

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JUL 10 2017  
at 1 o'clock and 42 min. P.M.  
SUE BEITIA, CLERK

UNITED STATES OF AMERICA, ) MAG. NO. 17-00767 KJM  
)  
Plaintiff, ) AFFIDAVIT IN SUPPORT OF  
) CRIMINAL COMPLAINT  
vs. )  
)  
IKAIKA ERIK KANG, )  
)  
Defendant. )

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**INTRODUCTION**

1. This affidavit is submitted for the purpose of establishing probable cause that from in or about September 2016, and continuing through to the present, in various places within the District of Hawaii and elsewhere, IKAIKA ERIK KANG ("KANG") attempted to provide, material support and resources to a designated foreign terrorist organization, in violation of 18 U.S.C. § 2339B.

2. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), United States Department of Justice, and have been so employed for approximately 12 years. I am currently assigned to the Honolulu, Hawaii Field

Office as a counterterrorism investigator. As a result of my training and experience as an FBI SA, I am familiar with federal and state criminal laws. My primary duties have been the enforcement of counterterrorism matters, to include matters of international terrorism. I have interviewed witnesses, executed court-authorized search warrants, and am familiar with investigative techniques and methods of operation used by individuals involved in criminal activity to conceal their activities from detection by law enforcement authorities.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from investigative FBI agents, witnesses, and FBI investigative materials. This affidavit is intended to show merely that there is sufficient probable cause for the criminal complaint charging KANG with violations of federal law. Accordingly, this affidavit does not set forth all of the facts known to me or to the FBI regarding this matter. Summaries of conversations do not include references to all topics covered in the communications. All verbatim quotations of verbal statements are preliminary and draft only. All dates are approximate.

### **STATEMENT OF PROBABLE CAUSE**

#### **THE FOREIGN TERRORIST ORGANIZATION**

4. On October 15, 2004, the United States Secretary of State designated al-Qa'ida in Iraq ("AQI"), then known as Jam'at al Tawhid wa'al-Jihad, as a

Foreign Terrorist Organization (“FTO”) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist under section 1(b) of Executive Order 13224.

5. On or about October 15, 2004, the United States Secretary of State designated al-Qaeda in Iraq (AQI), then known as Jam 'at al Tawid wa'al-Jahid, as a Foreign Terrorist Organization (FTO) under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive order 13224. On or about May 15, 2014, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist entity under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (ISIL) as its primary name. The Secretary of State also added the following aliases to the FTO listing: The Islamic State of Iraq and al-Sham ("ISIS" - which is how the FTO will be referenced herein), The Islamic State of Iraq and Syria, ad-Dawla al-Islamiyya fi al-Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furquan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the FTO listing: Islamic State, ISIL, and ISIS. To date, ISIS remains a designated FTO.

**THE DEFENDANT**

6. Ikaika Erik Kang (“KANG”) is a Sergeant First Class (E-7) in the U.S. Army, assigned to 25th Combat Aviation Brigade, 25th Infantry Division, at Wheeler Army Airfield, Oahu, Hawaii. KANG is a trained air traffic controller, and his career field within the military, known as a Military Operational Specialty, is 15-Q Air Traffic Control Operator.

7. KANG has two firearms registered in his name, an AR-15-style 5.56 mm Smith & Wesson M&P15 rifle, and a .40 cal Smith & Wesson M&P handgun. KANG maintained both firearms at his residence.

8. KANG has received extensive combatives training.<sup>1</sup> KANG has achieved “Level IV Tactical Combat Instructor” status, which gives KANG the ability to serve as an instructor in combatives to other soldiers. At the time of the events in this case, skill level IV was the highest level of training available, and required the completion of a 160-hour, four-week course.<sup>2</sup>

9. KANG is also a mixed-martial-arts (“MMA”) enthusiast and has participated in MMA competitions. His last known date of competition was May 2013.

10. KANG deployed to Iraq from March 2010 to February 2011, and to Afghanistan from July 2013 to April 2014.

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<sup>1</sup> The term “combatives” is a style of hand-to-hand combat used by the military.

<sup>2</sup> On March 31, 2017, Level III became the highest skill level available.

