



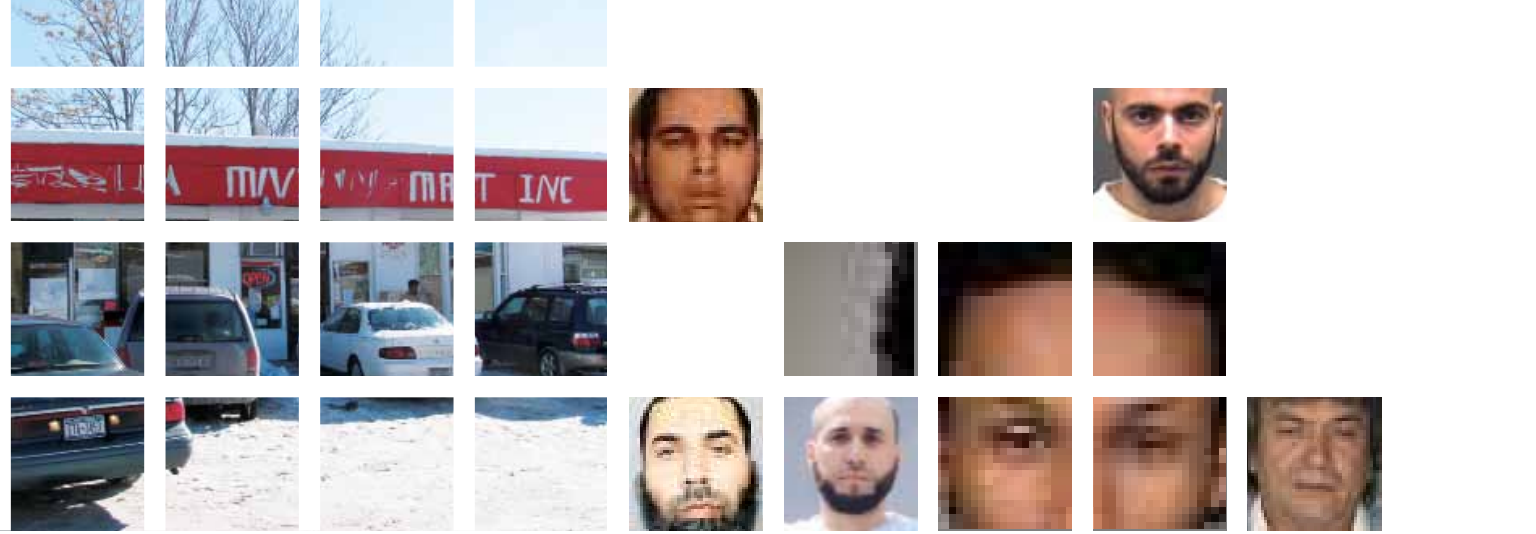
# the **inform**

**The FBI has built a massive network of**  
**But are they busting terrorist plots—**



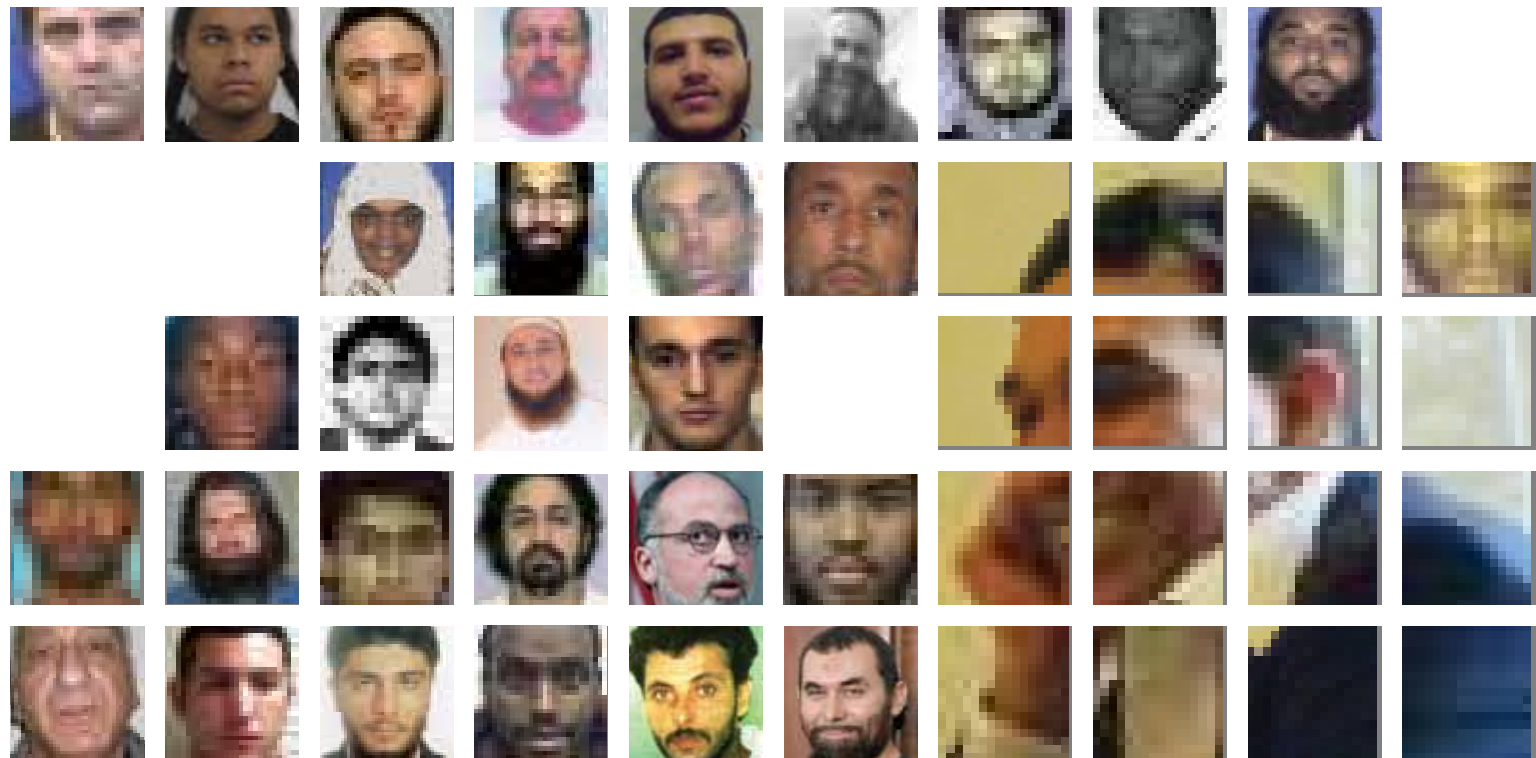
**BY TREVOR AARONSON**

**ILLUSTRATIONS BY JEFFREY SMITH**



# Wants

spies to prevent another domestic attack.  
—or leading them?



PHOTOS FROM GOVERNMENT SOURCES AND TREVOR AARONSON EXCEPT AP PHOTOS (8), NEWSCOM/AFP/GETTY (2), AND REUTERS (1).

James Cromitie was a man of bluster and bigotry. He made up wild stories about his supposed exploits, like the one about firing gas bombs into police precincts using a flare gun, and he ranted about Jews. “The worst brother in the whole Islamic world is better than 10 billion *Yabudi*,” he once said.

A 45-year-old Walmart stocker who’d adopted the name Abdul Rahman after converting to Islam during a prison stint for selling cocaine, Cromitie had lots of worries—convincing his wife he wasn’t sleeping around, keeping up with the rent, finding a decent job despite his felony record. But he dreamed of making his mark. He confided as much in a middle-aged Pakistani he knew as Maqsood.

“I’m gonna run into something real big,” he’d say. “I just feel it, I’m telling you. I *feel* it.”

Maqsood and Cromitie had met at a mosque in Newburgh, a struggling former Air Force town about an hour north of New York City. They struck up a friendship, talking for hours about the world’s problems and how the Jews were to blame.

It was all talk until November 2008, when Maqsood pressed his new friend.

“Do you think you are a better recruiter or a better action man?” Maqsood asked.

“I’m both,” Cromitie bragged.

“My people would be very happy to know that, brother. Honestly.”

“Who’s your people?” Cromitie asked.

“Jaish-e-Mohammad.”

Maqsood said he was an agent for the Pakistani terror group, tasked with assembling a team to wage jihad in the United States. He asked Cromitie what he would attack if he had the means. A bridge, Cromitie said.

“But bridges are too hard to be hit,” Maqsood pleaded, “because they’re made of steel.”

“Of course they’re made of steel,” Cromitie replied. “But the same way they can be put up, they can be brought down.”

Maqsood coaxed Cromitie toward a more realistic plan. The Mumbai attacks were all over the news, and he pointed out how those gunmen targeted hotels, cafés, and a Jewish community center.

“With your intelligence, I know you can manipulate someone,” Cromitie told his friend. “But not me, because *I’m* intelligent.” The pair settled on a plot to bomb synagogues in the Bronx, and then fire Stinger missiles at airplanes taking off from Stewart International Airport in the southern Hudson Valley. Maqsood would provide all the explosives and weapons, even the vehicles. “We have two missiles, okay?” he offered. “Two Stingers, rocket missiles.”

Maqsood was an undercover operative; that much was true. But not for Jaish-e-Mohammad. His real name was Shahed Hussain, and he was a paid informant for the Federal Bureau of Investigation.

Ever since 9/11, counterterrorism has been the FBI’s No. 1 priority, consuming the lion’s share of its budget—\$3.3 billion, compared to \$2.6 billion for organized crime—and much of the attention of field agents and a massive, nationwide network of informants. After years of emphasizing informant recruiting as a key task for its agents, the bureau now maintains a roster of 15,000 spies—many of them tasked, as Hussain was, with infiltrating Muslim communities in the United States. In addition, for every informant officially listed in the bureau’s records, there are as many as three unofficial ones, according to one former high-level FBI official, known in bureau parlance as “hip pockets.”

The informants could be doctors, clerks, imams. Some might not even consider themselves informants. But the FBI regularly taps all of them as part of a domestic intelligence apparatus whose only historical peer might be COINTELPRO, the program the bureau ran from the ’50s to the ’70s to discredit and marginalize organizations ranging from the Ku Klux Klan to civil-rights and protest groups.

The bureau’s strategy has changed significantly from the days when officials feared another coordinated, internationally financed attack from an Al Qaeda sleeper cell. Today, counterterrorism experts believe groups like Al Qaeda, battered by the war in Afghanistan and the efforts of the global intelligence community, have shifted to a franchise model, using the internet to encourage sympathizers to carry out attacks in their name. The main domestic threat, as the FBI sees it, is a lone wolf.

The bureau’s answer has been a strategy known variously as “preemption,” “prevention,” and “disruption”—identifying and neutralizing potential lone wolves before they move toward action. To that end, FBI agents and informants target not just active jihadists, but tens of thousands of law-abiding people, seeking to identify those disgruntled few who might participate in a plot given the means and the opportunity. And then, in case after case, the government provides the plot, the means, and the opportunity.

Here’s how it works: Informants report to their handlers on people who have, say, made statements sympathizing with terrorists. Those names are then cross-referenced with existing intelligence data, such as immigration and criminal records. FBI agents may then assign an undercover operative to approach the target by posing as a radical. Sometimes the operative will propose a plot, provide explosives, even lead the target in a fake oath to Al Qaeda. Once enough incriminating information has been gathered, there’s an arrest—and a press conference announcing another foiled plot.

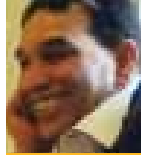
If this sounds vaguely familiar, it’s because such sting operations are a fixture in the headlines. Remember the Washington Metro bombing plot? The New York subway plot? The guys who planned to blow up the Sears Tower? The teenager seeking to bomb a Portland Christmas tree lighting? Each of those plots, and dozens more across the nation, was led by an FBI asset.

Over the past year, *Mother Jones* and the Investigative Reporting Program at the University of California-Berkeley have examined prosecutions of 508 defendants in terrorism-related cases, as defined by the Department of Justice. Our investigation found:

- Nearly half the prosecutions involved the use of informants, many of them incentivized by money (operatives can be paid as much as \$100,000 per assignment) or the need to work off criminal or immigration violations. (For more on the details of those 508 cases, see charts on pages 36-37.)
- Sting operations resulted in prosecutions against 158 defendants. Of that total, 49 defendants participated in plots led by an agent provocateur—an FBI operative instigating terrorist action.
- With three exceptions, all of the high-

Target:  
James  
Cromitie





Informant:  
Shahed  
Hussain

profile domestic terror plots of the last decade were actually FBI stings. (The exceptions are Najibullah Zazi, who came close to bombing the New York City subway system in September 2009; Hesham Mohamed Hadayet, an Egyptian who opened fire on the El-Al ticket counter at the Los Angeles airport; and failed Times Square bomber Faisal Shahzad.)

■ In many sting cases, key encounters between the informant and the target were not recorded—making it hard for defendants claiming entrapment to prove their case.

