossain*, Brief of Amicus Curiae of the American Civil Liberties Union and the New York Civil Liberties Union, U.S. Court of Appeals for the Second Circuit, August 24, 2007, http://www.nyclu.org/node/1051.

government. In July 2008, the Second Circuit Court of Appeals in New York affirmed the district court's ruling.

Shahawar Matin Siraj and James Elshafay—Plot to Bomb Herald Square Subway Station in New York City—August 2004

Days before the 2004 Republican National Convention, which was held in New York City, James Elshafay, a U.S. citizen, and Shahawar Matin Siraj, a Pakistani immigrant, were arrested for plotting to bomb the Herald Square subway station in New York City. The station, near Madison Square Garden, is the third busiest in the city's transit system. The investigation was largely conducted by the NYPD's Intelligence Division which used a paid informant, Osama Eldawoody, an Egyptian-born nuclear engineer. Eldawoody testified that he volunteered to troll the city's mosques and Muslim communities out of patriotism and a desire to show that violent extremists are the exception rather than the rule in Islam.[894] Prosecutors at the Siraj's trial played tapes secretly recorded by Eldawoody in which Siraj discusses the plot to bomb the subway station "at length and with great zeal."[895]

James Elshafay immediately agreed to cooperate with the government and pled guilty to involvement in the plot. Elshafay testified against Siraj at the latter's trial. He acknowledged taking medication for depression and schizophrenia and described the delusions that landed him in a psychiatric ward just months before he conspired with Siraj to bomb the subway station.[896] Elshafay was sentenced to five years in prison.

Siraj rejected a plea agreement and went to trial. His attorneys argued that he was entrapped by the police informant, Osama Eldawoody. They also attacked the credibility of the informant on the grounds that he was paid a total of $100,000 by the police. However, prosecutors called an undercover detective who testified that he had had frequent conversations with Siraj long before he met Eldawoody. "The conversations, the detective said, were filled with Mr. Siraj's approval of suicide bombings and Osama bin Laden."[897] The jury rejected the defense argument of entrapment and convicted Siraj on four counts of conspiracy, including plotting to bomb a public transportation system. He was sentenced in January 2007 to 30 years in prison.

Iyman Faris—Plot Against Brooklyn Bridge—June 2003

Iyman Faris, a naturalized U.S. citizen born in Kashmir, Pakistan, and living in Columbus, Ohio, pled guilty on May 1, 2003, to casing the Brooklyn Bridge in New York City for Al Qaeda, and researching and providing information to Al Qaeda regarding the tools necessary for possible attacks on U.S. targets. According to DOJ,

> Faris admitted that upon returning to the United States from Pakistan in April 2002, he researched "gas cutters"—the equipment for severing bridge suspension cables—and the

[894] William K. Rashbaum, "Guilty Verdict in Plot to Bomb Subway Station," *New York Times*, May 25, 2006, http://www.nytimes.com/2006/05/25/nyregion/25herald.html. Hereinafter: Rashbaum, May 25, 2006.

[895] William K. Rashbaum, "Staten Island Man Describes Shattered Life, Then Plot to Bomb Subway Station," *New York Times*, May 19, 2006, http://www.nytimes.com/2006/05/10/nyregion/10herald.html.

[896] Ibid.

[897] Rashbaum, May 25, 2006.

> New York City bridge on the Internet. Between April 2002 and March 2003, he sent several coded messages ... indicating he had been unsuccessful in his attempts to obtain the necessary equipment. Faris admitted to traveling to New York City in late 2002 to examine the bridge, and said he concluded that the plot to destroy the bridge by severing cables was unlikely to succeed because of the bridge's security and structure. In early 2003, he sent a message that "the weather is too hot"—a coded message indicating that the bridge plot was unlikely to succeed.[898]

He was sentenced to 20 years in prison.

Time Magazine reports that government officials were led to Faris by **Khalid Shaikh Mohammed,** the high-ranking Al Qaeda operative and alleged mastermind of the 9/11 attacks who is in U.S. custody. Reportedly, after Mohammed's capture in Pakistan, agents discovered the coded, "the weather is too hot" email sent from the U.S. to one of his associates. The email was one of the factors that helped investigators pull Faris' name out of Mohammed during his interrogations by U.S. authorities. Faris was then secretly detained two weeks later. Faris acknowledged that he wrote the email and was referring to the impossibility of an Al Qaeda plot to bring down the sturdy, well-guarded Brooklyn Bridge by cutting its suspension cables.[899]

Sometime in March 2003, according to DOJ officials, FBI agents persuaded Faris to cooperate with the government. *Time Magazine* quotes law-enforcement officials who say that he was brought to a safe house in Virginia. "Faris sent messages to his bosses via cell phone and email. 'He was sitting in the safe house making calls for us,' says a senior Administration official. 'It was a huge triumph for law enforcement.'"[900]

Ahmed Omar Abu Ali—Plot to Assassinate President Bush—June 2003

Abu Ali, an American-born Muslim raised in Northern Virginia, was convicted on November 22, 2005, on nine terrorism charges, including conspiracy to assassinate President George W. Bush, conspiracy to commit air piracy, and providing material support to Al Qaeda. Ali was originally arrested by Saudi Arabian authorities in June 2003, while he was studying at the Islamic University of Medina.[901] The arrest came one month after an Al Qaeda attack on three residential compounds in Riyadh had killed 27 foreign workers. He was held in Saudi custody for 20 months without charges or access to an attorney. U.S. officials did not request extradition; however, FBI agents participated in some of the interrogations.[902]

In the summer of 2004, Abu Ali's family brought a civil suit in U.S. District Court seeking a writ of *habeas corpus.* While that suit was pending, Abu Ali was returned to the United States and on

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[898] DOJ Press Release, "Iyman Faris Sentenced for Providing Material Support to Al Qaeda," Oct 28, 2003, http://www.justice.gov/opa/pr/2003/October/03_crm_589.htm.

[899] Daniel Eisenberg, et al., "The Triple Life of a Qaeda Man," *Time Magazine*, June 30, 2003, http://www.time.com/time/printout/0,8816,1005104,00.html.

[900] Ibid.

[901] Larry Abramson, "Jury Finds Abu Ali Guilty on Terrorism Charges," *National Public Radio*, November 22, 2005, http://www.npr.org/templates/story/story.php?storyId=5024013. Hereinafter: Abramson, *National Public Radio*, November 22, 2005.

