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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMER SINAN ALHAGGAGI,

Defendant.

Case No. CR 17-0387 CRB

**DEFENDANT'S SUPPLEMENTAL  
SENTENCING MEMORANDUM**

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1     **I.     Mr. Alhaggagi is a troll.**

2             The Court asked a number of specific questions at the last hearing, which the government  
3 attempts to answer in its brief and to which Mr. Alhaggagi will turn below. But the primary  
4 question that the Court appeared to be grappling with was the issue at the heart of this case: did  
5 Mr. Alhaggagi ever actually intend to carry out a terrorist attack? And if he did not, why would  
6 he say the things he said?

7             Two possible answers to these questions can be quickly disposed of. It is clear, to start,  
8 that Mr. Alhaggagi is not a jihadi. As Dr. Sageman testified, “I don’t see anything that’s  
9 consistent with jihadi. So in that sense, he is not radicalized, perhaps your term, but he definitely  
10 does not sound like a jihadi, does not look like a jihadi, does not act as a jihadi.” RT (12/17/18),  
11 113. He not anti-American. He is not religious, is certainly not a radical Sunni – he even uses  
12 derogatory terms to refer to ISIS – and harbors no anti-Shia beliefs. In short, “he did not see  
13 himself as a soldier of the [Islamic] State; therefore, he was very low probability of becoming  
14 politically violent.” *Id.* at 40. Although Mr. Alhaggagi opened social media accounts at the  
15 request of people he understood were affiliated with ISIS, he did not do so because of any  
16 ideological support but to further his childish flame war with unknown persons on Telegram.  
17 The government repeatedly insists that Mr. Alhaggagi was a dedicated aspiring terrorist fully  
18 committed to furthering ISIS’s goals, but it makes no effort to rebut Dr. Sageman’s expert  
19 opinion on the subject. Mr. Alhaggagi was a troll and an identity thief, but no terrorist.

20             Second, Mr. Alhaggagi did not withdraw from his interactions with the UCE and the  
21 CHS because he divined, or even suspected, that they were government agents. Drawing on his  
22 extensive background in undercover and counter-intelligence operations, Dr. Sageman explained  
23 that Mr. Alhaggagi’s interactions were “completely the opposite” of how he would have behaved  
24 if he suspected he was dealing with the government. *Id.* at 95. “If you want to vet somebody to  
25 see whether you can trust a person, you vet that person before you tell them all your secrets. I  
26 mean, that’s the whole point of vetting. You don’t tell them all your secrets and then say, ‘Oh,  
27 by the way, are you the real thing?’” *Id.* at 86. And when Mr. Alhaggagi ran away from the  
28 UCE, he hid in his own house, even though the UCE knew where he lived, and he continued to

1 commit identity theft crimes. These are not the actions of someone who suspects he is being  
2 watched by the FBI. The government has not even tried to respond to Dr. Sageman on these  
3 points.

4         Given that Mr. Alhaggagi is not a terrorist, and given that he was not trying to vet the  
5 UCE so he could flee when he uncovered his true identity, what explains his words? It is  
6 impossible to understand Mr. Alhaggagi's conduct without understanding the concept of trolling.  
7 The term "troll" was adopted by internet users in the late 1980s "to denote someone who  
8 intentionally disrupts online communities." Schwartz, *The Trolls Among Us* (New York Times  
9 Magazine, Aug. 3, 2008).<sup>1</sup> "To troll is to post deliberately incendiary content to a discussion  
10 forum or other online community – say, kitten-torture fantasies on a message board for cat lovers  
11 – for no other reason than to stir up chaos and outrage." Dibbel, *The Assclown Offensive: How*  
12 *to enrage the Church of Scientology* (Wired Magazine, Sept. 2009).<sup>2</sup> To the troll, the more  
13 serious, pious, or lacking in irony the target, the richer the spoils of "messaging" with the target's  
14 mind. The *New York Times* quoted one avowed troll who described "a quasi-thermodynamic  
15 exchange between the sensitive and the cruel: 'You look for someone who is full of it, a real  
16 blowhard. Then you exploit their insecurities to get an insane amount of drama, laughs and lulz.  
17 . . . The game is never over until all the lulz have been had.'" Schwartz, *supra*. "Lulz" is a  
18 corruption of LOL, or "laugh out loud," and it refers to "the joy of disrupting another's  
19 emotional equilibrium." *Id.* Trolling as a phenomenon is so widespread that it is a much-  
20 examined topic in psychological and human behavioral research. "Don't feed the troll" is a  
21 common warning given in internet forums when trolling behavior is suspected.

22         While the term "troll" may be of relatively recent vintage, the behavior is not. The  
23 television show *Candid Camera* offered an early (and largely innocuous) form of trolling. The  
24 film *Gaslight* was a sinister example of the same phenomenon. But the internet has given rocket  
25 fuel to thousands of trolls publishing increasingly extreme fare, and the trolling is both online  
26

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27  
28 <sup>1</sup> <https://www.nytimes.com/2008/08/03/magazine/03trolls-t.html>

<sup>2</sup> <https://www.wired.com/2009/09/mf-chanology/>

1 and in the real world.<sup>3</sup> The comedian Sacha Baron Cohen is the preeminent troll in popular  
2 culture. Cohen, the star of such excruciating send-ups of American culture as *Borat* and *Bruno*,  
3 adopts personas who “behave absurdly in the hopes of enticing interview subjects to behave  
4 grotesquely.” Paskin, *Sacha Baron Cohen’s ‘Who is America’ Can be Cruel, but Some of his*  
5 *Targets Deserve it* (Slate Magazine, July 15, 2018).<sup>4</sup> Perhaps most famously, in character as an  
6 Israeli “anti-terror expert,” Mr. Cohen convinced “various gun rights campaigners to sign on to  
7 his program of providing weapons training for preschoolers,” including former Senator Trent  
8 Lott and then-Congressman Dana Rohrabacher. Hale, *Sacha Baron Cohen is Back. Should we*  
9 *Care?* (New York Times, July 15, 2018).<sup>5</sup>

10 Mr. Alhaggagi is no Sacha Baron Cohen. His trolling was not sophisticated or subtle,  
11 and it had no component of political satire. But he was a consummate troll nonetheless. As Dr.  
12 Sageman describes him:

13 [H]e liked to play along and escalate the conversation to its extreme to probe for  
14 any limit to their passion. For him, it was just a game. I asked him, what  
15 happened when this escalation crashed, or his interlocutor got upset. He smiled,  
“That’s when I laugh.”

16 Sageman Report, 5 (Docket 87-3). As a troll, Mr. Alhaggagi would adopt a persona and then  
17 push the envelope of his deception, trying more and more outrageous gambits to see what his  
18 “target” would countenance. As a troll, Mr. Alhaggagi was always the initiator of the plots – he

21 <sup>3</sup> No subject is too extreme or distasteful for the internet. Beheadings, bombings, and terrorist  
22 attacks are featured as pranks and jokes. For example, the Jalal Brothers are an Australian troll  
23 group that has achieved internet celebrity on the strength of phony jihadi bomb scares and fake  
24 suicide vests. See [https://www.youtube.com/watch?v=HjI96Rz95\\_g](https://www.youtube.com/watch?v=HjI96Rz95_g). As with Mr. Alhaggagi,  
25 they find the shock value irresistible and earnestly declare that nobody could possibly take them  
26 seriously because no actual jihadi would behave the way they do. See  
27 [https://www.sbs.com.au/ondemand/video/1165414467726/jalal-bros-youtube-pranksters-](https://www.sbs.com.au/ondemand/video/1165414467726/jalal-bros-youtube-pranksters-making-banks-but-are-they-legit)  
28 [making-banks-but-are-they-legit](https://www.sbs.com.au/ondemand/video/1165414467726/jalal-bros-youtube-pranksters-making-banks-but-are-they-legit). There are jokes featuring arson, sniper attacks, and ISIS  
beheadings. See <https://www.youtube.com/watch?v=DfeZjP93CaE>; <https://www.youtube.com/watch?v=NO4EWrqOJBg>; <https://www.youtube.com/watch?v=TdAXtcBPEWM>. In short,  
horribly violent and flamingly racist and misogynist content lurks throughout the internet, and  
much of it comes from people who think they’re funny.

<sup>4</sup> <https://slate.com/culture/2018/07/sacha-baron-cohens-who-is-america-reviewed.html>

<sup>5</sup> [https://www.nytimes.com/2018/07/15/arts/television/who-is-america-review-sacha-baron-](https://www.nytimes.com/2018/07/15/arts/television/who-is-america-review-sacha-baron-cohen.html)  
[cohen.html](https://www.nytimes.com/2018/07/15/arts/television/who-is-america-review-sacha-baron-cohen.html)

1 dared the UCE and the CHS to blink first. But both of them “fed the troll,” and, as a troll, Mr.  
2 Alhaggagi found it irresistible to go for more. As Dr. Sageman explained:

3 This is very typical of Mr. Alhaggagi; namely he escalates, he escalates, he  
4 escalates to see where the other person is going to say, “Hey, timeout. Let’s be  
real here. This is nonsense.”

5 But instead what he gets is “This is great. This is fantastic.” He could not believe  
6 that the more ridiculous and the grandiose he was sounding, the other person was  
still saying, “Oh, this is fantastic. Let’s do that, brother.”

7 . . .

8 When Mr. Alhaggagi talked to me, he said he was frankly surprised that they kept  
9 going along with him. The more absurd ideas he had, the more they agreed with  
it and encouraged him[.]

10 RT (12/17/18), 76 and 195.

11 Dr. Sageman lays out in great detail the evidence that Mr. Alhaggagi’s entire interchange  
12 with the CHS and UCE was trolling. His later Telegram activity, in which he exploited Sunni-  
13 Shia tensions to retaliate against his online foes, was more of the same. The government simply  
14 wishes this evidence away. Not one word in the government’s many pages of briefing addresses  
15 the voluminous evidence of trolling. Nor does the government acknowledge Dr. Amanda  
16 Gregory’s conclusion that Mr. Alhaggagi’s insight and judgment are “limited to fair,” that his  
17 “social behavior tended to be immature,” and that his offense took place at an age where the  
18 relative immaturity of his prefrontal cortex left him at “heightened risk for poor judgment, lack  
19 of adequate consideration of potential consequences, impulsive behavior, and impetuous  
20 decision-making.” Report of Amanda Gregory, Ph.D. (Docket 87-4).

21 Most fundamentally, the government offers no competing theory of the case that accounts  
22 for all the facts. Mr. Alhaggagi’s being a troll who never had any intention of acting but just said  
23 outrageous things and then ran away is consistent with all the evidence, not just the evidence the  
24 government chooses to acknowledge. It is consistent with everything Mr. Alhaggagi said to the  
25 CHS and the UCE. It is consistent with everything Mr. Alhaggagi wrote on Telegram. It is  
26 consistent with the findings of Dr. Sageman and Dr. Gregory. It is consistent with everything  
27 Mr. Alhaggagi’s friends and family say about him. It is consistent with everything Mr.  
28 Alhaggagi did. And perhaps most importantly, it is consistent with everything Mr. Alhaggagi



1 did *not* do. Although the crazed ideas were Mr. Alhaggagi's, only the agent took concrete steps  
2 to advance the plots: he did the driving, the storage locker renting and visiting, the bomb list-  
3 making, the ingredient-buying, and the task-assigning. Mr. Alhaggagi performed none of the  
4 jobs assigned him. Even as the FBI kept trying to induce action by texting, calling, and tracking  
5 him down on the streets of Oakland, Mr. Alhaggagi did not buy backpacks or bomb supplies, he  
6 failed to procure the (entirely imagined) strychnine, he came up with no money, no weapons, no  
7 safe house, no stolen cars. He was lying throughout, as the FBI well knew because of its 24 hour  
8 surveillance. He never intended to carry out an attack. It is for that reason that he is not guilty of  
9 any conspiracy stemming from the interactions with the UCE, not because his would-be  
10 coconspirator was an agent.

## 11 **II. The terrorism enhancement does not apply to Mr. Alhaggagi's offense.**

12 In asking the Court to apply the terrorism enhancement based on the "retaliation" prong,  
13 the government's supplemental memorandum offers no new argument or analysis. Instead, it  
14 recycles the flawed arguments raised in the government's original sentencing memo. First, the  
15 government attempts to show that Mr. Alhaggagi was subjectively motivated to retaliate against  
16 the U.S. government, based not on anything he said but on what some other person wrote on  
17 Telegram *after* the offense conduct was already underway. Second, the government argues the  
18 enhancement must apply because Mr. Alhaggagi stands convicted of attempting to provide  
19 support to ISIS, and ISIS in general aims to retaliate against governments that stand in opposition  
20 to it. That reasoning would mean the enhancement applies to every material support case, and it  
21 is contrary to law. But what the government does not do, in this brief or in the many that  
22 preceded it, is squarely discuss the actual offense conduct – as the law requires – and explain  
23 why the enhancement should apply to someone who opened social media accounts that were  
24 ultimately used to disseminate battlefield updates, not calls for retaliation against a government.  
25 The reason the government cannot explain is because the enhancement does not apply.

26 The defense first addresses the government's two arguments and then turns to the offense  
27 conduct itself.  
28

1           **a.       No evidence supports the government’s “Migration Commando” theory.**

2           The government renews the argument that a message posted by another Telegram user  
3 inspired Mr. Alhaggagi to retaliate against the United States. To reiterate very briefly, the theory  
4 is that “Migration Commando” posted a message on a forum in which Mr. Alhaggagi sometimes  
5 participated, the “retaliatory element” of this message inspired Mr. Alhaggagi, and thus the  
6 offense was calculated “to retaliate against the United States’ ‘armies’ for fighting against ISIL.”  
7 Govt. Supp. Memo, 6-7. There are three flaws to this theory, each of them fatal in itself.

8           The first flaw is that there is no evidence, much less clear and convincing evidence, that  
9 Mr. Alhaggagi ever saw this message. He had been absent from the chat in question for two  
10 days by the time it was posted, and he did not return to it for three more days. By that time,  
11 Migration Commando’s message was only one of over 900 that had been posted. Mr. Alhaggagi  
12 did not see it, and there is no evidence that he did – he never referenced it or anything Migration  
13 Commando wrote. Mr. Alhaggagi’s previous filings already made this point (*see* Docket 100,  
14 16), and the government has no answer.

15           The second problem for the government is that Mr. Alhaggagi simply does not harbor  
16 any anti-American sentiment. *See* Sageman Report, 3 (explaining that “while growing up, Mr.  
17 Alhaggagi felt American” rather than Yemeni and “wore a sweatshirt with an American flag on  
18 it”); *id.* at 44 (Mr. Alhaggagi “has not adopted a jihadi ideology”). Far from hating President  
19 Obama as the government suggests, Mr. Alhaggagi admired him. *See* Alhaggagi email dated  
20 2/14/13 (“But in conclusion all what is truly to say is that a president such as Obama is truly a  
21 blessing to us in this country that many other foreign lands are missing and wanting, I hope he  
22 guides us to the right steps ‘economically and democratically’ and always puts his peoples need  
23 and benefits before his own, or any party’s.”). It is both baseless and entirely improper for the  
24 government to pretend someone else’s words reflect Mr. Alhaggagi’s beliefs. *See United States*  
25 *v. Stewart*, 590 F.3d 93, 138 (2d Cir. 2009) (noting that “the problem for the government  
26 remains: there is no evidence that Yousry himself sought to influence or affect the conduct of a  
27 government” and rejecting an argument that the enhancement should apply because the  
28 defendant’s coconspirators had the requisite intent). And even if Mr. Alhaggagi did harbor such

1 motivations, that would be irrelevant. *Awan*, 607 F.3d at 317 (“[The defendant’s motive is  
2 simply not relevant.”).

3 Even setting aside these two already insurmountable hurdles, the final problem for the  
4 government is that its argument is counterfactual. Migration Commando’s post is dated  
5 November 11. Mr. Alhaggagi had already opened accounts two weeks earlier, on October 31.  
6 Mr. Alhaggagi has already pointed out this out once. *See* Reply to Govt. Sentencing Memo  
7 (Docket 100), 16-17. That the government persists in this specious argument – without even  
8 acknowledging Mr. Alhaggagi’s response to it – is remarkable.

9 **b. The terrorism enhancement does not apply simply because Mr. Alhaggagi**  
10 **attempted to provide support to ISIS.**

11 Unable to prove Mr. Alhaggagi himself was motivated by desire for retaliation, the  
12 government recycles another argument it advanced previously: the enhancement must apply  
13 because Mr. Alhaggagi attempted to provide material support to ISIS, and one of the goals of  
14 ISIS is to retaliate against governments that oppose it. To make this point, the government  
15 spends pages and pages describing atrocities committed by ISIS in 2014, arguing that those  
16 crimes were committed in retaliation for US airstrikes and that ISIS used social media to  
17 distribute videos of them. Govt. Supp. Memo, 3-6. But in the government’s examples, it was  
18 the crimes themselves that were committed in retaliation for U.S. actions, not the videos of the  
19 crimes, not spreading of those videos through social media, not opening accounts that would  
20 eventually be used to spread the videos – and certainly not opening social media accounts years  
21 later that were *not* used to disseminate videos of retaliatory crimes, which is what Mr. Alhaggagi  
22 did.

23 The government’s argument is simply that the enhancement applies because the offense  
24 involved ISIS. As it writes, because Mr. Alhaggagi “open[ed] accounts for people whom be  
25 believed, *and who actually were*, members of ISIL,” he necessarily “calculat[ed] that his actions  
26 would help ISIL retaliate against (or for that matter, intimidate or coerce) the many governments  
27 ISIL identified as its enemies.” *Id.* at 3 (emphasis in the original). This is the same argument the  
28 government previously made for the application of the “influencing” prong, i.e., that ISIS seeks

1 to influence governments by coercion, and therefore anyone who attempts to assist ISIS is  
2 subject to the terrorism enhancement. *See* Govt. Sent. Memo (Docket 90), 56-57 (government  
3 arguing the enhancement must apply because “ISIL’s very *raison d’etre* is to create and sustain a  
4 caliphate” and thus to “to impact the conduct of government”). The problem with the argument  
5 now is the same as it was then: it “assume[s] (erroneously) that the enhancement automatically  
6 applies to a material support conviction.” *United States v. Chandia*, 514 F.3d 365, 376 (4th Cir.  
7 2008).<sup>6</sup> As with the argument discussed above, Mr. Alhaggagi has already once pointed out that  
8 the government is wrong. *See* Reply to Govt. Sent. Memo (Docket 100), 20-21. The  
9 government again fails to even acknowledge this response. The enhancement has two  
10 components, but the government’s argument only speaks to one. The government must show not  
11 only that Mr. Alhaggagi is guilty of material support of ISIS, but also that clear and convincing  
12 evidence<sup>7</sup> demonstrates he “had the specific intent” to commit an offense that was “calculated to  
13 influence or affect the conduct of government by intimidation or coercion, or to retaliate against  
14 government conduct.” *United States v. Awan*, 607 F.3d 306, 317 (2d Cir. 2010).

15 Whether ISIS generally had a goal of retaliating against government (or affecting  
16 government through intimidation and coercion) is not the relevant question. If it were, the  
17 enhancement would apply in every terrorism case. Instead, the analysis turns on the nature of the  
18 particular offense conduct and on Mr. Alhaggagi’s understanding of it: only if Mr. Alhaggagi  
19 specifically intended to commit an act that he knew would retaliate against government can the  
20 enhancement apply.

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23 <sup>6</sup> A compelling illustration of the fact that the enhancement does not apply to all terrorism cases  
24 is *United States v. Rana*, CR 09-0830 (N.D. Ill.). Rana was convicted of plotting the attack on  
25 Danish newspaper *Jyllands-Posten*, a plan involving beheading hostages and then fighting to the  
26 death with Danish security forces, and of providing material support to Lashkar, the Pakistani  
27 terrorist group responsible for killing more than 160 people in the November 2008 Mumbai  
attacks. Judge Harry D. Leinenweber refused to apply the terrorism enhancement, finding the  
plot was calculated to retaliate against the newspaper for its publication of cartoons depicting the  
Prophet Muhammad, not to target any government entity. Rana was sentenced to 14 years.

28 <sup>7</sup> The government must prove the applicability of the enhancement by clear and convincing  
evidence. *See* Reply Sent. Memo (Docket 100), 15; *United States v. Jordan*, 256 F.3d 922, 926  
(9th Cir. 2001); *United States v. Lynch*, 437 F.3d 902, 916 (9th Cir. 2006).

1           **c.     Mr. Alhaggagi’s offense was not calculated to have the necessary effect on**  
2           **government.**

3           Only criminal conduct can trigger the terrorism enhancement. U.S.S.G. § 3A1.4  
4 (enhancement applies if the offense involved “a federal crime of terrorism”). It does not apply  
5 here because Mr. Alhaggagi’s crime – attempting to provide material support by opening  
6 accounts at the request of ISIS sympathizers – was neither calculated to influence or affect  
7 government conduct through intimidation or coercion nor calculated to retaliate against  
8 government conduct.

9           The enhancement analysis “does not focus on the defendant but on his ‘offense[.]’”  
10 *Awan*, 607 F.3d at 317. Despite liberally quoting *Awan*, the government’s brief focuses  
11 everywhere *except* on the offense, asking that the Court impose the enhancement because of the  
12 nature of ISIS or because of its (false) characterization of Mr. Alhaggagi’s motivations.  
13 Nowhere does the government attempt to answer these essential questions about the offense  
14 conduct: What government was the offense calculated to retaliate against? What was the  
15 government action for which the offense was calculated to enact revenge? How would the  
16 offense conduct exact this retribution? And finally, what evidence shows Mr. Alhaggagi knew  
17 the offense conduct was so calculated? *See id.* at 317-18 (enhancement would apply “if the  
18 evidence showed Mr. Awan engaged in criminal conduct with knowledge that confederates  
19 solicited his actions to effectuate politically motivated bombings in India”).

20           In cases where the “retaliation” prong has been applied, these questions are easily  
21 answered. In *United States v. Dye*, 538 Fed. App’x 654, 666 (6th Cir. 2013) the defendant  
22 firebombed a courthouse where he was facing charges, thereby attempting “to retaliate against  
23 the institution for the charges pending against him.” In *United States v. Van Haften*, 881 F.3d  
24 543, 544 (7th Cir. 2018), the defendant traveled to Turkey “to join ISIS’s war against America”  
25 because he “wanted to ‘retaliate against the [United States] government for its treatment of  
26 Muslims in general and specifically for its treatment of [him] as a designated sex offender.’” In  
27 *United States v. Mandhai*, 375 F.3d 1243, 1245-46 (11th Cir. 2004), the defendant “plan[ned] to  
28 bomb electrical transformers in Florida in retaliation for the U.S. government’s support of Israel  
and other countries that oppress Muslims,” because he had been told that “an effective way to

1 harm the U.S. government was to bomb electrical substations.” In *United States v. Abu*  
2 *Khatallah*, 314 F.Supp.3d 179, 183 (D.D.C. 2018), the defendant “directed the attacks [on the  
3 U.S. Special Mission in Benghazi] because he objected to the United States’ intelligence  
4 presence in Benghazi following the overthrow of former Libyan dictator Muammar Gaddafi.” In  
5 each instance, the evidence clearly demonstrated (1) which government was being targeted for  
6 retaliation, (2) why that government was targeted, (3) how the offense conduct would effectuate  
7 the retaliation, and (4) that the defendant knew the goal was retaliation.

8         What government was Mr. Alhaggagi’s offense calculated to retaliate against? The  
9 government has no idea. First it posits that the target was the unspecified “many governments”  
10 opposed to ISIS. Govt. Supp. Memo, 6. Then it claims the offense was calculated to “retaliate  
11 against the United States.” *Id.* at 7. In the very next breath the government says Saudi Arabia  
12 was the target. *Id.*<sup>8</sup> Which is it? How can the government prove by clear and convincing  
13 evidence that the offense was intended to retaliate against a government if it cannot even name  
14 the government in question?

15         The government fares no better on the second question. Retaliation is a counter attack, a  
16 response to a provocation. What was the provocation here? What government action prompted  
17 the supposed retaliation? The government presents a range of options: U.S. airstrikes in 2014  
18 (*id.* at 4); British support for U.S. airstrikes (*id.* at 5), the fact that U.S. forces were fighting  
19 against ISIS (*id.* at 7), and the fact that Saudi Arabia had imprisoned Muslim scholars (*id.*).  
20 There is no clear and convincing evidence for any of them.

21         Third and fourth, how was the offense conduct calculated to retaliate against the United  
22 States, or Great Britain, or Saudi Arabia, or whichever of the many governmental enemies of  
23 ISIS that the government may claim was the target, and what evidence proves Mr. Alhaggagi  
24 *knew* this was the intended result? These are not difficult questions in cases where the  
25 enhancement actually applies. *Dye* involved bombing a courthouse where the defendant’s case

26 <sup>8</sup> There is yet another problem with the Saudi Arabia theory. Mr Alhaggagi only mentioned that  
27 country once, and it was months before he opened any accounts. Even in the government’s  
28 telling, the idea of supporting ISIS by opening Twitter accounts had not even occurred to Mr.  
Alhaggagi at that point. See Supp. Govt. Memo, 7 (claiming Mr. Alhaggagi “resorted to aiding  
ISIL in the virtual world only after his initial efforts to aid ISIL in the real world were  
thwarted”). There is simply nothing to connect the account openings with Saudi Arabia.