■ Terrorism-related charges are so difficult to beat in court, even when the evidence is thin, that defendants often don't risk a trial.

"The problem with the cases we're talking about is that defendants would not have done anything if not kicked in the ass by government agents," says Martin Stolar, a lawyer who represented a man caught in a 2004 sting involving New York's Herald Square subway station. "They're creating crimes to solve crimes so they can claim a victory in the war on terror." In the FBI's defense, supporters argue that the bureau will only pursue a case when the target clearly is willing to participate in violent action. "If you're doing a sting right, you're offering the target multiple chances to back out," says Peter Ahearn, a retired FBI special agent who directed the

Western New York Joint Terrorism Task Force and oversaw the investigation of the Lackawanna Six, an alleged terror cell near Buffalo, New York. "Real people don't say, 'Yeah, let's go bomb that place.' Real people call the cops."

Even so, Ahearn concedes that the uptick in successful terrorism stings might not be evidence of a growing threat so much as a greater focus by the FBI. "If you concentrate more people on a problem," Ahearn says, "you'll find more problems." Today, the FBI follows up on literally every single

## Counterterrorism is the FBI's top priority, consuming the lion's share of its budget—and much of the attention of case agents and a network of some 15,000 informants.

call, email, or other terrorism-related tip it receives for fear of missing a clue.

And the emphasis is unlikely to shift anytime soon. Sting operations have "proven to be an essential law enforcement tool in uncovering and preventing potential terror attacks," said Attorney General Eric Holder in a December 2010 speech to Muslim lawyers and civil rights activists. President Obama's Department of Justice has announced sting-related prosecutions at an even faster clip than the Bush administration, with 44 new

cases since January 2009. With the war on terror an open-ended and nebulous conflict, the FBI doesn't have an exit strategy.

**Located deep in** a wooded area on a Marine Corps base west of Interstate 95—a setting familiar from *Silence of the Lambs*—is the sandstone fortress of the FBI Academy in Quantico, Virginia. This building, erected under J. Edgar Hoover, is where to this day every FBI special agent is trained.

J. Stephen Tidwell graduated from the academy in 1981 and over the years rose to

executive assistant director, one of the 10 highest positions in the FBI; in 2008, he coauthored the Domestic Investigations and Operations Guide, or **DI OG**, the manual for what agents and informants can and cannot do.

A former western Texas cop, Tidwell is a barrel-chested man with close-cropped salt-and-pepper hair. He's led some of the FBI's highest-profile investigations, including the DC sniper case and the probe of the 9/11 attack on the Pentagon.

On a cloudy spring afternoon, Tidwell,

## terms of entrapment

### A guide to counterterrorism jargon

**1001:** Known as the "Al Capone," Title 18, Section 1001 of the federal criminal code covers the crime of lying to federal agents. Just as the government prosecuted Capone for tax violations, it has frequently used 1001 against terrorism defendants whose crimes or affiliations it couldn't prove in court.

**Agent provocateur:** An informant or undercover operative who incites a target to take unlawful action; the phrase originally described strikebreakers trying to provoke violence.

**Assessment:** The term for a 72-

hour investigation—which may include surveillance—that FBI agents can launch without having a predicate (see below).

**COINTELPRO:** From 1956 to 1971, the FBI's Counter Intelligence Program attempted to infiltrate and sometimes harass domestic political groups, from the Ku Klux Klan to the National Lawyers Guild and the Southern Christian Leadership Conference.

**DI OG:** The Domestic Investigations and Operations Guide, a 258-page FBI manual for undercover operations and the use of informants. Recently

revised to allow agents to look for information—including going through someone's trash—about a person who is not formally being investigated, sometimes to flip them as an informant.

**Domain Management:** An FBI data-mining and analysis program used to map US communities along ethnic and religious lines.

**Hip pocket:** An unregistered informant who provides information and tips to FBI agents but whose information is not used in court.

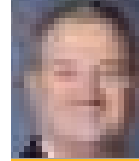
**Joint Terrorism Task Force:** A partnership among federal and local law enforcement agencies; through it, for example,

FBI agents can join forces with immigration agents to put the squeeze on someone to become an informant.

**Material support:** Providing help to a designated foreign terrorist organization. This can include money, lodging, training, documents, weapons, and personnel—including oneself, and including joining a terrorist cell dreamed up by the FBI.

**Operator:** Someone who wants to be a terrorist; in the FBI's view, sympathizers become operators.

**Predicate:** Information clearly suggesting that an individual is involved in unlawful activity; it's required for the FBI to start an investigation. —T.A.



**FBI official:**  
J. Stephen  
Tidwell

dressed in khakis and a blue sweater, drove me in his black Ford F-350 through Hogan's Alley—a 10-acre Potemkin village with houses, bars, stores, and a hotel. Agents learning the craft role-play stings, busts, and bank robberies here, and inside jokes and pop-culture references litter the place (which itself gets its name from a 19th-century comic strip). At one end of the town is the Biograph Theater, named for the Chicago movie house where FBI agents gunned down John Dillinger in 1934. ("See," Tidwell says. "The FBI has a sense of humor.")

had trained would end up reshaping the bureau's counterterrorism operations.

Before 9/11, FBI agents considered chasing terrorists an undesirable career path, and their training did not distinguish between Islamic terror tactics and those employed by groups like the Irish Republican Army. "A bombing case is a bombing case," Dale Watson, who was the FBI's counterterrorism chief on 9/11, said in a December 2004 deposition. The FBI also did not train agents in Arabic or require most of them to learn about radical Islam. "I don't necessarily think you have to know everything

ing crime syndicates, the bureau would focus on Jack Bauer-style operators disrupting terror groups.

To help run the counterterrorism section, Mueller drafted Arthur Cummings, a former Navy SEAL who'd investigated the first World Trade Center bombing. Cummings pressed agents to focus not only on their immediate target, but also on the extended web of people linked to the target. "We're looking for the sympathizer who wants to become an operator, and we want to catch them when they step over that line to operator," Cummings says. "Sometimes, that step takes 10 years. Other times, it takes 10 minutes." The FBI's goal is to create a hostile environment for terrorist recruiters and operators—by raising the risk of even the smallest step toward violent action. It's a form of deterrence, an adaptation of the "broken windows" theory used to fight urban crime. Advocates insist it has been effective, noting that there hasn't been a successful large-scale attack against the United States since 9/11. But what can't be answered—as many former and current FBI agents acknowledge—is how many of the bureau's targets would have taken the step over the line at all, were it not for an informant.

**"The problem with these cases is that defendants would not have done anything if not kicked in the ass by government agents," says one of the lawyers involved.**

Inside the academy, a more somber tone prevails. Plaques everywhere honor agents who have been killed on the job. Tidwell takes me to one that commemorates John O'Neill, who became chief of the bureau's then-tiny counterterrorism section in 1995. For years before retiring from the FBI, O'Neill warned of Al Qaeda's increasing threat, to no avail. In late August 2001, he left the bureau to take a job as head of security for the World Trade Center, where he died 19 days later at the hands of the enemy he'd told the FBI it should fear. The agents he

about the Ku Klux Klan to investigate a church bombing," Watson said. The FBI had only one Arabic speaker in New York City and fewer than 10 nationwide.

But shortly after 9/11, President George W. Bush called FBI Director Robert Mueller to Camp David. His message: never again. And so Mueller committed to turn the FBI into a counterintelligence organization rivaling Britain's MI5 in its capacity for surveillance and clandestine activity. Federal law enforcement went from a focus on *fighting* crime to *preventing* crime; instead of accountants and lawyers crack-

**So how did the FBI build** its informant network? It began by asking where US Muslims lived. Four years after 9/11, the

HUSSAIN: REDUX; MINI-MART, CAR: COURTESY TREVOR AARONSON; BHUTTO: PETER PAYNE/EVYNE/ZUMA PRESS; TIDWELL: COURTESY FBI

**Psst, want a bomb?**  
The making of an FBI superinformant



**1994:** Shahed Hussain, whose family owns a chain of restaurants in Pakistan, is arrested in Karachi on a murder charge—trumped up, he says, for political reasons. His father bribes an officer to secure his release, and Hussain flees to the US.

**1995-2000:** Hussain works his way up from a \$4/hour job as a gas station attendant to owning a convenience store and a house in a middle-class suburb of Albany, New York.

**2000-01:** Fluent in multiple languages, including Urdu and Dutch, Hussain takes a job as a DMV translator. He starts a side business helping DMV test takers cheat for \$300 to \$500 each.

**January 2002:** Facing criminal charges and deportation after the DMV scam is busted, Hussain becomes an FBI informant. His first assignment: wearing a wire to gather evidence on 13 associates in the driver's license scam. Some of the targets are his friends.

**2002:** Hussain, who will later testify that his family has a long-standing friendship with former Pakistani prime minister Benazir Bhutto's, brings his son to visit Bhutto in her hotel room at the Ritz-Carlton in New York. Bhutto asks the boy, "How old are you?" His answer: 17. "Let me buy you a car," she replies, according to Hussain, and gives him \$40,000 with instructions to purchase a Mercedes-Benz.



**August 2003:** Hussain files for Chapter 13 bankruptcy, reporting nearly \$180,000 in debts. He fails to tell the court of the Pakistani trust fund from which he will eventually withdraw \$500,000.

**November 2003:** Hussain meets with Mohammed M. Hossain, a Bangladeshi immigrant who owns a pizzeria in Albany. Following FBI instructions, Hussain brags about importing

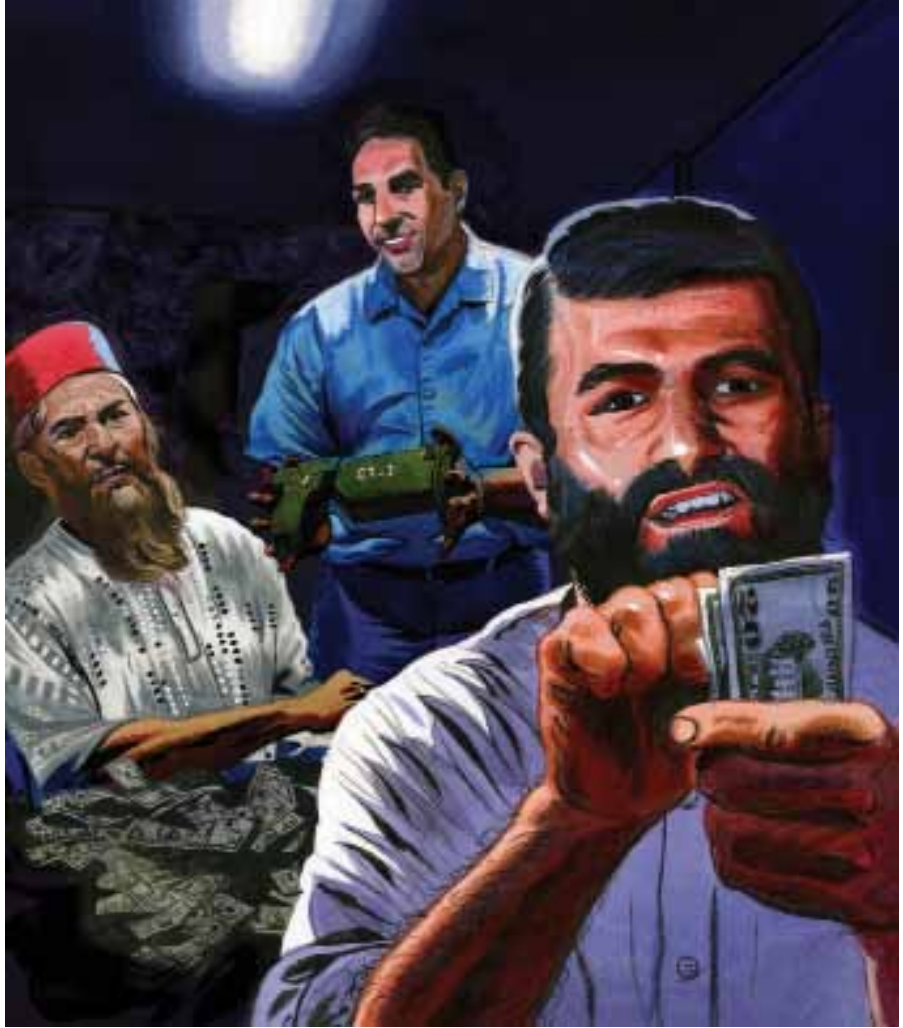


bureau brought in a CIA expert on intelligence-gathering methods named Phil Mudd. His tool of choice was a data-mining system using commercially available information, as well as government data such as immigration records, to pinpoint the demographics of specific ethnic and religious communities—say, Iranians in Beverly Hills or Pakistanis in the DC suburbs.

The FBI officially denies that the program, known as Domain Management, works this way—its purpose, the bureau says, is simply to help allocate resources according to threats. But FBI agents told me that with counterterrorism as the bureau’s top priority, agents often look for those threats in Muslim communities—and Domain Management allows them to quickly understand those communities’ makeup. One high-ranking former FBI official jokingly referred to it as “Battlefield Management.”