[902] Spencer Ackerman, "Suspect Policy," *The New Republic*, March 14, 2005, http://www.tnr.com/article/suspect-policy-0.

February 22, 2005, an indictment was unsealed charging him with six terrorism counts.[903] A superseding indictment added charges.

The government's case against Abu Ali was based primarily on evidence gathered by Saudi authorities that included a videotaped confession. Although the assassination and hijacking plots never got past the talking stage, it was alleged that between September 2002 and June 2003, Abu Ali had met with several unnamed co-conspirators, two of whom were later revealed to be leaders of an Al Qaeda cell in Medina—**Sultan Jubran Sultan al-Qahtani**, and **Ali Abd al-Rahman al-Faq'asi al-Ghamdi**.[904] Among the discussions with the co-conspirators were "options for assassinating President Bush: (1) an operation in which Abu Ali would get close enough to the President to shoot him on the street, and (2) an operation in which Abu Ali would detonate a car bomb."[905] At trial, Abu Ali's attorneys countered that while in Saudi custody their client had been beaten and whipped repeatedly until he agreed to confess.[906] But, the judge, jury, and appellate court rejected that argument. A juror said after the trial that Abu Ali's videotaped confession was "chilling" and showed no sign of coercion.[907]

Abu Ali was originally sentenced to 30 years in prison. The U.S. Court of Appeals for the Fourth Circuit upheld the conviction and sent the case back for resentencing. The U.S. District judge increased the sentence to life in prison, which he is serving at the federal "Supermax" prison in Florence, Colorado.

Virginia "Jihad" Network—June 2003

Eleven men from Northern Virginia were charged on June 27, 2003, with a variety of offenses including weapons counts, providing material support to terrorist groups, and for violating the Neutrality Act of 1939,[908] which prohibits U.S. citizens and residents from attacking countries with which the United States is at peace. The men were accused of being part of a jihadist network whose objective was to wage holy war against nations deemed hostile to Islam. They were dubbed by some in the media as the "Paintball" terrorists because they were alleged to have used paintball games in the woods near Fredericksburg, Virginia, in 2000 and 2001 as military training.[909]

After the indictment, four of the 11 men pled guilty and cooperated with the government. In a superseding indictment on September 25, 2003, additional charges were levied against the seven remaining defendants, including conspiracy to support terrorist organizations, namely Al Qaeda and Lashkar-e-Taiba, (LeT) a Kashmiri-based group that has been designated by the U.S.

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[903] *United States v. Abu Ali,* U.S. District for the Eastern District of Virginia, February 3, 2005, http://www.foxnews.com/projects/pdf/AliIndictment.pdf. Hereinafter*: U.S. v. Ali,* February 3, 2005.

[904] *United States v Abu Ali,* U.S. Court of Appeals for the Fourth Circuit, Jun 6, 2008, http://pacer.ca4.uscourts.gov/opinion.pdf/064334.P.pdf.

[905] *U.S. v. Ali,* February 3, 2005.

[906] Abramson, *National Public Radio*, November 22, 2005.

[907] Jerry Markon, "Falls Church Man's Sentence in Terror Plot is Increased to Life," *Washington Post*, July 28, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/07/27/AR2009072701384.html.

[908] The text of the act may be found within U.S. Department of State Publication 1983, *Peace and War: United States Foreign Policy, 1931-1941* (Washington, DC: U.S., Government Printing Office, 1943, pp. 494-505.

[909] "Two 'Paintball' Terrorists Sentenced, *Associated Press* in *Foxnews.com*, April 9, 2004, http://www.foxnews.com/story/0,2933,116729,00.html.

government as a terrorist organization.[910] Two of these remaining defendants pled guilty in January 2004.

In 2004 and 2005, charges were brought against two additional Northern Virginia residents. The alleged spiritual leader of the group, **Ali al-Timimi,** was indicted in September 2004 for counseling and inducing several of the other defendants to conspire to levy war against the United States along with other charges. He was found guilty on April 26, 2005, on 10 counts and sentenced to life in prison.[911]

The Washington Post reported that the heart of the government's evidence against al-Timimi was a meeting he attended in Fairfax, Virginia, five days after the 9/11 attacks. Al-Timimi told his followers that "the time had come for them to go abroad and join the mujaheddin engaged in violent jihad in Afghanistan," according to court papers.[912] Defense lawyers claimed his rhetoric merely reflected his right to free speech. After seven days of deliberation, the jury rejected that argument. At sentencing, the judge said she was satisfied that the case did not "violate any of al-Timimi's First Amendment rights. This is not a case about speech. This is a case about intent."[913]

On September 15, 2005, prosecutors also charged **Ali Asad Chandia** as part of the Virginia Jihad Network conspiracy. Chandia, a former teacher at a Muslim school in Maryland, was accused of assisting an LeT operative, **Mohammed Ajmal Khan,** in procuring military-purpose equipment for use against India. Evidence was presented at trial that Chandia made a three-month trip to Pakistan in 2001-2002 where he met and allied with Khan who is currently serving a nine-year sentence in Britain for his terrorist activities.[914] Chandia was convicted on June 6, 2006, and sentenced to 15 years in prison.

The following is a summary of the disposition of all of the accused defendants:[915]

- **Ali Al-Timimi**—an Iraqi American U.S. citizen, was convicted on April 26, 2005, and sentenced to life in prison for soliciting treason, counseling and inducing others to wage war against the United States, and using firearms and explosives in furtherance of those offenses.
- **Ali Asad Chandia**—a Pakistani American U.S. citizen, was convicted on June 6, 2006, and sentenced to 15 years, for providing material support to the LeT.
- **Masaud Khan**—a Pakistani American U.S. citizen, was convicted on March 4, 2004, and sentenced to life in prison for conspiring to wage war against the

[910] Jerry Markon and Mary Beth Sheridan, "Indictment Expands Va. 'Jihad' Charges," *The Washington Post*, September 26, 2003, http://www.washingtonpost.com/wp-dyn/articles/A2730-2003Sep25.html.

[911] U.S. Attorneys' Office, Eastern District of Virginia; News Release, April 26, 2005, http://www.investigativeproject.org/documents/case_docs/73.pdf.

[912] Jerry Markon, "Muslim Lecturer Sentenced to Life," *The Washington Post*, July 14, 2005, http://www.washingtonpost.com/wp-dyn/content/article/2005/07/13/AR2005071302169.html.

[913] Ibid.

[914] *The Times of India,* "Teacher Jailed for Aiding LeT," August 26, 2006, http://timesofindia.indiatimes.com/articleshow/1929483.cms.