## **SUMMARY OF THE EVIDENCE**

11. KANG attempted to provide material support to ISIS by providing both classified military documents, and other sensitive but unclassified military documents, to persons he believed would pass the documents to ISIS. KANG did so with the intention that the documents would assist ISIS, including with fighting and military tactics. Additionally, KANG contributed to the purchase of a drone with the intention that it would be provided to, and used by, ISIS during fighting.

12. KANG further attempted to provide material support to ISIS by conducting expert military-style combatives training to a person who purported to be a member of ISIS. At KANG's suggestion, the sessions were videotaped so they could be used by ISIS to train other fighters. KANG mentioned repeatedly through the investigation to multiple persons that he wanted to provide training for ISIS fighters.

## **BACKGROUND**

13. While in the U.S. Army, as far back as 2011, KANG has made threatening statements. He was reprimanded on several occasions for threatening to hurt or kill other service members, and for arguing pro-ISIS views while at work and on-post. Due to these remarks and threats, KANG's security clearance was

revoked in 2012, but reinstated the following year after KANG complied with military requirements stemming from the investigation. In early 2016, it appeared that KANG was becoming radicalized, and in or about August 2016, the Army referred this matter to the FBI.

14. At or around the beginning of September 2016, a Confidential Human Source (“CHS 1”) noticed an increase in KANG’s discussions of radical Islam. CHS 1 heard KANG talk about religion, anti-government topics, and ISIS. On one occasion, when CHS 1 and KANG were in the car together, KANG played an audio recording of an Arabic speaker through the car stereo using his cellular telephone. When CHS 1 asked KANG what he was listening to, KANG said that he was listening to a prophet reciting the Quran. KANG further stated that the speaker had been killed in the early 2000’s, but KANG could not remember if he had been killed by a bomb or became a suicide bomber.

15. On or about March 1, 2017, KANG told CHS 1 that he had been conducting research on YouTube about the most effective and painful ways people had been tortured. KANG added that he was still angry at a civilian who had taken away his air traffic controller’s license, and that he wanted to torture him. KANG said that if he ever saw him again, he would tie him down and pour Drano in his eyes.

16. In March 2017, CHS 1 and KANG were discussing the shooting at Pulse Nightclub in Orlando, Florida. KANG told CHS 1 that the shooter did what he had to do and later said that America is the only terrorist organization in the world. Later in March 2017, KANG told CHS 1 that Hitler was right, saying he believed in the mass killing of Jews.

**THE FBI FINDS CLASSIFIED MILITARY DOCUMENTS AND ISIS-RELATED MATERIALS ON KANG'S COMPUTER AND EXTERNAL HARD DRIVE**

17. On or about October 17, 2016, KANG traveled to Ft. Rucker, Alabama for a six-week military training course for senior enlisted leaders, the Air Traffic Control Operator Senior Leadership Course.

18. On or about November 3, 2016, the FBI conducted a court-authorized search of KANG's lodging at Ft. Rucker. The FBI conducted a full data extraction from KANG's external 1TB Seagate USB hard drive, and a partial data extraction from KANG's Dell Inspiron laptop, which contained a 500GB hard drive.

19. The FBI later conducted a forensic review of the extracted data. The external Seagate hard drive contained, among other things, 18 military documents marked "SECRET."

20. A subsequent classification review by military subject matter experts confirmed that 16 of those 18 documents remain classified today, as discussed in

greater detail below. The metadata of these files shows that they were first created on June 18, 2013, and were burned onto a CD (discussed below) on June 21, 2013.

21. Subsequent FBI forensic review of the external Seagate hard drive showed that it contained approximately 486 documents that referenced ISIS, ISIL, or violence. These documents included 13 issues of Inspire Magazine. One issue was entitled “Assassination Operations,” and another entitled “Targeting.”<sup>3</sup> The external Seagate hard drive also contained approximately 1221 video files that referenced ISIS, ISIL, or violence.

22. Subsequent FBI forensic review of KANG’s Inspiron laptop hard drive showed that it contained, among other things, approximately 146 videos and 671 graphics files that referenced ISIS, ISIL, violence, or war.