Some FBI veterans criticized the program as unproductive and intrusive—one told Mudd during a high-level meeting that he’d pushed the bureau to “the dark side.” That tension has its roots in the stark difference between the FBI and the CIA: While the latter is free to operate internationally without regard to constitutional rights, the FBI must respect those rights in domestic investigations, and Mudd’s critics saw the idea of targeting Americans based on their ethnicity and religion as a step too far.

Nonetheless, Domain Management



**Serial informant Shahed Hussain (see timeline below) showed off a missile part as he asked a pizzeria owner in Albany, New York, to hold money for his “terrorist” friends.**



weapons for his “mujahid brothers” to use in the United States and shows off a Stinger missile “for destroying airplanes.”

**January 2004:** Hussain gives the pizzeria owner \$5,000 in cash. Yassin Aref, a local imam—and the FBI’s primary target in the sting—is brought in to oversee the transaction. “Let’s do some business, okay? Let’s make some money, okay?” Hussain says in a

surveillance video. His FBI marching orders are to make it clear the money is being laundered for terrorists, but the pizzeria owner seems to think it’s just a loan: “I just need to keep going, just so I can pay the bills,” he says. Both he and Aref will be convicted of money laundering and material support and sentenced to 15 years in prison.

**2005:** Hussain buys his son a new car, this time it’s an Audi.

**August 2006:** After swearing to the bankruptcy court that he can’t afford to pay his debts, Hussain buys a run-down hotel in upstate New York and puts it in his wife’s name. Two years later, three guests sue Hussain for fraud after he takes prepaid reservations for rooms that are not actually available.

**2007-08:** Having “worked off” the DMV scam charges, Hussain becomes a paid FBI informant. He’s assigned to spend time in mosques in Newburgh, New York, and look for, in his words, “radicals”—a job that will make him nearly \$100,000.

**October 2007:** Hussain’s case is settled in bankruptcy court. He convinces the court he can’t start making payments on his remaining debts for four years.

**2008:** Hussain befriends a Newburgh man named James Cromitie and takes him to an Islamic conference in Philadelphia, all expenses paid by the FBI. They end up talking about the Mumbai attacks, and Hussain points out that one of the gunmen’s targets was a Jewish community center. “I’d like to get one of those,” Cromitie responds. “I’d like to get a synagogue.”

**May 20, 2009:** Hussain drives Cromitie and three other men to Riverdale, in the Bronx, where Cromitie places what he believes are bombs outside synagogues. They are arrested.

**September 21, 2010:** Hussain testifies that he created the “impression” that Cromitie would make a lot of money for his role in the bombings.

**June 29, 2011:** US District Judge Colleen McMahon sentences Cromitie to 25 years in prison but points out from the bench that the FBI played a key role. “It created acts of terrorism out of his fantasies of bravado and bigotry,” she says, “and then made those fantasies come true.” —T.A.

quickly became the foundation for the FBI's counterterrorism dragnet. Using the demographic data, field agents were directed to target specific communities to recruit informants. Some agents were assigned to the task full time. And across the bureau, agents' annual performance evaluations are now based in part on their recruiting efforts.

People cooperate with law enforcement for fairly simple reasons: ego, patriotism, money, or coercion. The FBI's recruitment has relied heavily on the latter. One tried-and-true method is to flip someone facing criminal charges. But since 9/11 the FBI has also relied heavily on Immigration and Customs Enforcement, with which it has worked closely as part of increased inter-agency coordination. A typical scenario will play out like this: An FBI agent trying to get someone to cooperate will look for evidence that the person has immigration troubles. If they do, he can ask ICE to begin or expedite deportation proceedings. If the immigrant then chooses to cooperate, the FBI will tell the court that he is a valuable asset, averting deportation.

Sometimes, the target of this kind of push is the one person in a mosque who will know everyone's business—the imam. Two Islamic religious leaders, Foad Farahi in Miami and Sheikh Tarek Saleh in New York City, are currently fighting deportation proceedings that, they claim, began after they refused to become FBI assets. The Muslim American Society Immigrant Justice Center has filed similar complaints on behalf of seven other Muslims with the Department of Homeland Security.

Once someone has signed on as an informant, the first assignment is often a fishing expedition. Informants have said in court testimony that FBI handlers have tasked them with infiltrating mosques without a specific target or "predicate"—the term of art for the reason why someone is investigated. They were, they say, directed to surveil law-abiding Americans with no indication of criminal intent.

"The FBI is now telling agents they can go into houses of worship without probable cause," says Farhana Khera, executive director of the San Francisco-based civil rights group Muslim Advocates. "That raises serious constitutional issues."

Tidwell himself will soon have to defend these practices in court—he's among those named in a class-action lawsuit over an in-

# terror trials by the numbers

Stings, informants, and underwear bombs: Digging through the data from federal terrorism cases\*

## of 508 defendants...

**243**

(48%) were targeted via an informant



**158**

(31%) were nabbed via a sting

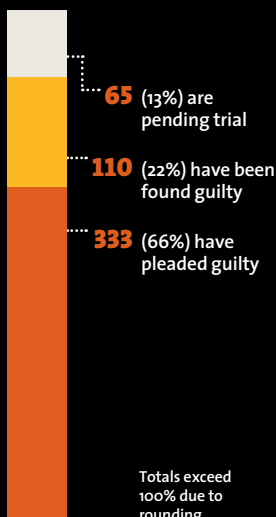


**49**

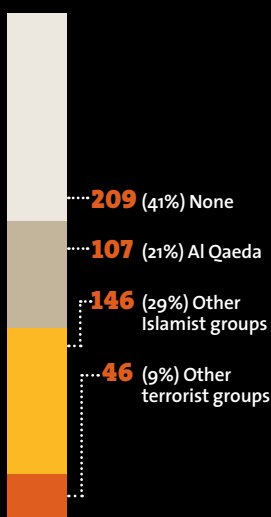
(10%) were lured in by an informant who led the plot



Once terrorism defendants have been indicted, a charge is virtually certain to stick.



Defendants aren't necessarily connected to terrorist groups. Alleged affiliations:



Totals exceed 100% due to rounding.

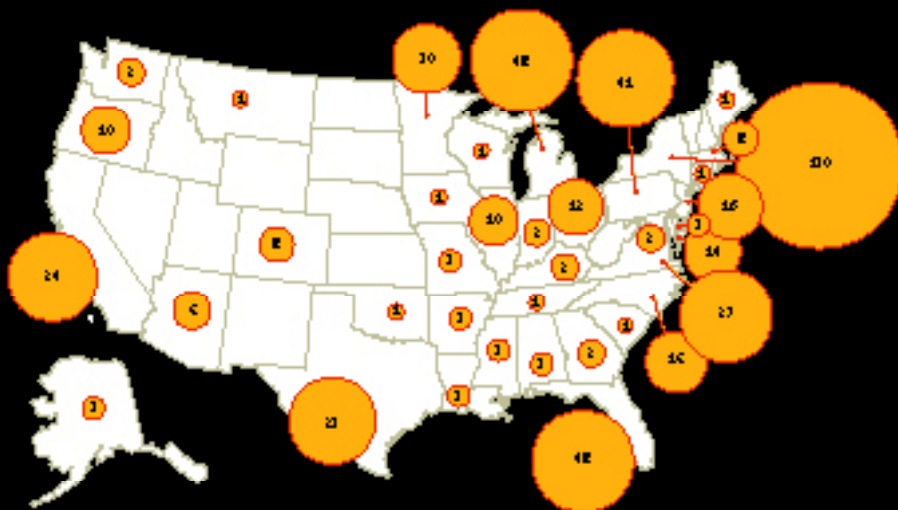
### STINGER STINGS

Of **14** defendants accused of trying to get missiles to bring down airplanes:

**5** tried to get missiles on their own

**9** tried to get missiles from an informant or undercover agent

Federal terrorism cases have been filed in 36 states and Washington, DC.



\*Since 9/11, the federal government has prosecuted more than 500 people for plotting terrorist acts, trying to assist terrorists, or other crimes connected to terrorism. We reviewed cases involving 400 Department of Justice-designated terrorism defendants and another 108 cases that fit the DOJ's definition of international terrorism cases.

# how the 508 were prosecuted...

**240**

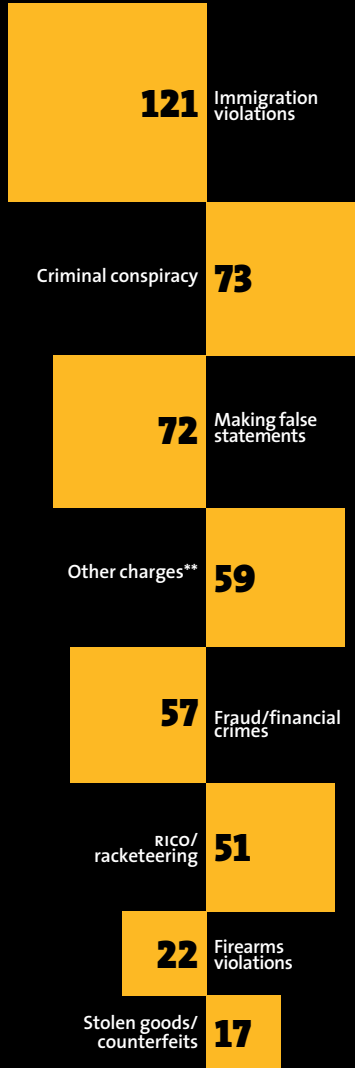
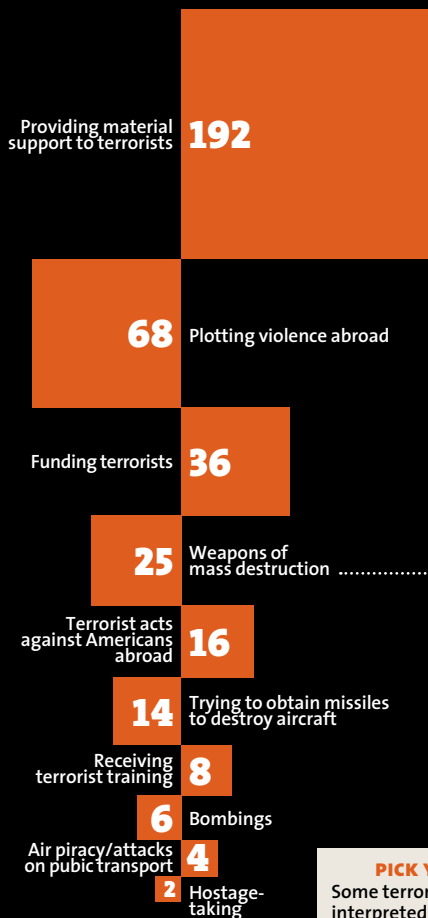
were charged with terrorism

**268**

were charged with other crimes

Federal terrorism charges cover a range of offenses, from taking hostages to bombings. But many defendants in what the government considers terrorism cases are charged with other crimes, most commonly immigration violations, instead.

## Most common terrorism charges:



**PICK YOUR WEAPON**  
Some terrorism statutes can be interpreted broadly. For example, the anti-WMD law has been invoked in cases involving:

- Grenades
- Car bombs
- Improvised explosive devices
- Surface-to-air missiles
- Backpack bombs
- Richard Reid's shoe bomb
- The "underwear bomber"
- Airplanes hijacked on 9/11

\*\*Includes murder, drug dealing, tax evasion, perjury, seditious conspiracy, cigarette smuggling, and obscenity  
Some defendants faced more than one charge.

formant's allegation that the FBI used him to spy on a number of mosques in Southern California.

That informant, Craig Monteilh, is a convicted felon who made his money ripping off cocaine dealers before becoming an asset for the Drug Enforcement Administration and later the FBI. A well-muscled 49-year-old with a shaved scalp, Monteilh has been a particularly versatile snitch: He's pretended to be a white supremacist, a Russian hit man, and a Sicilian drug trafficker. He says when the FBI sent him into mosques (posing as a French-Syrian Muslim), he was told to act as a decoy for any radicals who might seek to convert him—and to look for information to help flip congregants as informants, such as immigration status, extramarital relationships, criminal activities, and drug use. "Blackmail is the ultimate goal," Monteilh says.

Officially, the FBI denies it blackmails informants. "We are prohibited from using threats or coercion," says Kathleen Wright, an FBI spokeswoman. (She acknowledges that the bureau has prevented helpful informants from being deported.)

FBI veterans say reality is different from the official line. "We could go to a source and say, 'We know you're having an affair. If you work with us, we won't tell your wife,'" says a former top FBI counterterrorism official. "Would we actually call the wife if the source doesn't cooperate? Not always. You do get into ethics here—is this the right thing to do?—but legally this isn't a question. If you obtained the information legally, then you can use it however you want."