[915] DOJ Press Release, April 26, 2005, http://www.investigativeproject.org/documents/case_docs/73.pdf; U.S. Attorneys' Office, Eastern District of Virginia; Press Release, "'Virginia Jihad' Member Sentenced to 121 Months in Prison," July 24, 2007, http://www.usdoj.gov/usao/vae/Pressreleases/07-JulyPDFArchive/07/20070724benkahlanr... 7/25/2007.

United States, providing material support to LeT, and using automatic weapons in furtherance of crimes of violence.

- **Seifullah Chapman**—a U.S. citizen, was convicted on March 4, 2004, and sentenced to 85 years (later reduced to 65 years) in prison for conspiring to provide material support to LeT, violating the Neutrality Act of 1939, using firearms in furtherance of crimes of violence, and using an automatic weapon in furtherance of crimes of violence.
- **Caliph Basha Abdur-Raheem**—a U.S. citizen, was acquitted of all charges on February 20, 2004.
- **Randall Royer**—a U.S. citizen, pled guilty in January 2004 and was sentenced to 20 years in prison for aiding and abetting the use and discharge of a firearm during and in relation to a crime of violence, and of aiding and abetting the carrying of an explosive during the commission of a felony.
- **Ibrahim Al-Hamdi**—a Yemeni national, pled guilty in January 2004, and was sentenced to 17 years in prison for unlawfully possessing a firearm, possessing a firearm during and in relation to a crime of violence, and carrying an explosive—specifically, a rocket-propelled grenade—during the commission of a crime.
- **Yong Ki Kwon**—a naturalized U.S. citizen from Korea, pled guilty in August 2003, and was sentenced to 11 years, 6 months for conspiring to commit an offense against the United States, using a firearm in connection with a crime of violence, and transferring a firearm for use in a crime of violence.
- **Sabri Benkhala,** a U.S. citizen, was acquitted in March 2004 of charges related to the original June 2003 indictment. He was then granted statutory immunity and testified twice before the grand jury, and submitted to interviews with the FBI. He was subsequently convicted in February 2007 of making materially false statements in 2004, both in his grand jury appearances and to the FBI. He was sentenced to 10 years, 1 month in prison.
- **Khwaja Mahmood Hasan**—a naturalized U.S. citizen from Pakistan, pled guilty in August 2003, and was sentenced to 11 years, 3 months in prison for conspiring to commit an offense against the United States, and using a firearm in connection with a crime of violence.
- **Muhammed Aatique**—a legal resident from Pakistan, pled guilty in September 2003, and was sentenced to 10 years, 2 months, for aiding others in commencing a military expedition against a friendly nation and using and discharging a firearm in relation to a crime of violence.
- **Hammad Abdur-Raheem**—a U.S. citizen (and no relation to acquitted defendant Caliph Basha Abdur-Raheem), was convicted on March 4, 2004, and was sentenced to 52 months in prison for conspiring to provide material support to LeT and violating the Neutrality Act of 1939.
- **Donald Thomas Surratt—**a U.S. citizen, pled guilty in August 2003, and was sentenced to three years, 10 months for conspiring to commit an offense against the United States and transporting a firearm in interstate commerce with reason to know a felony would be committed with it.

Hasan Akbar—Attack on Soldiers at U.S. Army Post in Kuwait—March 23, 2003

On March 23, 2003, two days after the U.S. invasion of Iraq, U.S. Army Sergeant Hasan Akbar killed two U.S. Army officers and wounded 14 others at Camp Pennsylvania in Kuwait, 25 miles from the Iraq border. At approximately 1:30 a.m., Akbar shut off the generator that lit the camp, then tossed grenades into three tents where officers were asleep or preparing for bed. He is reported to have yelled, "We are under attack." As soldiers rushed outside, he opened fire with an M-4 automatic rifle.[916]

Akbar was born Mark Fidel Kools in 1971. His mother said she changed his name to Hasan Akbar after she remarried when he was a young boy. The family into which she married were members of the Nation of Islam. In 1988, Akbar enrolled at the University of California, Davis, with a double major in aeronautical and mechanical engineering. He graduated nine years later with a bachelor's degree and joined the Army in 1998.[917]

The attack has been attributed to various motivations. Military criminal investigators reported that Akbar had been recently reprimanded for insubordination and was told he would not join his unit's push into Iraq. An Army spokesman said Akbar had been having "an attitude problem." Another spokesman stated that the motive in the attack "most likely was resentment."[918]

At his April 2005 court martial, Akbar's attorney argued that Akbar was concerned the invasion of Iraq would result in the deaths of Muslims and that U.S. soldiers would rape Iraqi women. He said the prosecution's depiction of Akbar as a cold-blooded killer ignored that the defendant was sufficiently mentally ill—though not insane—to be confused and fearful about the impending invasion of Iraq.[919]

Writing of his fellow soldiers in a diary entry dated February 4, 2003, he stated:

> I suppose they want to punk me or just humiliate me. Perhaps they feel that I will not do anything about that. They are right about that. I am not going to do anything about it as long as I stay here. But as soon as I am in Iraq, I am going to try and kill as many of them as possible.
>
> I will have to decide to kill my Muslim brothers fighting for Saddam Hussein or my battle buddies. I am hoping to get into a position so I don't have to take any crap from anyone anymore.[920]

On April 22, 2005, after two and one-half hours deliberation, a military jury at Fort Bragg convicted Akbar of two counts of premeditated murder and three counts of attempted

[916] NEFA Backgrounder: Hasan Akbar, January 2010.

[917] "Akbar Convicted of Murder," *Associated Press*, in *FoxNews.com*, April 22, 2005, http://www.foxnews.com/story/0,2933,154220,00.html. Hereinafter: "Akbar Convicted of Murder," April 22, 2005.

[918] "Army: U.S. Soldier Acted out of Resentment in Grenade Attack," *Associated Press*, in *FoxNews.com*, March 24, 2003, http://www.foxnews.com/story/0,2933,81898,00.html.

[919] Akbar Convicted of Murder," April 22, 2005.