1 was to be heard; in *Van Haften*, the defendant traveled to Turkey to fight against the United  
2 States; in *Mandhai*, the defendant’s “goal was to bomb and disable public utilities in the hopes  
3 that power outages would lead to civil strife and upheaval;” in *Khatallah* the defendant  
4 orchestrated an attack on the U.S. Special Mission in Benghazi. In each case, the connection  
5 between the offense conduct and the retaliatory objective is clear, and it was beyond question  
6 that the defendant understood the goal was retaliation (because the defendant himself committed  
7 the retaliatory act).

8 In this case, the relevant facts are these: (1) Mr. Alhaggagi opened social media accounts  
9 for someone he understood to be connected to ISIS, but (2) he did not know what the accounts  
10 would be used for, and (3) the accounts were ultimately used to disseminate updates on the  
11 Battle of Mosul and generic statements in support of ISIS. How, exactly, was this offense  
12 calculated to retaliate against a government, and where is the proof that Mr. Alhaggagi *knew* it  
13 was so calculated? It is not clear how opening a social media account could ever be an act of  
14 retaliation; at most one might *use* an account previously opened to send messages calling on  
15 others to undertake retaliatory acts. Even that is at least one step removed from actual  
16 retaliation, and even that did not happen in this case. The accounts were used to send updates on  
17 the status of the Battle of Mosul and generic messages in praise of ISIS – no governmental  
18 entities were mentioned, no governmental actions complained of, and no calls to action against  
19 any government were made. But even supposing the accounts had somehow been used to  
20 retaliate, the enhancement still could not apply because Mr. Alhaggagi did not know that was the  
21 calculated objective of the offense. As he told Muharib at the time, he knew nothing about the  
22 social media campaign the latter was planning. *See* Govt. Sent. Memo (Docket 90), 42.

23 **III. The terrorism enhancement’s automatic application of Criminal History Category**  
24 **VI is arbitrary and unsupported by empirical data.**

25 As the Court recognized at the hearing, section 3A1.4’s automatic application of Criminal  
26 History Category VI is difficult to reconcile with the structure and purpose of the sentencing  
27 guidelines. The Sentencing Commission “fills an important institutional role: It has the capacity  
28 courts lack to base its determinations on empirical data and national experience, guided by a

professional staff with appropriate expertise.” *Kimbrough v. United States*, 552 U.S. 85, 108-09 (2007) (citation and quotation omitted). Thus, “in the ordinary case, the Commission’s recommendation of a sentencing range will reflect a rough approximation of sentences that might achieve § 3553(a)’s objectives.” *Id.* (citation and quotation omitted). The terrorism enhancement is not the ordinary case. It is backed by no empirical evidence, and its automatic application of a 12-level increase and Criminal History Category VI, without regard to the facts in any particular case, is arbitrary.

“The legitimacy of the Guidelines is derived from the belief that they are based on reliable data and principles.” Ahmed, *Is History Repeating Itself? Sentencing Young American Muslims in the War on Terror*, 126 Yale L.J. 1520, 1549-50 (2017). The Court asked exactly the right question at the hearing: “What evidence is there to suggest that the criminal history of somebody who commits this offense should be put at the highest level?” RT (12/17/18), 6. The answer is that there is none. “When the Terrorism Enhancement was promulgated, no statistically sound evidence was used to substantiate that all terrorism defendants were so different as to necessitate such a large increase in the Guidelines range.” Ahmed, 126 Yale L.J. at 1549; *see also, e.g.*, Brown, *Punishing Terrorists*, 23 Cornell J.L. & Pub. Pol’y 517, 520 (2014) (“The terrorism enhancement takes a wrecking ball to [the] carefully constructed edifice” of the Sentencing Guidelines.”). In the absence of any empirical data, the enhancement “treats all offenders the same, without taking into account their actual conduct or individual background” and thus “undermines a basic principle of U.S. sentencing law and its underlying commitment to retributive justice: that punishment should be proportional to the crime.” Ahmed, *supra*, 126 Yale L.J. at 1529. It “treats those who provide any type of material support to a terrorist as harshly as the terrorist who commits the violent act.” *Id.* at 1530. “[T]he fact that [a] defendant’s conduct caused no harm does not matter,” and those captured in sting operations are treated “the same as those for whom the government played no role in assisting with their planned attack,” despite the fact that “a defendant’s intent, knowledge, and capability of committing the crime is usually much lower when an informant is involved.” *Id.* at 1530-31.



1 The Court asked how the automatic application of Criminal History Category VI “fit[s]  
2 with the framework of what a criminal history category is supposed to do.” RT (12/17/2018),  
3 199. It does not fit at all. The Sentencing Commission classifies defendants by Criminal History  
4 Category because courts must endeavor to impose a sentence that will “protect the public from  
5 further crimes of the defendant” (18 U.S.C. § 3553(a)), and “repeated criminal behavior is an  
6 indicator of a limited likelihood of successful rehabilitation.” U.S.S.G. § 4A1.1, Introductory  
7 Comment. Empirically, defendants with little or no criminal history are much less likely to  
8 commit additional crimes upon release than those with more extensive criminal histories: one  
9 study found that 93.2% of defendants with no prior arrests did not reoffend. United States  
10 Sentencing Commission, *Recidivism and the “First Offender”* (May 2004), at 26.<sup>9</sup> Conversely,  
11 as the Court observed, “with some exceptions, but very few exceptions, . . . the higher the  
12 criminal history, the greater the likelihood is of future dangerousness or recidivism.” RT  
13 (12/17/18), 5.

14 The terrorism enhancement ignores these findings and treats all defendants as hardened  
15 career criminals. This approach is not only unsupported by data but contradicted by it: “the very  
16 limited available data suggests that individuals convicted of terrorism offenses do *not* recidivate  
17 at higher rates than those convicted of other crimes.” Ahmed, *supra*, 126 Yale L.J. at 1550  
18 (emphasis in the original); *see also* McLoughlin, *Deconstructing United States Sentencing*  
19 *Guidelines Section 3A1.4*, 28 Law & Ineq. 51, 115 (2010) (“The shift to Criminal History  
20 Category VI ensures that a defendant will be sentenced as if he or she were a career criminal,  
21 with no empirical evidence that this is true or fair (under the considerations contemplated in 18  
22 U.S.C. § 3553).”). The notion that this approach is required because terrorists cannot be deterred  
23 from future offenses and are beyond rehabilitation is likewise unsupported. To the contrary,  
24 research by terrorism experts indicates “that terrorists and their supporters cannot be considered  
25 as a monolith, and many can be deterred” (Ahmed, *supra*, at 1550 (citations omitted)), and  
26 programs around the world “have been successful in rehabilitating terrorism offenders and  
27 helping them adjust back into society.” *Id.* at 1553 (citations omitted).

28 <sup>9</sup> [www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2004/200405\\_Recidivism\\_First\\_Offender.pdf](http://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2004/200405_Recidivism_First_Offender.pdf)

1 The government cites no data, research, or studies to support its argument that the  
2 automatic application of Criminal History Category VI is sound policy. Instead, it simply quotes  
3 *United States v. Meskini*, 319 F.3d 88 (2d Cir. 2003), in which the court wrote that “Congress  
4 and the Sentencing Commission had a rational basis for concluding that an act of terrorism  
5 represents a particularly grave threat because of the dangerousness of the crime and the difficulty  
6 of deterring and rehabilitating the criminal[.]” But the *Meskini* court itself offered no evidence  
7 or analysis to support this conclusion. *See* Ahmed, 126 Yale L.J. at 1550 (“Courts of appeals  
8 upholding the idea that terrorism defendants ‘are unique among criminals in the likelihood of  
9 recidivism, the difficulty of rehabilitation, and the need for incapacitation’ have also not cited  
10 any evidence to support that opinion.”) (quoting *Meskini*).

11 Senior Judge George O’Toole, Jr., presiding over *United States v. Mehanna* – a case the  
12 government relies upon – offered a robust criticism of the guidelines for these very reasons,  
13 ultimately rejecting them and sentencing Mr. Mehanna within the range that would have applied  
14 without them. “Both the 12-level adjustment to the offense level and the automatic assignment  
15 of Criminal History Category VI, . . . regardless of any facts, not only make the recommendation  
16 unuseful as a guide in a particular case but is actually, in my view, contrary to and subversive of  
17 the mission of the Guidelines which is to address with some particularity the unique facts of a  
18 given case.” Sentencing Transcript, *United States v. Mehanna*, CR 09-10017 GAO (D. Ma.)  
19 (Docket 430), 7-8. Judge O’Toole specifically called out the automatic application of Criminal  
20 History Category VI as “too blunt an instrument to have any genuine analytical value” and  
21 “fundamentally at odds with the design of the Guidelines” because it “imputes a fiction into the  
22 calculus.” *Id.* at 8-9. *See also* *United States v. Jumaev*, 2018 WL 3490886, \*10, CR 12-0033  
23 JLK (D. Colo. July 18, 2018) (refusing to apply the enhancement because “is not backed by any  
24 empirical evidence” and because “treating all ‘terrorists’ alike is impermissible under our  
25 sentencing paradigm”).

26 The Court’s final question was whether a downward departure would be appropriate to  
27 counteract the criminal history category increase. As discussed above, the enhancement does not  
28 apply on the facts or the law, so the Court need not depart at all. But in cases where the

enhancement *does* apply, a departure is appropriate. *Meskini*, 319 F.3d at 92 (“A judge determining that § 3A1.4(b) over-represents ‘the seriousness of the defendant’s past criminal conduct or the likelihood that the defendant will commit other crimes’ always has the discretion under § 4A1.3 to depart downward in sentencing.”); *see, e.g. United States v. Benkahla*, 501 F.Supp.2d 748, 759 (E.D. Va. 2007) (applying enhancement but departing because the defendant “is not a terrorist” and “does not share the same characteristics or the conduct of a terrorist, and in turn, he does not share the same likelihood of recidivism, the difficulty of rehabilitation, or the need for incapacitation”); *United States v. Muhtorov*, 329 F.Supp.3d 1289, 1300 (D. Colo. 2018) (applying enhancement but departing because there was “no evidence indicating that, solely based on the crimes Muhtorov has committed, he is the most likely of all offenders to recidivate”).

**IV. The government cannot cite a single analogous case.**

The Court reasonably wanted to know whether any other defendants have been convicted based on similar conduct to Mr. Alhaggagi and whether the terrorism enhancement had been applied in their cases. The answer is no, there are no similar cases, because the government has never prosecuted someone for opening social media accounts and not using them.

The government claims the reason it cannot find comparable cases, even after enlisting the aid of the National Security Division, is that “the technology used by the defendant to provide support to ISIL is relatively new” so there “has not been much opportunity for these technologies to be the subject of prosecutions.” Govt. Supp. Memo, 10. This is simply false. Social media platforms are not new relative to ISIS, and in fact the government goes to great lengths to establish that ISIS would not even exist in its current form without social media. The group is “well-known worldwide for its skills in using social media networks,” the government claims, and it was “ISIL’s savvy use of social media . . . [that] brought ISIL as an organization to the forefront of the global war on terrorism.” *Id.* at 5. It cannot both be true that social media is the engine that drives ISIS *and* that the government has had no occasion to prosecute ISIS cases

1 involving social media. Indeed, almost all the cases cited by the government involved the use of  
2 social media – including in many instances the same applications at issue here.<sup>10</sup>

3 The reason the offense conduct in this case is *sui generis* is not because it involved  
4 Telegram and Twitter. The reason the case is *sui generis* is because Mr. Alhaggagi’s offense  
5 conduct consisted of opening a handful of accounts that he never used, without even knowing  
6 how they would be employed, and the accounts were then used (without his knowledge) to  
7 disseminate relatively banal ISIS propaganda – no calls to wage *jihad*, no videos of atrocities, no  
8 threats against governments, no personal identifying information of U.S. service members  
9 targeted for assassination, no calls for attacks on Americans, but updates on a battle and general  
10 praise of the organization. There is no comparable case because the assistance Mr. Alhaggagi  
11 attempted to provide, while illegal, was so *de minimis* and inchoate that no one has ever been  
12 prosecuted for similar conduct.

13 The government also claims it can find no comparable cases because Mr. Alhaggagi’s  
14 interactions with the UCE and the CHS were “particularly unique, egregious antecedent  
15 conduct.” Govt. Supp. Memo, 10. This too is not the case. Other cases, including those cited by  
16 the government, involve similar conduct – but in those cases, the defendants actually carried out,  
17 or attempted to carry out, an attack. These cases involve far more egregious actions for which, in  
18 every instance, defendants received less time than the government asks the Court to impose here.  
19 The government’s examples only underscore why the enhancement does not apply and how  
20 unreasonable the 33-year recommendation is.

21 **a. *United States v. Elshinaway***

22 *Elshinaway* is the only case in the United States “where ISIS has provided funds to an  
23 individual to conduct an attack on its behalf.” *United States v. Elshinawy*, 2018 WL 1521876,  
24 \*18 (D. Md. Mar. 28, 2018). In *Elshinaway*, the defendant “pledged his allegiance to ISIS and  
25 the ISIS leader,” accepted the \$8,700 ISIS sent him, which he used in part to purchase equipment  
26 to better communicate with ISIS (*id.* at \*24), used various forms of social media – including

27 <sup>10</sup> In *Elshinaway* the defendant used Facebook, Telegram and two other encrypted applications,  
28 in *Young* the defendant used Threema, in *Aziz* the defendant used Twitter, and in *Mehanna* the  
defendant posted propaganda on unspecified message boards. *Mohamud*, a case from 2009,  
involved email and the internet but not social media.

1 Telegram (over two years before Mr. Alhaggagi did) – to communicate extensively with ISIS  
2 members in Syria and elsewhere, attempted to recruit his brother to join ISIS, “lied to the FBI  
3 during the course of the investigation” (*id.* at 8) and continued to view ISIS propaganda and  
4 videos of beheadings after being confronted by the FBI. *Id.* at \*20.

5 Most significantly, the difference between *Elshinawy* and this case is that even the  
6 defense expert – Dr. Marc Sageman – unequivocally opined that the defendant had the mentality  
7 of a soldier, was very dangerous, and was completely committed to carrying out an attack in the  
8 United States. Dr. Sageman testified that “the objective evidence was overwhelming that  
9 [Elshinawy] certainly had a desire to go to Syria and join the Islamic State,” that it was “‘very  
10 obvious’ . . . that the defendant wanted to join ISIS and ‘fight on its behalf’ as ‘a soldier,’” that  
11 the “‘the evidence is overwhelming that [the defendant] tried to conduct an attack in the United  
12 States, or at least desired to conduct such an attack,’” that the defendant was “‘very dedicated to  
13 carrying out an attack,’” and that during the time of the offense conduct, “the defendant was  
14 ‘very dangerous.’” *Elshinawy*, 2018 WL 1521876, at \*19 (quoting Dr. Sageman). The  
15 government egregiously mischaracterizes this testimony by calling it “remarkably similar to his  
16 testimony in the instant case.” Govt. Supp. Memo, 11. Dr. Sageman’s opinion in this case was  
17 the polar opposite of his opinion in *Elshinawy*: he testified that Mr. Alhaggagi did *not* have a  
18 sincere desire to join ISIS, that he did *not* have the mentality of a “soldier,” that he was *not*  
19 interested in actually carrying out an attack, that there was *no* evidence he actually wanted to  
20 commit a violent act, and that he was *not* dangerous.

21 Mr. Elshinawy – the defendant whom the defense conceded was an ISIS soldier,  
22 dangerous and fully committed to violence, and the only defendant to ever receive funding from  
23 ISIS to finance an attack – was sentenced to 20 years, fully 13 years less than what the  
24 government claims Mr. Alhaggagi should receive.

25  
26  
27 **b. *United States v. Mehanna***  
28

1           The government stretches mightily to claim the facts in *Mehanna* are “similar” to those  
2 here. Mehanna “expressed interest in receiving military-type training in order to participate in  
3 jihad” and then traveled to Yemen “for the purpose of finding a terrorist training camp and  
4 eventually getting into Iraq” so he could “fight against the United States military forces.” He  
5 returned only because he could not find the camp he sought. *United States v. Mehanna*, 735 F.3d  
6 32, 44 (1st Cir. 2013). The government calls this “similar” to Mr. Alhaggagi’s meetings with the  
7 UCE, in which Mr. Alhaggagi took no step towards any attack, repeatedly lied to the UCE about  
8 steps he claimed he *had* taken, and fled when shown purported bomb-making material.

9           Mr. Mehanna then joined the effort to “recruit[] others to fight for al-Qaeda and kill  
10 American soldiers by translating propaganda materials and posting them on the internet.” Govt.  
11 Supp. Memo, 12. He was so valuable a translator that al-Qaeda operatives, including Ayman al-  
12 Zawahiri himself, specifically sought out his assistance. Sentencing Transcript, *United States v.*  
13 *Mehanna*, CR 09-10017 GAO (D. Ma.) (Docket 432), 4. The materials Mr. Mehanna created  
14 “have been found in the possession of numerous other defendants convicted of terrorism-related  
15 charges around the world.” Govt. Sent. Memo, (*Mehanna* Docket 430), 4. This, the government  
16 claims, is “much like” what Mr. Alhaggagi did. Govt. Supp. Memo, 12. That is not true. Mr.  
17 Alhaggagi never traveled to Yemen, never tried to join a training camp, never tried to take up  
18 arms against the United States, never translated propaganda, and never posted propaganda.

19           Taking up arms against a government is clearly calculated to affect that government’s  
20 conduct by coercion or intimidation, so there is no surprise the terrorism enhancement applied in  
21 *Mehanna*. However, the court vigorously criticized the enhancement, in particular the automatic  
22 application of Criminal History Category VI, as “importing a fiction” into the sentencing  
23 calculus, and ultimately imposed a sentence at the top of the range that would have applied  
24 without the enhancement. Mr. Mehanna was sentenced to 17 years – fully 16 years less than the  
25 government seeks here.

26  
27  
28           **c.       *United States v. Young***

1 Young was a white supremacist, complete with SS tattoos, who served in Libya alongside  
2 the Abu Salem Martyrs' Brigade, a "Salafi group that was started by mujahideen associated with  
3 al-Qaeda" – not just once but twice. Govt. Sent. Memo, *United States v. Young*, CR 16-0265  
4 LMB (E.D. Va.) (Docket 220), 5, 17. He remained in contact with members of the Brigade after  
5 his return to the United States. Govt. Opp. to Motion for Acquittal (*Young* Docket 208), 9-10.  
6 He became enamored of ISIS, explicitly praising their most brutal techniques and hoping to  
7 emulate them. Govt. Sent. Memo (*Young* Docket 220), 2-4. His "motivation to support both  
8 Nazis and the Islamic State simultaneously was the virulent hatred of Jews that he shared with  
9 both." *Id.* at 6. An undercover agent ("Mo") engaged in extensive correspondence with Young,  
10 during which Young "encouraged Mo to join ISIS" and gave him tips on how to accomplish a  
11 trip to Syria. *Young* Docket 208, 7. The actual offense conduct was an attempt to send money to  
12 ISIS through "Mo," in the form of \$245 in gift cards to be used to buy Threema messaging  
13 accounts. Young also described a plan to use his police officer credentials to "smuggle weapons  
14 into the [federal] building, and then hand them to others inside the building who had already  
15 passed through security" in an effort to free a Muslim prisoner. *Id.* at 4. When interviewed by  
16 investigators about "Mo," he repeatedly lied. *Id.* at 10. After his arrest, a search of Young's  
17 house revealed "70 pieces of body armor, including 10 ballistic vests," in addition to a "stock of  
18 firearms, ammunition, and components for explosives" – enough to "outfit a paramilitary squad."  
19 *Young* Docket 220, 16. During the whole time Young was "obstructing justice and attempting to  
20 support terrorists, he was a sworn law enforcement officer." *Id.* at 18.

21 Mr. Alhaggagi never fought in Syria, possessed no arsenal of weapons, was not a sworn  
22 police officer, and did not obstruct justice. The government submits that he should be sentenced  
23 to more than double the time Mr. Young received.

24 **d. *United States v. Aziz***

25 The government attempts to paint the conduct in this case as more extreme than in *United*  
26 *States v. Aziz*, because Aziz "never opened social media accounts for actual ISIL members."  
27 Govt. Supp. Memo, 13. It is not clear what this is supposed to mean, because Mr. Aziz did  
28 indeed open social media accounts – on at least 74 occasions. Govt. Sent. Memo, *United States*

1 v. Aziz, CR 15-0309 (M.D. Pa.) (Docket 137), 33. He went on to use those accounts extensively,  
2 something Mr. Alhaggagi never did. And he did not use them to post battlefield news but to  
3 “disseminate[] a ‘kill list’” compiled by the Islamic State Hacking Division that “contained the  
4 names, home addresses, and photographs of 100 United States service members” and “exhorted  
5 ISIS supporters to murder” them. *Id.* at 2. He also used Twitter to send “thousands of tweets,  
6 retweets, and direct messages on behalf of ISIS” and “repeatedly posted photographs and videos  
7 depicting ISIS’s violent acts.” *Id.* at 6. Mr. Alhaggagi sent none. Mr. Aziz also “served as an  
8 important conduit between ISIS recruiters in Iraq and Syria and English-speaking recruits” by  
9 communicating with at least two ISIS recruiters and by “provid[ing] other ISIS supporters with  
10 contact information for these ISIS recruiters.” *Id.* at 6-7. He gave ISIS supporters tips on how to  
11 travel to join the State. *Id.* at 7. He also swore allegiance to ISIS (something Mr. Alhaggagi  
12 refused to do) and prepared for battle by obtaining “a military-style backpack, five high capacity  
13 magazines loaded with ammunition for an AR-15 or M4 variant assault rifle, a knife, fingerless  
14 gloves, and a balaclava similar to the type used by ISIS supporters to mask their identities.” *Id.*

15 The parties agreed that the terrorism enhancement applied, which is no surprise given that  
16 Mr. Aziz’s conduct explicitly targeted United States personnel for murder. The court sentenced  
17 Mr. Aziz to just over eight years on the terrorism count. The government here asks for  
18 quadruple that.

19 **e. *United States v. Mohamud***

20 Mohamud became radicalized after an episode of perceived racial profiling at an airport.  
21 *United States v. Mohamud*, 843 F.3d 420, 423 (9th Cir. 2016). He struck up a correspondence  
22 with Samir Khan, who would later be killed in the same drone strike that killed Anwar al-  
23 Awlaki, an al-Qaeda leader. *Id.* He wrote a series of articles for *Jihad Recollections*, an “an  
24 anti-American, pro-violent jihad, extremist publication.” *United States v. Mohamud*, 2012 WL  
25 5208173, \*2 (D. Or. Oct. 22, 2012). An FBI undercover agent began corresponding with him,  
26 they met in person, and Mohamud “almost immediately” agreed to “become operational,”  
27 meaning to carry out a car bombing attack. *Mohamud*, 843 F.3d at 426. A new undercover was  
28 introduced, posing as an explosives expert, and Mohamud told the agents when and where he



1 wanted to detonate a bomb. *Id.* at 427. The agents repeatedly tried to dissuade him, saying there  
2 would be “‘no shame’ in not going through with his plan.” *Id.* at 427-28. When he persisted,  
3 they gave him a list of bomb ingredients, and he bought them. *Id.* at 428. Mohamud also rented  
4 an apartment and a storage unit at the agents’ request. *Id.* They detonated a test bomb; at this  
5 meeting the agents again told Mohamud that he “did not have to go through with the bombing.”  
6 *Id.* Mohamud filmed a video of himself urging martyrdom. *Id.* at 428-29. They traveled to the  
7 storage compartment to see the bomb-making material, and Mohamud “helped load purported  
8 bomb parts into [the agent’s] car.” *Id.* at 429. On the day of the attack, the agents showed him  
9 the purported bomb in the back of a van; Mohamud called the bomb “beautiful,” and they parked  
10 the van at the target location. *Id.* Using a cell phone as a remote detonator, Mohamud entered  
11 the code to trigger the bomb. *Id.* at 430. Of course, it did not explode, and Mohamud was  
12 arrested. *Id.*

13         The government calls this case as “useful guidepost for sentencing purposes” (Govt.  
14 Supp. Memo, 14. The defense agrees, because the differences between *Mohamud* and this case  
15 are enormously telling. Both were introduced to undercovers, and both discussed plans for  
16 attacks. But there the similarities end. Mohamud was radicalized; Mr. Alhaggagi was not. Mr.  
17 Alhaggagi’s plans were bluster and lies, and he never took a step to act on them; Mohamud’s  
18 were serious and he carried them out, all the way through pressing the detonator. When given a  
19 list of bomb-making ingredients, Mr. Alhaggagi refused to buy them and lied to the agent to  
20 pretend he had; Mohamud bought them all. Mohamud went out and rented a storage locker for  
21 materiel; Mr. Alhaggagi was driven to one the agent had rented. Mohamud persisted in his  
22 preparations despite repeated efforts to dissuade him; no one ever attempted to dissuade Mr.  
23 Alhaggagi. Instead, at every opportunity, the UCE and CHS enthusiastically encouraged his  
24 supposed plots. Both Mr. Alhaggagi and Mohamud were driven to a storage locker and shown  
25 bomb-making material; Mohamud’s response was to help load the devices into a van, and Mr.  
26 Alhaggagi’s was to cut off all contact with the UCE. The next time Mr. Alhaggagi saw the UCE,  
27 he ran away. The next time Mohamud saw the agent in his case, they exploded a practice device.  
28 Mr. Alhaggagi then hid in his house and ignored the agent’s calls and texts; Mohamud helped

1 plant a car bomb and then pressed the detonator on what he believed was a real explosive that  
2 would have killed dozens, if not hundreds.