But eventually, Monteilh's operation imploded in spectacular fashion. In December 2007, police in Irvine, California, charged him with bilking two women out of \$157,000 as part of an alleged human growth hormone scam. Monteilh has maintained it was actually part of an FBI investigation, and that agents instructed him to plead guilty to a grand-theft charge and serve eight months so as not to blow his cover. The FBI would "clean up" the charge later, Monteilh says he was told. That didn't happen, and Monteilh has alleged in court filings that the government put him in danger by letting fellow inmates know that he was an informant. (FBI agents told me the bureau wouldn't advise an informant to plead guilty to a state criminal charge;

instead, agents would work with local prosecutors to delay or dismiss the charge.)

The class-action suit, filed by the ACLU, alleges that Tidwell, then the bureau's Los Angeles-based assistant director, signed off on Monteilh's operation. And Tidwell says he's eager to defend the bureau in court. "There is not the blanket suspicion of the Muslim community that they think there is," Tidwell says. "We're just looking for the bad guys. Anything the FBI does is going to be interpreted as monitoring Muslims. I would tell [critics]: 'Do you really think I have the time and money to monitor all the mosques and Arab American organizations? We don't. And I don't want to.'"

**Shady informants**, of course, are as old as the FBI; one saying in the bureau is, "To catch the devil, you have to go to hell." Another is, "The only problem worse than having an informant is not having an informant." Back in the '80s, the FBI made a cottage industry of drug stings—a source of countless Hollywood plots, often involving briefcases full of cocaine and Miami as the backdrop.

It's perhaps fitting, then, that one of the earliest known terrorism stings also unfolded in Miami, though it wasn't launched by the FBI. Instead the protagonist was a Canadian bodyguard and, as a Fort Lauderdale, Florida, newspaper put it in 2002,

"a 340-pound man with a fondness for firearms and strippers." He subscribed to *Soldier of Fortune* and hung around a police supply store on a desolate stretch of Hollywood Boulevard, north of Miami.

Howard Gilbert aspired to be a CIA agent but lacked pertinent experience. So to pad his résumé, he hatched a plan to infiltrate a mosque in the suburb of Pembroke Pines by posing as a Muslim convert named Saif Allah. He told congregants that he was a former Marine and a security expert, and one night in late 2000, he gave a speech about the plight of Palestinians.

"That was truly the night that launched me into the terrorist umbrella of South

## the best terrorists money can buy

Broke-ass losers. Big talkers. Ninja wannabes. How dangerous are the FBI's sting targets?



### The Gold Digger

**Pattern:** Target is broke and thinks he can make big money by catering to informant's suggestions.

**Case study:** Derrick Shareef was 22 and desperate for cash to fix his car when an informant approached him at the video game store where he worked in the fall of 2006. The informant, a career criminal, offered Shareef a vehicle, a place to live, and free meals at his house. It was the day before Ramadan, and Shareef, who'd been on the outs with his family since converting to Islam at age 15, saw the offer as an act of God. Weeks later, he told the informant he wanted to attack a courthouse and "smoke a judge." The informant suggested attacking a shopping mall at Christmas instead.

Shareef excitedly agreed; since he was still broke, he traded an "arms dealer"—in fact an undercover FBI agent—a set of speakers for some grenades and a 9 mm handgun.

**Charge:** Attempted use of a weapon of mass destruction

**Sentence:** 35 years

### The Convert

**Pattern:** Target is a newcomer to Islam with only a rudimentary understanding of the religion; often also broke and/or homeless.

**Case study:** Michael Finton converted to Islam while in prison

for robbery and, while out on parole, wrote letters to John Walker Lindh, the American student who joined the Taliban. Parole officers found out about the letters while searching his car and told the FBI. The bureau sent in an informant—another prison

Florida,” Gilbert would later brag to the South Florida *Sun-Sentinel*.

Nineteen-year-old congregant Imran Mandhai, stirred by the oration, approached Gilbert and asked if he could provide him weapons and training. Gilbert, who had been providing information to the FBI, contacted his handlers and asked for more money to work on the case. (He later claimed that the bureau had paid him \$6,000.) But he ultimately couldn’t deliver—the target had sensed something fishy about his new friend.

The bureau also brought in Elie Assaad, a seasoned informant originally from Lebanon. He told Mandhai that he was

an associate of Osama bin Laden tasked with establishing a training camp in the United States. Gilbert suggested attacking electrical substations in South Florida, and Assaad offered to provide a weapon. FBI agents then arrested Mandhai; he pleaded guilty in federal court and was sentenced to nearly 14 years in prison. It was a model of what would become the bureau’s primary counterterrorism M.O.—identifying a target, offering a plot, and then pouncing.

Gilbert himself didn’t get to bask in his glory; he never worked for the FBI again and died in 2004. Assaad, for his part, ran into some trouble when his pregnant wife called 911. She said Assaad had beaten and choked

her to the point that she became afraid for her unborn baby; he was arrested, but in the end his wife refused to press charges.

The jail stint didn’t keep Assaad from working for the FBI on what would turn out to be perhaps the most high-profile terrorism bust of the post-9/11 era. In 2005, the bureau got a tip from an informant about a group of alleged terrorists in Miami’s Liberty City neighborhood. The targets were seven men—some African American, others Haitian—who called themselves the “Seas of David” and ascribed to religious beliefs that blended Judaism, Christianity, and Islam. The men were martial-arts enthusiasts who operated

**Tarik Shah, a jazz bassist who played Bill Clinton’s inauguration, was the target of a three-year FBI operation that revealed little more than a man obsessed with his martial-arts prowess.**

convert who, according to an FBI affidavit, may have been dealing drugs while working for the bureau. Together with yet another undercover operative, Finton hatched a car-bomb plot targeting the federal building in Springfield, Illinois.

**Charges:** Attempted use of a weapon of mass destruction

**Sentence:** 28 years

### The Oath Taker

**Pattern:** Target swears a fictitious Al Qaeda oath made up by informant; is charged and convicted based on that oath



**Case study:** Tarik Shah, an accomplished jazz bassist (he played Bill Clinton’s inauguration) and martial-arts studio owner, met FBI informant Mohamed Alanssi through an Islamic bookstore in New York City. For two years, Alanssi kept in contact with Shah but got nothing incriminating out of him. So the FBI turned to a second informant, Theodore Shelby, an ex-convict and former Black Panther. He recorded conversations that showed Shah

as a man obsessed with his martial-arts prowess and a desire to train Muslims in hand-to-hand combat. In one exchange, Shah talked about how he could use the sharp pin that his bass rested on to kill someone. Eventually, Shelby introduced him to an Arabic-speaking FBI agent who led Shah and a friend in an oath to Al Qaeda. The oath became a key piece of evidence in his conviction.

**Charge:** Conspiring to provide material support to terrorists  
**Sentence:** 15 years

### The Car Bomber

**Pattern:** Target and informant hatch plot together; FBI supplies vehicle, “explosives,” and phone to trigger the supposed bomb.



**Case study:** Hosam Smadi, an 18-year-old Jordanian living outside Dallas, came to the FBI’s attention in an extremist chat room. An undercover agent befriended Smadi and introduced him to two more agents posing as members of an Al Qaeda sleeper cell. They hatched a plan

to bomb Fountain Place, an iconic Dallas skyscraper. On September 24, 2009, the FBI provided Smadi with what they said was a car bomb; he drove it into the building’s parking garage and dialed the number he believed would trigger the bomb.

**Charges:** Attempted use of a weapon of mass destruction

**Sentence:** 24 years

### The Trainee

**Pattern:** FBI agent or informant offers to train target as a jihadist, most often via weapons instruction and bodybuilding.



**Case study:** Marwan el-Hindi was a Jordanian-born

naturalized citizen with a string of fraudulent businesses. He met Darren Griffin, a former US Army Special Forces member and FBI informant, at his mosque and asked him about weapons training. From then on, Griffin stayed close to el-Hindi, taking online terrorist training classes with him, working out at a gym, and doing target practice. Griffin, who is referred to in bureau documents as “the Trainer,” spent more than three years cultivating his target before the FBI arrested el-Hindi in February 2006.

**Charges:** Conspiring to kill, kidnap, maim, or injure another person outside of the United States; conspiring to provide material

support to terrorists; distributing information on explosives

**Sentence:** 13 years

### The Subway Bomber

**Pattern:** With the exception of one attempt to bomb the New York City subway, all the headline-grabbing subway “plots” you’ve heard of were FBI-led nonstarters.



**Case study:** Farooque Ahmed was a 34-year-old Pakistani computer engineer living in a middle-class suburb of Washington, DC, with his English-born wife and baby. He’d worked for Ericsson and a Verizon contractor, according to his LinkedIn profile. In the spring of 2010, he came to know two men he believed to be Al Qaeda representatives, and they met several times in northern Virginia hotel rooms, where Ahmed provided pictures, videos, and sketches of Washington Metro stations. He also told the men, who were FBI assets, that he had been training for an attack by studying martial arts as well as knife and gun techniques. He was arrested with great fanfare, though the government took care to point out that “at no time was the public in danger.”

**Charge:** Attempting to provide material support to a terrorist organization; collecting information to assist a terrorist attack

**Sentence:** 23 years —T.A.



Informant:  
Elie  
Assaad

out of a dilapidated warehouse, where they also taught classes for local kids. The Seas of David's leader was Narseal Batiste, the son of a Louisiana preacher, father of four, and a former Guardian Angel.

In response to the informant's tip, the FBI had him wear a wire during meetings with the men, but he wasn't able to engage them in conversations about terrorist plots. So he introduced the group to Assaad, now playing an Al Qaeda operative. At the informant's request, Batiste took photographs of the FBI office in North Miami Beach and was caught on tape discussing a notion to bomb the Sears Tower in Chicago. Assaad led Batiste, and

"Brother."  
"Brother."  
"You're not—you have to say your name!" Assaad cried.

"Naz. Naz."  
"Uh. *To commit myself. I am Brother Naz.* You can say, '*To commit myself.*'"

"*To commit myself, Brother Naz.*"  
Things went smoothly until Assaad got to a reference to being "protective of the secrecy of the oath and to the directive of Al Qaeda."

Here Batiste stopped. "*And to...what is the directive of?*"

"*Directive of Al Qaeda,*" the informant answered.

"So now let me ask you this part here. That means that Al Qaeda will be over us?"

one exchange. "Once I give you an account number, how long do you think it's gonna take to get me something in?"

"So you is scratching my back, [I'm] scratching your back—we're like this," Assaad dodged.

"Right," Batiste said.

The money never materialized. Neither did any specific terrorist plot. Nevertheless, federal prosecutors charged Batiste and his cohorts—whom the media dubbed the Liberty City Seven—with conspiracy to support terrorism, destroy buildings, and levy war against the US government. Perhaps the key piece of evidence was the video of Assaad's Al Qaeda "oath." Assaad was reportedly paid \$85,000 for his work on the case; the other informant got \$21,000.

James J. Wedick, a former FBI agent, was hired to review the Liberty City case as a consultant for the defense. In his opinion, the informant simply picked low-hanging fruit. "These guys couldn't find their way down the end of the street," Wedick says. "They were homeless types. And, yes, we did show a picture where somebody was taking the oath to Al Qaeda. So what? They didn't care. They only cared about the money. When we put forth a case like that to suggest to the American public that we're protecting them, we're not protecting them. The agents back in the bullpen, they know it's not true."

Indeed, the Department of Justice had a difficult time winning convictions in the Liberty City case. In three separate trials, juries deadlocked on most of the charges, eventually acquitting one of the defendants (charges against another were dropped) and convicting five of crimes that landed them in prison for between 7 to 13 years. When it was all over, Assaad told ABC News' Brian Ross that he had a special sense for terrorists: "God gave me a certain gift."

But he didn't have a gift for sensing trouble. After the Liberty City case, Assaad moved on to Texas and founded a low-rent modeling agency. In March, when police tried to pull him over, he led them in a chase through El Paso (with his female passenger jumping out at one point), hit a cop with his car, and ended up rolling his SUV on the freeway. Reached

## FBI officials say they have to flush out terrorist sympathizers—even if it means faking plots. "What would you do?" asks one. "Wait for him to figure it out himself?"

later the other men, in swearing an oath to Al Qaeda, though the ceremony (recorded and entered into evidence at trial) bore a certain

"Who's on First?" flavor:

"*God's pledge is upon me, and so is his compact,*" Assaad said as he and Batiste sat in his car. "Repeat after me."

"Okay. *Allah's pledge is upon you.*"

"No, you have to repeat exactly. *God's pledge is upon me, and so is his compact.* You have to repeat."

"Well, I can't say Allah?" Batiste asked.

"Yeah, but this is an English version because Allah, you can say whatever you want, but—"

"Okay. Of course."

"Okay."

"*Allah's pledge is upon me. And so is his compact,*" Batiste said, adding: "That means his angels, right?"

"Uh, huh. *To commit myself,*" Assaad continued.

"*To commit myself.*"

"Brother."

"Brother," Batiste repeated.

"Uh. That's, uh, what's your, uh, what's your name, brother?"

"Ah, Brother Naz."

"Okay. *To commit myself,*" the informant repeated.

"*To commit myself.*"

"No, no, no, no, no," Assaad said. "It's an alliance."