[920] Quoted in Daniel Pipes, "Hasan Akbar's Chilling Diary Entries," April 15, 2010, http://www.danielpipes.org/blog/2005/04/hasan-akbars-chilling-diary-entries.

premeditated murder. He was sentenced to death one week later. Akbar is the first American since the Vietnam era to be prosecuted on charges of murdering a fellow soldier during wartime.[921]

Lackawanna Six—Training at Al Qaeda Camp—September 2002

Six American citizens of Yemeni descent were arrested on September 13, 2002, and later charged with providing material support to a terrorist organization. The press dubbed the six suspects—**Sahim Alwan, Yahya Goba, Shafal Mosed, Yasein Taher, Faysal Galab,** and **Mukhtar al-Bakri**—the "Lackawanna Six" (also the "Buffalo Six" or "Buffalo Cell") because five of them were born and raised in Lackawanna, a suburb of Buffalo, New York.

Prosecutors alleged that in the spring of 2001, the men traveled to Afghanistan, where they attended Al Farooq training camp. Three of the men—Taher, Galab, and Mosed—traveled in one group in April 2001, going from Canada to Pakistan via London and the United Arab Emirates. The four others—Alwan, Goba, al-Bakri, and Elbaneh—allegedly traveled from New York to Pakistan in May 2001. Once in Pakistan, they allegedly crossed over the border in Afghanistan to attend the training camp. The men stayed for five to six weeks, except for Alwan, who left after 10 days.[922] The men later admitted to authorities that while at Al Farooq camp they were trained in the use of automatic weapons, including Kalashnikovs, M-16 rifles, rocket-propelled grenade launchers, and explosives. They also met Osama bin Laden.[923]

The Lackawanna Six first came to the attention of authorities in the spring of 2001 when the FBI received an anonymous, handwritten letter apparently from someone in Lackawanna's Yemeni community. The letter said that a group has traveled to "meet bin Laden and stay in his camp for training."[924] Subsequently, the FBI interviewed one of the men, Sahim Alwan, when he returned from abroad. Alwan, however, told the FBI that he only traveled to Pakistan for religious training.

Another member, Mukhtar Al-Bakri, came under increased surveillance after the U.S. government reviewed and analyzed an email he sent while traveling in Saudi Arabia. The email referred to an upcoming "big meal" that authorities interpreted as a code for an impending terrorist attack.[925] Additional intelligence information was later received that suggested the Lackawanna suspects were the targets of an Al Qaeda recruitment operation.[926] In the tense atmosphere after the 9/11 attacks, this led to concerns that the group may be a sleeper cell.[927]

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[921] "Akbar Convicted of Murder," *Associated Press* in *Fox News*, April 22, 2005, http://www.foxnews.com/story/0,2933,154220,00.html.

[922] Susan Candiotti, "Prosecutors: No bail for six accused of helping al Qaeda," *CNN.com*, September 19, 2002, http://archives.cnn.com/2002/LAW/09/18/buffalo.terror.probe/.

[923] DOJ Press Release, "U.S. Attorney's Office Successfully Concludes Terrorism Case, With Sixth Conviction of Al Qaeda Supporter," May 19, 2003, http://www.investigativeproject.org/documents/case_docs/898.pdf.

[924] PBS, "Chasing the Sleeper Cell," October 16, 2003, http://www.pbs.org/wgbh/pages/frontline/shows/sleeper/etc/synopsis.html. Hereinafter: PBS, October 16, 2003.

[925] Ibid.

[926] Ibid.

[927] Dina Temple-Raston, "How Great a Threat Were the Lackawanna Six?," *Morning Edition*, *National Public Radio*, September 10, 2007, based on the book: Dina Temple-Raston, *The Jihad Next Door: The Lackawanna Six and Rough Justice in the Age of Terror*, (New York: PublicAffairs, 2007). http://www.npr.org/templates/story/story.php?storyId=14285994.

When the FBI learned that al-Bakri had traveled to Bahrain to get married, they asked authorities there to detain him. During an interview with an Arabic-speaking FBI agent, a-Bakri admitted to having attended Al Farooq camp and named the other members of the Lackawanna Six, who were then subsequently arrested on September 13, 2002.

In their joint report, "Chasing the Sleeper Cell,"[928] *The New York Times* and Public Broadcasting Service's (PBS's) *Frontline* summarized the disposition of the Lackawanna Six and others associated with the case:

- **Sahim Alwan** was a college-educated, married man with three children. After he arrived at Al Farooq camp, Alwan claimed he quickly had a change of heart and begged the camp authorities to let him return home. He was allowed to leave, but first was taken to a personal meeting with bin Laden, in which Al Qaeda's leader asked about the status of Muslims in the United States. He was also asked by a bin Laden associate to deliver two copies of a videotape showing the bombing of the USS *Cole* to a contact in Pakistan, which he did. After being confronted with information obtained from the arrest and interrogation of Mukhtar al-Bakri, Alwan confessed to the FBI and in April 2003, pled guilty to material support of terrorism. He was sentenced to nine and a half years in prison.
- **Yahya Goba** did not grow up in Lackawanna. He was born in The Bronx, was raised for a while in Yemen, and moved to Western New York in the late 1996. In his March 2003 guilty plea, Goba admitted having trained to use firearms, including a rocket-propelled grenade launcher, as well as explosives. He also said that Osama bin Laden had spoken at the camp of men "willing to become martyrs for the cause." In December 2003, Goba was sentenced to 10 years in prison.
- **Shafal Mosed** pled guilty in March 2003 to providing material support to Al Qaeda and was sentenced to eight years in prison.
- **Yasein Taher** pled guilty in May 2003 to providing material support to Al Qaeda and was sentenced to eight years in prison.
- **Faysal Galab** was the first of the Lackawanna Six to pled guilty to material support of terrorism in January 2003. In his plea, he admitted to traveling to the camp, knowing that the trip was illegal, and receiving weapons training. He also acknowledged Osama bin Laden had spoken at the camp. He was sentenced to seven years in prison.
- **Mukhtar al-Bakri** was arrested on his wedding night in a hotel room in Manama, Bahrain. During his FBI interview, he was the first to admit that the group had not attended religious training in Pakistan, but rather traveled to the terrorist training camp in Afghanistan. His confession paved the way for the FBI to bring charges against the Lackawanna men. He also admitted that he trained in the use of weapons and explosives at an Al Qaeda camp. In June 2003, he was the last of the six to pled guilty to material support and was sentenced to 10 years in prison.

Three other men were also implicated in the Lackawanna Six case. Authorities believe the three played roles in the recruitment of the Lackawanna Six:

[928] PBS, October 16, 2003.