**KANG EXPRESSES INTEREST IN PROVIDING COMBATIVES TRAINING TO ISIS**

23. On or about November 10, 2016, during the training course at Ft. Rucker, an undercover FBI agent (“UCE 1”) posed as a guest lecturer. UCE 1 was introduced to KANG during class. KANG interacted with UCE 1 several times

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<sup>3</sup> Inspire Magazine is an online, English-language magazine published by Al-Qa’ida in the Arabian Peninsula (AQAP). The publication glorifies acts of terrorism and is aimed at inciting violence among would-be terrorists in Western, English-speaking countries. Based on my training and experience, Inspire Magazine is often read by individuals in the United States who are self-radicalizing.



during the presentation. KANG also met with UCE 1 over the following two days, including praying together at a mosque.

24. On or about November 11, 2016, KANG told UCE 1 that he wanted to travel to Turkey because ISIS had a consulate there. KANG further indicated that he had not purchased an airline ticket (to Turkey) because he believed he would be arrested. KANG said that he didn't want to do anything on the Internet, because he was afraid the FBI "will show up at my door."

25. KANG discussed the possibility of his joining ISIS and fighting for ISIS. He told UCE 1 "People still say it's illegal to join them, but the way I look at it is they're just fighting people who are committing genocide there." KANG continued, "I'm just going to go there . . . and fight these guys who are committing genocide."

26. When UCE 1 told KANG that he thought ISIS could use KANG's skills, KANG said he wanted to teach combatives to members of ISIS. KANG said he could run a beginners course at ISIS basic training and teach jiu-jitsu, judo, kickboxing, and mixed martial arts. KANG also suggested that he could teach "basic rifle marksmanship."

27. UCE 1 told KANG about an associate ("UCE 2") who would be traveling to Hawaii in the near future. On or about December 13, 2016, KANG expressed interest to UCE 1 in meeting UCE 2.

28. On or about December 3, 2016, KANG returned to Hawaii.

**THE FBI FINDS CLASSIFIED MILITARY DOCUMENTS AT KANG'S RESIDENCE**

29. On or about December 14, 2016, the FBI conducted a court-authorized search of KANG's residence, in Waipahu, HI. The FBI found a CD marked in handwriting with the words "SECRET" and "SIPR."<sup>4</sup>

30. The CD in KANG's residence contained, among other things, 18 military documents marked "SECRET." A subsequent review by military subject matter experts confirmed that 16 of those 18 documents remain classified today.

31. The metadata of the foregoing files shows that the documents were copied to KANG's Seagate external hard drive on April 18, 2015, when KANG was stationed in Hawaii. The hash values show that they are the same files as the 18 classified documents found on the CD labeled "SECRET," discussed above.

**KANG RECEIVES NEGATIVE COUNSELING FROM THE ARMY**

32. Despite earlier counseling by the Army, KANG continued to make pro-ISIS statements to other service members. From in or about December 2016 to March 2017, KANG made comments to fellow soldiers such as: if he deployed to Iraq, he would not shoot back at ISIS and did not believe they were doing anything wrong; that the terrorist attacks on September 11, 2001 were an inside job

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<sup>4</sup> SIPR is a reference to the U.S. military's Secret-level classified computer network.

conducted by the U.S. government; if the U.S. went to war without proof, that we are terrorists; that his soldiers “need to understand” in case there was a takeover. KANG also said that he had previously been at a point in his life where he felt so overwhelmed by his knowledge of “the truth” that he thought about martyrdom, and that he did not care if he went to jail because of what he knew. When asked if he still felt that way, he replied that he did not. Due to his comments, KANG received negative counseling statements from the Army and was directed to cease making such comments.

#### **KANG ATTENDS A COMBATIVES RE-CERTIFICATION COURSE**

33. On or about from March 20 to 24, 2017, KANG was a student in a re-certification course required to maintain KANG’s Level IV combatives master trainer status.

34. Unbeknownst to KANG, one of the instructors was an undercover FBI agent with prior military service and combatives experience (“UCE 3”). KANG completed the re-certification course successfully.

35. On or about March 22, 2017, KANG told UCE 3 that at first KANG thought ISIS was a group of “bloodthirsty,” “baby-eating” killers, and that he did his research so that he knew what to do in case he was put in a position where he had to submit to ISIS. Kang continued by saying that ISIS was really just a group

that strongly believed in their interpretation of the Muslim religion, and if you did not agree, you would die.