"Oh. Well..." Batiste said, sounding resigned.

"It's an alliance, but it's like a commitment, by, uh, like, we respect your rules. You respect our rules," Assaad explained.

"Uh, huh," Batiste mumbled.

"*And to the directive of Al Qaeda,*" Assaad said, waiting for Batiste to repeat.

"Okay, can I say an alliance?" Batiste asked. "*And to the alliance of Al Qaeda?*"

"*Of the alliance, of the directive—*" Assaad said, catching himself. "You know what you can say? *And to the directive and the alliance of Al Qaeda.*"

"Okay, *directive and alliance of Al Qaeda,*" Batiste said.

"Okay," the informant said. "Now officially you have commitment and we have alliance between each other. And welcome, Brother Naz, to Al Qaeda."

Or not. Ultimately, the undercover recordings made by Assaad suggest that Batiste, who had a failing drywall business and had trouble making the rent for the warehouse, was mostly trying to shake down his "terrorist" friend. After first asking the informant for \$50,000, Batiste is recorded in conversation after conversation asking how soon he'll have the cash.

"Let me ask you a question," he says in

Target:  
Mohamed  
Osman  
Mohamud



by phone, Assaad declined to comment. He's saving his story, he says, for a book he's pitching to publishers.

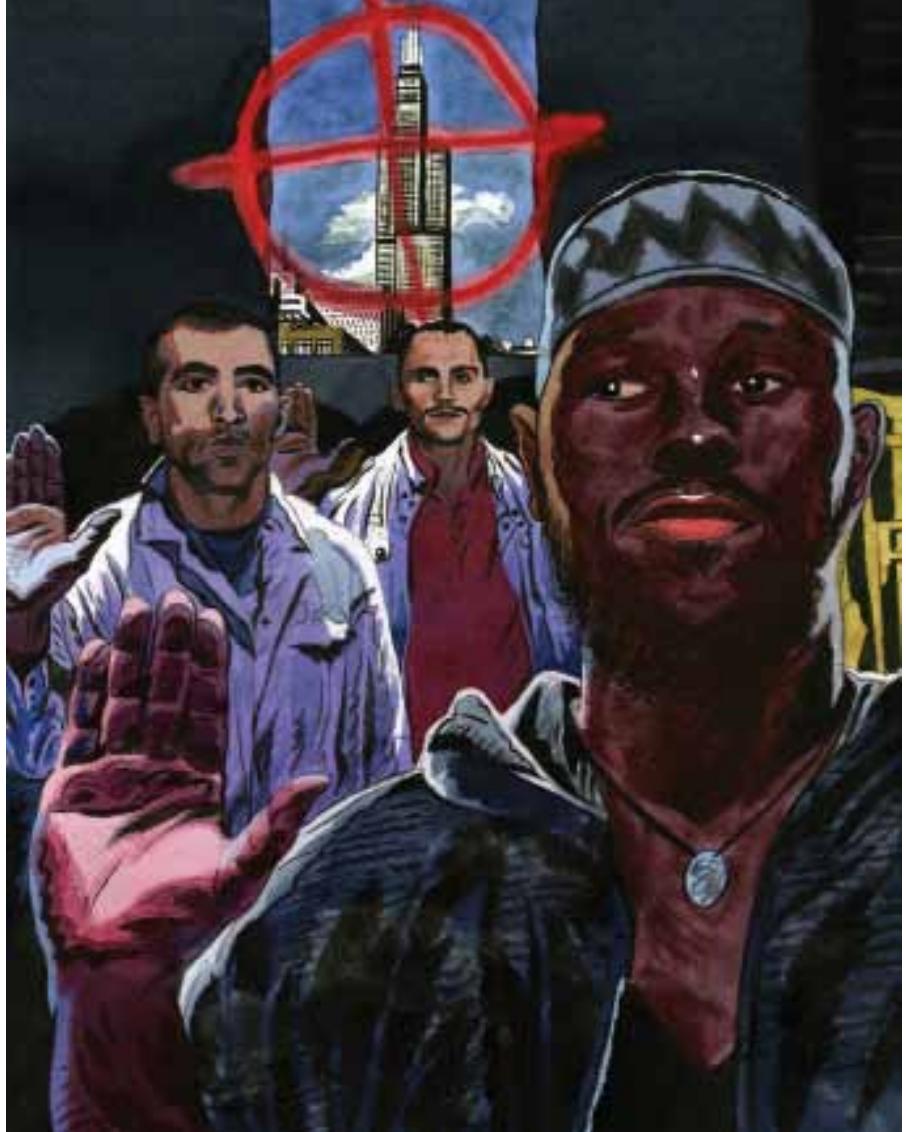
**Not all of the** more than 500 terrorism prosecutions reviewed in this investigation are so action-movie ready. But many do have an element of mystery. For example, though recorded conversations are often a key element of prosecutions, in many sting cases the FBI didn't record large portions of the investigation, particularly during initial encounters or at key junctures during the sting. When those conversations come up in court, the FBI and prosecutors will instead rely on the account of an informant with a performance bonus on the line.

One of the most egregious examples of a missing recording involves a convoluted tale that begins in the early morning hours of November 1, 2009, with a date-rape allegation on the campus of Oregon State University. Following a Halloween party, 18-year-old Mohamed Osman Mohamud, a Somali-born US citizen, went home with another student. The next morning, the woman reported to police that she believed she had been drugged.

Campus police brought Mohamud in for questioning and a polygraph test; FBI agents, who for reasons that have not been disclosed had been keeping an eye on the teen for about a month, were also there. Mohamud claimed that the sex was consensual, and a drug test given to his accuser eventually came back negative.

During the interrogation, OSU police asked Mohamud if a search of his laptop would indicate that he'd researched date-rape drugs. He said it wouldn't and gave them permission to examine his hard drive. Police copied its entire contents and turned the data over to the FBI—which discovered, it later alleged in court documents, that Mohamud had emailed someone in northwest Pakistan talking about jihad.

Soon after his run-in with police, Mohamud began to receive emails from "Bill Smith," a self-described terrorist who encouraged him to "help the brothers." "Bill," an FBI agent, arranged for Mohamud to meet one of his associates in a Portland hotel room. There, Mohamud told the agents that he'd been thinking of jihad since age 15. When asked what he might want to attack, Mohamud suggested the city's Christmas tree lighting ceremony. The agents set



**"These guys were homeless types," one former FBI official says about the alleged Sears Tower plotters. "And yes, we did show a picture where somebody was taking the oath to Al Qaeda. So what?"**

Mohamud up with a van that he thought was filled with explosives. On November 26, 2010, Mohamud and one of the agents drove the van to Portland's Pioneer Square, and Mohamud dialed the phone to trigger the explosion. Nothing. He dialed again. Suddenly FBI agents appeared and dragged him away as he kicked and yelled, "*Allahu akbar!*" Prosecutors charged him with attempting to use a weapon of mass destruction; his trial is pending.

The Portland case has been held up as an example of how FBI stings can make a terrorist where there might have been only an angry loser. "This is a kid who, it can be reasonably inferred, barely had the capacity to put his shoes on in the morning," Wedick says.

But Tidwell, the retired FBI official, says Mohamud was exactly the kind of person the FBI needs to flush out. "That kid was pretty specific about what he wanted to do," he says. "What would you do in response? Wait for him to figure it out himself? If you'll notice, most of these folks [targeted in stings] plead guilty. They don't say, 'I've been entrapped,' or, 'I was immature.'" That's true—though it's also true that defendants and their attorneys know that the odds of succeeding at trial are vanishingly small. Nearly two-thirds of all terrorism prosecutions since 9/11 have ended in guilty pleas, and experts hypothesize that it's difficult for such defendants to get a fair trial. "The plots people are accused of being part of—attacking



Target:  
Antonio  
Martinez

subway systems or trying to bomb a building—are so frightening that they can overwhelm a jury,” notes David Cole, a Georgetown University law professor who has studied these types of cases.

**But the Mohamud** story wasn’t quite over—it would end up changing the course of another case on the opposite side of the country. In Maryland, rookie FBI agent Keith Bender had been working a sting against 21-year-old Antonio Martinez, a recent convert to Islam who’d posted

## After one sting target’s trial, a judge warned that the FBI “created acts of terrorism out of his fantasies of bravado and bigotry, and then made those fantasies come true.”

inflammatory comments on Facebook (“The sword is cummin the reign of oppression is about 2 cease inshallah”). An FBI informant had befriended Martinez and, in recorded conversations, they talked about attacking a military recruiting station.

But just as the sting was building to its climax, Martinez saw news reports about the Mohamud case, and how there was an undercover operative involved. He worried: Was he, too, being lured into a sting? He called his supposed terrorist contact: “I’m not falling for no BS,” he told him.

Faced with the risk of losing the target, the informant—whose name is not revealed in court records—met with Martinez and pulled him back into the plot. But while the informant had recorded numerous previous meetings with Martinez, no recording was made for this key conversation; in affidavits, the FBI blamed a technical glitch. Two weeks later, on December 8, 2010, Martinez parked what he thought was a car bomb in front of a recruitment center and was arrested when he tried to detonate it.

Frances Townsend, who served as homeland security adviser to President George W. Bush, concedes that missing recordings in terrorism stings seem suspicious. But, she says, it’s more common than you might think: “I can’t tell you how many times I had FBI agents in front of me and I yelled, ‘You have hundreds of hours of recordings,

but you didn’t record *this* meeting.’ Sometimes, I admit, they might not record something intentionally”—for fear, she says, that the target will notice. “But more often than not, it’s a technical issue.”

Wedick, the former FBI agent, is less forgiving. “With the technology the FBI now has access to—these small devices that no one would ever suspect are recorders or transmitters—there’s no excuse not to tape interactions between the informant and the target,” he says. “So why in many of these terrorism stings are meetings not recorded? Because it’s convenient for the FBI not to record.”

**So what really** happens as an informant works his target, sometimes over a period of years, and eases him over the line? For the answer to that, consider once more the case of James Cromitie, the Walmart stocker with a hatred of Jews. Cromitie was the ringleader in the much-publicized Bronx synagogue bombing plot that went to trial last year. But a closer look at the record reveals that while Cromitie was no one’s idea of a nice guy, whatever leadership existed in the plot emanated from his sharply dressed, smooth-talking friend Maqsood, a.k.a. FBI informant Shahed Hussain.

A Pakistani refugee who claimed to be friends with Benazir Bhutto and had a soft spot for fancy cars, Hussain was by then one of the FBI’s more successful counterterrorism informants. (See timeline, page 34.) He’d originally come to the bureau’s attention when he was busted in a DMV scam that charged test takers \$300 to \$500 for a license. Having “worked off” those charges, he’d transitioned from indentured informant to paid snitch, earning as much as \$100,000 per assignment.

Hussain was assigned to visit a mosque in Newburgh, where he would start conversations with strangers about jihad. “I

was finding people who would be harmful, and radicals, and identify them for the FBI,” Hussain said during Cromitie’s trial. Most of the mosque’s congregants were poor, and Hussain, who posed as a wealthy businessman and always arrived in one of his four luxury cars—a Hummer, a Mercedes, two different BMWs—made plenty of friends. But after more than a year working the local Muslim community, he had not identified a single actual target.

Then, one day in June 2008, Cromitie approached Hussain in the parking lot outside the mosque. The two became friends, and Hussain clearly had Cromitie’s number. “Allah didn’t bring you here to work for Walmart,” he told him at one point.

Cromitie, who once claimed he could “con the corn from the cob,” had a history of mental instability. He told a psychiatrist that he saw and heard things that weren’t there and had twice tried to commit suicide. He told tall tales, most of them entirely untrue—like the one about how his brother stole \$126 million worth of stuff from Tiffany.

Exactly what Hussain and Cromitie talked about in the first four months of

## dig deeper

Want to see for yourself how an FBI sting works? Visit [MotherJones.com](http://MotherJones.com), where you’ll find much of the behind-the-scenes information we uncovered in this investigation.

■ **Watch surveillance video** from terror investigations.

■ **Read internal FBI documents.**

■ **Second-guess the feds.** Browse profiles of all of the 508 terrorism defendants and decide how much of a threat they were.

■ **See which terror cases were tried in your state,** which ones involved informants, which charges were filed, and which ones stuck.

■ **Read previous *Mother Jones* reporting on terrorism and civil liberties,** including features on the Lackawanna Six, “dirty bomber” José Padilla, John Walker Lindh, and the one-size-fits-all material support charge.



their relationship isn't known, because the FBI did not record those conversations. Based on later conversations, it's clear that Hussain cultivated Cromitie assiduously. He took the target, all expenses paid by the FBI, to an Islamic conference in Philadelphia to meet Imam Siraj Wahhaj, a prominent African-American Muslim leader. He helped pay Cromitie's rent. He offered to buy him a barbershop. Finally, he asked Cromitie to recruit others and help him bomb synagogues.

On April 7, 2009, at 2:45 p.m., Cromitie and Hussain sat on a couch inside an FBI cover house on Shipp Street in Newburgh. A hidden camera was trained on the living room.