- **Kemal Derwish** was born in Buffalo and raised in Saudi Arabia. He reportedly had trained in Al Qaeda camps in Afghanistan and fought with Muslims in Bosnia. U.S. intelligence sources say the Saudi government deported Derwish in 1997 for alleged extremist activities. He spent a year in Yemen before heading back to his hometown of Lackawanna in 1998 where he began giving informal talks at a local mosque. The group met in his apartment, where he reportedly told them that attacks on Muslims around the world obligate them to train for jihad to defend their Muslim brothers. Authorities believe that the trip by the group to Afghanistan grew out of religious discussions led by Derwish. He was reportedly killed in 2002 by a CIA Predator drone that was tracking **Qaed Salim Sinan al Harethi,** known as "Abu Ali," and believed to be one of the planners of the USS Cole bombing.[929]
- **Juma Al Dosari** is described as a Muslim fighter and itinerant Imam from Saudi Arabia, who is believed to have fought with Derwish in Bosnia. Upon his arrival in Lackawanna, the reportedly charismatic Al Dosari gave a sermon railing against Arab governments who do nothing while Muslims die on a daily basis. According to people in the community, the leaders of the Lackawanna mosque were so troubled by Al Dosari's militant tone that he was not invited back. Two weeks after the 9/11 attacks, Al Dosari left Lackawanna to fight with the Taliban in Afghanistan. He was captured sometime in the fall of 2001 and declared an enemy combatant. He was subsequently sent to the special prison camp at the U.S. Naval Base on Guantanamo Bay, Cuba. His interrogation there led to the information that the Lackawanna Six were the targets of an Al Qaeda recruitment operation. In 2007, after five years of the detention at Guantanamo Bay, Cuba, he was released to Saudi Arabia, with no charges against him.[930]
- **Jaber A. Elbaneh**, a Yemeni American also attended Al Farooq training camp with al-Bakri, Alwan and Goba. At the camp, Elbaneh told Alwan that he wanted to fight with the Taliban and was willing to become a martyr. He never returned to the U.S. after his trip to Afghanistan and eventually fled to Yemen. In May 2003, the U.S. government unsealed an indictment charging him with providing material support to Al Qaeda. The FBI also put him on its list of world's most wanted terrorism suspects.[931] It has been reported that he is in Yemeni custody, but because there is no extradition treaty between the United States and Yemen, it is not clear whether he will be returned for trial.[932]

Jose Padilla—Alleged "Dirty Bomb" Plot—May 2002

Jose Padilla, a former Chicago gang member and convert to Islam, was arrested on May 8, 2002, at O'Hare Airport in Chicago for suspicion of planning to explode a radiological dispersion device, or "dirty bomb" (an explosive containing radioactive material) in the United States. A month later, he would become the first American citizen arrested on U.S. soil to be declared an

[929] Ibid.

[930] Ibid.

[931] Ibid.

[932] Dan Herbeck, "Yemen Holds Lackawanna 6 Figure," *Buffalo News*, Jan 20, 2010, http://www.buffalonews.com/2010/01/20/929584/yemen-holds-lackawanna-6-figure.html.

"enemy combatant," and then was held indefinitely without trial or charging him with a crime. This led to a legal confrontation between the Bush Administration and Padilla's attorneys as well as various civil liberties groups that lasted several years and reached all the way to the U.S. Supreme Court. The constitutional issues involved the extent to which the President, as commander-in-chief, has the authority to take extraordinary measures for the security of Americans even if those measures infringe on an accused citizen's access to legal counsel and relief from unlawful detention (*habeas corpus*).[933]

The government's initial suspicions about Padilla were based on information provided to interrogators by **Abu Zubaydah**, a senior official of Al Qaeda who was in American custody at an undisclosed location overseas. He did not name Mr. Padilla but described him physically and referred to him as a Latin American man who went by a Muslim name. Intelligence agents then were able to link the name given by Abu Zubaydah to "an Arab alias not mentioned by the detainee." That "alias" led the agent to Mr. Padilla's Florida driver's license. The photo on that license was shown to "a detainee," presumed to be Abu Zubaydah, who confirmed that Mr. Padilla was the "Latin American" he had been describing.[934]

Padilla remained in custody for one month after his arrest in May 2002 on a material witness warrant. But, Justice Department officials faced a deadline to release him pursuant to laws that protect U.S. citizens from indefinite detention. They were also confronted with the challenge of making a case against Padilla that would stand up in court without bringing Abu Zubaydah or other captured Al Qaeda officials into an American courtroom.[935] Instead, on June 9, 2002, President George W. Bush approved Padilla's reclassification as an "enemy combatant," which would not entitle him to trial in civilian courts. He was transferred after midnight to the brig of a South Carolina naval base, where he was held incommunicado, not even allowed visits from his attorney, for over 3-1/2 years, most of which was spent in solitary confinement.[936]

In announcing Padilla's May arrest, then-Attorney General John Ashcroft announced at a June 10, 2002, news conference, "We have disrupted an unfolding terrorist plot to attack the United States by exploding a radioactive dirty bomb." He added that the government's suspicions about Padilla's plans came from "multiple, independent, corroborating sources."[937]

But shortly thereafter, CBS News reported that FBI sources were "backing off" Ashcroft's assertion that there was a specific, developed, and real plan to use a "dirty bomb" in the United States. According to one law enforcement official speaking on condition of anonymity, "FBI's

[933] For a detailed discussion, see CRS Report RL33180, *Enemy Combatant Detainees: Habeas Corpus Challenges in Federal Court*, by Jennifer K. Elsea and Michael John Garcia.

[934] Deborah Sontag, "Terror Suspect's Path from Streets to Brig," *New York Times*, April 25, 2004, http://www.nytimes.com/2004/04/25/us/terror-suspect-s-path-from-streets-to-brig.html. Hereinafter: Sontag, April 25, 2004.

[935] This factor was acknowledged by then-Deputy Attorney General James Comey. See "Transcript of News Conference on Jose Padilla," *CNN.com,* June 1, 2004, http://edition.cnn.com/2004/LAW/06/01/comey.padilla.transcript/. Hereinafter: Transcript of News Conference, June 1, 2004.

[936] *New York Times,* "Times Topics: Jose Padilla," March 6, 2009, http://topics.nytimes.com/top/reference/timestopics/people/p/jose_padilla/index.html.