36. On or about March 24, 2017, KANG told UCE 3 that he would like to get a job to go overseas and help the “oppressed people.” Kang said that people like to put labels like al Qaeda and ISIS on groups, but he just considered them oppressed people.

37. On or about March 25, 2017, KANG showed UCE 3 his firearms before they went shooting at a firing range, where they rented a .22 rifle and purchased ammunition. UCE 3 noticed that KANG was a very meticulous shooter, and he took time to analyze the shot grouping and mark his targets.

#### **KANG CONSIDERS TRAVELING TO THE MAINLAND TO TRAIN**

38. On or about May 9, 2017, UCE 3 returned to Hawaii and met with KANG at a hotel room in Honolulu. KANG discussed how KANG’s military pension would enable him to travel.

39. On or about May 9, 2017, UCE 3 told KANG about a friend of his (“UCE 4”) who had a business on the mainland. UCE 3 suggested that he introduce KANG to UCE 4 during a Skype call. UCE 3 suggested the possibility of the business conducting training courses on the mainland in which KANG could participate.

40. On or about May 9, 2017, KANG spoke with UCE 4 via Skype. UCE 4 suggested that KANG participate in a training course on the mainland. KANG may have understood that the training course could eventually lead to future employment. KANG agreed to attend the course and purchased plane tickets with his own funds, with the understanding that he might eventually be reimbursed for them by the company.

41. The FBI planned to conduct an undercover operation during the training course.

42. On or about May 9, 2017, UCE 3 and Kang discussed the upcoming training. During the conversation, UCE 3 indicated to Kang that the people the company trains are “at times people in that gray area.” Kang indicated that he understood. UCE 3 added that “Some of the people we deal with from areas that we work like with the . . . the Sunni militias and everything is questionable.” Kang indicated to UCE 3 that he was comfortable dealing with such individuals.

43. On or about May 14, 2017, KANG confirmed his plans to attend the training course. KANG told CHS 1 that he would be traveling to the mainland in June 2017 to attend a training and to give a cultural presentation on ISIS. KANG told CHS 1 that the people he was going to train did not know anything about ISIS and that he was going to teach them about the cause. KANG further said that he believed working with the business on the mainland was “a way to go join ISIS

legally and support the cause” and added that ISIS is doing the right thing and people don’t understand exactly what it is they’re doing.

44. On or about May 29, 2017, KANG told CHS 1 that he had prepared a Power Point presentation on the Islamic State, which he had emailed to UCE 3 for the trip to the mainland, but that KANG no longer felt like traveling and had canceled the trip. Kang told CHS 1 that the course “seemed like a waste of time to me” because it was “just a bunch of dudes” who were “getting together to like do a . . . refresher.” KANG told CHS 1 that he had told UCE 3 that he had work obligations that prevented him from going.

**KANG ATTEMPTS TO PROVIDE CLASSIFIED AND UNCLASSIFIED MILITARY DOCUMENTS TO ISIS**

45. On or about June 20-23, 2017, UCE 3, UCE 4, and another UCE (UCE 5) traveled to Honolulu and met with KANG.

46. On or about June 21, 2017, UCE 3 met with KANG at a hotel room in Honolulu and brought a micro-SD card. KANG brought his external hard drive. UCE 3 told KANG that he had saved documents from his prior service in the military onto a micro-SD card, and that he to planned travel overseas and provide the micro-SD card with those military documents to ISIS. KANG offered to provide materials of his own.

47. On or about June 21, 2017, KANG provided unclassified military documents to UCE 3 for the purpose of ultimately providing them to ISIS. KANG

plugged the hard drive into a computer provided by the UCEs, and KANG transferred numerous documents from the hard drive to the micro-SD card. The documents included unclassified “for official use only” (“FOUO”) military documents, as well as unclassified military documents that had been approved for dissemination, such as military manuals on various topics. KANG verbally described the documents that he was providing to the UCEs, and detailed how they would be helpful to ISIS. For example, KANG described a Soldier’s Manual for Common Tasks, which he said provides “checklists” for how to “react to contact, you know hasty fighting positions.” KANG said that “knowing how to react to contact and communicate will help them a lot” (referring to ISIS members).

48. KANG indicated that he knew the materials were not publicly accessible. UCE 3 asked KANG if he could find “this stuff” on the Internet. KANG responded that “everything has to be CAC’d now,” referring to a military Common Access Card, which is an identity card used to log into military computer systems, and that he got it from a private military drive.