3 Mohamud was sentenced to 30 years. Mr. Alhaggagi, the government says, deserves  
4 more.

5 **V. Dr. Sageman’s testimony was credible and remains unimpeached.**

6 The government vigorously attacks Dr. Marc Sageman and asks the Court to disregard  
7 his report and testimony. Govt. Supp. Memo, 14. Before turning to what the government says,  
8 however, it is important to note what the government does not say.

9 First, Dr. Sageman opined that Mr. Alhaggagi is not a jihadi, has no anti-American  
10 sentiments, and does not consider himself a soldier for ISIS. Because he does not see himself  
11 that way, he does not pose a risk of committing a violent terrorist act. The government has  
12 nothing to say in response to this, either in cross-examining Dr. Sageman or in its brief.

13 Second, Dr. Sageman put the lie to a central tenet of the government’s case, namely that  
14 Mr. Alhaggagi fled from the UCE because he is a savvy terrorist who employed a series of subtle  
15 tests to divine that the UCE was an undercover agent. Drawing on his extensive experience in  
16 undercover and counterintelligence operations, Dr. Sageman explained that no evidence supports  
17 this inherently implausible theory. No savvy operator would vet his counterpart only *after*  
18 revealing all the details of his plot, and no one who knew – or even suspected – that he was the  
19 target of an undercover operation would continue to commit identify theft under the very nose of  
20 the FBI. The government has no response. It did not ask a single question of Dr. Sageman on  
21 this topic, and its most recent brief simply pretends Dr. Sageman said nothing about it.<sup>11</sup>

22 Nor does the government attempt to grapple with the fact that Dr. Sageman’s theory of  
23 the case – that Mr. Alhaggagi is a troll who never had any intention of acting but just said  
24 outrageous things and then ran away – is the only one that accounts for all the evidence in this  
25 case. On all of these points, the government is silent.

26 **a. The government’s efforts to impugn Dr. Sageman’s expertise are unavailing.**

27 <sup>11</sup> Although the government now argues vigorously that Mr. Alhaggagi “made” the UCE, it did  
28 not think so when it arrested him. Instead, the government staged an elaborate ruse arrest of the  
UCE in order to convince Mr. Alhaggagi that his supposed co-conspirator had been caught and  
coax a confession out of him. See Exhibit D, Clip 8.

1           Instead of offering a critique of Dr. Sageman’s credentials, reasoning, methodology, or  
2 conclusions, the government jabs at isolated phrases plucked from his testimony in this case,  
3 from his bibliography, and from testimony in another matter, all in an attempt to show he has  
4 somehow exaggerated his expertise. It is surprising that the government has chosen to deride Dr.  
5 Sageman as “inherently untrustworthy” now, when it did not venture to question his competence  
6 on cross-examination. (Instead, the government proffered that the FBI reads Dr. Sageman’s  
7 books. RT (12/17/2018), 154.) Regardless of the timing of this attack, Dr. Sageman’s expertise  
8 is considerable, and his credentials are impeccable. *See, e.g., United States v. Elshinawy*, 2018  
9 WL 1521876, at \*19 (D. Md. 2018) (noting that Dr. Sageman served as an expert in terrorism,  
10 counter-terrorism, and psychiatry” and that “his credentials are impressive”). He has no need to  
11 and did not exaggerate.

12           First, the government claims Dr. Sageman held himself out as an expert on “the meaning  
13 of emojis and their use on social media.” Govt. Supp. Memo, 16. Dr. Sageman did no such  
14 thing. In his testimony, Dr. Sageman pointed out that when the government translated only the  
15 most incriminating parts of one of Mr. Alhaggagi’s chat room exchanges,<sup>12</sup> it also excised the  
16 emojis. RT (12/17/18), 50. When Dr. Sageman reviewed the exchanges *with* the emojis, he was  
17 able to ascertain context and tone that was not captured by the bare text:

18           I think [the emojis] modify what’s written, either accentuate, sometimes show that  
19 what people say sarcastic, other is just a response. So, yes, they’re very  
important.

20 *Id.* at 177-78. In other words, Dr. Sageman said that reading the entirety of a communication –  
21 rather than just the parts selected by the government – can help one better understand it. That is  
22 a far cry from touting non-existent expertise.

23           Next, the government criticizes Dr. Sageman because he discussed trolling but said he  
24 had become familiar with the term in the context of Russian interference in the 2016 presidential  
25 election. Govt. Supp. Memo, 16. The government does not explain why it matters when Dr.  
26 Sageman learned the term, and Dr. Sageman claimed no expertise but simply opined that Mr.

27 \_\_\_\_\_  
28 <sup>12</sup> The translation in question had a “translator note” stating: “Case agent requested a verbatim  
translation only of the part of the conversation where the subject is discussing nefarious actions;  
i.e., selling guns, buying phones, manipulating Twitter feed, et cetera.” US-004939.

1 Alhaggagi is a troll, not a jihadi. The government offers no evidence to suggest that Mr.  
2 Alhaggagi is *not* a troll or that he *is* a jihadi, it just attacks Dr. Sageman for voicing the opinion.

3 The government also claims Dr. Sageman “opined that the defendant was not likely to  
4 ever engage in terrorism because, among other things, he was trying to turn a corner in life and  
5 wanted to seek employment as a locksmith” without acknowledging the government’s claim that  
6 Mr. Alhaggagi in fact wanted to use the opportunity to continue his identity theft activities.  
7 Govt. Supp. Memo, 15. Dr. Sageman did not say Mr. Alhaggagi was unlikely to engage in  
8 terrorism because he had looked for work as a locksmith, he said Mr. Alhaggagi was unlikely to  
9 engage in terrorism because he was not of a jihadi mindset and because he had taken no actual  
10 steps to carry out any plots. That Mr. Alhaggagi was an identity thief – and that he remained one  
11 even after fleeing from the UCE – has never been in dispute. In fact, when the prosecutor asked  
12 whether Mr. Alhaggagi was looking for jobs to “leave behind his life of identity theft,” Dr.  
13 Sageman disagreed: “I didn’t say that. I don’t think he was leaving his life of identity theft yet.”  
14 RT (12/17/18), 160.

15 The government claims it was inappropriate for Dr. Sageman to discuss the bomb-  
16 making manual found on Mr. Alhaggagi’s computer “without explaining why or how he is an  
17 expert in explosives.” Govt. Supp. Memo, 16. The government offered no objection to this at  
18 the hearing, and if it had questions about the basis for this testimony, it could have asked. Dr.  
19 Sageman would then have explained that he does not hold himself out as an expert bomb-maker,  
20 but as part of his CIA training and field assignment, he “underwent weeks of bomb training” and  
21 he is “familiar with the major principles of bomb making.” Declaration of Marc Sageman, ¶ 3.  
22 He certainly has adequate background to testify, as he did, that the bomb-making manual  
23 describes the making of a so-called “shape charge,” that it is confusing, and that Mr. Alhaggagi  
24 did not know how to make a bomb. RT (12/17/18), 69-70.

25 Next, the government mocks Dr. Sageman because, more than twenty years ago, he wrote  
26 an article called “How to Find, Select, and Evaluate a Mental Health Professional for Trial.”  
27 Govt. Supp. Memo, 16. The government does not explain why it is improper for someone who  
28 has undisputed expertise in a variety of fields to write about choosing an expert. Dr. Sageman

1 did not discuss this article in his testimony, nor did he offer any opinions about selection of  
2 experts, so exactly how it impeaches his opinions is left to the Court to guess. It is telling,  
3 however, that the government has combed through Dr. Sageman's extensive bibliography and  
4 can find only one article, written over two decades ago, about which to raise a complaint. And  
5 even then, the complaint is based on the title and nothing more. If the government read the  
6 piece, it apparently found nothing of substance to critique.

7       Next, the government points to Dr. Sageman's testimony in another case and criticizes  
8 him for "describ[ing] himself as the 'brain trust' of the United States Secret Service." *Id.* In the  
9 exchange in question took place in *United States v. Shafi*. Government counsel asked if Dr.  
10 Sageman carried a weapon when he was working with the Secret Service, and he responded:  
11 "No, I was trying to be the brain trust." Asked what that meant, Dr. Sageman said he was  
12 "trying to understand how groups try to attack the President or head of state," and so he  
13 "analyzed attacks against head of states in foreign countries and attacks against head of states in  
14 this country" in order to "try[] to figure out a way to protect the President against groups."  
15 *United States v. Shafi*, CR 15-0582 WHO, RT (6/5/18) (Docket 323), 766. The government does  
16 not explain what is so damning about this testimony. Dr. Sageman is a renowned expert on  
17 terrorism, terrorists, and terror networks. He accordingly has a long history of consulting with  
18 government agencies about how to predict and prevent terrorist attacks, including not just the  
19 Secret Service but also the FBI, the National Security Council, the Department of Homeland  
20 Security, the Department of Justice, the Department of State, and many others in this country and  
21 abroad. Why the government finds this disqualifying is a mystery.

22       Finally, the government claims Dr. Sageman bears a "bias against and utter disdain for  
23 FBI undercover operations" that "permeates through and poisons every conclusion he offered in  
24 this case." Govt. Supp. Memo, 17. Had the government leveled this accusation when Dr.  
25 Sageman could have responded instead of waiting until he left the stand, it would have learned  
26 much. Dr. Sageman has worked with the FBI on numerous matters and has been "invariably  
27 impressed with their professionalism." Sageman Decl., ¶ 4d. Far from harboring disdain for the  
28 FBI's work, he has written (and will publish later this year) an article in which he describes a

1 recent investigation as “outstanding,” opines that it “set . . . the standard for such operations,”  
2 and criticizes the British Security Service for falling short of the mark established by the FBI.  
3 *Id.* at ¶ 4b.

4        Though he has no complaint about the FBI or its undercover operations in general, Dr.  
5 Sageman does have concerns about sting operations in terrorism cases. He expressed that  
6 concern at the hearing and expands upon it the concurrently-filed declaration. *See* Sageman  
7 Decl., ¶ 5. Briefly stated, sting operations in terrorism cases generally target individuals with no  
8 history of terrorist acts – unlike sting operations in drugs cases, which tend to target individuals  
9 *with* such histories – and therefore the need to ensure that the target is not being unduly  
10 encouraged is much more acute. Dr. Sageman’s concerns are shared by experts all over the  
11 world, and sting operations in terrorism cases are outlawed in most western democracies. *See*,  
12 *e.g.*, Ahmed, *supra*, 126 Yale L.J. at 1542 (“The government’s aggressive use of sting operations  
13 has been criticized for targeting individuals who may never have taken part in terrorist activities  
14 but for the informants’ intervention.”) (citations omitted). The Court should reject out of hand  
15 the notion that sharing a reasonable and widely-held concern about a problematic law  
16 enforcement tactic is a “poison” that renders all the opinions of a world-renowned terrorism  
17 expert unreliable.

18        **b.        Dr. Sageman did not mispresent the evidence.**

19        Finally, the government gets to what it calls the “most troubling” aspect of Dr.  
20 Sageman’s testimony: the claim that he “repeatedly mischaracterized and downplayed the  
21 defendant’s interactions with the UCE in this case” and is “incapable of recognizing” that Mr.  
22 Alhaggagi generated the ideas for the supposed attack plans. Govt. Supp. Memo, 16. The  
23 government is only able to offer one example of Dr. Sageman’s supposedly “repeated”  
24 misrepresentations. And as to that single example, the government is wrong and Dr. Sageman  
25 was right.

26        The government accuses Dr. Sageman of attempting to “mislead the reader into thinking  
27 the undercover agent suggested to the defendant the idea of exploding a bomb capable of  
28 bringing down a concrete building, when in fact it the evidence is clear that it was the defendant

1 who first brought up the topic.” *Id.* at 15. The description of this conversation in Dr. Sageman’s  
2 report is accurate. It was in fact the UCE who first raised the idea of bombs on a vehicle, first  
3 raised the idea of employing a bigger bomb than could fit in a backpack, and first said such a  
4 bomb could bring down a building:

5 AA: How, how effective are the bombs you can make?

6 UCE: It’s as good as anything? I mean it’s like a real bomb. Like, like the first  
7 runner, do you know, remember when he tried to blow up the twin towers  
8 the first time? He used a U-Haul and that’s what he did. He did our trick.  
9 He would get the, the, the products from Home Depot separate the  
10 ammonium nitrate and put them in barrels and he would make, it took him  
11 a long time to do it, but he was patient and he was good he was smart and  
12 little by little he made barrels, barrels, barrels, barrels. **He put them on**  
13 **the U-Haul truck and then he drove them to the New York and he**  
14 **detonated them. So it could be as big as that! How big we want to**  
15 **make it, is up to us[.]**

16 ...

17 UCE: You know, brother, since I’ve been doing this for a while and have a lot of  
18 experience with, like, understanding where to place the bombs and how to  
19 do that. Mainly, you know, bigger bombs.

20 AA: Uh huh.

21 UCE: But with, um, with the backpacks. If we do six backpacks, you mean, you  
22 want to do like a pipe bomb kind of thing inside the backpacks?

23 AA: Well, how big are the ones that you’re used to making?

24 UCE: Oh, a lot bigger.

25 AA: Oh, like real big big?

26 UCE: Yeah, like not in a backpack.

27 AA: In a car? In the trunk?

28 UCE: Yeah, yeah.

29 ...

30 AA: That’s very interesting too, the, the, uh, you said as big as big enough to fit  
31 in a trunk. How much, how much damage could that cause?

32 UCE: How much damage?

33 AA: Yeah.

34 UCE: Like if we did it in a trunk, it would bring down, like, a building[.]

1 US-007778, 7835, 7840. Thus, the evidence says what Dr. Sageman said it does. The  
2 government is correct, however, in just one respect: after the UCE said his car bomb could  
3 destroy a building, Mr. Alhaggagi was the first to suggest that it might be a *concrete* building.  
4 US-007857.

5 The government’s brief does not quote the conversation between Mr. Alhaggagi and the  
6 UCE, because doing so would show Dr. Sageman described it accurately. Instead, the  
7 government includes part of an exchange between Dr. Sageman and the Court. Govt. Supp.  
8 Memo, 16. At the hearing, Dr. Sageman said the UCE was “egging on” Mr. Alhaggagi in their  
9 discussions of the various plots. RT (12/17/18), 150-51. The Court interjected, asking whether  
10 the evidence showed that four plots – car bombs, poisoning, fires, and backpack bombs – all  
11 originated with Mr. Alhaggagi. Dr. Sageman clarified:

12 Dr. Sageman: Yes, your Honor. I think this is three quarters right and one  
13 quarter wrong.

14 The Court: Okay.

15 Dr. Sageman: The Berkeley hill arson is Alhaggagi. The strychnine is all  
16 Alhaggagi. The backpack bomb is all Alhaggagi. He did not think  
17 of car bombs. It’s only when the undercover said, “Oh, I’m  
18 thinking something much bigger,” and Alhaggagi said, “Cars?”,  
that’s where it comes from.

The Court: Okay. Thank you.

19 RT (12/17/18), 153-54. Not surprisingly, the government leaves this out of its brief. Not only  
20 was Dr. Sageman’s description of the evidence accurate, but this exchange also refutes the  
21 government’s claim that Dr. Sageman “insisted . . . that it was the undercover who planted ideas  
22 about conducting attacks inside the defendant’s head.” Govt. Supp. Memo, 16.

23  
24 **VI. The UCE and CHS encouraged Mr. Alhaggagi and made no effort to dissuade him.**

25 The claim that Dr. Sageman misrepresented the evidence is a red herring at best. What the  
26 government really objects to is Dr. Sageman’s general characterization that the UCE (and the  
27 CHS, for that matter) egged Mr. Alhaggagi on. But while the government may not *like* that fact,  
28 it cannot dispute it. With the sole exception of Mr. Alhaggagi’s supposed plan to beat someone



1 up, no government agent ever did anything other than encourage Mr. Alhaggagi's "plots." It was  
2 the CHS who arranged for Mr. Alhaggagi to meet with the UCE, it was the UCE who drove them  
3 around to view attack sites, it was the UCE who rented the storage locker, it was the UCE who  
4 provided a list of bomb-making material and repeatedly urged Mr. Alhaggagi to buy it, it was the  
5 UCE who initiated every conversation and set up every meeting. And at every step of the way,  
6 the UCE and the CHS praised and encouraged every single one of Mr. Alhaggagi's ideas, no  
7 matter how horrific or outlandish.

8         The dynamic between the UCE and Mr. Alhaggagi was one of mentorship, constructive  
9 criticism, and praise. A review of the July 29, 2016 meeting best illustrates this. Exhibit B is a  
10 narrative description of the meeting; Exhibit C is the transcript,<sup>13</sup> and Exhibit D is a series of  
11 video clips. Mr. Alhaggagi spouts ideas about obtaining bomb making instructions online, about  
12 where he will store his strychnine, about traveling to Mexico. The UCE lectures him on his lack  
13 of caution, and educates him on tactics and strategy. In short, the UCE tries to teach Mr.  
14 Alhaggagi how to be a terrorist. In response, Mr. Alhaggagi proposes ever more grandiose  
15 plans, and the UCE lavishes praise. At no point in this or any other meeting did the UCE ever  
16 try to discourage or dissuade him. Nor did the CHS. They broke the cardinal rule – they fed the  
17 troll.

18         This is not to excuse Mr. Alhaggagi's words. The ideas were bombastic, grotesque, and  
19 horrifying, and they were almost all his, not the government's. But in attempting to gauge Mr.  
20 Alhaggagi's true intent, his ideas must be recognized as the work of a troll who was constantly  
21 encouraged by the government. This is in marked contrast to *United States v. Mohamud, supra*,  
22 a case relied upon by the government. In *Mohamud*, the agents followed the same playbook  
23 employed here – get in touch with a suspect, establish real-world contact, set up a storage locker,  
24 provide a list of bomb-making supplies, reveal the purported explosive material, and then (if the  
25 subject has not run away, as Mr. Alhaggagi did), follow through with actually building or  
26 detonating a fake bomb. But in *Mohamud*, the agents repeatedly tested their target's resolve by  
27

28 <sup>13</sup> So that the Court has the full record, Exhibit C also includes the transcript of the August 6  
meeting. The transcript of the third meeting (on August 10) was filed as Exhibit G to the defense  
sentencing memorandum (Docket 87-7).

1 attempting to convince him *not* to carry out an attack. *Mohamud*, 843 F.3d at 427 (agents “told  
2 Mohamud there was ‘no shame’ in not going through with his plan” and said “you always have a  
3 choice”); *id.* at 428 (on a separate occasion, agents “convinced Mohamud not to martyr himself”  
4 and “advised that he did not have to go forward with the plan”); *id.* (on another occasion, agents  
5 “again advised that Mohamud did not have to go through with the bombing”); *id.* at 429 (on  
6 another occasion, agents “asked Mohamud if he had any doubts about the bombing”). Mr.  
7 Mohamud was not a troll. He was not simply talking to see what reaction he might get. He  
8 ignored the agents’ words of caution and acted on every suggestion, bought every piece of  
9 equipment, carried out every preparatory step, and finally pressed the trigger on what he thought  
10 was a real car bomb.

11 This case reveals the opposite pattern. The agents actively and enthusiastically  
12 encouraged Mr. Alhaggagi at every step. Because Mr. Alhaggagi is a consummate troll, their  
13 enthusiasm spurred him to ever more outlandish claims. The agents never once tried to dissuade  
14 him or asked him to reconsider, but he still refused to carry out a single preparatory action. He  
15 did not buy any bomb-making supplies, instead lying to the UCE to pretend he had. And then he  
16 fled after he saw the purported explosive material.

## 17 **VII. Conclusion**

18 Mr. Alhaggagi was an identity thief and a troll. He stole credit cards to buy himself  
19 fancy clothes, and he spouted every vile idea and plot he could imagine to watch how the CHS  
20 and UCE would react. As he saw it, anyone other than a blowhard like himself would have said  
21 he was crazy and backed away. But instead, the CHS and UCE praised and encouraged every  
22 word he said and every plan he pretended to hatch. Despite that encouragement, Mr. Alhaggagi  
23 steadfastly refused to act. He would not buy bomb-making supplies, he would not steal a car, he  
24 would not buy strychnine, he would not even buy a backpack. And when he saw that the UCE  
25 was apparently not just a blowhard but had actually procured explosives, Mr. Alhaggagi ran  
26 away. He ran back to the anonymity of the internet, where he blithely continued his trolling and  
27 pranking, and when asked to open social media accounts he did it. He did not do it because he  
28 admired ISIS or intended to help ISIS, but because it was a way to gain leverage in a childish

1 online game. Mr. Alhaggagi's crimes deserve punishment. But he is not a terrorist, and a 33-  
2 year sentence is beyond unreasonable. The Court should adopt the Probation Officer's  
3 guidelines calculations and sentencing recommendation.

4  
5 Dated: February 15, 2019

Respectfully submitted,

6 /s/

7 Mary McNamara  
8 August Gugelmann  
9 SWANSON & McNAMARA LLP  
10 Attorneys for Amer Alhaggagi  
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# **EXHIBIT A**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AMER SINAN ALHAGGAGI,

Defendant.

Case No. CR 17-0387 CRB

**DECLARATION OF MARC SAGEMAN  
IN SUPPORT OF DEFENDANT'S  
SUPPLEMENTAL SENTENCING  
MEMORANDUM**

I, Marc Sageman, hereby submit this declaration in support of Defendant's Supplemental Sentencing Memorandum.

1) I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to and consistently herewith.

2) I have reviewed the United States' Supplemental Sentencing Memorandum filed on February 8, 2019.

3) At page 16, the government writes that I testified that I thought the bomb-making manuals Mr. Alhaggagi obtained from ISIL were not very effective "without ever explaining why or how [I am] an expert in explosives." If the government had asked the basis for my opinion while I was on the stand, I would have explained the following:

a) While I do not hold myself to be an expert bomb-maker, I have been trained on bomb-making methods and have more than amateur knowledge of explosives. As part of my CIA training, and during my assignment as a CIA case officer working with Afghan

1 mujahedin during the period of the Soviet invasion and occupation, I underwent weeks of bomb  
2 training and am familiar with the major principles of bomb-making.

3           b)       In my soon-to-be-published book, *The London Bombings*, I go into detail,  
4 in over a dozen pages, on bomb-making methods. My discussion of bomb-making in *The*  
5 *London Bombings* is to explain why the bombs of the London bombers went off on 7/7/05 but  
6 those of copycats failed to do so two weeks later on 7/21/05. My comment about the bomb  
7 manual at the evidentiary hearing held on December 17, 2018 was based on this same fund of  
8 knowledge and was on the same level as those I make regarding four different types of bombs in  
9 *The London Bombings*.

10           4)       At page 17, the government writes that “my bias against and utter disdain for FBI  
11 undercover operations permeates through and poisons every conclusion [I] offered in this case.”  
12 If the government had asked my opinion of FBI undercover operations while I was on the stand,  
13 I would have explained the following:

14           a)       I do not have a bias against or disdain for FBI undercover operations. The  
15 FBI is a very large organization and FBI special agents vary in terms of their abilities and the  
16 quality of the work that they do. Some are excellent, and even brilliant, while others are not.

17           b)       In an article that I have written, and that will be published after the release  
18 of *The London Bombings* in March of 2019, I compare the British Security Service unfavorably  
19 to the FBI. In that article, I not only praise the FBI operation that ended in the arrest of David  
20 Coleman Headley, but set it as a standard for such operations, one that I judge the British  
21 Security Service failed to meet. David Coleman Headley was the person who had “cased”  
22 Mumbai for the devastating November 2008 massacre that killed more than 160 people and  
23 wounded hundreds more. The FBI’s work on the Coleman case was outstanding. It started with  
24 the barest of leads from British Intelligence, a tip to Chicago-based FBI Special Agent Jeremy  
25 Francis that two al Qaeda militants in Britain had received a phone call from someone named  
26 “David” in Chicago who told them he would meet them soon. From this meager information – a  
27 first name, a general location, and an upcoming flight to Britain – Special Agent Francis traced  
28 the call back to a pay phone on Chicago’s north side. He then pored over flight manifests

1 looking for passengers to England with a first name David and who lived in the north side of  
2 Chicago. He finally narrowed down his search to Headley. Special Agent Francis requested  
3 European intelligence services to follow Headley in Europe, conducted his own investigation in  
4 the U.S. and gathered enough information to realize that Headley was not only involved in the  
5 Mumbai attack but was planning another attack, this time against the Danish cartoonist who had  
6 drawn controversial cartoons of the Prophet. Special Agent Francis stopped Headley from  
7 boarding a flight after he had returned to Chicago and conducted a two-week long interview with  
8 Headley, who confessed everything. In contrast, the British Security Service failed to follow up  
9 on the eventual leader of the London bombers despite the fact that they had his name and address  
10 from another plot.