[937] Dan Collins, "'Dirty Bomb' Suspect a Nobody?" *CBS News,* Aug 14, 2002, http://www.cbsnews.com/stories/2002/08/27/attack/main519996.shtml.

investigation has produced no evidence that Padilla had begun preparations for an attack and little reason to believe he had any support from Al Qaeda to direct such a plot."[938]

Dale Watson, who was then FBI's executive assistant director for counterterrorism, read the complete file on Padilla and later said, "My recollection was that this was a rather weak case. There was some information, but it needed a lot more work on the investigative side to flesh out all the facts."[939]

On June 1, 2004, DOJ responded to a written request by Senator Orrin Hatch, then the chairman of the Senate Judiciary Committee, "asking the Department of Justice and the Department of Defense to supply whatever information [they] could about American citizens being held as enemy combatants here in the United States."[940] In addition, then-Deputy Attorney General James Comey held a news conference where he laid out a detailed summary of the government's case against Padilla. The case was largely derived from statements made by Padilla himself while he was interrogated in military custody, but which Comey claimed was substantiated by other sources. At the news conference, Comey traced Padilla's travel through Egypt, Yemen, Afghanistan, and Pakistan. He identified Al Qaeda officials he met, which included not only Abu Zubaydah, but Al Qaeda military commander Mohammed Atef and 9/11 mastermind Khalid Shaikh Mohammed. He also described the training Padilla received and terrorist plots discussed including one to blow up apartment buildings in the United States using natural gas as well as an attack using a dirty bomb.[941]

Comey also noted that the government could not make a case against Padilla through the criminal justice system when he was originally arrested two years before "without jeopardizing intelligence sources."[942] But, he went on to say that the questioning of Padilla was not undertaken to try and make a criminal case against him. "It was done to find out the truth about what he knew about Al Qaeda and threats to the United States."[943]

Soon after Padilla was declared an enemy combatant, his appointed counsel filed a *habeas corpus* petition on his behalf. The case eventually reached the Supreme Court, which held that Padilla had filed his habeas petition in the wrong court. In 2004, Padilla's counsel filed a new *habeas corpus* petition in the U.S. District Court for South Carolina. The District Court ruled that Padilla's detention had not been authorized by Congress and was therefore unlawful. The government appealed to the Fourth Circuit. On September 9, 2005, the Fourth Circuit Court of Appeals in Richmond, Virginia, reversed the trial court's decision and held that the president was authorized to detain enemy combatants under the Authorization of Use of Military Force passed by Congress in the wake of September 11. Padilla then filed a petition for *certiorari*[944] in the United States Supreme Court.[945]

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[938] Ibid.

[939] Sontag, April 25, 2004.

[940] Transcript of News Conference, June 1, 2004.

[941] Ibid.

[942] Ibid.

[943] Ibid.

[944] Certiorari is the name given to certain appellate proceedings for re-examination of actions of a trial court, or inferior appeals court.

[945] *Padilla v. Hanft*, American Civil Liberties Union of Virginia, November 30, 2006, http://www.acluva.org/docket/padilla.html.

In November 2005, while the Supreme Court was considering Padilla's petition for review, the Bush Administration suddenly announced that criminal charges had been filed against him in federal court in Miami. The new indictment made no mention of the dirty bomb or most of the other original charges. Instead, Padilla was charged with being part of a "North American support cell" that worked to support violent jihad campaigns in Afghanistan and elsewhere overseas from 1993 to 2001.[946]

The government then asked the Fourth U.S. Circuit Court of Appeals to vacate its decision upholding Padilla's confinement.[947] The Fourth Circuit refused to vacate its order or approve of Padilla's transfer from military to civilian custody. In an opinion by Judge J. Michael Luttig, the Fourth Circuit worried about "an appearance that the government may be attempting to avoid consideration of our decision by the Supreme Court."[948] Judge Luttig also "chastised the administration for using one set of facts to justify holding Padilla without charges and another set to persuade a grand jury in Florida to indict him."[949]

Padilla's attorneys, in the meantime, sought to have the criminal charges against him dismissed on the grounds that the psychological damage he suffered during his confinement from abuse and extreme isolation had left him incompetent to stand trial. The judge in the case denied the motion, without ruling on the merits of the defense accusations of abuse. The criminal trial began in September 2006.[950]

Padilla was convicted on August 16, 2007, along with two co-defendants, **Adham Amin Hassoun** and **Kifah Wael Jayyousi**, of conspiracy to murder, kidnap and maim people in a foreign country. In January 2008, Padilla was sentenced to 17 years and four months in prison while his co-defendants were given shorter sentences.[951] In September 2011, the United States Court of Appeals for the Eleventh Circuit, in Atlanta vacated his sentence, deeming it too lenient.[952]

Portland Seven—Attempted Travel to Afghanistan to Support the Taliban—October 2001

In the days following the 9/11 attacks, six men reportedly met at various times in the Portland, Oregon, area, where they made plans to travel to Afghanistan to fight against the Armed Forces of the United States. They also conducted weapons training on two occasions at a gravel pit in Washougal, Washington. A seventh person, October Martinique Lewis, admitted that she transferred funds for the purpose of assisting her ex-husband who was one of the conspirators.

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[946] See Michael McGough, "How Do You Solve a Problem Like Padilla?" *Pittsburgh Post-Gazette*, January 2, 2006, http://www.post-gazette.com/pg/06002/631159-108.stm#ixzz0pA44Cy40. Hereinafter, McGough, January 2, 2006.

[947] For more information on this case, see CRS Report R41156, *Judicial Activity Concerning Enemy Combatant Detainees: Major Court Rulings*, by Jennifer K. Elsea and Michael John Garcia.

[948] *Padilla v. Hanft,* U.S. Court of Appeals for the Fourth Circuit, CA-04-2221-26AJ, December 21, 2005, p. 4.

[949] McGough, January 2, 2006.

[950] Amanda Ripley, "The Case of the Dirty Bomber" *Time Magazine*, June 16, 2002, http://www.time.com/time/nation/article/0,8599,262917,00.html#ixzz0p9fME32v.

[951] Ibid.

[952] Lizette Alvarez, "Sentence for Terrorist Is Too Short, Court Rules," *New York Times,* September 19, 2011, http://www.nytimes.com/2011/09/20/us/jose-padillas-prison-sentence-too-short-appeals-court-says.html?hp=&pagewanted=print.