49. On or about June 22, 2017, UCE 3 told KANG that he could not open some of the files, and KANG offered to bring his external hard drive back the following day. UCE 3 told KANG that he wanted to look at them, and get to the bottom of asking “how can this help the Islamic state?” KANG responded that,

when he got home, he would sort out the videos for tomorrow so that he can give it to them on Saturday morning.

50. On or about June 22, 2017, KANG also described how he could benefit ISIS by conducting combatives training. KANG told UCE 3 that ISIS fighters were “extremely effective” at martial arts, but that they don’t have any “jazz” with their technique. UCE 3 asked KANG what he could do differently. KANG responded that from watching their videos (referring to ISIS propaganda videos), there wasn’t much grappling, and that they weren’t showing any ju-jitsu arm bars or anything like that. KANG described what he saw in the videos as just stand-up kickboxing, without specialized techniques that he described to UCE 3.

51. On or about June 23, 2017, KANG provided 14 classified military documents to UCE 3 for the purpose of ultimately providing them to ISIS. KANG once again met with the three UCEs in the same hotel room in Honolulu. Kang ran searches on his hard drive using military search terms suggested by the UCEs.<sup>5</sup> The searches revealed classified military documents, which KANG provided to the UCEs.

52. KANG attempted to provide ISIS with classified military documents by copying the documents from his external Seagate hard drive onto the micro-SD

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<sup>5</sup> Based on a prior court-authorized search, the UCEs were aware that the hard drive contained classified information.



card provided to him by the UCEs, which he believed the UCEs would, in turn, later pass on to ISIS. When the UCE 4 asked if these documents would help ISIS, KANG said, "It will, definitely." KANG also identified a document that pertained directly to the U.S. Army mission in Afghanistan.

53. FBI forensic analysis of the 14 classified military documents on the micro-SD card confirmed that they were 14 of the 18 classified military documents that KANG retained at his residence on the CD marked "SECRET," and later transferred to his external Seagate hard drive. The hash values show that they are the same files.

54. The metadata of the foregoing files shows that the documents were first created on June 18, 2013. Eighteen (18) documents were burned to the CD labeled "SECRET" on June 21, 2013. The same 18 documents were copied and pasted from the CD to KANG's Seagate external hard drive on April 18, 2015. KANG then copied 14 of the 18 documents onto the micro-SD card provided to him by the UCEs on June 23, 2017. All 14 of those documents remain classified. Of the four files that were not copied, two remain classified, and two are no longer classified.

55. KANG indicated that he understood the documents were classified, and that he was not concerned about them being traced back to him. UCE 3 said that some of the documents were classified, and that he didn't want it to "be an

issue” for KANG. KANG responded, “Right—I know—yeah, I’m good.” When UCE 3 said that ISIS could use that information, including the classified documents, Kang responded, “Yeah.”

56. KANG further indicated that he understood the documents were classified by deleting the classification banner on one of the documents. Once KANG had opened one of the documents he scrolled down the document, then back up to the top, and then deleted the SECRET classification banner at the top center of the document. UCE 3 told KANG that he could take care of that, and that he would go through and sanitize the document.

57. UCE 3 told KANG that, if for some reason KANG didn’t feel comfortable doing any of this stuff, no matter what, KANG was still part of this family. UCE 3 told KANG not to feel like he ever had to do anything and that he should only do what he was comfortable with. The UCE 3 further assured KANG that if KANG was uncomfortable, UCE 3 would give the classified materials back to KANG at that moment, and that he did not want KANG to ever feel anything like an obligation. KANG responded that he understood.

58. UCE 4 told KANG “I know you’re volunteering” and said “I really dig it” UCE 4 continued “But—time is money, and . . . I’m a business guy.” UCE 4 then indicated to KANG that KANG should not be “afraid to ask” if he did

not feel like volunteering anymore, thereby inviting KANG to ask for payment if he wanted to. KANG responded "I'm good." Kang did not ask for payment.

**KANG PLANS TO TRAIN A MEMBER OF ISIS IN COMBATIVES**

59. On or about June 23, 2017, UCE 4 asked KANG what was the most important thing that KANG had given, in terms of being able to give to ISIS. KANG responded that it was the combatives portion.