"I don't want anyone to get hurt," Cromitie told the informant.

"Who? I—"

"Think about it before you speak," Cromitie interrupted.

"If there is American soldiers, I don't care," Hussain said, trying a fresh angle.

"Hold up," Cromitie agreed. "If it's American soldiers, I don't even care."

"If it's kids, I care," Hussain said. "If it's women, I care."

"I care. That's what I'm worried about. And I'm going to tell you, I don't care if it's a whole synagogue of men."

**Mohamed Osman Mohamud was an 18-year-old wannabe rapper when an FBI agent asked if he'd like to "help the brothers." Eventually the FBI gave him a fake car bomb and a phone to blow it up during a Christmas tree lighting.**

"Yep."

"I would take 'em down, I don't even care. 'Cause I know they are the ones."

"We have the equipment to do it."

"See, see, I'm not worried about nothing. Ya know? What I'm worried about is my safety," Cromitie said.

"Oh, yeah, safety comes first."

"I want to get in and I want to get out."

"Trust me," Hussain assured.

At Cromitie's trial, Hussain would admit that he created the—in his word—"impression" that Cromitie would make a lot of money by bombing synagogues.

"I can make you \$250,000, but you don't want it, brother," he once told Cromitie when the target seemed hesitant. "What can I tell you?" (Asked about the exchange in court, Hussain said that "\$250,000" was simply a code word for the bombing plot—a code word, he admitted, that only he knew.)

But whether for ideology or money, Cromitie did recruit three others, and they did take photographs of Stewart In-

ternational Airport in Newburgh as well as of synagogues in the Bronx. On May 20, 2009, Hussain drove Cromitie to the Bronx, where Cromitie put what he believed were bombs inside cars he thought had been parked by Hussain's coconspirators. Once all the dummy bombs were placed, Cromitie headed back to the getaway car—Hussain was in the driver's seat—and then a SWAT team surrounded the car.

At trial, Cromitie told the judge: "I am not a violent person. I've never been a terrorist, and I never will be. I got myself into this stupid mess. I know I said a lot of stupid stuff." He was sentenced to 25 years.

For his trouble, the FBI paid Hussain \$96,000. Then he moved on to another case, another mosque, somewhere in the United States. ■

*For this project, Mother Jones partnered with the University of California-Berkeley's Investigative Reporting Program, headed by Lowell Bergman, where Trevor Aaronson was an investigative fellow. Lauren Ellis and Hamed Aleaziz contributed additional research.*



BY NICK BAUMANN

ILLUSTRATION BY JEFFREY SMITH

# (FOR THE FBI) locked up <sup>v</sup>abroad

**The feds' secret program to have American citizens detained and interrogated by foreign governments**

**W**hen Gulet Mohamed finally returned home on a chilly Virginia morning in January, the 19-year-old from Fairfax was wearing the same outfit he had on when he disappeared a month earlier in Kuwait. Clad in a fleece hat and a gray Real Madrid sweatshirt, the straggly-bearded, wide-eyed teenager stepped out of arrivals at Dulles Airport and into a phalanx of television cameras. He wore a bewildered smile—as if he was still unsure of what had happened to him but was just grateful it was over.

For more than a year, Mohamed had been living in Kuwait City with an uncle. On December 20, 2010, according to legal records, he went to the airport to renew his tourist visa for an additional three months. The process took longer than usual. From a waiting area, Mohamed emailed his brother to let him know he'd run into some red tape.

Soon afterward, two men in street clothes came in, blindfolded him, escorted him out of the airport, and

led him into the back of a vehicle. They drove maybe 15 or 20 minutes. When the men removed his blindfold, he was in a cell with white walls.

Later, the men—members of Kuwait's security forces, Mohamed inferred—marched him to an interrogation room, where they shouted names at him in Arabic.

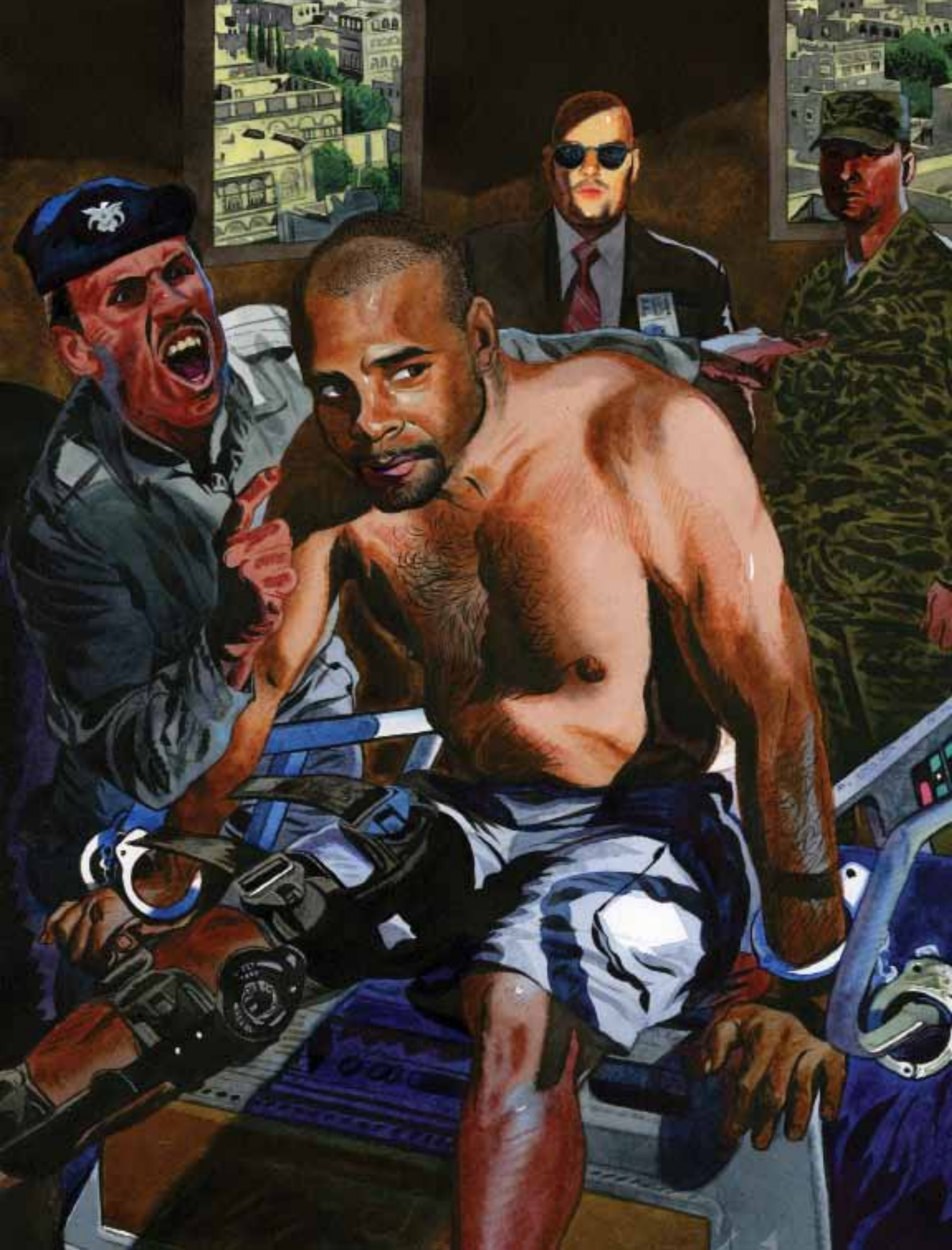
"Osama bin Laden! Do you know him?" "Anwar al-Awlaki?"

When he responded "no," his interrogators slapped him across the face. As the days passed, Mohamed claims, they beat him with sticks on the soles of his feet, asked him to choose between torture by electrocution or power drill, and threatened his family.

Sometimes, Mohamed later told his lawyer, his captors escorted him, blindfolded, to another part of the facility, where a man who spoke with an American accent posed specific questions about his life in the US. He inquired about Mohamed's siblings by name. "Don't you know we know everything about you?" he asked.

**Mohamed is one** of a growing number of American Muslims who claim they were captured overseas and questioned in secret at the behest of the United States, victims of what human rights advocates call "proxy detention"—or "rendition-lite." The latter is a reference to the Bush- and Clinton-era CIA practice of capturing foreign nationals suspected of terrorism and "rendering" them to countries such as Egypt, Jordan, or Morocco for interrogations that often involved torture.

Many of these episodes follow a similar script. A US citizen is detained, questioned, and sometimes



abused in a Middle Eastern or African country by local security forces. Often his interrogators possess information that could only have come from US authorities; some of the detainees say American officials have been present for the questioning. When the suspect is released from detention, he often discovers he's on the no-fly list and can't return home unless he submits to further questioning by FBI agents. Sometimes he's denied access to a lawyer during these sessions.

In the past, the FBI has denied that it asks foreign governments to apprehend

who left Minnesota between 2007 and 2009 for Somalia—intending, the FBI believes, to join the Al Qaeda-linked Islamist group al-Shabaab. Since then, several more of these men are believed to have become suicide bombers—including one just this past May.

Cases like Ahmed's seem to be on the rise. Between 2002 and 2008, an average of 12 people per year were indicted on charges relating to “domestic radicalization and recruitment to jihadist terrorism,” according to a 2010 report by the RAND Corporation. That number rose to 42 in 2009. For counterterrorism offi-

ing to Mohamed, when he requested a lawyer, one of the agents told him: “You're here; your lawyer is not.”

Mohamed was also informed that his name had been placed on the no-fly list—effectively blocking his return to the US. “Your government is not letting you back into your country,” one Kuwaiti official told him. Another said: “Gulet, we have relationships with the Americans. This interrogation is between you and your government.”

**Sanaa, the capital** of Yemen, is one of the gems of the Arabian Peninsula. Even as the country teeters on the brink of chaos, tourists still visit the ancient hill city to gape at the intricate rammed-earth houses that compose its crenellated skyline.

One January morning in 2010, Sharif Mobley was drinking tea outside a convenience store bedecked with a Coca-Cola sign when two white vans screeched to a halt on the dusty street. Eight armed men dressed in black jumped out. One grabbed Mobley's jacket, but the 26-year-old—a black belt in taekwon do—slipped away.

He made it a couple of steps before two bullets fractured his femur. “I'm an American!” he yelled as he was dragged away. The men threw him in the van and sped off.

Mobley, who was in Sanaa with his wife and two young children, had been advised not to go to Yemen. “It is unstable,” his childhood imam had warned. But for young Muslims, Sanaa can be irresistible. Lonely Planet pitches Yemen as “a great place to learn Arabic,” and it is; the language schools are cheap, good, and plentiful. It has also become a place for young western Muslims to complete their radicalization—which is exactly what government officials say Mobley was doing.

After Mobley vanished, his family would not hear anything authoritative about him for nearly six weeks. But on March 11, 2010, news broke that an American had been involved in an action-movie-style escape attempt at al-Jumhori Hospital in Sanaa. It was Mobley.

According to Yemeni officials, Mobley had tricked his guards at the hospital into putting down their guns to join him for prayers. Then he grabbed one of the weapons, shot two guards—one fatally—and made a break for it. He didn't get far before the entire floor was on lockdown. Yemeni counterterrorism forces—many of

## Sharif Mobley made it a couple of steps before two bullets fractured his femur. “I'm an American!” he yelled as he was dragged away.

Americans. But, a *Mother Jones* investigation has found, the bureau has a long-standing and until now undisclosed program for facilitating such detentions. Coordinated by elite agents who serve in terrorism hot spots around the world, the practice enables the interrogation of American suspects outside the US justice system. “Their citizenship doesn't seem to matter to the government,” says Daphne Eviatar, a lawyer with Human Rights First. “It raises a question of whether there's a whole class of people out there who've been denied the right to return home for the purpose of interrogation in foreign custody.”

Although it's difficult to say for certain whether the men in this story—which is based on interviews with law enforcement and intelligence officials, court documents, transcripts, and other records—are terrorists, tourists, or something in between, one thing is clear: Pakistanis, Saudis, and Somalis aren't the only ones being captured and questioned on our behalf. Americans are too.

**In October 2008**, a few days before Halloween, a 27-year-old Somali American drove a car full of explosives into a government office in northern Somalia. The bomber's name was Shirwa Ahmed, and he'd grown up in Minneapolis playing basketball and listening to Ice Cube. Ahmed is widely believed to be the first American suicide bomber.

What worries federal authorities is that Ahmed was one of at least 20 young men

specials, the face of Islamic terrorism was no longer a Saudi trained in the mountains of Afghanistan. It was Nidal Hasan, the Fort Hood shooter, radicalized over the internet, or Faisal Shahzad, the Pakistani American who attempted to detonate a car bomb in Times Square in May 2010. A Senate Foreign Relations Committee report released in January 2010 warned that Al Qaeda “seeks to recruit American citizens to carry out terrorist attacks in the United States” and singled out Yemen and Somalia as places where such recruits might travel.