11 c) Likewise, the FBI's investigation of the trio Najibullah Zazi, Zarein  
12 Ahmedzai, and Adis Medunjanin in September 2009 prevented multiple bombs attack on the  
13 New York City subway. There is little question that the New York JTTF saved lives in cracking  
14 this plot. Zazi and Ahmedzai pled guilty and Medunjanin was convicted by a jury.

15 d) I have worked with the FBI in the past. I collaborated with Mustafa Javed  
16 Ali, the FBI's first senior national intelligence officer. Former FBI Executive Assistant Director  
17 for National Security Branch Arthur Cummings (who was in charge of all terrorism  
18 investigations) asked me to give a lecture on terrorism on behalf of the FBI to the International  
19 Association of Chiefs of Police annual meeting in San Diego in 2008. His deputy, Phil Mudd,  
20 was a friend of mine. I introduced him to my editor at the University of Pennsylvania Press,  
21 Peter Agree, who published Mudd's book *Take Down: Inside the Hunt for Al Qaeda*. I visited  
22 the FBI Behavioral Analysis Unit several times and shared the results of my classified work on  
23 terrorism with the faculty of the FBI Academy at Quantico. When I was the special advisor for  
24 the Deputy Chief of Staff (Intelligence) at the U.S. Army, I worked with the FBI on several  
25 cases. I sat with several teams in different jurisdictions to prepare together for interviews of  
26 suspects. I was invariably impressed with their professionalism.

27 e) I am not against undercover operations. In fact, I was an undercover case  
28 officer at the CIA under non-official cover. Many times, there is no substitute for an undercover

operation to gather information and monitor a threat. These operations are legitimate against terrorist targets in the Western world and I understand and agree with their necessity. But, as the law recognizes, they must be carried out responsibly to ensure that they do not cross the line into entrapment and that the undercover officer or confidential human source does not become an agent provocateur.

5) While I have no disdain for FBI undercover operations, I do have reservations about sting operations in terrorism investigations, where the defendant is very unlikely to carry out any terrorist act absent the FBI influence, for the following reasons.

a) The difficulty with undercover operations in terrorism investigations, as opposed to drug investigations, is that they are often deployed against individuals who have never committed any previous criminal act, much less one of terrorism. Undercover operations in terrorism investigations often are deployed on the basis of the suspect's speech, not actions, and many times against relatively young and immature males, many of whom are Muslims espousing the pre-canned internet-ready terrorist talk that is in mass circulation on social media. My experience in some of these cases is that the undercover or informant, instead of passively hearing and monitoring, is sometimes invested in pushing the action, encouraging the target to commit a terrorism-related crime. At this point, the undercover operation becomes a sting operation. An example of this is the so-called Liberty City Seven case (*United States v. Narseal Batiste et al*, 661 F.3D 1105, 1116, 1120 (11<sup>th</sup> Cir. 2011) (three peripheral defendants under control of dominant defendant Batiste, who was targeted by a government informant, convicted and sentenced to terms of six, seven and eight years - only after three trials - in plot to blow up the Sears tower and FBI's Miami office. Convictions of the peripheral defendants were based largely on evidence of their having photographed federal buildings and having taken oath to al Qaeda under circumstances that suggested they were trying to con an FBI informant out of money; appeals court noted that the evidence against these defendants was "far from overwhelming" (*id.* at 1122); even Batiste, the main defendant, got the relatively low sentence of



1 13 and ½ years.<sup>1</sup> Another example is the Newburgh Four case (*United States v. James Cromitie*  
2 *et al*, 727 F.3d 194 (2d Cir. 2013) (dissenting opinion of Judge Jacobs) (impoverished defendant  
3 induced by dogged and year-long campaign of nagging, pursuit and temptation (with money, a  
4 business and a Mercedes-Benz)).

5           b) I do believe that the Court should have the benefit of data showing that the  
6 “encouragement” tactics sometimes employed in terrorism stings are not accepted in other liberal  
7 Western democracies, democracies that often have far worse problems with terrorism than the  
8 U.S. has. I have extensively consulted with high-level law enforcement officials, prosecutors,  
9 judges, and elected politicians in Britain, Ireland, Spain, France, Belgium, the Netherlands,  
10 Switzerland, Italy, Germany, Denmark, Austria, Canada, and Australia. They were unanimous  
11 that undercover operations conducted involving any sort of target encouragement as opposed to  
12 passive information gathering would not be allowed in their respective countries. (One exception  
13 that I am aware of was the arrest of Kazi Nurur Rahman in Britain in the post-London Bombings  
14 months because he was deemed to be too dangerous to be on the street.) The Canadians have  
15 started to use U.S.-style sting operations but the Canadian Supreme Court has just reversed a  
16 conviction involving one. While security services in all of these countries conducted undercover  
17 operations, they had clear guidelines which they could not cross if they were seeking conviction  
18 of a crime in a court of law. The standard for entrapment in liberal Western democracies outside  
19 the United States is an objective one. It looks at the conduct of law enforcement agents to  
20 determine if, viewed objectively, they acted as agents provocateurs. This objective test was  
21 urged by Justice Brandeis in his famous dissent in *Casey v. United States*, 276 U.S. 413 (1928).  
22 The law of entrapment in the United States of course is different from the Brandeis test. Rather  
23 than examining the objective actions of law enforcement, it looks at the subjective state of mind  
24 of the defendant, focusing on whether he was predisposed to commit the act.

25           c) Normally, for most crimes with a high base rate (such as drug offenses  
26 among drug addicts or dealers), such a subjective test based on predisposition can make sense.

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27  
28 <sup>1</sup> <http://www.cnn.com/2009/CRIME/11/20/florida.terror.trial/index.html>.

1 However, in terrorism, with such a low base rate (3 new terrorists per 100,000,000 per year, as  
2 estimated in my book *Misunderstanding Terrorism*, yielding approximately 10 new terrorists for  
3 the population of the United States (approx. 330,000,000)), such an intervention based on this  
4 subjective standard would generate thousands of false positives for each true positive.  
5 Transposing the subjective standard from criminal cases with a relative high base rate to  
6 terrorism cases with such a low base rate is therefore problematic because it would generate too  
7 many false positives defendants, who would have to stand trial for something that they would not  
8 have ever done.

9 d) For instance, let's look at the introduction of an undercover agent using  
10 this subjective standard as an intervention to detect whether someone is a terrorist in this  
11 population. Let's assume that this intervention has 100% sensitivity (it correctly identifies all  
12 true positives or terrorists) but only 99% specificity (it correctly identifies 99 out of 100 true  
13 negatives or non-terrorists). This level of accuracy for any test or intervention is unheard of in  
14 the social and medical sciences. Under our assumption, the introduction of an undercover agent  
15 into an alleged plot would identify all 10 terrorists in the population of the United States.  
16 However, it would make 1 error out of 100 evaluations for the rest of the population and  
17 therefore falsely identify 3,300,000 innocent people as terrorists. This high number of false  
18 alarms (3.3 million) for 10 true terrorists is due to the fact that terrorism has such a low base rate.

19 e) The government usually shows predisposition by introducing jihadi talk  
20 online. Some of it is shocking, e.g., celebrating the deaths of people or even the rapes of Western  
21 non-Muslim women, but the talk rarely has much to do with the actual desire to carry out an  
22 attack. Thousands of people make such statements (and worse) on the internet, often to appear  
23 tough or to brag or to feel empowered. But mercifully, a very small number goes on to commit  
24 terrorist attacks. Talk is cheap. Action is not.

25 f) Now let's apply the same test to the population of people who are only  
26 talking jihad online. It is difficult to estimate, but let's assume that it is about 10,000 people in  
27 the United States. Although the base rate of true terrorists is much lower in the United States  
28 than in Europe (see my chapter, "The Atlantic Divide," in *Leaderless Jihad*), let's keep the same

1 base rate in this hypothetical, making it about 10 new terrorists in 330,000,000 people and  
2 assume that all 10 are online jihadis. Using the same incredibly high accuracy intervention, the  
3 undercover agent would identify all 10 terrorists accurately but would also falsely identify 100  
4 innocent people bragging on the Internet about being terrorists. This ratio of 10 innocent people  
5 (who are suspected of being terrorists and are put on trial) to 1 terrorist even in this very small  
6 population raises fundamental concerns about fairness. This type of scientific analysis of any  
7 counter-terrorism intervention is elaborated on more fully in the chapter “Probability Theory and  
8 Counterterrorism” in my book *Misunderstanding Terrorism*.

9         6) I have interviewed scores of committed terrorists and have been retained by  
10 numerous defense lawyers. As I wrote in my report and as I testified at the evidentiary hearing  
11 on December 17, I find many to be dangerous in terms of potential to commit political violence.  
12 For some, I also find that, while committed, it was not clear what they would do. For example,  
13 in the case of Adam Shafi, pending in the Northern District of California (*United States v. Adam*  
14 *Shafi*, CR 15-0582 WHO), I opined that while I did not know what Mr. Shafi would have done  
15 had he been allowed to travel to Syria unimpeded by the FBI, he had already voluntarily turned  
16 back once. I also opined that there was no evidence that he had made any attempt to put himself  
17 under the control and direction of Al Nusra, the charged designated foreign terrorist  
18 organization. The jury deadlocked and the court declared a mistrial. I am informed and believe  
19 that the government has offered Mr. Shafi a non-terrorism disposition – a plea to one count of  
20 bank fraud, in violation of 18 U.S.C. Section 1344 12/6/18 (Dkt. 345). My opinion here is very  
21 different. Based on extensive interviews with Mr. Alhaggagi and a thorough review of the  
22 evidence, including Mr. Alhaggagi’s contemporaneous chats with his fellow internet trolls, my  
23 firm view is that Mr. Alhaggagi is a troll – a talker, not a doer. Remarkably in the context of  
24 terrorism investigations for immature young men like Mr. Alhaggagi, he did not take any action.  
25 This was despite the undercover agent’s efforts which, far from neutrally listening and  
26 monitoring Mr. Alhaggagi for his potential to carry out a terrorist act, praised his ideas,  
27 facilitated all of the steps toward the execution of his ideas, and generally encouraged him to  
28 carry them out. The undercover agent initiated all the meetings with Mr. Alhaggagi, even

1 surprising him when Mr. Alhaggagi was avoiding him and no longer answering his emails.  
2 Moreover, it was the undercover agent who drove Mr. Alhaggagi to tour the Berkeley Hills,  
3 rented the storage locker, provided the list of bomb-making ingredients, supplied the fertilizer  
4 and the detonators, drove Mr. Alhaggagi to visit the storage facility, and showed him the bomb  
5 making material he had purchased on his own to Mr. Alhaggagi's surprise. In all these respects,  
6 when Mr. Alhaggagi tried on a new and outrageous idea for a plot, the undercover agent "fed the  
7 troll" that Mr. Alhaggagi was playing. That spurred Mr. Alhaggagi to more and more trollish  
8 extremes in his desire to "win" his game of dare. In the end, Mr. Alhaggagi became scared that  
9 the agent was serious and intended to carry out an actual attack. At that point, Mr. Alhaggagi ran  
10 away from the agent and avoided answering his texts and phone calls. He did not go on to  
11 attempt even a false terrorist attack as many other immature young men would have done in the  
12 face of the agent's encouragements. This is the evidence of all the discovery material and is very  
13 consistent with what Mr. Alhaggagi said. It is my opinion that this is the only explanation that  
14 makes sense of all of the evidence.

15  
16 I declare under penalty of perjury of the laws of the United States that the foregoing is  
17 true and correct.

18 Executed this 15<sup>th</sup> day of February 2019, at Rockville, Maryland.

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21 Marc Sageman  
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# **EXHIBIT B**

### **July 29, 2016 Meeting -- the Dynamic Between Mr. Alhaggagi and the UCE**

The UCE arrived in Oakland with barely a night's worth of notice. The UCE picked the meeting spot, Mr. Alhaggagi's local mosque, where Mr. Alhaggagi's community worships. When the UCE approached Mr. Alhaggagi, he was not at all what Mr. Alhaggagi expected. Unlike the CHS who appeared to be a young male Mr. Alhaggagi's age, the UCE was as old as Mr. Alhaggagi's father and dressed in the same sort of middle-aged attire – a soccer shirt and sneakers. (The sleeve of the UCE's Adidas brand shirt is visible on the videos). The soccer fan-UCU looked nothing like Mr. Alhaggagi's image of an Al Qaeda combat veteran. He was clean-shaven, quite-voiced, soft-palmed and did not say his prayers like a fundamentalist. But, like Mr. Alhaggagi's father, he appeared somber and pious. Mr. Alhaggagi formed the impression that this fellow was no Al Qaeda member, but he perhaps was a "wannabe" who is bitter about having lost his job. Alhaggagi Statement at 3 (DKT. 87-1). (In a text exchange with the CHS in the early morning hours before the UCE's arrival, Mr. Alhaggagi had asked if the UCE is doing this because he's mad that he lost his job. The CHS responded "nah." On the drive to the storage unit later, the UCE tells Mr. Alhaggagi that he got fired from his job. 007832.

The FBI recorded none of this initial meeting at the Mosque. The July 29 video starts later, with the UCE's features blurred out and with Mr. Alhaggagi adjusting to this unexpected visit by a self-serious father figure. Mr. Alhaggagi starts in a way calculated to annoy -- he makes a joke of the situation. Mr. Alhaggagi says he (Mr. Alhaggagi) goes by the name "Abu Bazooka." The UCE is a wet blanket – "I thought that was a little too much. Over the top," the UCE says. Mr. Alhaggagi tries again – "funny though, isn't it?" The UCE is all business "[the CHS] knows that I'm very, like worried about security and people." Mr. Alhaggagi provokes with: "yeah, he told me that you're paranoid. [Laughs]." The UCE then patronizes Mr. Alhaggagi with: "So you know, spending almost 10 years in Afghanistan doing what I do. You learn to be very smart about it." Exh. C at 007771-73.

Mr. Alhaggagi then starts to talk a mile a minute to see what will stick with the UCE. Mr. Alhaggagi says he owned a business before he sold it (a lie) he had contacts with "one the brothers," and the brother suggested that Mr. Alhaggagi "do something here" instead of Mr. Alhaggagi's plan of an attack in Dubai (of all places - another set of lies). The UCE is not impressed. He cross examines Mr. Alhaggagi about whether he trusts these "brothers" online does he even know whether it's a real person, after all, this person could be "totally fake ... like why should they, are they helping you? Like are they actually doing anything with you? Or they are just telling you to do it?" Mr. Alhaggagi does not have a good comeback. The UCE then lectures Mr. Alhaggagi at length about the dangers of talking to strangers online. Mr. Alhaggagi stumbles out with "so then you want me to stop talking to them, cut them off?" Yes, says the UCE, if you want us to work together, because "I'm not doing something that causing me to get captured, right?" At this point in the game, the UCE is scoring all the points. Exh C at 007773-76).

Mr. Alhaggagi regroups. He says he got some instructions from a brother on how to create bombs, but nothing very helpful. The UCE again lectures Mr. Alhaggagi about how he may be falling into a trap. 00776-77. "Yeah, I know that," is all that Mr. Alhaggagi can offer.

The UCE gives a summary of how to assemble a fertilizer bomb. And then the UCE talks about “a real bomb ... Like the ... when he tried to blow up the twin towers the first time.” 007778.

Mr. Alhaggagi then tries something exotic. He says that he has ordered strychnine from China and was going to mix it with cocaine. Instead of being impressed, the UCE peppers him with questions – what would he do with it after he mixed it, who would distribute it, did he already have the cocaine? “I can get the cocaine any day” Mr. Alhaggagi insists with streetwise bravado. When the UCE asks where they are going to store this cocaine, Mr. Alhaggagi can only blurt “I was, not at my house? [Laughs].” 007779-80. “No, not at your house” laughs the UCE, then asks Mr. Alhaggagi what if your roommate sees it, did Mr. Alhaggagi trust him, when is the strychnine going to arrive, how did he order it, was it coming to his house, make sure you are going to pick it up when it arrives. 007781-83.

Mr. Alhaggagi then comes out with a much bolder idea: “I was thinking about burning the hills, cuz there’s a lot of trees and a lot of homes over there. 007783. Again, the UCE seems skeptical - how would he start the fire? “I was just thinking gasoline” was Mr. Alhaggagi’s answer. “Oh,” says the UCE, “they might be able to catch you with that, ... how would you get away?” 007784. Mr. Alhaggagi assures the UCE that there are places and invites him to tour the hills then and there.

On the car drive up to the hills, the UCE tells Mr. Alhaggagi that he is going to go on Hajj “this year.” 007785. In 2016, Hajj began on September 10, some five weeks away.<sup>1</sup> Later in the conversation, Mr. Alhaggagi finds out that Hajj is in September (he had guessed November and then covered up his mistake). 007813. Mr. Alhaggagi says that he has a place in Mexico (yet another lie) where he planned to go “next week” and where they could hide after “we finish doing what we’re doing here.” *Id.* The idea of going anywhere before they carry out an attack earns another rebuke from the UCE: “ahhh. I wouldn’t do that brother. Because if you do any type of border crossing, they, they take your name, they can look your picture, they can ask that questions ...” 007786. The UCE says “I’m sorry if I’m like ruining your plans a little bit.” Mr. Alhaggagi retorts “you’re not ruining anything, because nothing has been established officially yet though.” *Id.*

Having tried and failed to wow the UCE with gun talk, poisoned cocaine and his connections to “the brothers,” Mr. Alhaggagi resorts to outright shock and awe:

He can get machines guns in Oakland – “AKs, M-16s, anything you need is here.” See also Exh C at 07788. He can get AK47s “any time” from a friend in Vegas, the friend has two AKs “right now,” and a week ago, he had a Glock 40 with a 100 round clip – “we’re really connected.” “Wow,” says the UCE, but then, he undercuts Mr. Alhaggagi with “and you trust these people?” Exh. D, Clips 1, 2 and 5 (Minutes 39:01-39:48 and 40:00 to 40:33 and 47:06-47:38). See also Exh C at 7788-90.

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<sup>1</sup> <https://www.aljazeera.com/news/2016/09/hajj-2016-day-ritual-begins-september-9-160901180331137.html>.

Mr. Alhaggagi presses on: I get cocaine from the Mexican Cartel. To this, the UCE just laughs. Exh D, Clip 3 (Minute 44:39-44:48); Exh C 07792.

But then, Mr. Alhaggagi hits pay dirt. Bombing the dorms! It's so easy, he tells the UCE, you can get a homeless person to do - it for a cigarette! "Wow," says the UCE: Exh. D, Clip 4 (45:16 to 45:49). Mr. Alhaggagi is now making some headway in the game.

The UCE is even more impressed by the arson plan in the Berkeley Hills, "there [sic] homes are right there too. There is no way they can escape" marvels the UCE. "Yep, yep, like," coos Mr. Alhaggagi. The UCE continues to feed the troll: "This is good, man. We just have to do it in a way where we can just drive away and not even get caught. Like they wouldn't even know what happened." 007795-96. "Well, you'll be amazed when you see up the hills how easy it's going to be," crows Mr. Alhaggagi: 007796. Exh D, Clip 6 (Minute 47:44 to 49:06).

Mr. Alhaggagi tops the arson plan with "I was trying to target you know, like clubs, you know like dance clubs. ... to avoid Muslims, I guess." "No, yeah, that's good, that's good," feeds the UCE. 007796. Before that thought is out of his head, Mr. Alhaggagi tells the UCE that he will show him the frats, the dorms. The UCE gushes "And they don't have any security at all?" *Id.* The two drive past the national lab, and then more houses. The UCE says delightedly "Right in the forest practically! All these houses are gonna burn down! ... There's no way they can even escape!" Mr. Alhaggagi ups the ante with the idea that the firefighters will need *helicopters* to respond "and the helicopters can't like get every single spot!" 007800. The UCE eggs him on with: "It's gonna be impossible. Once it starts there is no way they can stop it. Because it's on the news right now like in Southern California there's fires. So it will be like that. Wow!" When Mr. Alhaggagi then asks what the best way to start a fire in a place like that is, the UCE engages in a tendentious explanation that flares are the way to go. *Id.*

Mr. Alhaggagi winds up with a grand finale: "I want to make it to the point where every American here, like thinks twice or three times before he leaves his home." "Yeah," says UCE in a serious voice. Exh. D, Clip 7 (Minute 01:14:03 to 24); Exh. C 007807. Mr. Alhaggagi imagines the American public quaking in its boots as it thinks: "Is it safe for me today? Is today anything gonna happen? You know?" "It scares them!" says the approving UCE. Mr. Alhaggagi goes on: "That's the goal. So I'm sure all of the burning, the explosives, the poisons, all of that adds up, to a conclusion. You know?" says Mr. Alhaggagi. "It scares them and puts the fear in them" offers the UCE. Exh. D, Clip 7 (Minute 01:14:27 to 14:43). Exh. C 007806-07

Mr. Alhaggagi then says after they do "whatever" they are going to do here, he will go to Dubai, he has hate in his heart for them. 007809. Passing the Berkeley dorms, the UCE gasps "Oh I see them right there. And there's no security!?" 007810. "Nuh-uh. If there is it's going to be retarded white kid walking around and he won't be a problem" Mr. Alhaggagi says. 007810. Then, the UCE gives Mr. Alhaggagi trolling gold by referencing Mr. Alhaggagi's idea of the homeless person as bomb mule: "So you think the bums will just carry them for us?" Mr. Alhaggagi giddily says: "They'll carry it for us! They'll walk in here and they'll walk around." But, the UCE hesitates "We can just drop them off and walk away, you think? I don't know if I



trust the bums.” Mr. Alhaggagi dodges and feints with: “We could do that too. We could get all the way inside and their public bathrooms. Like there’s bathrooms in there [sic], that are not inside the dorms and still inside the apartments in the rooms. We could just leave them over there.” When the UCE is assured that the restrooms are open, he says “Oh wow! I bet there would be a lot of people would be [sic] in here.” 007810.

Mr. Alhaggagi says he has “like 8 backpacks” (he has just one, which the UCE later makes him bring to the final meeting). Mr. Alhaggagi goes on to say he wants to put them in garbage bins, “like in areas like Chinatown.” 007811. They discuss detonating them with cell phones and Mr. Alhaggagi boasts about having a friend who owns a phone store. 007812. The UCE then asks why Mr. Alhaggagi has six backpacks, and Mr. Alhaggagi (who seems to have forgotten that he had said eight backpacks) says because “I’m trying to make a lot of bombs and put them in the backpack” (a lie). When the UCE reverts back to chiding mode and asks if Mr. Alhaggagi’s roommate is suspicious about his having six backpacks, Mr. Alhaggagi comes out with the preposterous statement “I’ll kill him before we leave.” 007813. The UCE feeds the troll once again with the following exchange:

UCE: Oh, you don’t like the guy?

AA: I mean, I know he’s a Catholic, do I don’t mind

UCE: Oh, ok, alright. I thought he was Muslim like American Muslim or something. Oh, he’s Catholic. I don’t care. But we can’t kill him first? Because it would ruin our plan [Both laugh]

007813. It is after this extended set of feints and jabs that Mr. Alhaggagi and the UCE have the back and forth about Al Qaeda and the Taliban that the government treats as Mr. Alhaggagi’s great unmasking of the UCE, but that was in fact was Mr. Alhaggagi’s attempt to pass the time before he could end the outing. 007814-21; see Defendant’s Reply Sentencing Memorandum at 2-7.

The UCE called Mr. Alhaggagi to meet again but Mr. Alhaggagi was resistant. It was not until a week later, on August 6, that the meeting occurred. Mr. Alhaggagi tried a new tack with the agent – act volatile. He had set the stage for this in text exchanges that he had had with the CHS on July 30, the day after the first meeting with the UCE, where Mr. Ahaggagi made a series of ludicrous statements, including that he heard people who used meth were smart and therefore “ima start using meth.” (DKT 87) at 15-16. On August 6, the first thing Mr. Alhaggagi does when he gets into the car is show the UCE a gun. Exh C 007826. He gets the hoped-for response from the UCE: “you gotta be kidding me.” *Id.* The next thing he does is tell the UCE he has been dealing drugs for money. 007828. But, the UCE is unfazed and drives them to a storage unit. Mr. Alhaggagi draws the UCE’s attention back to the gun he’s carrying and the UCE warns him about wearing it – what if he gets pulled over? 007829. Mr. Alhaggagi then suggests that he, Alhaggagi can steal hand grenades from the police, which instead of putting the UCE off, impresses him: “oh man, that’s pretty smart man.” 007834 He talks of stealing the cars to place backpack bombs in – the UCE worries that they will be found out (007840). He says that they can get a bazooka from Mexico. 007841. Mr. Alhaggagi talks about setting up a

fake modeling agency and then slaughtering the would-be models with knives. 007842. He then ups the ante again by stating that he would kill any cop that pulled them over, just kidding. 007853. None of it seems to work to put the UCE off. Mr. Alhaggagi then offers to be the one to get “the supplies” that the UCE wants (and never gets any). 007845. He then marvels at the low price of cheeseburgers, insisting that they pull over so he can get one (007854) and then muses that their attack would be the biggest attack since Pearl Harbor (007857). In the middle of all this, Mr. Alhaggagi takes a call and lets it be known he is doing a drug deal (007865). He then gets out of the car intending not to see the UCE again.