60. The UCEs discussed the possibility of introducing an actual member of ISIS to KANG, and KANG expressed interest in the idea. UCE 3 told KANG that they would be coming back to Hawaii in two weeks, and invited KANG to stay with them. KANG responded "Hell yeah." KANG said that he could make a combatives video with the ISIS member, and that KANG would remove any affiliation, so that way it would not be incriminating.

**KANG IS INTRODUCED TO PURPORTED ISIS MEMBERS AND OFFERS TO HELP ISIS**

61. On or about July 6, 2017, UCE 3, UCE 4, and UCE 5 returned to Hawaii. KANG met them at a house in Honolulu. They introduced KANG to a person who they identified as a member of ISIS, CHS 2. UCE 4 also advised KANG that he would meet somebody the following day, and that "He's the real deal."

62. KANG offered to use his training as an air traffic controller to make a cycle of systems for ISIS to use in correcting artillery or indirect fire strikes

utilizing Unmanned Aerial Systems (UAS). KANG advised that ISIS would possibly need hand-held line-of-sight radios and a drone, which he suggested might be available at a U.S. retailer for approximately \$1,500.

63. KANG said that he would conduct the combatives training step-by-step for the video, so that could be used to train ISIS fighters.

64. KANG said that he was going to bring his M-4 rifle, pistol, and knife for the next day's training. He advised that he would also bring military uniforms and a face covering/mask for both CHS 2 and KANG to wear in the training video.

65. On or about July 7, 2017, KANG arrived at the residence. KANG brought his AR-15 type rifle, his pistol, a folding knife, masks, camouflage pants, vests, and a case of water. KANG's vest had holsters that held his pistol and knife. KANG was introduced to UCE 6, who was described to KANG as, and who he believed to be, an ISIS leader.

66. KANG played several hours of ISIS videos, and eventually moved to more graphic videos, to include a video that KANG described as his favorite, which depicted beheadings.

67. UCE 6 told KANG that he wanted to know who KANG was, and whether he was with the U.S. Army, or with the Islamic State. KANG responded that he was with the Islamic State. UCE 6 asked KANG whether, if he only had one bullet, and was faced with an American soldier who he did not know, and CHS

2 (who KANG believed was a member of ISIS), which of them he would shoot.

KANG replied that he would shoot the soldier (referring to the U.S. soldier.)

68. On or about July 8, 2017, KANG wrote a lesson plan and charts for the training videos that KANG intended to make with the CHS 2 which he put up on a wall of the large room in the downstairs area of the house.

#### **KANG PURCHASES A DRONE FOR ISIS**

69. On or about July 8, 2017, KANG, UCE 6, and CHS 2 discussed the purchase of a drone at a retail store. KANG knew that CHS 2 planned to take the drone back to the Islamic State. KANG discussed how to fit the drone into a suitcase.

70. KANG, UCE 6, and CHS 2 drove in CHS 2's car to the retail store. KANG purchased a Go-Pro Karma drone with a Go-Pro camera for \$1,151.82. KANG also purchased extra batteries, propellers, and a 64gb micro-SD card for a total of \$227.45. KANG paid for the items with his debit card. KANG accepted \$700 in cash from UCE 6 (splitting approximately half of the cost).

71. Upon returning to the residence, KANG gave an example of how the drone could allow ISIS fighters to escape a battle involving U.S. tanks. KANG advised that U.S. tank crews are highly trained and difficult to defeat. Therefore a drone would allow ISIS to view the battlefield from above to find tank positions and avenues for escape.

### **KANG SWEARS BAYAT TO ISIS**

72. On July 8, 2017, KANG swore a pledge of loyalty, commonly known as *bayat*, to Abu Bakr al-Baghdadi, the leader of ISIS. UCE 6 read the pledge in English. KANG accepted the pledge. UCE 6 then gave KANG a gift—a folded ISIS flag—and read an Arabic version of the pledge, which KANG repeated verbatim in Arabic. The pledge ended with a hug and a kiss from UCE 6. CHS 2 and UCE 6 then unfolded the flag and presented it to KANG, which he readily accepted. KANG left the house and placed the flag in his vehicle.