Gulet Mohamed had spent time in both countries—which by itself would have raised “a lot of flags,” according to a former senior State Department official familiar with his case. He first visited Yemen in March 2009, planning to study Arabic and Islam. After a few weeks, however, he and his mother decided that the country was not safe, and he made his way to a relatively stable part of northern Somalia to stay with family. In August 2009 he moved on to Kuwait, where he remained until his arrest.

After a week of beatings and harsh interrogation, Mohamed was transferred to a Kuwaiti deportation facility. It was here, he says, that the FBI showed up. Agents interrogated him repeatedly, asking him why he had traveled to Somalia and Yemen and whether he knew Shahzad or Zachary Chesser, an American Muslim charged in July 2010 with aiding al-Shabaab. Accord-

which are trained and funded by the US—descended on the hospital and eventually apprehended Mobley.

After the fire, information about Mobley's past poured out in the press: He had once called an acquaintance who had fought in Iraq a "Muslim killer," and he was employed as a maintenance worker at several nuclear power plants—a fact that inspired much speculation. By the end of the week, the AP reported that, according to "US officials," Mobley had "traveled to Yemen with the goal of joining" Al Qaeda. Also incriminating was the anonymously sourced allegation that Mobley had communicated with Anwar al-Awlaki, the New Mexico-born Al Qaeda propagandist now hiding out in Yemen.

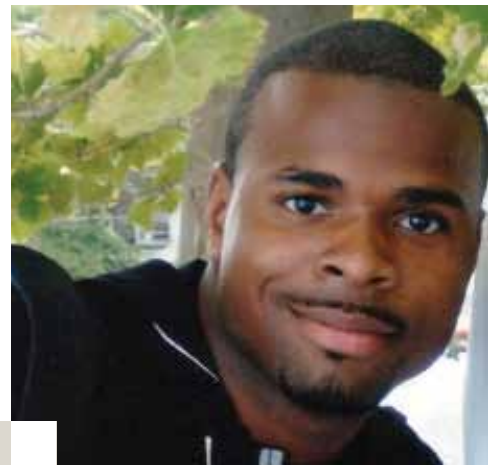
Awlaki and Mobley spoke on the phone and corresponded over email a number of times, Mobley's defense lawyer, Cori Crider, told *Mother Jones*, but about religious and personal matters, not terrorism. She says the two men met in person once in 2008, more than a year before his arrest.

Initial news accounts mirrored the official version of the incident, reporting that Mobley had been captured in early March—when in reality he'd been in custody for six weeks. According to a notarized letter to Crider from two top officials at the police hospital in Sanaa, Mobley was "admitted to the hospital on the 26th of January to the 10th of February 2010 post gun shot with a femur fracture. The surgical therapy was done by one of our orthopedic surgeons on the 26th of January. After treatment the patient was discharged and handed back to the National Security of the Republic of Yemen."

According to legal documents prepared by Crider, Mobley had been visited by two American agents, "Matt from FBI and Khan from [the Pentagon]," while chained to his bed in a secure wing of the hospital. Matt looked "kind of like Matt Damon," and Khan was a "heavyset person of South Asian, possibly Pakistani, descent," Mobley told Crider. When Mobley asked for a lawyer, the agents told him that he was not under formal arrest and would not be read his rights. Mobley claims Matt and Khan questioned him repeatedly over the next several weeks, threatening his family and telling him he would be raped in a Yemeni prison if he didn't cooperate. Some of their questions focused on Awlaki. Eventually,

according to the documents, Mobley was transferred to a Yemeni prison—but not before his catheter was removed so roughly that he started bleeding profusely from his penis.

In prison, Mobley told Crider, he was beaten and dragged down stairs before eventually blacking out on a metal slab while the blood from his penis soaked through the front of his prison garment. He was later taken to a second hospital, where, he said, Matt and Khan returned to interrogate him



Gulet Mohamed (left) and Sharif Mobley (above) are among a growing number of Americans who claim they were arrested while traveling overseas and interrogated at the FBI's behest.

at least once more. Eventually, he tried to escape. "Imagine for a minute you were shot and held in secret for weeks on end, beaten up, threatened with rape, and told that your wife and two babies would face the same fate you had," Crider says. "Most of us in that situation would go to extraordinary lengths to protect our families."

Mobley, like Mohamed, has never been charged with any crime under US law. Yemeni officials told the AP that he hadn't even been on their list of "wanted militants." But as of this writing, he's still in prison in Yemen, awaiting trial for allegedly killing a guard during his escape attempt.

**Prior to the 1993** bombing of the World Trade Center, the FBI didn't maintain much of a foreign presence. But in the years since, the bureau has increasingly relied on its network of legal attaches, or Legats—elite FBI agents stationed at US embassies and charged with forming counterterrorism alliances with local law enforcement and intelligence services.

Between 1993 and 2001, the FBI more than doubled the number of Legat offices

from 20 to 45, opening new bureaus in Egypt, Israel, Jordan, Pakistan, and Saudi Arabia. Another 14 have opened since 9/11. The FBI refers to Legats as "the foundation" of its "international program" and says they are "essential" to preventing terrorist attacks. Among their main duties, according to the congressional testimony of one former FBI official, is "coordinating requests for FBI or host-country assistance overseas."

This could mean something as routine as setting up meetings between FBI honchos and foreign intelligence officials. But according to current and former FBI officials familiar with the process, sometimes it also entails encouraging a foreign security service to detain an American terrorism suspect and passing along questions for interrogators. According to bureau sources, top FBI, Justice Department, and sometimes even White House officials must authorize such requests before they're passed on to the Legat in the country where the suspect is traveling.

In a statement to *Mother Jones*, the FBI stopped short of admitting that it has requested the detention of American terrorist suspects. The bureau acknowledged, however, that information it has "elected to share" with "foreign law enforcement services" has "at times" resulted in the "detainment of an individual." It also said FBI agents have occasionally "been afforded the opportunity to interview or witness an interview" with detainees abroad. The bureau maintains that FBI agents have "acted [continued on page 68]"

## locked up abroad

[continued from page 47] in accordance with established FBI policy and guidelines” in these cases. The bureau declined to comment on specific cases.

“America since the fall of the Berlin Wall has been eager to find proxies to do our dirty work,” says Michael Scheuer, the ex-head of the CIA’s Osama bin Laden unit and the author of a recent biography of the late Al Qaeda leader. “We’ve been lucky to find Jordans and Egypt’s that were willing to do that—not just to help us, but also because the people we were aiming at were the people they were also aiming at.”

In theory, an FBI official says, foreign security forces are told that US citizens detained as part of this program are not to be harmed. But, the official acknowl-

ed, is serving a 10-year sentence for receiving training from Al Qaeda. But Meshal has not been charged with a crime. Backed by the ACLU, he is suing the government, claiming that FBI agents violated his rights by interrogating him in a series of African prisons without access to a lawyer.

Human rights advocates believe many more Americans may have been subjected to proxy detention but have not come forward for fear of retaliation or prosecution; some may still be secretly imprisoned. As Gulet Mohamed declared when he arrived back in the US: “There are still probably other people out there that are being tortured like I was. My voice has been heard, but their voices are not being heard.”

During his detention in Kuwait, one of Mohamed’s fellow prisoners had given him access to a smuggled cell phone. He called his family, who contacted a lawyer; eventually Mohamed used the phone to describe his plight to the *New York Times*’ Mark Mazzetti. The story made headlines, embarrassing the Obama administration and raising questions about its track record on civil liberties and human rights. An irate US Embassy official later visited Mohamed’s cell with a highlighted copy of the *Times* story. “You didn’t cooperate with the FBI,” he said, according to Mohamed. “That is why you didn’t leave. You went public. We need to calm this down.”

Along with the cases of Hamdan, Mobley, and Mohamed, there are others that

show indications of US involvement. Yusuf Wehelie, another 19-year-old Virginian, claims he was detained and beaten by Egyptian security forces in May 2010 after the FBI questioned him and his older brother Yahya at a hotel in Cairo. The Egyptians who beat and interrogated Wehelie “stated over and over that they worked for the United States government, and that they were questioning me at the request of the United States government,” he later said. The Egyptian interrogators asked Wehelie “the same questions that the American FBI agents had been asking.” Some focused on Mobley. After Wehelie was allowed to return home, his brother was forced to remain in Cairo for two more months. Yusuf later told a reporter he was interviewed by the FBI 10 times and submitted to a polygraph test before he was permitted to return home. (The Wehelies, through their lawyer, declined to comment.)

In 2007, Kenyan authorities arrested Amir Meshal, of New Jersey, and New Hampshire-raised Daniel Maldonado after they sought refuge in Kenya when Ethiopia invaded Somalia and displaced its Islamist government. (Both men claim they went to Somalia, which was comparatively stable before the Ethiopian invasion, only for the experience of living in an Islamic country.) Maldonado has since taken a plea deal and

edges, foreign security forces are sometimes overzealous. Torture isn’t the point, though, the source explains—fear is. Throwing a guy from suburban Virginia into a Middle Eastern jail cell might shake loose information that wouldn’t come out in an FBI interrogation room in Washington, DC.

**Whether the information** is accurate is another matter. Weeks after being interviewed by FBI agents in the United Arab Emirates in 2008, Naji Hamdan, a naturalized US citizen who had run an auto-parts business in California, was abruptly arrested by the country’s security forces. Over a period of three weeks, he was repeatedly beaten and questioned. “If you don’t confess, I swear to God I’m going to bring your wife to this room, and you’ll see what we do to her,” the lead interrogator vowed at one point. During one interrogation, Hamdan says, an American was present. “I’ve lived enough in the US to recognize the accent of the person when he talks,” he says. “I had no doubt that the person who was talking to me was a Caucasian American.” Hamdan’s interrogators kicked him in the side until he passed out. When he came to, the “American” spoke: “You better do what these people want, or they’ll fuck you up.”

Hamdan eventually confessed to being

**“If you don’t confess, I swear to God I’m going to bring your wife to this room, and you’ll see what we do to her,” the lead interrogator vowed.**

**PAID FBI INFORMAN**



**BRANDON MICHAEL DARR**

**SCUM**

**INFORMANTS NOT WELCOME IN OUR CITY**





BY JOSH HARKINSON

ILLUSTRATION BY JEFFREY SMITH

# the turncoat

**To many on the left, Brandon Darby was a hero. To FBI officials consumed with busting anarchist terror cells, he was the perfect snitch.**

**f**or a few days in September 2008, as the Republican Party kicked off its national convention in St. Paul, Minnesota, the Twin Cities were a microcosm of a deeply divided nation. The atmosphere around town was tense, with local and federal police facing off against activists who had descended upon the city. Convinced that anarchists were plotting violent acts, they sought to bust the protesters' hangouts, sometimes bursting into apartments and houses brandishing assault rifles. Inside the cavernous Xcel Energy convention center, meanwhile, an out-of-nowhere vice presidential nominee named Sarah Palin assured tens of thousands of ecstatic Republicans that her running mate, John McCain, was "a leader who's not looking for a fight, but sure isn't afraid of one either."

The same thing might have been said of David McKay and Bradley Crowder, a pair of greenhorn activists from George W. Bush's Texas hometown who had driven up for the protests. Wide-eyed guys in their early 20s, they'd come of age hanging out in sleepy downtown Midland, commiserating about

the Iraq War and the administration's assault on civil liberties. St. Paul was their first large-scale protest, and when they arrived they were taken aback: Rubber bullets, flash-bang grenades, tumbling tear-gas canisters—to McKay and Crowder, it seemed like an all-out war on democracy. They wanted to fight back, even going so far as to mix up a batch of Molotov cocktails. Just before dawn on the day of Palin's big coming out, a SWAT team working with federal agents raided their crash pad, seized the Molotovs, and arrested McKay, alleging that he intended to torch a parking lot full of police cars.

Since only a few people knew about the firebombs, fellow activists speculated that someone close to McKay and Crowder must have tipped off the feds. Back in Texas, flyers soon began appearing at coffeehouses urging leftists to beware of Brandon Darby, an "FBI informant rat loose in Austin." The allegation came as a shocker; Darby was a known and trusted member of the left-wing protest crowd. "If Brandon was conning me, and many others, it would be the biggest lie of my life since I found out the truth about Santa Claus," wrote Scott Crow, one of many activists who rushed to defend him at first.

Two months later, Darby came clean. “The simple truth,” he wrote on *Indymedia.org*, “is that I have chosen to work with the Federal Bureau of Investigation.”

Darby’s entanglement with the feds is part of a quiet resurgence of FBI interest in left-wingers. From the Red Scare days of the 1950s into the ’70s, the FBI’s Counter Intelligence Program, a.k.a. COINTELPRO, monitored and sabotaged communist and civil rights organizations. Nowadays, in what critics have dubbed the Green Scare, the bureau is targeting the global-justice movement and radical environmentalists. In 2005, John Lewis, then the FBI official in charge of domestic terrorism, ranked groups like the Earth Liberation Front ahead of jihadists as America’s top domestic terror threat. FBI stings involving informants have been key to convicting 14 ELF members since 2006 for a string of high-profile arsons, and to sentencing a man to 20 years in prison for conspiring to destroy several targets, including cell phone towers. During the St. Paul protests, at least two additional informants infiltrated and helped indict a group of activists known as the RNC Eight for conspir-



ing to riot and damage property.