The next meeting is the impromptu one on August 10 called by the UCE which Mr. Alhaggagi feels he has to attend because his friend picked up the phone and the UCE announced that he was around the corner. See Government Sentencing Memorandum at 28-29, Defendant’s Sentencing Memorandum at 16; Defendant’s Reply Sentencing Memorandum at 7. Mr. Alhaggagi repeatedly talked about “beat[ing] someone’s ass for talking crazy.”

The final meeting is the one where the UCE showed the buckets of fertilizer and the detonators and Mr. Alhaggagi never answered another call.

# **EXHIBIT C**

UC4270 (Agent)

Amer Alhagaggagi (AA)

UNINTELLIGIBLE [UI]

UC: This is UC4270. I just met Amer at the mosque. We walked over to the vehicle. He will be joining me in a few minutes. [pause] Today's date is July 29, 2016 and time is approximately 2:11 pm. and the meeting is taking place in Oakland, California and we will drive to Emeryville to discuss further. [pause]

AA: [UI]

UC: [UI]

AA: How ya doing, man?

UC: Good. How ya doing?

AA: Really nice meeting you. My name is Amer.

UC: Good to meet you, brother. I'm [REDACTED]

AA: Where you're from originally again?

UC: Afghanistan, brother.

AA: Ok ok. I'm from Yemen originally.

UC: Born in Afghanistan

UC: You from Yemen?

AA: Yep.

UC: Were you born in Yemen, brother?

AA: I was born here in Lodi. Lodi's right next to Sacramento.

UC: Okay, the city next to Sacramento?

AA: The city right next to Sacramento.

AA: If you wanna keep going straight all the way to 40<sup>th</sup> and make a left.

UC: Ok, 40<sup>th</sup>?

AA: Yeah

UC: Ok

AA: That's a one shot. How was your trip?

UC: It was good, brother. Driving never bothered me, so

AA: Yeah?

UC: Driving is easy for me. Yeah.

AA: I hate driving. [Laughs]

UC: Really?

AA: Yeah.

UC: That's one of the easier things to do, is to drive.

AA: One time I was driving to LA with two of my friends. One of them was a handicapped, he was a paraplegic and the other was sitting right next to me and it was night. So I would drive and while I was driving, I fell asleep. So the guy next to me, so instead of saying, hey Amer, you know why don't you park and let me drive? He would look at me and laugh. He said, "hah" the brother is falling asleep. Look at him, look at him, [Laughs]. While I'm falling asleep, for like several seconds to like every 10 minutes. But yeah I don't, I don't like driving at all.

UC: He didn't wake you up?

AA: [Laughs] Not even, not even to let me drive. I just parked and slept for like a couple of hours.

UC: That's smart that you parked the car and slept. That's dangerous. So, I can tell you got a lot of people know you here.

AA: Yeah. I've been here for a I've been here since the bay area since 2009. Then

UC: Ok?

AA: But I came here before in 2007, or 2006, till 2000 and 05 to 7 two years.

UC: Ok?

AA: and then I went back to Yemen and then I came back here.

UC: Ok?

AA: Yeah since the last time I've been was in 2009 and yeah I went to High School here. Not down there but

UC: Wow. Why did you come back from Yemen?

AA: I got kicked out of [UI] Well not kicked out like that but you feel me. I was with my mom and you know it takes a man to raise a man. Right?

UC: Oh, I see

AA: My dad was here.

UC: Ok, Ok, Ok so your mom is over there and your dad is here?

AA: No, now my mom, my mom has been here for two years now.

UC: Oh Ok. That's good brother. That's good. You've been talking to my cousin, Huh?

AA: Yeah man. I didn't even get his name.

UC: His real name or the name he uses for?

AA: The thing is I go by Bazooka but what's his real name?

UC: [Laughs] [REDACTED] [Laughs]

AA: [REDACTED] Ok man. We just choose that name from yesterday [UI] dude man that's too cool. [Laughs] something else

UC: [Laughs] He kinda told me about that.

AA: Yeah.

UC: I thought that was a little too much. Over the top.

AA: Funny, tho isn't it?

UC: He knows that I'm very like worried about security and people.

AA: Yeah, he told me that you're paranoid [Laughs]

UC: Yeah, a little bit. [Laughs]

AA: I taught him better safe than sorry though.

UC: That's the way. Like you said left in 40, right? So you know spending almost 10 years in Afghanistan doing what I do. You learn to be very smart about it.

AA: What did you do in Afghanistan?

UC: I was with my brothers in Al Quida.

AA: Hola! [UI]

UC: Yes.

AA: [UI] You learn a lot.

UC: You learn a lot. A lot, you learn how Americans do things. How they try to capture you. How they try to follow you.

AA: [UI] You said 10 years?

UC: 10 years, yes man.

AA: I've always thought that people overestimated the Americans in that way. You don't think so?

UC: Hell nah. All I know is when they want to, they can find you, man.

AA: Oh that's true.

UC: When they want you they can find you and you have to, you have to never give them a reason to find you. Alright? If you are not someone they are looking for, then you're okay. But if you make mistakes, and they start like looking around, then you're gonna have problems. So when I do things in Afghanistan, it was always very clean, never anything that would attach stuff to me or anything that could make them think I was involved. So that's the way I do things here, never never take a chance, always think what if they know, how can they get, how can they get

AA: This is the BART station.

UC: Yes, I know about BART, yeah. I didn't know there was a BART station here. Wow. [pause] So how long have you've been thinking about this brother?

AA: So um, So um, I just got back from Saudi Arabia about [U] a month and a half ago, right?

UC: Ok

AA: My plan was to get back here and uhh immediately [UI] so uhh what I did is I had opened up a phone shop on Ashby right close by, here and I sold the business and it was in my sister's wedding, so I spent a lot of money on my sister's wedding and everything. And uhh you know I went with my mom and came back here and I was getting ready to leave immediately like right after [U] I was supposed to be gone. I got in contact with some of the brothers and uhh trying to make my way to Asia, but I was trying to get some information about [UI] is a town borderline between Turkey and [UI].

UC: Ok

AA: They are in control of that town. Apparently, they were not. And they said it would be very difficult for me to enter at this time. And they recommended me to do something here, in the U.S. and I didn't mind cause my plan you know eventually I wanted to do something here before I leave.

UC: Right?

AA: But now I guess I'll just do it and I talked to [UI] and Adibe yesterday and he said we were talking about after doing it here going to Dubai or going to [UI] either or. But I've been always wanted to do something here.

UC: So some brother told you to do something here? Somebody, do you know this person?

AA: [UI] No no I got in contact with him through plenty of people. To reach him I had to contact 3 or 4 different people and we've been talk I've been looking for some file, they are supposed to send me some files on how to create a [UI] little bombs. And they wanted me to, they asked me to take pictures here of the areas I'm targeting and they wanted a video of me making [UI]. And they said after that we could move forward.

UC: You trust this person?

AA: Yeah, how do you feel about that?

UC: How do you know it's like a real person?

AA: Well, Do you want me to ask them any specific questions to find out? Or Skype them or something?

UC: No, I, that's the reason I asked. My cousin to first talk to somebody like you and then I always tell me you don't trust somebody until you meet them to make sure you are like a real person.

AA: Yeah.

UC: Right? And not somebody who works for Americans or who works for the British or the Canadians or whoever. And this person could be totally fake. What if they were trying to set you up? Like why would they, are they helping you? Like are they actually doing anything with you? Or they are just telling you to do it?

AA: Well, we haven't done anything yet and uhh basically, they're gonna arrange things for me. They ask me if I needed anybody here. They could send me someone, if I wanted them to. They recommended that, but I said no. Umm and there's gonna all that I really want from them, I didn't even want to get in touch with anybody really until I want... a stop sign. I wanted to learn how to make bombs.

UC: I think you told, Did you tell uhh my cousin a little about this stuff?

AA: About the stuff?

UC: Yeah, Yeah, I think you did, he might have told me. But it makes me very nervous that you talk to somebody that you don't know. Like, you haven't met them.

AA: You mean personally?

UC: Yes. That makes me very nervous. Because that's how they got a lot of good people, a lot of my brothers in Afghanistan, they would pretend that they were with us. They would meet you here. Bring this, bring this and bring that and build this and they would obviously not work for us, they would end up killing them or say, they got into a fight, a gun fight and they could kill them. Then they would say we found them with all these weapons, so we killed them. And they would set us up like that. So, we never trusted anybody online. So, this person you are talking to like you don't know who they are. Right? You just, they tell you they are with the brothers, but how do you know? That's not taking any risk with you, they are not like joining you.

AA: So then you want me to stop talking to them, cut them off?

UC: If, if you want us to work together?

AA: Cut'em off? Yeah, I don't mind.

UC: Only because, I don't wanna, whatever I do at the end I want to make sure that, I'm not doing something that's causing me to get captured. Right?

AA: uhh uhh

UC: So it doesn't matter if I'm killed, it's okay, that's, that I can live with, that's part of Jihad. That's part of your goal, but like to get captured in America, you know what they do to you, man? I mean they put to in jail and they torture you and they could send you to that, that Guantanamo place your entire life, you're just gonna torture you



forever. So, if you want to do this with me, or if you want me to help you, I don't want, I don't like doing that online stuff. I'm sorry, if.

AA: No, no, no ain't no problem, like this is real. This is priority, then whatever's online.

UC: That's what I mean. I don't trust, I don't know the person. If the person is willing to come meet me, I can talk to them, then it's like ok, then I know you're real. But if they say, no I can't meet you, no I'm over here. Then it makes me very nervous.

AA: Ok.

UC: Umm, like you know anything about him?

AA: What I know is that they are ahh a network of people, they connect to the umm [UI] all over the world.

UC: That what he says?

AA: Yeah, but like everything is off based, off what they said.

UC: Right?

AA: But do I know anything for sure, I've never looked at them, seen them, or spoke to them face to face, no.

UC: Makes me very nervous. Have you told them where you live? Have you sent pictures of yourself?

AA: No, no, of course not.

UC: Did you tell them your real name?

AA: No, no, not at all.

UC: That's good.

AA: [Laughs] Yeah, I wouldn't, even when they asked me for that, for that video, of making [UI], they said to cover my face and all.

UC: Ok, but they want you to send it to them?

AA: Yeah.

UC: See they can track you, once you....

AA: Once it sends? They can track it. Yeah.

UC: Yes, that's why I hate, I mean, everyone thinks that, oh, this app is secure, this app is secure, yeah it's secure until they hack it. Until they know you're using it and then they can find you, so I wouldn't, I wouldn't use anything like that. Maybe he's a good brother, maybe he's not, but until I see him working with me, doing something, I don't trust him, [UI] so, I would ask you please, there's no way for me to know if he's real, right? because I don't see him, I would ask that you just completely cut him off, like, completely, like how do you talk to him? Is it email or is it like?

AA: No, it's through the app we talked about.

UC: Ok through the Threema?

AA: Yeah.

UC: See I would completely, even, yeah just. I don't know if you can like not cancel the account, but just stop talking to him, so if he sends you something, don't respond!

AA: Ok.

UC: alright? [UI] even read it, because I think they can tell if you read it or not, I don't know.

AA: Yeah, they could.

UC: Yeah, so just don't do anything. Like, how long have you been dealing with him?

AA: It's just been ahh about two, a week, a week or so. [pause] see what's the exact date?

UC: What's the name he uses? Do you know? Does he give you a name or is it just the number on, on Threema?

AA: [UI] that's his name, on Threema.

UC: He doesn't know anything about you, tho?

AA: Nothing personal, nothing personal.

UC: Okay, Okay, that's good, that's good.

AA: Yeah, we started talking July 20

UC: Okay, like how much stuff did he tell you? or what did you tell him?

AA: Well, basically, he didn't want to move forward without, without me giving him the [UI].

UC: Ok?

AA: He said, he uh

UC: But did you asked him for information and he gave you a little bit?

AA: uh, I was asking a guy before him to send me files on instructions on how to, how to create bombs.

UC: Okay.

AA: And he sent me something that wasn't very helpful, but then he said to give him some time, he'd connect me to someone else.

UC: That doesn't make sense, brother. I know how to make a bomb. If somebody asked me for instructions, I would give it to him because it doesn't hurt me. Right?

AA: Yeah.

UC: Unless, I'm trying to track him down, and I give him a little bit, then I give him a little bit more.

AA: Yeah I know what you're talking about. I know that.

UC: But, if a brother said even if I don't know them, hey I want to make a bomb. Can you help me? I say yeah. If they don't know who I am and I use a fake name online. I would just send the email, the lync or file. Here's how to make it. How does that hurt me? It only helps me, because it's another brother working on a bomb to kill Americans. How does it hurt me? So, if he's not giving you that then it makes me think he's trying little by little to track you down, to get information from you.

AA: Alright. Umm So really all I what I needed them for is to know how to, how to make bombs. But if you know how to do that, so?

UC: Yeah, that's easy to do. That, in Afghanistan it's easier, because you have all the stuff you can get. In America, it just takes a little longer, because

AA: Yeah.

UC: to get the different parts and to get the actual explosive, you just can't go in a store and buy it.

AA: Yeah.

UC: You have to have like an instructor's just stuff like that, but you can buy like fertilizer at Home Depot little by little, and you separate the fertilizer and you get the ammonium nitrate and that's what you build it like that. It take a little while in the U.S. because you can't buy it all,

AA: Yeah.

UC: so you get the components and little by little we build it, that I know how to do easily. But, if someone is asking for instructions and they don't give it to you, it makes me nervous.

AA: Ok.

UC: So, It's up to you, It's your choice brother, I don't want you to feel like you...

AA: No, no, of course if we're going to work together, like I said, this is right now, and real. This is me and you talking. It's not over, hey you know what I'm saying?

UC: Yes, It's not some fake number, versus some app.

AA: This would have priority for me.

UC: Yes exactly! So this, this makes me comfortable, because I know if you're trying to set me up, you're there to get into trouble too. So, it's not like a one way thing where you just tell them. The guys are telling you to do stuff and he's not even getting involved.

AA: Ok.

UC: So that's probably best if you stop, talking to him. Don't tell him anything or I'm going to stop talking to you. Just don't respond to him.

AA: Right.

UC: If he keeps sending you stuff, take it, but don't respond to it. Right? That way if he can't says, hey, here's some more information or why don't you talk to me? Because he's trying to get information from you, so don't do that, that's the way they got a lot of our brothers in Afghanistan, they do in Iraq and Syria. That's how they try to trick you, so I wouldn't do that at all, man.

AA: Ok.

UC: So, it's better if we deal together. Even when you and I talk together on this Threema, I, it should only be for like, hey can we meet, can we meet in the parking lot? This would be the parking lot, Right? Can we meet in the parking lot tomorrow at 4:00, okay.

AA: Then we [UI] it out in person.

UC: Yes.

AA: Ok.

UC: This way there is no record of it, there is nobody who can hack into it, there is nothing.

AA: Yep.

UC: That's the way to do it.

AA: Ok.

UC: Does that seems like a good plan?

AA: Yeah, perfect plan for me.

UC: Okay. [Laughs]

AA: Don't even worry about it!

UC: Good I feel better, you made me a little nervous when you said to talked to this guy online. and

AA: Don't worry about it he's out of the picture now.

UC: Ok good, good humble. That's good. That's

AA: [UI] How, how effective are the bombs you can make?

UC: It's as good as anything? I mean it's like a real bomb. Like, like the first runner, do you know, remember when he tried to blow up the twin towers the first time? He used a U-Haul and that's what he did. He did our trick. He would get the, the, the products from Home Depot separate the ammonium nitrate and put

them in barrels and he would make, It took him a long time to do it, but he was patient and he was good he was smart and little by little he made barrels, barrels, barrels, barrels

## END OF SESSION 1

UC: He put them on the U-Haul truck and then he drove them to the New York and he detonated them. So it could be as big as that! How big we want to make it, is up to us, because we just, the bigger we want it the

AA: The more, Ok.

UC: longer it takes. It takes more time to buy the product separately, mix it, store it, buy the product mix it, store it.

AA: Ok.

UC: Yeah and, we never, like the way I do it, I never mix the product or store the product in the same place that I live.

AA: Oh yeah of course!

UC: because if anything happens, if there's a fire next door, the police department come, or the fire department come, or if something happens, or a neighbors suspicious, or if somebody smells something then they gonna come find you. So, I always do it in a storage place away from where I actually live. That way if they go to the storage place, I don't live there, they don't know us, whatever. They'll never find me. And that's the key is to separate you from whatever you are doing.

AA: [UI]

UC: So, that's the best way to do it. I know that my cousin said you ordered some stuff.

AA: Yeah, strychnine.

UC: Is it comes to your address?

AA: No, it's not coming to my address. It's coming to a different address.

UC: Okay?

AA: but um

UC: and when you get it what are you going to do with it? Like?

AA: Well we were thinking about either selling it as drugs or mixing it in drugs.

UC: Yeah, what kind of drugs?

AA: Cocaine, because it's the same color as cocaine.

UC: Yeah ok, so it's like a white powder?

AA: Yeah.

UC: Then what would you do with it? Like, after you mix it.

AA: We distribute it.

UC: Do you know who you...like...

AA: Yeah

UC: Would you try to sell it yourself? Or...

AA: I know a lot of distributors. I could sell it myself too, but I wouldn't do that. But I

UC: You would distribute it?

AA: Yeah.

UC: Okay, so you order the poison?

AA: uh-hh.

UC: But do you have the cocaine now? How do?

AA: Yeah, I can get the cocaine, anyday

UC: Like you know somebody who can supply to you. Like how much will that cost us?

AA: It will be \$6,000.00 for a quarter brick.

UC: \$6,000.00 dollars?

AA: Yeah

UC: Wow! Okay. I mean I can ask the brothers to help us with the money. That's not the problem. It's like how... Ok, Where are you putting the poison once you get it?

AA: We mix it with the cocaine.

UC: Yeah, like where are you going to store it? Where are you going to keep it?

AA: Oh, like where am I going to keep it?

UC: Yeah.

AA: I was, not at my house? [Laughs]

UC: No, not at your house. [Laughs] Do you live alone or do you live with someone?

AA: I have a roommate.

UC: Okay, what if your roommate sees it? What if they get sneaky and they walk into your room and they see it? And then they call the cops.

AA: Okay, so we need a place right now? That's what you're saying?

UC: Yes, yes, the best way to do it is to put it in like a storage place.

AA: Okay.

UC: That way, it doesn't, like nobody goes in a storage place.

AA: It doesn't come back to you?

UC: Yeah, it doesn't come back to you. Nobody's going to go to a storage space and look around, right?

AA: Yeah.

UC: We can put it there and it's safe and it doesn't come back to you and whatever we want to do, we can do in that storage place.

AA: Okay.

UC: You and I could meet there. We could close the door. We could mix our stuff. We leave, and then we clean up and then we go to our car, then we - nobody knows we are doing this stuff. Do you know this guy?

AA: Nah, security? No [pause]

UC: So, if you do it, I think we should probably not have it your house, because what if your roommate decides to open a door one day, right? Or if he smells something? Or anything that could make him...

AA: Suspicious?

UC: Yeah. Do you trust your roommate?

AA: Yeah he's a cool dude but, you know you can't trust anybody when it comes to these kind of stuff.

UC: Yeah, unless there with you, helping you?

AA: Yeah.

UC: Then he can't trust you. So, when is this stuff going to arrive? Do you know when it's going to be here?

AA: I ordered it like 2 days ago. It should be here in one week. It's coming from China.

UC: From China? How did you order it?

AA: Ali Baba.

UC: Can you could do that?

AA: Yeah.

UC: [Laughs] That's pretty good. [Laughs]

AA: Yeah, it's easy. I was, I was looking for it online, I couldn't find it, I was thinking about going to Silk Road the deep web. Are you familiar with that?

UC: Yeah, I know about that.

AA: But, I found it on Ali Baba.

UC: Okay.

AA: And I used the stolen credit card to order, so...

UC: That's smart, see you're thinking.

AA: Yeah.

UC: So, you are thinking okay. So you used a stolen credit card and you said you said it's not coming to your house.

AA: Not coming to my house.

UC: Okay, How are they shipping it? Like the regular postal service?

AA: UPS.

UC: Are you sure it's UPS?

AA: Yep.

UC: Because UPS is good about putting the box there and walking away.

AA: Yeah.

UC: Because the postal service, they wanna like make you sign for stuff. Or they put it inside your little mailbox, so the UPS will take it to your, actual, to the actual address. Do you have, did they give you a tracking number?

AA: They did send me a tracking number.

UC: So you can keep track of when it arrives.

AA: Uhh Uhh.

UC: Okay. Please make sure you pick it up, right? [Laughs]



AA: Yeah, of course. I've done, I've done this a lot of times. Like ordering stuff from online and picking it up from different places. UPS drivers they don't care, as long as you tell them the name on the package, they give it to you. I'm not worried about that.

UC: Alright, alright, so you'll be able to take it before it gets to the neighbor.

AA: Yeah.

UC: [UI] you doing a lot of things right. And the little things make me nervous. [Laughs]

AA: It's the contact, the right contacts. That's the only thing. Don't worry about it. [UI] It's done.

UC: That's good, that's good. Umm, alright so, that's one of your ideas to mix it and distribute it. That's good, because it won't connect anything to you. Alright, so, people they get killed

AA: people use drugs?

UC: Yeah and they get killed or the police will think it's drugs. Okay, that's easy mixing it, like you can't mix it at your house. If we mix it in the storage place do we need anything special to mix it?

AA: No, not really. Just mix it.

UC: Okay, we'll have cover our mouths. [Laughs] You don't want to breathe the poison and have it go into your mouth or whatever.

AA: There's no antidote for that poison either yet, so

UC: [Both Laughs] You and I would be in storage when no one would know, we could be there for years and no one would know.

AA: [UI]

UC: We don't want that. That's good, alright. Anything else you think that you wanna do, because we could stuff or we have to plan. It takes,

AA: Ok.

UC: it takes time.

AA: And there's umm, have you've been, you familiar with the Berkeley Hills? Have you seen it before?

UC: No I mean, just on the map and driving around. Like, I use to come here a long time ago with my mom, she use to like a cousin here or something, so I would visit for a couple of days. So, I know where somethings are, but like I know there are like the hills here, but I don't know if they are the Berkeley Hills or Oakland Hills or what.

AA: I was just thinking about burning the hills, cuz there's a lot of trees and a lot of homes over there.

UC: Right?

AA: [UI] make a, start a fire.

UC: How would, how would you start the fire?

AA: I was just thinking gasoline.

UC: Oh Gasoline. Oh, they might be able to catch you with that, because they know, that gasoline and like a match? How would you get away? Right, you have to think how we'd get away.

AA: Because there's not a lot of people that go to the hills, some areas of it.

UC: Ok so you do it?

AA: And we can just drive and do it real quick and drive away, smoothly. There's a lot of ins and outs to it too, a lot of roads.

UC: You're thinking of a some place a little more like...

AA: Yeah.

UC: not a lot of people go there.

AA: Uhh ha

UC: Like a little hidden area

AA: Yeah.

UC: Start the fire, then?

AA: And then it will spread.

UC: Okay, yeah, that's possible because they won't, they won't see us and they won't be able to catch us. Are you thinking like do it during the day? Cause?

AA: It will be harder to detect during the day, right? Or we could do it like after [UI] very early, after [UI] or late night, whatever you prefer. Whatever you think is right?

UC: Yeah, I just want to make sure nobody sees us and like nobody like catches us on some kind of a video or some kind of like camera they might have. I don't know this place at all, so I don't know which area you think, like I don't know which hills or which section. If you know exactly, we could do a drive by and kind of look at it to see if it makes sense and if it's a good place. We can could do that and then later on decide the time. But if it's some place where there are homes and people can see us, then we can't do during the day, because...

AA: There's also designated areas in the Alto, so the fire could spread to where the community is. You want to go check out the hills?

UC: Right now?

AA: Yeah. If you're free?

UC: Oh yeah sure.

AA: [starts humming] [pause] [starts whistling]

UC: Do you know how to get there?

AA: Yeah, just make a right on 40<sup>th</sup>.

UC: Ok. [pause] I'm sure my brother will be successful and we'll be out of here.

AA: So are you trying to go to the [UI]right after?

UC: I'm going to first to Saudi Arabia and I'm deal with Haj [UI] I'll shall do my Haj this year and then afterwards [GPS] in 800 feet make a [UI]

AA: So have you already done [UI]?

UC: No, I want, I want I wanna go and I wanna, I know some good brothers who will meet me there. And we will go together. The same brothers that I worked with in Afghanistan, so I trust them. Umm, So, depending on when you want to do this. We would have to wait till I come back from Haj, or we could do it before, but I like, I would like at least to get my Sheikh to say okay. Like this is the plan and I want him to say okay before we do it. It makes me feel better we are doing something that he agrees with.

AA: Sounds Ok, no problem. That's fine. Umm, I have a place in Mexico. I'm supposed to go to Mexico next week. After we finish doing what we do here we could go stay there and lay low for a while.

UC: Okay, after we do our stuff here?

AA: Then we could leave Mexico to anywhere we want.

UC: Yeah, if we get our tickets from Mexico, that would be less suspicious. No one would know us. Like, we would be going to Mexico for vacation.