### **KANG SAYS HE WANTS TO KILL “A BUNCH OF PEOPLE”**

73. On or about July 8, 2017, after taking the ISIS pledge, KANG told UCE 6 that he now wanted to take his rifle, his magazines, and kill “a bunch of people.”

74. UCE 6 told KANG that he should wait, because CHS 2 still needed to take the drone back to ISIS, and that they should plan any future activity. KANG agreed.

### **KANG MAKES COMBATIVES TRAINING VIDEOS FOR ISIS**

75. On or about July 8, 2017, KANG and the CHS then began making training videos that KANG believed the CHS 2 would take with him to the Islamic State. UCE 6 and the other UCEs took turns filming the training sessions with a Go-Pro camera. During each session while the camera was on, KANG and CHS 2

would put on their masks. The training sessions were relatively intense, technically advanced, and well-thought-out. KANG also used live ammunition to demonstrate to CHS 2 how to clear a weapon. After approximately two hours of training and making videos, KANG was excited to watch the Go-Pro footage, so he and the UCEs went to the main floor of the house to do so.

### **KANG IS ARRESTED AND MAKES INCULPATORY POST-ARREST STATEMENTS**

76. On July 8, 2017, KANG was arrested by the FBI without a warrant, based on probable cause that he had committed the crimes described herein, having just sworn *bayat* to ISIS and expressed a desire to kill “a bunch of people.”

77. Following his arrest, KANG orally waived his *Miranda* rights and signed a written *Miranda* waiver. KANG admitted that he knowingly transferred classified information to ISIS, but minimized his conduct by claiming that the information was old and no longer posed any harm to the United States. KANG also claimed he thought he was only helping a non-governmental organization (NGO), not ISIS.

78. On July 9, 2017, KANG orally waived his rights to prompt presentment, and signed a written waiver of those rights, known as a *Corley* waiver. KANG orally waived his *Miranda* rights and signed another written *Miranda* waiver. KANG was confronted with a video recording of the loyalty oath that he swore. KANG made the following admissions:

79. KANG admitted that he had pledged loyalty to the leader of ISIS, Abu Bakr al-Baghdadi. KANG said that he was not forced to pledge loyalty to the leader of ISIS. KANG admitted that he did so voluntarily.

80. KANG said that he took the CD labeled "SECRET" from his desk drawer at Hickam in 2015 (referring to Joint Base Pearl Harbor-Hickam, where KANG was stationed in 2015). KANG admitted that he knew the CD was SECRET. KANG admitted that he had kept the CD at his residence. KANG admitted that he copied the CD with the classified documents onto his external hard drive.

81. KANG admitted that the documents he transferred to the UCEs were classified.

82. KANG initially said that he did not intend for the files he transferred to UCE 3 to go to ISIS. He initially said that he intended them to go to the NGO. Later in the interview, KANG admitted that when he was transferring the classified documents to UCE 3, he knew the documents would eventually be provided to the ISIS.

83. KANG said that he knew that UCE 6 and CHS 2 were affiliated with ISIS when he was first introduced to them at the house. KANG agreed that UCE 6 and CHS 2 did not say they were affiliated with the NGO.



84. KANG admitted training CHS 2 in weapon tactics, grappling techniques, and ground fighting. KANG confirmed that CHS 2 did not force KANG to do the training.

85. KANG admitted that the training videos would provide CHS 2 with the best skill set so that CHS 2 could take it back to the Middle East to train ISIS members.

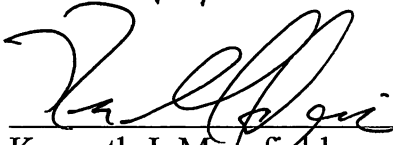
86. KANG stated that CHS 2 was going to take the drone to the Middle East for use by ISIS.

87. KANG said that he believed CHS 2 was going to train ISIS members with the combatives video.

88. KANG admitted that he became interested in ISIS in 2015 when he began researching religion. KANG said that he wanted to help the Islamic State as early as late 2015, because he saw how ill-equipped they were for the fight. KANG confessed that he wanted to provide the Islamic State with weapons training as early as late 2015.

  
JIMMY CHEN  
Complainant

Subscribed to and sworn before me on  
7/10/17, at Honolulu, Hawaii.

  
Kenneth J. Mansfield

UNITED STATES MAGISTRATE JUDGE