But it’s Darby’s snitching that has provided the most intriguing tale. It’s the focus of a radio magazine piece, two documentary films, and a book in the making. By far the most damning portrayal is *Better This World*, an award-winning doc that garnered rave reviews on the festival circuit and is slated to air on PBS on September 6. The product of two years of work by San Francisco Bay Area filmmakers Katie Galloway and Kelly

Duane de la Vega, it dredges up a wealth of FBI documents and court transcripts related to Darby’s interactions with his fellow activists to suggest that Darby acted as an agitator as much as an informant. The film makes a compelling case that Darby, with the FBI’s blessing, used his charisma and street credibility to goad Crowder and McKay into pursuing the sort of actions that would later land them in prison. Darby flatly denies it, and recently sued the *New York Times* over a story with similar implications. (The *Times* corrected the disputed detail.) “I feel very morally justified to do the things that I’ve done,” he told me. “I don’t know if I could have handled it much differently.”

**Brandon Michael Darby** is a muscular, golden-skinned 34-year-old with Hollywood looks and puppy-dog eyes. Once notorious for sleeping around the activist scene, he now often sleeps with a gun by his bed in response to death threats. His former associates call him unhinged, a megalomaniac, a manipulator. “He gets in people’s minds and can pull you in,” Lisa Fithian, a veteran labor, environmental, and anti-war organizer warned me before I set out to interview



RNC protesters David McKay (far left) and Bradley Crowder (top) went to prison after Brandon Darby (left) told the FBI they had mixed Molotov cocktails.

him. “He’s a master. And you are going to feel all kinds of sympathy for him.”

The son of a refinery welder, Darby grew up in Pasadena, a dingy Texas oil town. His parents divorced when he was 12, and soon after he ran away to Houston, where he lived in and out of group homes. By 2002, Darby

had found his way to Austin’s slacker scene, where one day he helped his friend, medical-marijuana activist Tracey Hayes, scale Zilker Park’s 165-foot moonlight tower (of *Dazed and Confused* fame) and unfurl a giant banner painted with pot leaves that read “Medicine.” They later “hooked up,” Hayes says, and eventually moved in together. She introduced him to her activist friends, and he started reading Howard Zinn and histories of the Black Panthers.

Some local activists wouldn’t work with Darby (he liked to taunt the cops during protests, getting them all riled up). But that changed after Hurricane Katrina, when he learned that Robert King Wilkerson, one of the Angola Three—former Black Panthers who endured decades of solitary confinement at Louisiana’s Angola Prison—was trapped in New Orleans. Darby and Crow drove 10 hours from Austin towing a jon boat. When they couldn’t get it into the city, Darby somehow harangued some Coast Guard personnel into rescuing Wilkerson. The story became part of the foundation myth for an in-your-face New Orleans relief organization called the Common Ground Collective.

It would eventually grow into a national group with a million-dollar budget. But at first Common Ground was just a bunch of pissed-off anarchists working out of the house of Malik Rahim, another former

Panther. Rahim asked Darby to set up an outpost in the devastated Ninth Ward, where not even the Red Cross was allowed at first. Darby brought in a group of volunteers who fed people and cleared debris from houses while

being harassed by police, right along with the locals who had refused to evacuate. “If I’d had an appropriate weapon, I would have attacked my government for what they were doing to people,” he declared in a clip featured in *Better This World*. He said he’d since bought an AK-47 and was willing to

use it: “There are residents here who have said that you will not take my home from me over my dead body, and we have made a commitment to be in solidarity with those residents.”

But Common Ground’s approach soon began to grate on Darby. He bristled at its consensus-based decision making, its interminable debates over things like whether serving meat to locals was serving oppression. He idolized rugged, iconoclastic populists like Che Guevara—so, in early 2006, he jumped at a chance to go to Venezuela to solicit money for Katrina victims. Darby was deeply impressed with what he saw, until a state oil exec asked him to go to Colombia and meet with FARC, the communist guerrilla group. “They said they wanted to help me start a guerrilla movement in the swamps of Louisiana,” he told “This American Life” reporter Michael May. “And I was like, ‘I don’t think so.’” It turned out armed revolution wasn’t really his thing.

Darby’s former friends dispute the Venezuela story as they dispute much that he says. They accuse him of grandstanding, being combative, and even spying on his rivals. In his short-lived tenure as Common Ground’s interim director, Darby drove out 30 volunteer coordinators and replaced them with a small band of loyalists. “He could only see what’s in it for him,” Crow told me. For example, Darby preempted a planned police-harassment hot line by making flyers asking victims to call his personal phone number.

The flyers led to a meeting between Darby and Major John Bryson, the New Orleans cop in charge of the Ninth Ward. In time, Bryson became a supporter of Common Ground, and Darby believed that they shared a common dream of rebuilding the city. But he was less and less sure about his peers. “I’m like, ‘Oh my God, I’ve replicated every system that I fought against,’” he recalls. “It was fucking bizarre.”

By mid-2007, Darby had left the group and become preoccupied with the conflict in Lebanon. Before long, Darby says, he was approached in Austin by a Lebanese-born schoolteacher, Riad Hamad, for help

**more** *Better This World* is a must-see for anyone concerned about the erosion of civil liberties and the creep of domestic surveillance. See a trailer and read a Q&A with the filmmakers at [MotherJones.com](http://MotherJones.com).

with a vague plan to launder money into the Palestinian territories. Hamad also spoke about smuggling bombs into Israel, he claims. Darby says he discouraged Hamad at first, and then tipped off Bryson, who put him in touch with the FBI. “I talked,” he told me. “And it was the fucking weirdest thing.” He knew his friends would hate him for what he’d done. (The FBI raided Hamad’s home, and discovered nothing incriminating; he was found dead in Austin’s Lady Bird Lake two months later—an apparent suicide.)

**McKay and Crowder** first encountered Darby in March 2008 at Austin’s Monkey Wrench Books during a recruitment drive for the St. Paul protests. Later, in a scene re-created in *Better This World*, they met at

**“I stated that I wasn’t interested in being part of a group if we were going to sit and talk too much,” Darby told the FBI. “I stated that I was gonna shut that fucker down.”**

a café to talk strategy. “I stated that I wasn’t interested in being a part of a group if we were going to sit and talk too much,” Darby emailed his FBI handlers. “I stated that I was gonna shut that fucker down.”

“My biggest impression from that meeting was that Brandon really dominated it,” fellow activist James Clark told the filmmakers. Darby’s FBI email continued: “I stated that they all looked like they ate too much tofu and that they should eat beef so that they could put on muscle mass. I stated that they weren’t going to be able to fight anybody until they did so.” At one point Darby took everyone out to a parking lot and threw Clark to the ground. Clark interpreted it as Darby sending the message: “Look at me, I’m badass. You can be just like me.” (Darby insists that this never happened.)

When the Austin activists arrived in St. Paul, police, acting on a Darby tip, broke open the group’s trailer and confiscated the sawed-off traffic barrels they’d planned to use as shields against riot police. They soon learned of similar raids all over town. “It started to feel like Darby hadn’t amped these things up, and it really was as crazy and intense as he had told us it was going to be,” Crowder says. Feeling that Darby’s tough talk should be “in some ways, a guide of behavior,” they went to Walmart

to buy Molotov supplies.

“The reality is, when we woke up the next day, neither one of us wanted to use them,” Crowder told me. They stored the firebombs in a basement and left for the convention center, where Crowder was swept up in a mass arrest. Darby and McKay later talked about possibly lobbing the Molotovs on a police parking lot early the next morning, though by 2:30 a.m. McKay was having serious doubts. “I’m just not feeling the vibe on the street,” he texted Darby.

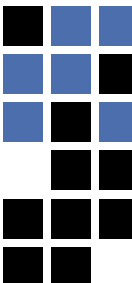
“You butt head,” Darby shot back. “Text me when you can.” He texted his friend repeatedly over the next hour, until well after McKay had turned in. At 5 a.m., police broke into McKay’s room and found him in bed. He was scheduled to fly home to Austin two hours later.

The feds ultimately convicted the pair for making the Molotov cocktails, but they didn’t have enough evidence of intent to use them.

Crowder, who pleaded guilty rather than risk trial, and a heavier sentence, got two years. McKay, who was offered seven years if he pleaded guilty, opted for a trial, arguing on the stand that Darby told him to make the Molotovs, a claim he recanted after learning that Crowder had given a conflicting account. McKay is now serving out the last of his four years in federal prison.

**At South Austin’s** Strange Brew coffeehouse, Darby shows up to meet me on a chromed-out Yamaha with flames on the side. We sit out back, where he can chain-smoke his American Spirits. Darby is through being a leftist radical. Indeed, he’s now an enthusiastic small-government conservative. He loves Sarah Palin. He opposes welfare and national health care. “The majority of things could be handled by people and by communities,” he explains. Climate change is “a bandwagon” and the EPA should be “strongly limited.” Abortion shouldn’t be a federal issue.

He sounds a bit like his new friend, Andrew Breitbart, who made his name producing sting videos [*continued on page 67*]



gresswoman helped secure its passage by working behind the scenes. "I was at the tip of the spear," she explained later. Bachmann didn't change the law; she changed the environment.

IN WASHINGTON, Bachmann has shown no signs of letting up; if anything, the stakes have gotten even higher and the nation, under the stewardship of President Obama, has careened that much further along the road to ruin. She's made her mark by framing her opponents' views in the most dire terms—charging that the Obama administration would deny conservatives health care, and that AmeriCorps, the Peace Corps' domestic equivalent, is a forerunner for "reeducation camps for young people." To Bachmann, the Obama administration is a "gangster government," unmoored entirely from the biblically supported constitutionalism she's espoused since her Oral Roberts days. Her rigid conservative dogma, an outlier at the outset of her first congressional campaign, has set the tone for the 112th Congress.

How far can she go? That's the question that's been on the minds of political observers since Bachmann threw herself into the presidential race. Early polls showed her tied with or even ahead of former Massachusetts Gov. Mitt Romney, the consensus front-runner, in Iowa; she's been running a strong second in New Hampshire. With Iowa and South Carolina, another social-conservative hotbed, among the three earliest contests, she's well positioned to make a serious run deep into the nomination process.

But in some respects she's already won. Whoever claims the GOP nomination will likely do so by adopting the government-shrinking, "constitutional conservative" approach that Bachmann's trumpeted for decades. As she said in 2006 while leading a prayer at a Minneapolis fundraiser for an anti-gay ministry named You Can Run But You Cannot Hide International: "I thank you, oh God, that you are, literally right now, by faith you are lighting a fire, a fire of the Gospel that would sweep this city, but even more so that it would sweep Minnesota. And that Minnesota would just become a burning incense. A sweet-smelling incense of praise and sacrifice into your kingdom." Bachmann has lit the fire. The rest is in God's hands. ■

### the turncoat

*[continued from page 51]* targeting NPR, ACORN, Planned Parenthood, and others. About a year after McKay and Crowder went to jail, Breitbart called Darby wanting to know why he wasn't defending himself against the left's misrepresentations. "They don't print what I say," Darby said. Breitbart offered him a regular forum on his website, *BigGovernment.com*. Darby now socializes with Breitbart at his Los Angeles home and is among his staunchest defenders. (Breitbart's takedown of ACORN, he says, was "completely fucking fair.")

Entrapment? Darby scoffs at the suggestion. He pulls up his shirt, showing me his chest hair and tattoos, as though his macho physique had somehow seduced Crowder and McKay into mixing their firebombs. "No matter what I say, most people on the left are going to believe what reinforces their own narrative," he says. "And I've quit giving a shit."

The fact is, Darby says, McKay and Crowder considered him a has-been. His tofu comment, he adds, was a jocular response after one of them had ribbed him for being fat. "I constantly felt the need to show that I was still worthy of being in their presence," he tells me. "They are complete fucking liars." As for those late-night texts to McKay, Darby insists he was just trying to dissuade him from using the Molotovs.

He still meets with FBI agents, he says, to eat barbecue and discuss his ideas for new investigations. But then, it's hard to know how much of what Darby says is true. For one, the FBI file of his former friend Scott Crow, which Crow obtained under a Freedom of Information Act request last year, suggests that Darby was talking with the FBI more than a year before he claims Bryson first put him in touch. Meanwhile, Crow and another activist, Karly Dixon, separately told me that Darby asked them, in the fall of 2006, to help him burn down an Austin bookstore affiliated with right-wing radio host Alex Jones. (Hayes, Darby's ex, says he told her of the idea too.) "The guy was trying to put me in prison," Crow says.

Such allegations, Darby claims, are simply part of a conspiracy to besmirch him and the FBI: "They get together, and they just figure out ways to attack." Believe whomever you want to believe, he says. "Either way, they walk away with scars—and so do I." ■

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