AA: Yep, I got, we have, a brother over there. I mean he's not Muslim, he's not a brother. I'm real tight with their family.

UC: Okay.

AA: I'm gonna go check with them and next week [UI] and top it up and see if I can stay there after that.

UC: Were you gonna go visit them next week?

AA: Yeah.

UC: ahhh. I wouldn't do that brother. Because if you do any type of border crossing, they, they take your name, they can look your picture, they can ask that questions, why you are going, it's like going to an airport and

flying, they can ask you a lot of questions and man if they get suspicious, they will pull you over and take your phone from you, I mean, I won't do that if I were you brother. I wouldn't leave America, if I were you.

AA: Until after we are done?

UC: Yeah, if you go to a different state, it's okay, but if you go to a different country, all these security people there gonna say, "Why are you going?" I know, because brothers that just get harassed at the airport every time they go. And so, they may harass you, ask you questions, and if they feel something is wrong, then, I'm afraid, even if they like don't arrest you there. They may want to start to track you, which means that will, that will lead them to me. Right?

AA: Umm, Okay.

UC: So, I would prefer you don't go anywhere, at least not until we go together, then you won't come back right away, because if we go to Mexico and then if we fly out, it's no problem. But, if we go to Mexico and we come back but I think they could be tracking us.

AA: [UI] no problem.

UC: Is that okay? I mean I'm sorry if...again brother

AA: That's why you're here, that's why we are talking about it.

UC: Yes, I want you to do what you want, but I... for security...

AA: Which is priority!

UC: Yes!

AA: I understand that's why we are talking and...

UC: It's better to be safe until afterwards.

AA: I understand, no problem

UC: I'm sorry if I'm like ruining your plans a little bit.

AA: You're not ruining anything, because nothing has been established officially yet though.

UC: My cousin always wants to get involved, he wants to do stuff. I always have to tell him not yet. Like, I have to prepare you for it, I have to like show you how to do things right and I haven't seen him for such a long time, that I'm afraid he's going to do something and get himself like in trouble, you know?

AA: Uh-huh

UC: He's always getting excited. I want to come see you. I want to come travel. I'm like oh no, wait, wait for the right time. And he's still young, not young but, he's inexperienced when it comes to dealing with the Americans and knowing how to operate safely.

AA: I understand.

UC: Boy, oh, boy, oh, boy, Is it always this hot here? I thought it was cooler in San Francisco.

AA: We get all four seasons in a week.

UC: [Laughs]

AA: San Francisco is cold. If you go around San Francisco across the bridge, it will be a lot colder.

UC: Okay.

AA: And...But I think the weather is good here today. You don't think so? It's not that hot.

UC: I think, it's just in the car it's hot, maybe. Yeah, Yeah. The car is probably just hot. [pause] I saw the pictures that umm, you took for umm, my cousin.

AA: Uh-huh.

UC: [Laughs] It's good that you know what you want to do. But please don't send them anymore. [Laughs]

AA: What picture did I send him?

UC: Didn't you send him some kind of picture of some place or tell him about a place that you wanted to, like a umm, you described some place you want to, a bridge or something?

AA: A bridge? Umm, let me see?

UC: You told him something that you wanted to do something, and he told me. I said like, why is he describing stuff?

AA: You're going to make a right on Stanford here.

UC: Okay.

AA: I said, this is the card I used to order stuff on.

UC: So, officially these people on credit cards, it makes me nervous...

AA: Don't send these?

UC: Yeah, don't, especially if you are going to use them to buy stuff, then it's going to track that back to you.

AA: I guess we all so taken over that it's so secure that we just...

UC: It's never secured man. I don't trust anything with computers with phones and they can track everything and anything down. [pause] How far is this hills place?

AA: Aaah, I think it's about ten minutes.

UC: Ten minutes?

AA: Yep.

UC: Ok. [pause]

AA: That's the hills.

UC: [UI] all that?

AA: Yeah, all that in front of us.

UC: Yeah, right now really hot, right? There isn't a lot of rain this summer, so [pause] This is something that can be done without...

AA: Now make a left. It's easier, right?

UC: I mean like being, like captured or being caught, or a video catching us. So left here on Market?

AA: Uh-huh. [pause]

UC: [Breaths heavy] Do you have storage place, like a U-Haul place or something?

AA: uhh, we could, we could get one. I don't have one right now, but I could get one going. And I have a fake ID and a driver's license so...

UC: Oh, you do?

AA: Yeah.

UC: Really? [Laughs] Excellent! Is it legal, so they won't like be suspicious or anything?

AA: Yeah, I'll show you the picture

UC: Because every time I rent a U-Haul storage place. They are pretty easy, but they want your license and credit card. Oh, that's like?

AA: Yeah, it's the new ones too, it's the latest versions of ID's.

UC: Wow! Wait is that, is that your real name on there?

AA: No, come on dude it's a fake ID. [Laughs]

UC: [UI]so why you put? [Laughs] Oh man, so you've got the hook-ups for a lot of this stuff.

AA: I have hook-ups for a lot of stuff, yeah, you're in Oakland, everything is here, everything illegal is in Oakland.

UC: [Laughs]

AA: Even when it comes to machine guns, I couldn't find any bombs, that's why, I ended up contacting the people I contacted. But yeah there's a lot of [UI] for guns, AKs, M-16s, anything you need is here.

UC: Have you bought anything from these people? Like guns and stuff?

AA: When I was younger, that what I was doing. I was buying them and selling them.

UC: Really?

AA: Yeah.

UC: And you never got caught?

AA: Nuh-uh, see I had my friend in Vegas. He would buy them in Vegas. I don't know how he gets them, but he would either report them stolen or buy them. They are a lot easier to buy them in Vegas. They're legal,

UC: Right?

AA: automatic weapons. So he would take them apart and send them to me. And when he sends them to me, he sends them to different addresses and I go pick them up and take them to someone who puts them back together, then we sell them.

UC: Oh, I used to live in Vegas.

AA: Yeah?

UC: Yeah, so I know there's a lot of gun shows there.

AA: Yeah.

UC: and a lot of drugs there. There's so much stuff there.

AA: Uh-huh

UC: It's, I guess it's kind of like Oakland you can get anything illegal in Vegas. So, wow! Do you have any now that we can use or somebody you know could help us buy some?

AA: I can get some like, anytime you need.

UC: Wow!

AA: There just a phone call away.

UC: [Laughs]

AA: He had a Glock 40 a week ago. I was there with a 100 rounds, clip, a 100 rounds on a Glock 40.

UC: In Vegas or here?

AA: No, over here.

UC: Wow! Cause those are like, illegal.

AA: Yeah, they have 2 AKs right now for sell.

UC: The same people?

AA: Yeah.

UC: Wow, and you trust these people?

AA: Yeah. They, we like grew up together. Went to high school together and everything.

UC: Do you think they would want to sell it to us?

AA: Yeah. The more we buy the happier they will be.

UC: [Laughs] Oh, man. No wonder things are a little crazy in Oakland. [Laughs]

AA: [Laughs]

UC: Which is good for us.

AA: Yeah, that Oakland very is a cool place to operate from. Because the police are so busy with so many other stuff. There was a murder in Oakland yesterday and four people down the street got arrested. And there's a lot of drugs going on. There is a Three Kingdom mafia. There's a lot of wanna bees, like, there's a lot of people on Russell. You know so there's, the police authorities are so distracted with so many stuff, that this would be the least they would expect at this time, I would think. Especially nowadays, there's a lot of drama. The people want the people from North Berkeley are killing the dealers themselves, because someone cut off someone and he went to jail.

UC: Some gangs?

AA: Yeah.

UC: Oh Shit! So the police officer's are busy doing that?

AA: Yeah.

UC: Wow, then they are afraid of getting killed, because now these days...

AA: Yeah, see when you called a police officer in Oakland it takes about 45 minutes for them to respond.

UC: Wow!

AA: Just make a right and keep going straight, all the way to Channing.

UC: Right here? Channing?

AA: Yeah. Channing.

UC: We'll go right on Channing. [pause] This neighborhood is a little different.

AA: What's that?

UC: This neighborhood is a little different.



AA: Yeah, this is the good side of Berkeley.

UC: Where all the white people live?

AA: Umm huh, you see, a white lady! [Both Laughs] and then you know UC Berkeley, right?

UC: I mean, I know the school.

AA: It's up there it's close to what I was talking about.

UC: Yeah ok, I know about the school they are very famous. [pause]

AA: We can, I was thinking about targeting the dorms, like [UI] [phone sound/notification]

UC: Are the dorms in one location?

AA: Make a right here. Uhh, I'll show you, you'll see right now. Yeah they are in one location.

UC: Make a right here on Brancroft? Ok.

AA: Yeah, It's like a big apartment complex.

UC: [UI]

AA: Yeah there are several of them like right next to each other, crowded.

UC: There's a lot of young students too.

AA: Yeah. I'd like to kill the students.

UC: Yeah they all just, young little

AA: [Laughs]

UC: Americans who are...

AA: [UI]

UC: Yeah they think, yeah they think there are better than everyone else. Like, Do you know where the dorms are? Are they actually...

AA: Yeah, I used go there a lot when I was in high school. I used to do online networking.

UC: Yeah?

AA: And umm, we use to have a lot of students from UC Berkeley that were participating. I went to a lot of conferences. This was a few years ago, but I still have access to.

UC: Now, do they have security? Security guard?

AA: Nah, I think they have one security guard for the entire place. Make a left. Just give'em...

UC: Left on Martin?

AA: Yeah. Left and then you're gonna make a right over here on, on this street right here. I think. We were just on Bancroft, right? This is the high school.

UC: Oh Ok. What high school is that?

AA: Berkeley High.

UC: Berkeley High? Okay. So, this is not the university?

AA: No, we're going to pass by the university now.

UC: What street is this?

AA: This is [UI].

UC: It's not a one way is it?

AA: Nah.

UC: So where is the university?

AA: The University is a few blocks up. This is a drug park. Everyone sells drugs.

## END OF SESSION 2

UC: Are you serious?

AA: Yeah, for the high school tho, but this is still a real good area. Remember this is a real nice area, high class area.

UC: And they sell drugs in that park?

AA: Uh-huh

UC: That's where we can get our cocaine? [Laughs]

AA: No, the cocaine we get it from the Mexicans from the cartel.

UC: [Laughs] Ok. [Laughs]

AA: That's on East Oakland on 82<sup>nd</sup> and Berks.

UC: [Laughs] Ok. So you know your neighborhood? That's good.

AA: I got it all covered.

UC: Wow, we could actually do this and get away....

AA: Yeah

UC: and it would drive them crazy they couldn't get us.

AA: I know, I've been so excited about it. I've been hyped up. Like, how I'm seeing it we could get away so easily. And like if you want to like plant a bomb and walk into a place with a bomb. You don't even have to do it yourself. There are so many homeless people that would do it for you, for like a dollar or something. Like I could tell them to walk into the YMCA bag and they could do it and we could detonate it from outside.

UC: Yeah, everything has to be with a detonator, away from...

AA: Yeah, that's what I'm...

UC: Wow! So, you think the homeless will do it for \$5 bucks something?

AA: They'll do it for a cigarette, man!

UC: Are you serious?

AA: [UI] I have a friend who works here, his hotel right here.

UC: A nice place, I guess? I bet you it's expensive too!

AA: Very expensive.

UC: All the white people come here.

AA: This is downtown Berkeley.

UC: You said make a left here on Shattuck?

AA: No, keep going straight.

UC: Oh, go straight. Okay.

AA: Right there is the city college [UI] city college.

UC: I don't wanna hit these people.

AA: We're gonna make a right. This is the university. This is where we start, from here it's huge.

UC: This brick wall here?

AA: Yep. Make a right. This is the stadium and those are the classrooms over there.

UC: Okay, so right on Oxford here?

AA: Uh-huh

UC: This is the stadium that you see on TV?

AA: No, the one you see on TV is up in the hills a little further.

UC: Oh ok.

AA: But this is one of them. They have two stadiums.

UC: They have too much money so they built two stadiums.

AA: [starts whistling] and we're gonna take the next left, this is a one way street

UC: You really know your way here, man.

AA: Yes sir.

UC: Thank, God because I'd be lost.

AA: See this is my friend from Vegas talking to me.

UC: The ones that can get you the guns? Nice.

AA: Yeah. Like, we're really connected. We are real close.

UC: Nice.

AA: They are not even going to make any profit off of us.

UC: This is Durant?

AA: Durant.

UC: a left? So, you trust this guy in Vegas?

AA: Yeah.

UC: Ok. Not enough to tell him what we are doing!?

AA: No, nobody needs to know what we are doing. This is like our thing.

UC: Ok good!

AA: A red line that no one crosses.

UC: Good! We've have to keep it completely separate from everybody!

UC: And you've got to keep it separate from everybody.

AA: Yep.

UC: Wow! This is going to be incredible man!

AA: It's a nice area to attack.

UC: Yeah cuz they are so asleep.

AA: [Laughs] Yeah, right, it's like everybody's in their own world, just doing their thing. And we're over here.

UC: They have no idea.

AA: Yep. This is the barn and club on the 2<sup>nd</sup> floor.

UC: What is that place called? You call it [U]?

AA: Yeah [UI] you go upstairs there's a dance floor and bar

UC: Okay.

AA: and over there is another club downstairs. The restaurant is on the top and at the bottom is a bar and club[UI].

UC: This is where all the college people hang out?

AA: This is where all the students are, yeah.

UC: Okay. This is not where the dorms are they?

AA: The dorms we're going to pass them right now. You see the hills, we're getting closer and closer.

UC: Okay, I see the hills there. Boy, that's a lot of trees that can burn, man.

AA: Yeah, yeah, that's what I'm saying.

UC: Their homes are right there to. There is no way they can escape.

AA: Yep, yep, like.

UC: Wow!

AA: [Laughs]

UC: You were been thinking about this. This is good, man. We just have to do it in a way where we can just drive away and not even get caught. Like they wouldn't even know what happened.

AA: Well you'll be amazed when you see up the hills how easy it's going to be. There's some dry grass up there that will burn easily and it spreads all the way to another area where there's a lot of people, a lot of homes. This is Telegraph a very busy city fast street [UI]. [music playing in the background]

UC: This is a busy place, man.

AA: Uh- huh, you should see San Francisco on tomorr, today's Friday, tonight. If you have a chance we can go to San Francisco.

UC: Are there busy there too?

AA: This is nothing. I, I wouldn't recommend driving there. We could take BART. See the streets how busy they get, crazy. And we'll hire a lot of homeless people.

UC: Have you plowed in place the places in San Francisco for shooting what will be good places to target? Or?

AA: I mean, like I want to see. I don't, it's not, it's not hard to target places, because there's people everywhere. But I was trying to target you know like clubs, you know like dance clubs, bars,

UC: Yeah.

AA: stuff like that

UC: Yeah, yeah

AA: [UI] to Avoid Muslims, I guess.

UC: No, yeah, that's good, that's good.

AA: I guess because there are a lot of Muslims there.

UC: No, this is good, man.

AA: Umm, I'm going to show you the frat houses over here, the fraternities.

UC: Okay?

AA: And then we're gonna go up the hill and then when we come back I'm going to show you the... Oh, these are the dorms, if you want to see them on the right.

UC: And they don't have any security at all?

AA: [UI] But we'll pass by them later. So these are all fraternity houses for the students, the ones with Greek letters.

UC: You need me to go straight? Or?

AA: Your gonna make a right. [horn honks in the background]

UC: Isn't Piedmont, like a city or something?

AA: Piedmont, yes is right next to Oakland. It's an area more than a city.

UC: Right here?

AA: We're gonna make a left from the roundabout. These are the houses, the students fraternities.

UC: So we're gonna go roundabout and go left up there?

AA: Yes sir.

UC: Ok. But you like know all these street names and everything! Like you come here a lot!?

AA: I mean, I was, I was born, not born but raised in Berkeley [UI].

UC: So I go up Channing here? I'm gonna have to remember these street addresses because if you ever send me alone, I'd get lost, man.

AA: [Laughs]and make a left.

UC: [UI]

AA: The 2<sup>nd</sup> stadium. This is what, what you see on TV.

UC: Ok, ok, yeah. It's always on TV, man. The guys are always talking about it on the radio when I'm driving, and I'm like god all they talk about is sports, man.

AA: Some of rooms are covered in trees.

UC: Gee you're right. The actual house is like a tree.

AA: Uh-huh.

UC: I'm gonna stop here so I can get through here. [both Laugh] This is pretty like a remote area.

[Loud truck passing by and honkin ]

AA: and then I also wanted to target with a....My phone ringing [speaking a different language while on the phone] make a right. [Laughs]

UC: [UI]

AA: It's in this area. [speaking a different language while on the phone]

UC: Ok.

AA: [speaking a different language while on the phone] ok, go straight. [speaking a different language while on the phone]the lexus[UI] I mean he, I had to take it to the mechanics because of the spark plugs [speaking a different language while on the phone] [UI] that's my cousin.

UC: Ok.

AA: Yeah. I'm kinda of been looking out for him since lately he was diagnosed with cancer of his bladder, stage 4 he's going through chemo right now [UI].

UC: I'm so sorry.

AA: How do you like, do you like the area?

UC: There is a lot of trees. It's almost like a forest.

AA: This is nothing, this is nothing here. When we go up you will see better places that we can burn and the fire can just like expand all over the place.

UC: Wow...

AA: This is part of the university too, huh?

UC: Oh it is!? Ok.

AA: There is Tilden Park. There's a park up here too.

UC: Is a national park!?

AA: It's not a national park. It's just like a little park kids.

UC: Like actual park for kids to play? Okay.

AA: There's a, there's a lot of deers here.

UC: Really!?

AA: Uh-huh.

UC: All these people walking, they are just like asleep and have no idea.

AA: These are the labs and some other facilities for the college, the university.

UC: It looks like they have a gate but not allowed in there?

AA: Huh?

UC: It looks like they have a gate there but not allowed in there, I guess?

AA: I mean, if you have some ID you can walk in. are those, are those? Oh, no, I've never seen that before. It seems like they are working on something so stay out.

UC: Goats!?

AA: Yeah

UC: Probably they are using them for experiments?



AA: Yeah, that's what I was thinking.

UC: Wow, I never, thought that this was like that.

AA: And this is, It's going to be very effective too on them. [UI]we're burning trees and like there's going to be lots of property damage.

UC: Oh yeah. Not just property damage either! Like people, people could actually be dead! Wow... These rich people living up here, man. I'm not use to driving such a small car, it's weird.

AA: Huh?

UC: I'm not use to driving such a small car, it's weird.

AA: Oh yeah. I think we'll just stop, just to look at the view of San Francisco, Golden Gate Bridge, Bay Bridge

UC: Oh I see that.

AA: But em' [pause]

UC: Ok. [pause]

AA: [whistling] Ok. We can make a right or left.

UC: Which way you think?

AA: But I wanna, I wanna see where, like a better, make a left,

UC: Ok.

AA: I wanna see places that we can burn better. Like we'll choose a nice place once we actually get to it.

UC: Like an actual spot!

AA: Yeah.

UC: Ok.

AA: These are houses.

UC: People actually live here, man!

AA: Yeah.

UC: Right in the forest practically! All these houses are gonna burn down!

AA: [UI]

UC: [UI] Yes!

UC: And there's no where for them to go! Like there's no, this is the only road, Right?

AA: Uh-huh.

UC: There's no way they can even escape!?

AA: They can commit suicide and can go straight [UI]!

UC: [Laughs]and just roll down the hill, or?

AA: That's 90% chance they will not survive but they still have 10% to look forward too.

UC: [Laughs] Instead of burning in there house. Which is a 100% death [UI]?

AA: And It will take hours for the fire fighters to get up here. And they will need the helicopters, and the helicopters can't, can't like get every single spot!

UC: No way!

AA: they gonna cover as much as they can, but not [UI].

UC: Once it starts man

AA: [phone sound / notification]

UC: it's gonna be impossible. Once it starts there's no way they can stop it. Because it's on the news right now like in Southern California there's fires. So it will be like that. Wow!

AA: What's the best way to start a fire in a place like that?

UC: Without getting caught?

AA: Uh-huh

UC: You ever seen these things, like flares?

AA: Flares?

UC: Yeah like uh, like if you see umm, truck drivers have them, or a...

AA: Like those little gun flares? Oh, I know what you're talking about! Police officers use them to when they try to close the roads. Yeah they put them in the middle of the highway. Yeah I know what you're talking about.

UC: Yeah. Those get hot, man they start a fire. And huh they'll someone turning it on because the car was broken down or something. They'll think it was an accident.

AA: [phone sound / notification]

UC: And that might be the easiest way to do it and not get caught. I've seen truck drivers use it and cause little brush fires. And they put them out real quick. If we did right, it would start the whole fire and then they

would say it was an accident no fire. They wouldn't try to look for anything. Should I write this stuff down like [UI] or are you gonna come back with me?

AA: Yeah your GPS takes you right there.

UC: This GPS is only good for like highways and stuff like not really for cities.

AA: Then make a right over here.

UC: How do you know this place!?

AA: When I was in high school, I walked all the way to the top of the, top of the hill and there was a lake over there and we were trying to get to the lake and then it took us so long to get there. Make a left. It took us so long to get there, when we were coming back. We were like I'm not gonna to take the streets, it's too long. So instead we started jumping from house, fence to fence, fence to fence [Laughs] until we got back.

UC: Are you serious!?

AA: And then you make a right.

UC: And the people didn't call the cops on you?

AA: Uh, we only got caught by one person and we just ignored him and kept walking.

UC: [Laughs] [UI] Drive is right there.

AA: Yeah, make a right. Over there's a different way to get there, it's a lot easier. It's through a, I'll show you. and then take your next left and another left

UC: Have you been here recently? Because you literally know exactly where to go!

AA: The last time I was here umm, a couple of weeks ago, I think. Uh, My friend came from Qatar.

UC: Okay.

AA: And I took him up there. Sale pending. This house is sold. That's crazy.

UC: How much did that cost, man?

AA: Like 4 or 5 million.

UC: Well whoever buys it didn't buy a burnt house. [Laughs]

AA: [Laughs] Right? [Laughs] That's funny!

UC: [Laughs] They better sell it quick, right?

AA: Uh-huh. So the lake is over there. But if you make a right here...

UC: There's a lake up here?

AA: Yep, down there, not very far away. But we could, I think we could uh, get a good view of every, all the places from here. [seatbelt sound] See that? Start it easy over here all that is dry.

UC: Oh, man, that is...Like they would totally think like this is a section that some car broke down, put down a flare and it just rolled down or something.

AA: And like you don't have to worry about anybody reporting or being on tape or something catching you, because look.

UC: There's no cameras or anything.

AA: Nothing. You're in a designated area. All these homes over here...

UC: All these homes burn. Wow! That's a good spot right there.

AA: Yes sir.

UC: See even trucks go by here. So they would just think some truck driver just threw down a flare because his car broke down or something.

AA: This will burn in a split second.

UC: Oh yeah. Yeah this place is remote no one would even see us, no cameras.

AA: Uh-huh [UI]

UC: Look how close the house right next to the trees.

AA: And the wind is blowing this way these trees are going to catch the fire too.

UC: It would just jump across the street.

AA: Uh-huh. [starts whispering]

UC: Like how long does this road go?

AA: Umm, I think it will take us to Contra Costa yeah [UI] it will take us to different cities.

UC: All of these are good spots. Because no one would even know. [car chiming / seatbelt reminder] I thought we ran out of gas, I was like, oh man!

AA: No. [pause] There's a golf course right here.

UC: For like all the rich white people.

AA: Um-uh. [starts humming]

UC: Oh yeah I just somebody there, playing golf.

AA: Yeah that's the field.

UC: They better play all they can right now. Go straight or turn right?

AA: Make a right. [pause]

UC: We're not lost, right? [Laughs]

AA: Nah. Have you ever played golf?

UC: Never, never in my life, man.

AA: I saw a golf cart once.

UC: It costs so much money to play, just to like to get on the place to play you have to pay.

AA: Is that right?

UC: Oh yeah, they don't let you play for free!

AA: Well how much would it cost to play golf?

UC: I have no idea, but I know it cost like, it depends on...

AA: Wrong sport anyways they can have that!

UC: [Laughs] To get a small ball, I have to pay you so I can hit a small ball. It's like thanks. It's not even a sport really!

AA: Yeah.

UC: It's an activity for old rich white people.

AA: [starts singing] [pause] But you like the locations, right?

UC: Yeah dude! This place is perfect. Like it's[UI]...

AA: And like it's, it's an important city in the United States, like with California an important state, and Berkeley's is one of the main cities, for the bay area in general it is.

UC: Yeah, so it like, will make national news!

AA: Yep. [UI]

UC: Yeah, this is definitely a good place. We just have to decide like what's the best time to do it.

AA: Look I was about to curse him out but I...

UC: [Laughs] Don't do it, we don't need anyone [both laughing] call the police on us now, man! Why is he doing it? He's so old. Why is he up here with a bike?

AA: Yeah, get, get off the road.

UC: Yeah. Look at this, this is all dry grass!

AA: Uh-huh.

UC: It will catch on fire in a second.

AA: We don't even need to stop! We can just turn on one of those flares and throw them in the [UI].

UC: And drive off.