The group, who came to be known as the "Portland Seven," called themselves, *Katibat al Mawt*—"The Squad of Death."[953] They were[954]

- **Habis Abdulla Al Saoub,** a Jordanian-born man and reputed militant jihadist, was considered to be the *de facto* leader of the group.
- **Patrice Lumumba Ford** is a U.S. citizen who converted to Islam during a trip to China. He has been described as an intelligent, gentle, exemplary young man, well-known in Portland's African American community. But prior to the events of 9/11, was so upset by this country's Middle Eastern policy that he sent an email to Portland Mayor Vera Katz's office that was troubling enough in its anti-Semitism to be forwarded to the police.
- **Ahmed Ibrahim Bilal** and **Muhammad Ibrahim Bilal** are American- born brothers of Saudi descent.
- **Jeffrey Leon Battle** is a former cosmetics salesman who moved to the Portland area from Houston.
- **Maher "Mike" Hawash** is a software engineer and naturalized American citizen from the West Bank who grew up in Kuwait.
- **October Martinique Lewis,** Battle's ex-wife, moved with him from Houston.

Al Saoub, Ford, and Battle first came to the attention of law enforcement authorities on September 29, 2001, after they were seen engaged in shooting practice in a gravel pit in Skamania County, Washington, near Washougal. The group was discovered by a deputy sheriff who was acting on a tip from a neighbor who had heard gunfire in the pit. Deputy Mercer let the men go after taking their names and reported the incident to the FBI.[955]

Sometime after February 2002, the FBI reportedly linked a confidential informant with a member of the group, Jeffrey Battle. The informant was reported to be Khalid Mustafa, a small-time criminal who agreed to become a confidential FBI informant after being charged with drug and weapons offenses. Mustafa befriended Battle at the mosque where he prayed and then secretly recorded numerous conversations with Battle that included details about the group's trip to China. Battle is also recorded on tape talking about retaliating against Jews in Portland, "So if every time they hurt or harm a Muslim over there, you go into that synagogue and hurt one over here."[956]

Hundreds of email exchanges between Battle and other members of the Portland Seven provided further evidence of the conspiracy. The emails were reportedly obtained through provisions of the USA PATRIOT Act (P.L. 107-56) that allow prosecutors access to the data files of Internet service providers. In court documents, prosecutors acknowledged having taped at least 271 conversations and obtained 31 separate orders from the Foreign Intelligence Surveillance Act court.[957]

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[953] Deborah Howlett, "The Two Sides of One Law, The Two Lives of One Man, *Newark Star-Ledger,* July 24, 2005, http://web.archive.org/web/20070503154313/http://www.nj.com/news/ledger/index.ssf?/news/ledger/stories/patriotact/partthree.html. Hereinafter: Howlett, July 24, 2005.

[954] Nick Budnick, "The Making of a 'Terrorist,'" *Williamette Week Online*, October 16, 2002, http://www.wweek.com/story.php?story=3246.

[955] Ibid.

[956] Howlett, July 24, 2005.

[957] Ibid.

In October 2002, five of the men were indicted on multiple charges of aiding or attempting to join Al Qaeda. Maher Hawash was arrested in March 2003 on a material witness warrant and initially held without charges. He was subsequently charged with conspiring with the others to travel to China and join the Taliban. Lewis, the ex-wife of co-defendant Jeffrey Battle, was charged with money laundering.

Hawash pled guilty on September 6, 2003, to conspiracy to provide material support to the Taliban and agreed to cooperate with federal prosecutors. At his sentencing in February 2004, he said, "I do not blame anyone else but myself. This action was done by me, based on a misguided judgment at the time, a high emotional time for me in my life."[958] He was sentenced to seven years in prison and was released in early 2009.

Muhammad and Ahmed Bilal pled guilty on September 18, 2003, to conspiracy to contribute services to the Taliban, as well as federal weapons charges.[959] They received 8- and 10-year sentences respectively.

October Martinique Lewis pled guilty on September 26, 2003, to six counts of money laundering for transferring money from the United States to a place outside of the country for the purpose of assisting her ex-husband, Jeffrey Battle, in willfully supplying services to the Taliban.[960] She received a three-year sentence.

Jeffrey Battle and Patrice Lumumba Ford pled guilty on October 16, 2003, to the first of a 15-count indictment, a charge of conspiracy to levy war against the United States. Both defendants admitted that they and the other defendants flew to China in an unsuccessful attempt to gain entry into Pakistan, en route to Afghanistan. They also admitted in their plea that the purpose of the conspiracy was to travel to Afghanistan to fight alongside Al Qaeda and the Taliban against American and allied forces. They were each sentenced to 18-year prison terms.[961]

Habis al Saoub reportedly joined an Al Qaeda cell and was killed by Pakistani forces in Afghanistan in October 2003.

[958] Ibid.

[959] DOJ Press Release, "Two Defendants in 'Portland Cell' Case Plead Guilty to Conspiracy to Contribute Services to the Taliban, Federal Weapons Charges," September 18, 2003, http://www.fbi.gov/pressrel/pressrel03/portland092203.htm.

[960] DOJ Press Release, "October Martinique Lewis Pleads Guilty to Money Laundering in Portland Cell Case, September 26, 2003, http://www.justice.gov/opa/pr/2003/September/03_crm_532.htm.

[961] DOJ Press Release, "Jeffrey Battle, Patrice Lumumba Ford Sentenced to 18 Years in Prison for Seditious Conspiracy," November 23, 2003, http://findarticles.com/p/articles/mi_pjus/is_200311/ai_2497879968/.

Appendix B. Tables

Table B-1. Homegrown Violent Jihadist Attacks and Plots since 9/11: Terrorist Profile and Training

Plots and Attacks	Lone Wolf	Muslim Convert(s)	Suicidal or Sought Martyrdom	Radicalized in Prison	Intended or actual Plotting or Training Abroad
Terry Lee Loewen		X	X		
Basit Javed Sheikh			X		X
Sinh Vinh Ngo Nguyen		X			X
Shelton Thomas Bell		X			X
Abdella Ahmad Tounisi			X		X
Tsarnaev Brothers					Unclear
Eric Harroun		X			X
Reaz Qadir Khan			X		X
Matthew Aaron Llaneza		X			X
Erwin Antonio Rios		Unclear			X
Zea and Kaliebe		X	X		X
Abukhdair and Wilson		X		Unclear	X
Qazi Brothers					
California Al Qaeda/Taliban Plot		X	X		X
Adel Daoud					
Amine El Khalifi			X		
Ulugbek Kodirov					
Jamshid Muhtorov					X
Sami Osmakac			X		
Craig Baxam		X			X
Jose Pimentel		X	Unclear		
Rezwan Ferdaus					X
Agron Hasbajrami			X		X
Naser Abdo	X		Unclear		X
Emerson Begolly		X			
Abdul-Latif and Mujahidh		X	Unclear		
Yonathan Melaku	X				
Ferhani and Mamdouh					
Khalid Ali-M Aldawsari	X		X		
Antonio Martinez		X			
Mohamed Mohamud					X
Farooque Ahmed					X
Abdel Shehadeh					X
Omar Hammami		X			X
Jehad Mostafa					X

Shaker Masri			X		X
Zachary Chesser		X			X
The Rockwoods		X			
Alessa and Almonte		X			X
Faisal Shahzad					X
Colleen LaRose		X	X		
Northern Virginia Five					X
al-Shabaab Recruiting			X		X
Ft. Hood (Nidal Hasan)	X		X		
David Headley					X
Tarek Mehanna					X
Hosam Smadi					
Michael Finton		X			
Najibullah Zazi			X		X
Betim Kaziu			X		X
Daniel Boyd, et al.		X			X
Abdulhakim Muhammad	X	X			
Newburgh Four		X			
Bryant Neal Vinas		X	X		X
JFK Airport Pipeline Plot					
Fort Dix Six					
Daniel Maldonado		X	X		X
Derrick Shareef		X			
Houston Taliban Plot		X			X
Liberty City Seven		X			
Mohammed Taheri-Azar	X				
Sadequee and Ahmed					X
Toledo, Ohio Plotters					X
JIS Plotting in So. California		X		X	
Lodi Case (the Hayats)					X
Albany Plot					
New York City Subway		X			
Iyman Faris					X
Ahmed Omar Abu Ali					X
Virginia Jihad Network		X			X
Hasan Akbar	X		Unclear		
Lackawanna Six					X
Jose Padilla		X			X
Portland Seven		X			X

Source: CRS analysis of open source material related to homegrown violent jihadist plots since 9/11.

Notes: The plots and attacks are listed in reverse chronological order. The five attacks since 9/11 are highlighted in ***bold and italics.*** The plots and attacks shaded in yellow (those below the "Newburgh Four" in the figure) occurred after September 11, 2001, and through April 2009. The period after April 2009 has seen heightened homegrown violent jihadist activity.

Table B-2. Homegrown Violent Jihadist Attacks and Plots since 9/11: Targets, Endgames, and Investigative Tools

	Target		Endgame			Investigative Tools	
Plots and Attacks	**U.S. Target**	**Foreign Target**	**Firearms**	**Explosives**	**Foreign Fighter**	**Informant or Undercover Agent**	**Internet or Email Monitoring**
Terry Lee Loewen	X			X		X	X
Basit Javed Sheikh		X			X	X	X
Sinh Vinh Ngo Nguyen		X			X	X	X
Shelton Thomas Bell		X			X		X
Abdella Ahmad Tounisi		X			X	X	X
Tsarnaev Brothers	X		X	X			
Eric Harroun		X		X	X		X
Reaz Qadir Khan		X	X	X	X		X
Matthew Aaron Llaneza	X			X	X	X	
Erwin Antonio Rios	X		X		X	X	Unclear
Zea and Kaliebe		X			X	X	X
Abukhdair and Wilson		X			X	X	X
Qazi Brothers	X			X		X	Unclear
California Al Qaeda/Taliban Plot		X			X	X	X
Adel Daoud	X			X		X	X
Amine El Khalifi	X		X	X		X	X
Ulugbek Kodirov	X		X	X		X	
Jamshid Muhtorov		X			X		X
Sami Osmakac	X		X	X		X	
Craig Baxam		X			X		
Jose Pimentel	X			X		X	X
Rezwan Ferdaus	X	X	X	X	X	X	X
Agron Hasbajrami		X			X	X	X
Naser Abdo	X		X	X			
Emerson Begolly	X		X	X			X
Abdul-Latif and Mujahidh	X		X	X		X	
Yonathan Melaku	X		X	X			
Ferhani and Mamdouh	X		X	X		X	
Khalid Ali-M Aldawsari	X			X			X
Antonio Martinez	X			X		X	X
Mohamed Mohamud	X			X		X	X
Farooque Ahmed	X			X		X	X
Abdel Shehadeh		X			X		X
Omar Hammami		X			X		
Jehad Mostafa		X			X		
Shaker Masri		X			X	X	X
Zachary Chesser		X			X		X

The Rockwoods	X		X	X			
Alessa and Almonte		X			X	X	X
Faisal Shahzad	X			X			
Colleen LaRose		X	Unclear	Unclear			X
Northern Virginia Five		X			X		
al-Shabaab Recruiting		X			X		
Ft. Hood (Nidal Hasan)	X		X				X
David Headley		X	X	X			X
Tarek Mehanna	X		X		X		X
Hosam Smadi	X			X		X	X
Michael Finton	X			X		X	
Najibullah Zazi	X			X			X
Betim Kaziu		X			X		
Daniel Boyd, et al.	X	X	X		X		X
Abdulhakim Muhammad	X		X				
Newburgh Four	X			X		X	
Bryant Neal Vinas	X	X		X	X		X
JFK Airport Pipeline Plot	X			X		X	
Fort Dix Six	X		X			X	
Daniel Maldonado		X			X	X	
Derrick Shareef	X			X		X	X
Houston Taliban Plot		X			X	X	
Liberty City Seven	X			X		X	
Mohammed Taheri-Azar	X		***Drove SUV into Crowd***				
Sadequee and Ahmed	X		Unclear	Unclear		X	X
Toledo, Ohio Plotters		X			X	X	
JIS Plotting in So. California	X		X	X			
Lodi Case (the Hayats)	X		Unclear	Unclear		X	
Albany Plot	X			X		X	
New York City Subway	X			X		X	
Iyman Faris	X		***Plot to Blow-Torch Bridge Cables***				
Ahmed Omar Abu Ali	X		X	X			
Virginia Jihad Network		X			X	X	
Hasan Akbar	X		X	X			
Lackawanna Six		X			X		
Jose Padilla	X			X			
Portland Seven		X			X	X	X

Source: CRS analysis of open source material related to homegrown violent jihadist plots since 9/11. The results for the "Investigative Tools" columns particularly do not reflect classified information.

Notes: The plots and attacks are listed in reverse chronological order. The five attacks since 9/11 are highlighted in ***bold and italics.*** The plots and attacks shaded in yellow (those below the "Newburgh Four" in the figure) occurred after September 11, 2001, and through April 2009. The period after April 2009 has seen heightened homegrown violent jihadist activity.

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