AA: Yeah and the second one, the next one, the one right after like that throw 5, 6, 7 10 of them.

UC: And they wouldn't, and we wouldn't have to stop like you said. No one would ever know.

## END OF SESSION 3

UC: Oh and that place too. Look at this place, man.

AA: [starts whistling]

UC: We're going higher still?

AA: We're gonna go down in a second.

UC: Ok. This will take us to either way back down?

AA: Yep.

UC: Ok.

AA: [starts whistling] And you can make a right.

UC: What's this place?

AA: The umm.

UC: What's this street?

AA: Umm,[UI] I think, the uh, you know the Raiders, the football team. There coach lives over there a little bit.

UC: [Laughs] This is like some serious rich people up here.

AA: Yeah.

UC: They're the ones suffering the most.

AA: Yes sir.

UC: This view unbelievable, man.

AA: Yeah, that's Berkeley, that's Oakland, that's San Francisco, that's Daly City, that's the Golden Gate Bridge and that's the Bay Bridge.

UC: Oh yeah, I see that bridge in the clouds, I seen pictures of it when I was young. That's a long time ago. Oh I can see why homes cost so much here.

AA: See the trees! All over.

UC: It's all over the place, like the homes are built in the forest practically.

AA: Yep. Uh, down there on the Oakland hills, my cousin was trying to buy some, uh, he was trying to buy some land. So basically, it was, it was a wall like this, right?

UC: Yeah?

AA: And it cost about, it cost about uh, \$30,000.00 just, just for the wall. So he was like well I'll buy it, I don't mind buying it, I don't mind buying it. But then he brought a construction worker to see how much it's gonna so you just don't flatten it and built a house on it. Just to flatten the wall, it would cost you about \$800,000.00.

UC: \$800,000.00!?

AA: \$800,000.00! To dig in the wall and make it flat so you could build something on it. They said that's why they were selling it for so cheap.

UC: So, you're really buying nothing.

AA: Uh-huh.

UC: To make it useful you have to spend a million dollars!? That's not even including to build a house.

AA: Yeah, half the stuff is gonna to cost you what, at least half a million, at least.

UC: Omg! These people have too much money. [pause] So our next plan should be try to figure out the, the exact location.

AA: Uh-huh.

UC: and also like you need to find a storage place for your stuff when it arrives and you can't have it that in your house.

AA: Ok.

UC: You might mistake it as sugar and take it yourself. [Laughs]

AA: [starts whistling]

UC: You find a lot of homeless people in Berkeley?

AA: Oh, yeah, plenty.

UC: Do they stay near the dorms though or what section?

AA: There are, there are, there's a park close to the dorms called People's Park. It's all homeless people. It's where they live. Crack heads, meth heads, just homeless because they want to be homeless. Hippies.

UC: And it's called People's Park?

AA: Yeah.

UC: They are hardly people, man.

AA: [starts singing]

UC: Oh we're back to that one section, aren't we?

AA: Yes sir.

UC: We made like a circle!?

AA: Uh-huh went by the lake and came back.

UC: What are all these cars here for?

AA: I don't know it's probably a little park over here somewhere. No matter how long you've been here, you haven't explored the entire place [ ]yeah.

UC: Wait so that's where we were

AA: The children's park right here. mm.

UC: So make a left here?

AA: No keep going straight.

UC: Ok keep going straight. Ok. Oh wait we just came this way, right?

AA: We came that way!?

UC: Yeah, No from the garden, right? and then we turn left here.

AA: Ok my bad! Just make a u-turn.

UC: [Laughs] I thought you might wanna show me something else, find a safe place to do it and you don't wanna...

AA: Pull into their driveway!



UC: Ok that will be good.

AA: Oh this house is for sale too.

UC: So like I saw this and I was like this is not a house, it's a parking spot. I guess it goes down, right down the stairs over here. Oh so here we go, yeah.

AA: [starts whistling]

UC: So all these people are coming up just to go like camping or to go walking, or hiking or whatever.

AA: It's a Friday. The weather is nice today. So they're taking advantage this. I want to make it to the point, where every American here, like thinks twice or three times before he leaves his home. Like is it necessary for me to leave right now?

UC: Yeah.

AA: Like that's how I want them to be.

UC: Yes. [UI]

AA: Is it safe for me? Is today anything gonna happen? You know?

UC: I agree!

AA: That's the goal. So I'm sure all of the burning, the explosives, the poisons, all of that adds up, to a conclusion. You know?

UC: It scares them!

AA: That concludes something you know!

UC: It's scares them and puts the fear in them.

AA: Yeah. I don't know what's going to happen to the Muslims!?! [UI] over here after all that happens but

UC: Oh man!

AA: I don't know. It's not our fault!

UC: This country is so afraid to, you would touch the Muslims because they know, they do, all of us will rise up against them.

AA: I wouldn't, I don't think that they would to be honest with you. A lot of people don't, I know if I tell them just some of the things that I'm, that I'm willing to go through. You'll get ratted out in a second. All of the business owners here are Muslims and they rat on each other to get, you know? They are all [UI]

UC: [UI]

AA: They all work for the umm, for the state!

UC: You think so!?

AA: I, I know a bunch! Like I'm not, don't think, I didn't hear this from someone, but I know a bunch personally who are, ratting on other people! So basically what they do...

UC: On their own people!?

AA: Yep! They're garbage here. I, they have been here for so long, that they are in so much [UI] and so much interest, so much, you know a lot of liquor stores are owned by Muslims. That they don't...

UC: [UI] Just owning a liquor store is [UI]

AA: Yeah but...

UC: They don't care.

AA: They don't care.

UC: They are just wanna make their money!

AA: Yes sir.

UC: [UI] work?

AA: No, no even when I go to the [UI] I just pray and I leave, I don't like to be social with them anymore. Like even when I talk to the [UI], like I have a better relationship with the [UI] because I know they are not going to come on me!

UC: They are not going to rat you out

AA: The Muslims, I don't know why they be scared.

UC: Because they haven't experience anything, man. They came to this country and there spoiled. They think this is the dream! They get a big house and a fancy car and they think that's what life is about. Maybe in this life, but you'll pay for it. It's just ignorance, man! Not knowing their own religion, not knowing their own deed, man. And you don't have to be like a Muslim scholar. I'm not a Muslim scholar, but I know what's right and what's wrong.

AA: It's basic [UI].

UC: Yeah. It just feels wrong in your heart, you know, when you see this stuff. You see a Muslims taking part of it, how can you do that!? They haven't seen it man, they haven't seen the way people suffered in Afghanistan, the way the American soldiers tortured us in Afghanistan. They don't see it. And they think oh look they are just American soldiers they are good little boys.

AA: After we do this here in [UI] I'll just go, I'll go to Dubai, and [UI] over there.

UC: That's a good place to die.

AA: That's a good place to die to. I don't want to die to in America to be honest with you, I mean, if it comes, it comes, I'm happy and I'm glad and I'm not running away from it. But I'd rather do it in Dubai, because I have got something in my heart for them. I got some hate over there, deep inside.

UC: Yeah, man.

AA: Especially in Dubai because it's suppose to be a Muslim country [UI] and to not to allow any [UI] inside the Peninsula.

UC: They own it now, man. America owns Dubai. They own so much of that, that practically the Government works for the US Government. It's so sad because Saudi Arabia has the ability to really bring all the Muslims there and have a true Muslim Country and get all the Peninsula countries to support and be one big [UI] you know!?

AA: Yeah.

UC: But they're so greedy, that the oil, and the money and the Americans.

AA: See the city?

UC: Oh this is the big one, right? Yeah, this is the one I always see like on TV that people are always talking about. Wow!

AA: Helloooo. You saw the guy on the bike?

UC: Yeah.

AA: Look like he's in his hundreds!

UC: I believe it, boy he's gonna be, I think that nature will take care of him. We don't have to worry about him.

AA: [Laughs] We are gonna have to detonate some bombs over here.

UC: We have to time it right. Like we can't...

AA: Yeah. [UI] I'll take care of it, anything risky, or less too risky I'll take care of it!

UC: No it's not, not me or you brother, it's any brother who gets caught by the Americans it makes me sad. It just, It's just I don't want any, because there's not a lot of true believers who are willing to do something. So, every one of us that's caught and it's...

AA: It's a loss.

UC: Yeah! It's a big loss! There's a lot of people who support us they'll give us money, brother they'll give us a place to stay, they'll give us a car we can use. They'll do all that, but they don't want to actually participate. Because they don't want you know, to cross that line. You and I we're willing to cross that line, so I don't want to lose us to the Americans, I don't want us to lose us and the Americans.

AA: So.

UC: So this is where the dorms are? That you're were saying?

AA: Yeah. We are gonna get to them right now. These are the dorms. This building [UI]

UC: Oh, look at this building! Wow!

AA: There's four buildings, one, two, three, there's six right here, just in this square, in this block.

UC: Oh I see them right there. And there's no security!?

AA: Nuh-uh. If there is it's going to be retarded white kid walking around and he won't be a problem.

UC: He won't even care.

AA: Yeah.

UC: He'll just run away trying to save his little butt, even if he notices.

AA: We used to come here when I was like 15 years old and tell fire hydrants and just go [UI].

UC: [Laughs]

AA: See those two on the left?

UC: So you think the bums will just carry them for us?

AA: They'll carry it for us! They'll walk in here and they'll walk around.

UC: We can just drop them off and walk away, you think? I don't know if I trust the bums.

AA: We could do that too. We could get all the way inside and their public bathrooms. Like there's bathrooms in there, that are not inside the dorms and still inside the apartments in the rooms. We could just leave them over there.

UC: And they won't even know doors open for us to go in?

AA: Uh-uh.

UC: Oh man!

AA: This is the café.

UC: Oh wow! I bet there would be a lot of people would be in here.

AA: In the morning a lot.

UC: Then a backpack won't be suspicious because it's just a backpack.

AA: It's college, yeah.

UC: All of these people have them. One of them left it behind for a couple of minutes. What's the big deal, right?

AA: Yeah. And I have like 8 backpacks too. [Laughs]

UC: You already have backpacks!?

AA: I have like 8 backpacks.

UC: [Laughs]

AA: That's why, I was just thinking I'd put them in backpacks or in garbage bins. You know how businesses be havin' garbage bins?

UC: Oh yeah, yeah, yeah!

AA: It's like put them in a regular bag and put on top of them some garbage and just put them in the bin. Like in areas like Chinatown. They are very busy in the morning, but you can't find a place to step on to put your foot on. It's so busy.

UC: In Chinatown in San Francisco or like Chinatown here?

AA: Uh, either Oak, not here, either Oakland or San Francisco.

UC: Okay.

AA: Right now it's not busy, but early in the morning always busy. There's hundreds of people just walking around.

UC: So we could put them inside the garbage bins and that people, the businesses give out.

AA: Like that, that's not a bad place.

UC: Yeah but something like that.

AA: Like those right there.

UC: Oh I see, I see what you are saying.

AA: Yeah just leave them outside. Whenever it feels right, just press the button. Or make a phone call, you know?

UC: Yeah, it would be phone calls. You get like clean phones. Those cheap little clean phones.

AA: Yep, I can get those.

UC: We could active it online without any names or anything.

AA: I have my, my friend he owns a phone store and he could just active it under any name we want. We could even instead of putting it on a no name but, put it under a real person's name, like under an American name, like you know. Drive away suspicious.

UC: Oh yeah!

AA: I can change it in the system. My phone is under David Lotto.

UC: Are you serious!?

AA: Yeah, David Lotto was my neighbor in Berkeley when I used to live in Berkeley.

UC: Does he know it's under his name!?

AA: Nah he doesn't! He's retarded! [both laughing]

UC: Oh my goodness!

AA: Yeah like there's a real name attached to that account that will drive the suspicion away from us, a little more.

UC: They wanna look for them.

AA: Yeah, they, they are going to be too busy looking for the person even by the time they get them, they will know, they are going to be 100% sure that it's not him. But it still moves the suspicion away from us a little bit give us more time.

UC: Yeah, but by the time they find him a rest h

AA: and investigate him we'll be out of the picture.

UC: Yeah, we'll be gone oh it's not you.

AA: Uh-huh.

UC: By then we'd be gone, we'd be in Mexico and hopefully on a plane out of there. Where should, which way I go from here? a left here?

AA: Yeah.

UC: Shattuck[UI].

AA: Shattuck is downtown street. This is downtown Berkeley oh from down, a couple of blocks down from Downtown Berkeley.

UC: Wow, why do you have 6 backpacks, by the way? [Laughs]

AA: Cause I'm trying to make a lot of bombs and put them in the backpack.

UC: Oh you have them because of the plan, not because you have them from school or something.

AA: Nah, nah, nah.

UC: [Laughs] Oh ok. You made me nervous a little. Why does he have 6 backpacks!? Alright. Does your roommate ask you why you have 6 backpacks? Does he know?

AA: No, I mean, I used to uh, I use to do, uh, credit card scams, so I would come with odd stuff most of the time and they wouldn't know what it was and where it came from.

UC: Oh ok. So, that's one more thing that, if we got the storage, that's the kind of stuff I think we should put in the storage.

AA: Uh-huh

UC: Because if your neighbor, your roommate sees 6 backpacks, like he might be why does he have 6 backpacks? start, like being suspicious or start asking too many questions and

AA: I'll kill him before we leave.

UC: Oh, you don't like the guy?

AA: I mean, I know he's a Catholic so I don't mind.

UC: Oh ok, alright, I thought he was Muslim, like American Muslim or something. Oh, he's Catholic, I don't care. But we can't kill him first? Because it would ruin our plan! [Both Laugh]

AA: [Laughs] Like calm down, don't do that. No, I got you.

UC: Oh man. Am I going the right way he?

AA: Yeah, keep going straight. So when are you going to Haj? November?

UC: I think in September

AA: September, okay. Of course September [mumbles].

UC: Yeah, it's in September. So, that's when I can ask my Sheikh if he's okay with whatever plans we decide and like we picked the location. If he says yes, then I can come back and we can say okay.

AA: Where's the Sheikh from?

UC: He's from uh, Saudi Arabia. We say out of [UI]. Americans say Saudi Arabia.

AA: [UI]

UC: Yeah, but he's from there. He knows what I do. He knows. It's not like it's going to be a surprise for him. I just want to make sure, he's ok...

AA: You haven't done anything in America before?

UC: Not in America, no. We've always like uh, scope like, look for places and had ideas of where we wanted to do. But doing it alone is hard, right? It's like, the brothers will support me, like they will give me money and they'll give me a car, but I can't do it by myself. You know if I drive the car way up there, I can't walk back, right? And even if I drive this car and I start putting a backpack. It's like one person is hard to do it. Yeah, so they'll go only so far, they'll even give me the backpacks. They'll do stuff, but I need your help.

AA: But they are from Al Quida?

UC: Yeah, these brothers are from Al Quida. Yeah.

AA: So, what's up with Al Quida nowadays? are they still on, or what?

UC: No, they are still on. They don't, they not, our brothers in ISIS, they good, they actually torturing Americans with fear. You know what I mean? They strike with fear and vengeance, which is good. Because our brothers in Al Quida, they want to plan more and they want to do a little more strategic, long term. While our brothers in ISIS just want to strike you know, which is good, you know, because I think we need both. We need a group that thinks long term that thinks bigger attacks. Then we need a group that just constantly puts fear in them, constantly puts fear in them. Like our brother uh, Matin in Florida.

AA: Yeah.

UC: You know he didn't do a long term plan, but he killed like 80-90 people or something.

AA: Yeah, yeah.

UC: That's, that's, that's incredible. You know and he was able to do that partly, because our brothers in ISIS are so good with the media and so good with the line and recruiting and you know really helping our brothers get excited about it. That's one thing you know Al Quida. We didn't do that very well, we never really took to heart the idea of the internet and using that as a way to recruit brothers and you know and get people excited, we were always close knit, we need to know who we are dealing with, what are we going to do, how are we going to do it, just very, just very clear. We still do that in Afghanistan we don't take credit for it. Like it's okay we don't need credit, we know we are killing the Americans, we know we are killing the soldiers and there's so many attacks in Afghanistan against the American soldiers that you never...

## END OF SESSION 4

UC: Like, they don't advertise it on the news here. Because the Americans don't want people to know. So we killed their soldiers, but they never talk about it here. And it's okay.

AA: And the Al-Qaeda, they pledge their allegiance to the Taliban.



UC: Well, we did. The Taliban and the Al-Qaeda, we worked together mainly because the-the Taliban control Afghanistan and parts of Afghanistan so they let us operate there. Right? So, they said yes, we will have allegiance. You guys can have a base here. And so we're together. Even though the Taliban, our brothers are considered Afghans and our brothers [UI] speak posh too are, you know, are in southern Afghanistan. They are only in Afghanistan. They are focused with driving their Americans out of Afghanistan. That's what the Taliban is fighting for. Our brothers in Al-Qaeda, they're-they're thinking bigger picture, they're not thinking just kick the Americans out of Afghanistan, they kick the Americans out of Saudi Arabia. They kick the Americans out of anywhere that is a Muslim land and a holy land, we need to kick them out. Like the Taliban, they're not, they're thinking just Afghanistan. But we work together, in Afghanistan, but the Taliban, won't, like, they won't go outside of Afghanistan to conduct attacks, to kill Americans. [Long Pause] And hopefully the Americans will be out of Afghanistan soon, brother. So once they leave, the Taliban will take over again.

AA: The Taliban has been in relationships with, uh, other countries, like [UI], Kuwait and Iran.

UC: Only, Not really good relationships. They...

AA: They have, they have an o-o-office in [UI].

UC: Yes, the-the only reason it's they allow us to have an office there is because the Afghans, the Afghan government, uhh, even though they really th p ppet for Americans, they acknowledge the Taliban as part of Afghanistan.

AA: As a political party?

UC: Yes. So they're like, okay, you are legitimate so other Muslim countries, if they don't let us have an office, they don't let us actually work. he they would essentially be telling the UN—The American—The Afghan government, we don't acknowledge our people, we don't acknowledge your existence. So that's why they do it. So they don't necessarily support everything the Taliban does, but they, they have to acknowledge that, yes, the Afghan government sees them as legitimate. We can't say no. So that's how we operate there. But obviously, when we're there, we're collecting money for the for, for striking the Americans in Afghanistan. And those governments know it. And really, those, those governments, our brothers there, they don't like Iran. Obviously Iran hates America. Right? And, and [UI], they hate America, they don't say it, because of the oil business and all that other garbage, but they know that the Taliban is there to raise money to support the fighters in Afghanistan. [UI] we support that. But they don't advertise that. [Pause] How do you know all of this? I'm surprised.

AA: What?

UC: That [Laughs] you're young, but you have all of this information.

AA: Yea, [UI], I keep up with the, uh, latest things [UI].

UC: Ha, most of the Muslims your age are thinking about drinking and going the a club

AA: Nah, man.

UC: and...

AA: No

UC: And trying to get a new car.

AA: Ah, I schemed so much when I was in high school cuz I was here but my, my dad left to Yemen, I was here by myself in the United States for about two, two and a half years.

UC: Yeah?

AA: Like I've done so much to the point where I was like, what do I want? Like, what do what what do I need? Anything like materialistic. It, but I couldn't, but I couldn't name things that I needed. So...

UC: You had everything.

AA: like I was full like I don't want anything anymore like there's nothing that like I'm, I'm trying to find uh, uhh a new purpose, you know?

UC: Yeah. A real purpose.

AA: Yeah.

UC: Yeah, I know, I know what you mean, yeah.

AA: And I'm trying to like, right now, how I've been thinking about it, I wanna leave from country to country and travel and do like, attacks, under the name of the [UI] to all of these places.

UC: [UI], my brother. We can. If we are careful, and every attack is planned right, we can do'em for many years, it is, no one will ever know.

AA: Yeah. [UI]

UC: No one will ever know.

AA: So. You know how [UI] you know [UI].

UC: Yeah, of course!

AA: So kinda how he died was crazy. It was a guy that [UI] that was with him, that was somewhat like his, his right hand man, for years and years and years and he was working for the FBI.

UC: For the Americans!?

AA: Yeah. He memorized some of the Quran [UI] He was just always with [UI] I don't know, [UI] was a good friend of my uncle in Yemen. So he was, he was coming to our house [UI] I, I used to see him.

UC: Why would they, why would this brother turn him in?

AA: He was, he was an American originally. But he was a convert.

UC: Ohhhh.

AA: And...

UC: Convert. He wasn't like, actual Muslim.

AA: No.

UC: Oh, see. I don't...I don't trust converts at all.

AA: [Laughs]

UC: Because you never know, especially in America I don't trust converts at all. It's like, yes, if he's [UI] to you.

AA: You treat them like a Muslim but...

UC: Yes...

AA: yeah, that's

UC: It's just that trust will never be there, ever! Just like the same way black people never trust white people...

AA: Yep.

UC: no matter what you do. It's like that with me and converts. Just never trust them.

AA: Because, see, a lot of converts when they convert like, what they say, oh we, we, learned that Islam is [UI] a religion of peace and we want love for everybody, like basically, when you say that, you're making Islam seem like Christianity in a way.

UC: Yes.

AA: You know, Christianity, they want a, they wanna portray it as a religion of peace and if someone slaps you, you give them your other cheek and you know, that type of stuff.

UC: Yeah.

AA: And that doesn't fly by. That's not real.

UC: No.

AA: We're, We're talking about real, we're talking about Islam as not just a religion but as a, as ahh, as a state, Islam as ahh...

UC: As a way of life!

AA: Way of life, exactly...

UC: Yes!

AA: for our people. And...They, they try to portray all of the religions the same way. Everybody's fighting to be the religion of peace. There's no such thing as a religion of peace. That doesn't ehh, take that outta here. That doesn't fly by in the real world.

UC: They just wanna make themselves feel better.

AA: Yeah. So we're peaceful. We just pray to God [UI] like, I mean, that's good, that's you're peaceful person within that you got love for the brothers and all but don't forget that the [UI] you have to show hate towards them.

UC: Yes. You have to fight for existence.

AA: Yep.

UC: Yeah, it's peace until we have to fight.

AA: Mhmm.

UC: When they wanna hurt us, we have to fight back peace is not gonna stop them.

AA: And they-they've been hurting us.

UC: Yeah, for years, for years, man. For decades. What the Americans have done, starting when they put the Jews in Palestine. And when they did that, man that was the end for the Americans. They're never gonna, they're never gonna, correct that if they call those Jews out, take them out of Palestine and give, give that land back to the Muslims they're never gonna have peace in their own country.

AA: [UI]

UC: They don't deserve it. They can't deserve it....so. Man, it is busy here.

AA: Yep. We're almost here. What was gonna ask you!? So what do you think of the [UI] the establishment of [UI], you know?

UC: I don't know man, I just think the government there is still corrupt, man.

AA: uhhh, Iraq and Syria?

UC: Yeah, it's just, Syria...uhhh, it seems like, cuz I know from Afghanistan, from my experience in Afghanistan, all of that my father went through, my family went through, my mother went through, and, you know, and ehh my experience and from stories I've heard. First it was the Russians that tried to control Afghanistan. And they infiltrated the Afghan government and they tried to turn it into a communist country. And then, of course, Afghanistan said no, and we fought against the Russians, and the Americans gave us the weapons to fight the Russians.

AA: Mhmm.

UC: So first the Russians tried to control us. Then once we fought the Russians, the Americans try to come and control us. And that's what's happening in Iraq and Syria. First, it was the Russians who were controlling

[UI], giving him military stuff. Then the Americans invaded. And now the Americans are trying to control them. And in Syria, it was Assad, it was the American controlling Assad as a puppet, and now it's the Russians controlling Assad as a puppet. So, no matter what those governments try to do, they're always being controlled either by the Americans or the Russians. So I don't believe anything I hear on the news. I don't believe anything I hear from those governments. The only way I know that we can have a country that really is what Saudi Arabia could be is if every American is killed or leaves those countries. Until there's one American in Syria, or one in American in Iraq, they're being controlled by the Americans. They're either CIA or they're with the Americans or with the military government or something controlling those governments. As long as they have their hand in there, we can't trust those governments. That's the reason I don't trust the uh, Afghan government. Because they're controlled by the Americans. They're a puppet of the Americans. No matter how much they say, we want America out, you say that then they why are they in your country? Why are their Afghan—uh American soldiers in Afghanistan if the president, the so called president of Afghanistan, is telling them, we want you out. Well then kick them out! Are there Afghan soldiers in America? No! Cuz America won't let you. So why are we letting them in our country? Because you are letting them in. Because they're paying you.

AA: Yep, it's a globalized world, there's one world with one leader right now, and the leader is America.

UC: Yeah, exactly.

AA: I mean, there might be, there might be some countries like Russia or Iran who will hate America, by the end of the day, the truth is that America still runs the world, because look at America's military bases, they're everywhere.

UC: Everywhere. Exactly! The only country that really tells America, you can't do anything here is Iran. There are no American soldiers in Iran, there's no American base in Iran. That's why America hates Iran. They can't control what they do.

AA: Are there any am—uh—American bases in, uh, Russia?

UC: No, no, not American bases, but there are American soldiers. [UI] (NATO) soldiers.

AA: Oh, [UI] (NATO), okay.

UC: Yeah.

AA: oh, yeah, that's right, the [UI] (NATO).

UC: Yeah, those people, but not like American bases. But Iran is the only place there are no [UI] (NATO) soldiers, there are no American soldiers, there are no Russian soldiers. It's Iran telling the world don't stay in our country. That's why everybody hates Iran. All of these countries America, Russia, everybody, because they can't control 'em! And they're so afraid that, if our brothers, even though Iran is a [UI], but there's some [UI] Muslims there obviously, but they're Muslims.

AA: Do we make [UI]?

UC: I don't know, man. Some yeah, like some Sheikh that I know say they're Muslim, and there's some Sheikh [UI] who say, no, they're worse than [UI].

AA: They're worse than [UI]?

UC: Yeah, it's...It depends on who you listen to, man and who you read. I say anybody who's fighting the Americans, is okay. If they're fighting and killing Americans, they may not be Muslim, but I'm not gonna fight you until you decided to fight us. On this street you said?

AA: Yea, make a right here.

UC: Okay. So Iran is the only country that if they had nuclear, they got nuclear power, that, we, we as Muslims, will have a real authority to tell America, don't mess with us or we're gonna nuk Isreal. Don't mess with us or we're gonna nuk one of your European allies. That's when we can truly say, this is our world power. Even though it's not [UI]country, it's at least a Muslim country.

AA: That's right. [UI]Doesn't Pakistan have a nuclear? uhhhh

UC: They have it. Pakistan is run by America, man.

AA: Oh.

UC: [UI] Look what happened to our brother, uh, [UI].

AA: [UI]

UC: Y-Yeah, look who ratted him out! The uhhh Pakistani government! The Pakistani government let the American military come into their country a night, land, kill Pakistani citizens and soldiers and kill [UI], and then leave and nothing happens to the soldiers! That one single Amer What Pakistan is nuk, but they don't have a way to know that, hey there's this helicopter flying into our country? They knew, they'd let 'em do it.

AA: Of course.

UC: So even the Pakistani government is controlled by America.

AA: Yeah, of course. Uh, what do you think of [UI].

UC: Who?

AA: [UI] [small pause] [UI]'s the leader of Al-Qaeda.

UC: How do, how do you say it?

AA: [UI].

UC: [Laughs] You say it so differently from the Afghans. [Laughs].

AA: Oh, [UI] how do you guys pronounce it? [UI]?

UC: Yes.

AA: [Laughs]

UC: You say it with a 'tha'. I'm like...

AA: [UI] Yea.

UC: The, the, the. [UI] you know, [UI] is good. He is one of the few leaders that America truly hates, because he inspires our brothers in Al-Qaeda, and they believe him, he like, he gets people energy, you know, he is like, he is not, he's different from uh [UI] Bin Laden, who-who's very soft spoken, if you ever listen to [UI] Bin Laden, he never raises his voice. Even when he says we're going to kill Americans...

AA: He's soft.

UC: He's very soft. But our brother now, he's, he, he, he is excited, he says it with anger, right? And he gets people excited, and it and it drives our, our, young Afghans to come and believe because they feel like they have a strong leader who's gonna to stand behind them. That is good. Now our brother in ISIS, [UI] he's good. He does the same way. He is...

AA: Yeah.

UC: strong. He says it with AUTHORITY! And people love that

AA: Right.

UC: You know? And that's one of the things [UI] Bin Laden never did, that he was always very soft spoken, you know. So, I dunno man. I-I...

AA: [UI]

UC: [UI], brother. It'll work man...

AA: Uh-uh, of course.

UC: We just have to have Americans fear here in America. You know?

AA: [UI] So uh, are you going to go back to Sacramento right now?

UC: I wanna drive back to Sacramento and then, cuz I work with a brother right now. I don't really work with him. He buys cars from auctions...

AA: Uh-huh.

UC: then he sells them on [UI].

AA: Okay, that's good.

UC: And that's one way for me to kinda make a little money right now.

AA: Alright.

UC: But he knows what I'm doing, he knows I'm here talking to a good brother and he understands. That's why he says, okay, do what you got to do. Come back whenever.

AA: Okay, uhh, I have a place where we could operate from.

UC: Here?

AA: Yeah, uh, follow me, I'll show you where it is.

UC: Okay. [Car door opens]

AA: Um...And I'll talk to you when we get there, brother [UI].

UC: Okay, perfect. [Car door shuts] [Long Pause]

UC: I'm turning right on Martian Luther King, Jr. We just passed 30<sup>th</sup> street. [Car blinker] going up Martian Luther King, Jr. Passed 31<sup>st</sup> street. [car blinker] He's driving a Lexus LX470. Plate number 5 A-Alpha, K-Kilo, N-Nancy 644 [5AKN644]. It's a gold Lexus SUV. [Car blinker] Still going Martian Luther King, Jr. Just passing 37<sup>th</sup> street. [Car blinker] He's stated that he's gonna take me to a, a safe house that he wants me to look into.

[Long Pause]

UC: We just passed 40<sup>th</sup> street, still on Martian Luther King, Jr.

[Pause] [Car Blinker]

UC: We stopped at 44<sup>th</sup> street on Martian Luther King, Jr. [Sounds of unbuckling seat belt, window's rolling up, door opening and closing.]

AA: There's uhhh a liquor store right here. And right next to it is an, uhh, empty commercial space, it's real big. And the owner, is uhh, is uhh, [UI], so, we don't have to worry about putting our names on it or anything.

UC: It's uh, like a warehouse?

AA: Yea, yeah, it's uhhh, it's-it's a commercial space.

UC: Mmkay.

AA: [UI] like a warehouse...

UC: Does—

AA: It's very big.

UC: Does anyone work in there, or live...

AA: It's empty.



UC: in there? Means that he is gonna let us use it?

AA: He's gonna—we're gonna run to that, we're gonna pay him.

UC: Okay, so he won't know...

AA: Nnn...No, not at all

UC: what we're doing there. Perfect!

AA: He won't. He doesn't care either.

UC: How much does he want?

AA: I think, like 1,200 a month.

UC: 1,200 dollars a month?

AA: It's nothing. In...

UC: Okay.

AA: this area, it's nothing. [UI] is dirt.

UC: Okay. And, uhh, is there—They can't see cuz your, your vehicle [UI].

AA: Ah, you wanna drive by, just make a U-turn.

UC: Yeah, let me drive by.

AA: Yeah. [Car door opens]

UC: I wanna see, if, if like there's anything nearby that can see us inside or if there's, uh...if there's too many windows. I wanna see what it looks like

AA: It's vacant right now.

UC: It means, he's not, he's not gonna rent it to anybody else?

AA: Nope. If we want it, he'll keep it for us. Slow down, this is it right here, on the right, right next to the store.

UC: Oh, I see, with the gate.

AA: Yeah.

UC: Okay [UI] Alright, alright. [Windows roll down]. I see it.

AA: Yeah, you can make a right and just park [UI].

UC: Are you wanna get out?

AA: you wanna make a U-turn? Or?

UC: No, I'll-I'll—

AA: Cuz this is the last thing I wanted to show you.

UC: Okay, okay let me pull up here.

AA: [UI]

UC: I don't want people to see us. Okay, so, ask him if he can hold it for us, yeah.

AA: I'm gonna go talk to him right now. [Car door opens]

UC: Okay that's perfect.

AA: Alright, Shala...

UC: And then—

AA: And we'll stay in touch, [UI]?

UC: Yes, brother. Just text, text me me on,[UI]

## END OF SESSION 5

UC: place. And then we'll meet, brother.

AA: [UI] Be safe.

UC: It was good meeting you brother, [UI] I'll see you soon, brother. Thank you, brother, thank you.

[Car door closes. Long pause.]

UC: This is UCE4270. I just finished a meeting with Amer in Oakland, California. Today's date is Friday, July 29<sup>th</sup>. The time is approximately 4:03 PM.

## END OF SESSION 6

DRAFT



UCE4270 (Agent)  
Amer Alhagaggagi (AA)  
UNINTELLIGIBLE (UI)  
GPS Voice (GPS)

(This is UCE4270. Today's date is August, 6, 2016. The time is approximately 5:48 pm. I am on my way to meet Amer in Oakland, CA.)

(UCE getting out of car)

(UCE walking.....)

(UI)

(UCE getting back in car) (sound of blinkers)

(AA getting into car with UCE)

AA: [Arabic]

UC: [Arabic]

AA: You too. [Arabic] Every time you come with a different car.

UC: I told you, one of my brother. I'm staying with buys cars from auctions.

AA: Oh, you did say that. ( )

UC: And sells them.

AA: How you been?

UC: Good, brother, how are you?

AA: (UI) Look at what I got, man? \$200.

UC: That's real?

AA: Yeah. So it's small, you can conceal and hide it.

UC: You gotta be kidding me.

AA: Yeah, I could get this cheaper than \$200 but I just got it 'cause I been doin' a lot too. What you been up to?

UC: Just working with my brothers on a, helping him out with his auctions until I leave, so, it's like, uh, something just to keep me busy.

AA: [Arabic?]

UC: Make a little money.

AA: [Arabic]. I've been, uh, going back to my, some of my, my people, my friends, and something.

UC: Yeah.

AA: To get to talk about the, the product that I'm (cooking?).

UC: Yeah.

AA: Uh, so usually what they [UI] (supposed to be?) [UI] uh, pay for the [UI] and I would pay them after. I charted it out with them right now. I've been gone for so long that I haven't been doing it that they want it, you know, it's not the same trust. So-

UC: Yeah, yeah.

AA: So I, I bought, I bought two and a half ounces, uh, this past week and I've been, uh, I've been dealing it. Uh, you know, I've been getting the clientele back. So I'm [UI] and it's working great. I'm out right now.

UC: That's [UI] (nice product?)

AA: Yeah.

UC: That's, that's why you haven't been [UI], uh, where's [UI] a little worried. I'm like-

AA: I've been moving everywhere like crazy

UC: I thought Oakland maybe got to you or [UI] thing, or like that, what happened.

AA: No, no.

UC: Is they [UI]

AA: That's cool. [UI]

UC: Wait, it's this one. I mean, I'm not too good with this car. I wanted to, to show you, uh, show you how to get there. But, uh.

AA: You said you had a place?

UC: Yeah, I got a place, man.

AA: A place for after what? To stay? Or?

UC: To store stuff.

AA: Okay.

UC: The, the brother's that helping me out, uh, I said hey can you get a couple of your guys that work for you to get me a storage place? He doesn't know what it's for.

AA: Ah.

UC: He said okay, yeah. And I told him all right, it's gotta be not in Oakland, 'cause I don't want it to be too close to where you live 'cause I don't want, just in case. Trying to find a GPS on this [UI]. But I want it to be, uh, near, near Oakland. And he found a place called Concord.

AA: Yeah, I know Concord.

UC: Yeah, so do you know how to get there?

AA: Uh....

UC: I drove by it.

AA: From Shattuck, I know how to get there from Berkeley, but yeah, I know, I'll tell you how to get there.

UC: Okay.

AA: It's just a storage place?

UC: Yeah, it's a storage place.

AA: How much do they charge?

UC: Like a hundred something a month. He didn't tell me how much. I said I needed it. And he just says all right, fine, I'll do it.

AA: What's the place called?

UC: Uh, here I got it...I got like, the address, but I don't know what it's called. I haven't been there. He just told me this is where it is. Uh, it's on Stanwell Drive, like 2655.

AA: That's [UI] 2655 Stanwell Drive

UC: What kind of gun was that man?

AA: It's, it's a 9 millimeter.

UC: Do you know how to, you said you took a class today or something? Is that what the class is for?

AA: No, the class was actually, uh, [UI], what's his name? that I was trying to apply to the police department.

UC: Yeah.

AA: So I can have access to more stuff.

UC: You don't think they'll be suspicious that you're applying?

AA: No. And I was, it was just part of the requirement to take that firearm's class.

UC: Oh.

AA: It's a two day class, today and tomorrow. Tomorrow we're going to San Leandro to the shooting range. This is not from them, this is, this is from the street, they don't have this-

UC: [laughing] Okay.

AA: Yeah. I even got something even crazier than that, what I just showed you. Let me see. I took a picture of it [UI] a month ago (two months ago?) – Right here..... Crazy, huh? [laughs]

UC: Is that real? It can actually work?

AA: That shoots! That kills you, yeah!

UC: [laughs]

AA: It works.

UC: You carry that with you?

AA: Well, no, it was somebody's. But it was this big [UI] we should be used it too, it shoots.

UC: It's so tiny, man.

AA: [UI]

[whistling]

UC: Gotta be careful. What if some fucking cop just pulls you over 'cause your license plate is crooked or your tail light is fucking broken or some shit like that.

AA: They can't search the car.

UC: They can't?

AA: Uh-uh, it's illegal.

UC: Well, as long as you don't get fucking in trouble for something like that stupid.

AA: I know, I know. All right. I'm very lucky. [pause] 2655...2655... My car's at the mechanic, broken.

UC: Which one? What car?

AA: The, the Lexus, that you seen me in last time. Spark plugs just "phew" and the coil [UI] the brakes, all that.

UC: So you, you don't have a car right now?

AA: I got a ride though. I be, I be Uber.

UC: Oh, okay. I know [UI]. A lot of people use that 'cause it's pretty cheap, right?

AA: Yeah, I use it with stolen cards too, I don't even use [UI]



UC: So they don't even know it's you [laughs]

AA: [laughs]

UC: I took a page from you, man, I told, uh, that's why I didn't, uh, get this storage in my name.

AA: Oh.

UC: I'm like, I'll just tell my brothers to tell one of his employees, [UI] one of the guys I work with or whatever, so hey tell me to get a storage so it's not even in my name or anybody's names, just some guy he picked to get the storage. He thinks they're gonna store a car there and supplies. So we're clean now.

AA: [UI] This property's for sale. 2655.

UC: Is there like a storage place nearby?

AA: [UI] Uh, just take, uh, [UI] corporation. Oh, it's near this place? Not this place?

UC: Yeah, yeah. He didn't write the actual address, it's just near this place.

AA: Oh. [UI] Make a left over here.

UC: I think it's, that's like the gate that you go to [U] This many hour [UI] open [UI] go to this location [UI]

AA: You wanna go get it right now? Let's check it out man.

UC: No, he already got it for us.

AA: Oh, is that right?

UC: Yeah, they already got it, man. I don't do it in my name, I told you, uh, I didn't want to do it in my name 'cause I kinda said hey, this better be in somebody else's name.

AA: I was gonna get my ID too.

UC: [UI], man. I just want to have to make sure that it wasn't any of our names. [UI]

AA: Park in front of this store right quick. Want anything to drink or eat?

UC: Oh, no, I'm good, brother.

AA: I'm just gonna [UI]

UC: [UI] wait here.

AA: He's, uh, he's, remember when I was talking to you about this place?

UC: Yeah, yeah, yeah.

AA: I never got a chance to talk to [UI] but I'm gonna [UI] (dinner?)

UC: Okay, cool man.

(AA gets out of car; returns a few seconds later)

AA: Ah, he's not here either. [UI] I'll see him later. He's here at 7, that means he's gonna stay until 11. So, [UI]

UC: Okay.

AA: Okay, now, we [UI] Concord. Man, kiddies (?) can buy that.

UC: Why?

AA: [laughs]

UC: Which way do I go?

AA: Go straight [UI]

GPS: In a quarter mile, turn right onto 55<sup>th</sup> Street.

AA: [UI]

GPS: You are on the fastest route. You should reach your destination by 6:30 pm.

UC: [UI]

AA: Nah.

UC: [UI]

AA: So you been [UI]?

UC: I'm good, man, I can tell you that, uh, I sent a message to my Sheikh.

AA: Oh yeah. What did, uh, he say? [UI] [Arabic?] {"sonvic"}?

UC: Yeah, he said it's good. He was, uh, he was asking about, uh, like the time.

AA: Uh huh.

UC: 'cause I told you that, uh, I may try to go to Hajj this year.

AA: Yeah.

UC: And he said if you want to do it before you can come and not go back, just for safety.

[UI]

UC: Hey, that's your [UI] right there.

AA: Yeah, but we don't have the, uh, (charger?) stuff.

UC: Oh.

AA: It's all good. Sounds [UI]

GPS: Turn right onto 55<sup>th</sup> Street.

AA: Take a right here.

UC: So he said if you want to do it before, before Hajj, that way we don't have to deal with [UI]

GPS: In a quarter mile, turn left onto Telegraph Avenue.

UC: That's my plan, after I, I, you know, I got fired from my job, I keep going here and [UI], you know, talking to my brothers. I said, okay, so I sold everything, I don't have a place to live, really, [UI] everything I own I pretty much sold. So, I said, okay, I'll stay with you guys for awhile until Hajj, and then go, and not come back. That was really my plan.

AA: Uh huh.

UC: Just to go and never come back to America, and uh, then my cousin told me about you and I thought well, if I'm gonna go [UI] Yeah, why not before I leave and never come back when I, you know, do something. Then I told him I changed my [plan] is that okay with you if I help a brother out.

GPS: Turn left onto Telegraph Avenue, then turn right onto the

UC: [UI] -before Hajj and not come back at all because that, that's fine.

AA: Then you're gonna...where you going to stay, Saudi?

UC: Uh, no, I'm gonna go to Saudi to see my mom and dad.

AA: Uh huh.

UC: See how they're doing, you know, because they're getting old. See how they are, see my Sheikh [Arabic] and then probably just cross into Afghanistan and [UI]

GPS: Turn right onto the 24 [UI]

UC: and do what I've always been doing, you know what I mean.

AA: [UI]

UC: And not worry about, uh, this it? And not worry about the consequences because I don't plan on coming back to America so I don't have to worry too much about my name getting out or somebody, like, you know, ratting me out or some shit like that [UI] I don't care about my passport anymore once I go back to Afghanistan and [UI] stay there. Finish what I started ten years ago, man.

GPS: Continue on California 24 East for two miles.

AA: That's just sad, man.

UC: So your boys gave me some-

AA: No, I survived [UI]

UC: They did what?

AA: I had to pay for it this time. See, they would, they would, uh, give it to me on consignment before, but since I haven't been around for awhile.

UC: Yeah, yeah.

AA: Understandable. Not a problem. So how's Sacramento? You like the weather over there or is it too hot?

UC: It's hot. I mean, com- well, you know, it's not any different than where I've been. It's hot, but it's [UI] Afghanistan's hot too, you know, it's not [UI] summers [UI] technically [UI] summertime so, just like most [UI] we're so spoiled here, you have to have air conditioner or something inside your house, they get all weird, you know, almost passed out if they don't have air conditioning at the mall. You know, they're all stressed out. [laughs] Yeah [laughs] they don't know what it's like to live somewhere in Afghanistan and you're don't even really have a house and it's hot and it's cold. You know, living out of a tent. They don't know, so, it doesn't bother me. Especially since I know it's only temporary, it's no big deal.

AA: Yeah.

GPS: In a half mile, keep left at the fork to stay on California 24-East. Follow signs for Walnut Creek and Concord.

UC: So, you really wanna join a police officer, police department whatever?

AA: Yep. Do I really wanna be (Sata?)

UC: Yeah.

AA: Yeah, I don't really care about it, it's just before you came through I thought I would have a difficult time to find, you know, how to create bombs and stuff. So I was thinking about just hand grenades before I could get, you know have access to all of that. [UI] the department itself.

UC: Supposed to mean like you go in there and-

AA: Yeah.

UC: -steal that stuff?

AA: Uh huh.

UC: Oh I see.

AA: I [UI] as a last resort.

UC: You don't think they'll get too suspicious?

AA: Nah. They're cool here. They don't want to be thought of, they want to be, uh, liberal. They don't want to be thought of as racists or anything so they're being extra [UI]

UC: [laughs] Oh, man, that's pretty smart, man.

AA: Uh huh.

UC: They're like afraid to be called a racist or [laughs]

AA: They can't do any of that.

UC: They're probably like, take your application, make it, like, priority [laughs] give it special attention, hurry up, bring him in.

AA: You should see what all I [UI]

(laughter)

AA: Talk about cut my hair like the [UI] for religious purposes. Oh oh, sorry, I, u, didn't mean to offend you. [UI] I'm not gonna [UI] It's all good.

(laughter)

UC: You know how to work the system, man.

AA: [UI] See. This is Orinda. Orinda is like a very rich area.

UC: Up in the hills here?

AA: Uh, well, there's the [UI] kind of hill it's a nice city, very beautiful. Oh. Somebody got hit. [UI]

UC: I was thinking, you know, for uh, or just like safety and make sure nothing ever happens to us.

AA: Uh huh.

UC: If we put, uh, like your backpacks and [UI] what we're gonna do, I mean we should do it out of this place, as far away from where you live, as far away from where I live, and no one's gonna come snoopin' around.

AA: I was talking to one of my friends, and we were talking about militia groups and, uh, revolutions and all of that and he was like, you know, the one thing that you have to do is keep the place where you operate from very far away from wherever you live from or wherever you [UI]

UC: Yeah, yeah that's a smart brother right there. He knows.

AA: Yeah. He said I read a couple books about it and he's telling me all about this stuff and I go, yeah, that's cool. I, this is the type of brother I would tell him about anything as soon as I bring any subject up-

UC: Yeah.

AA: He wouldn't say anything but he would come a few days later just, he read so many books about it or researched the law, you know, all day and night. [UI]

UC: (laughs)

AA: It's cool to have somebody like that.

UC: It is good, brother, that is good. Someone who's smart.

AA: Looks at all the areas you might not [UI] it's good to have perspective on everything [UI]

UC: That's a good brother, man.

AA: Uh huh.

UC: That's why I thought this place would be good. It's away from us not too close.

AA: Nice car, this is, eh?

UC: This?

AA: Yeah.

UC: Yeah, I get the Honda Accord.

AA: How much did you get it for since it's from auction?

UC: Oh, I didn't pay for it.

AA: How much did he get it for?

UC: I have no idea. It's just one of his cars in his lot, and he goes, use this for awhile, said okay, whatever.

AA: [UI] do(?) (Nice dude)

UC: I helped him out too when he first came to America, so I think-

AA: [UI]

UC: Yeah, I think he's like, eh, I'm helping him out with his auction stuff, you know, like that car you [UI] going to the shops, get them fixed up. That's what they do, they just buy some old junker, somewhat a little better, so I'm kind of working for him really, so he lets me use this car.

GPS: You are on the fastest route. You should reach your destination by 6:30 p.m.

AA: [singing in Arabic]?

UC: You know, brother, since I've been doing this for awhile and have a lot of experience with, like, understanding where to place the bombs and how to do that. Mainly, you know, bigger bombs.

AA: Uh huh.

UC: But with, um, with the backpacks. If we do six backpacks, you mean, you want to do like a pipe bomb kind of thing inside the backpacks?

AA: Well, how big are the ones that you're used to making?

UC: Oh, a lot bigger.

AA: Oh, like real big big?

UC: Yeah, like not in a backpack.

AA: In a car? In the trunk?

UC: Yeah, yeah. So for me, I could do the small ones, but they'd be more like, uh, like, uh, pipe bombs, usually you kinda put pipebombs in, uh, backpacks, something like that? 'cause a backpack like, you know, the –

AA: How effective is that?

UC: In a crowd – oh – it'll do, it'll kill people. It's like, uh, what our brothers did in that marathon two years ago.

AA: Yeah.

UC: Yeah, but they had to put it inside that, uh, inside like a garbage can, so nobody would look at it.

AA: Yeah.

UC: But if we put it down someplace that was more open space, not inside, like a garbage can, we, we'd kill a lot of people, man.

AA: Oh.

UC: So if you want to do like a backpack-

AA: Oh. Uh, I was telling Adeep [ h ] that I was uh [UI] about some nightclubs that I wanted to target and everything and, uh, you know, always wonder how am I gonna sneak that in. I'm with a, I met a friend that you know has somehow, somehow, is moving the powder, the cocaine, everything.

UC: Yeah.

AA: And he goes to a lot of clubs in San Francisco and he's, you know, they know him so well, they don't search him ever. He could walk in with anything.

UC: Like he's a customer there? So they know him?

AA: Yeah, so they just, don't [UI] you know.

UC: He, he goes a lot so they kinda-

AA: Uh huh.

UC: You're the regular person.

AA: He spends a lot of money over there and, yeah, he just goes there all the time now, he doesn't even have to wait in the line. They let him in with all his friends. They don't search 'em or nothing. They can carry whatever they want on them. He tells me that he walks in with his pistol sometimes, they don't even care. Yeah, so we could get a bomb in there for sure, for sure.

UC: You think like you and I could get it in there or do you think he wants to do it?

AA: No, he doesn't want to do it.

[Laughter]

UC: Heck, yeah (Fuck, yeah)? I hope you didn't tell him about me.

AA: No, no.

[laughter]

AA: Oh, no. I didn't even tell him about the bomb.

UC: Okay, good, all right.

AA: Yeah.

UC: So I see, so you're saying-

AA: I'll just walk in with him.

UC: And then you leave the backpack and you walk out.

AA: [UI] out.

UC: Oh [UI]

AA: Or the [UI] (bathroom?)

UC: Yeah, make sure you put it away from your brother.

AA: Who's my brother? Oh, yeah!

UC: Make sure, maybe tell him to get out or something. I don't know if you want to tell him to get out or...if you're cool with him, you know gettin'-

AA: -hurt.

UC: Yeah, 'cause me might, I mean, he's definitely gonna get hurt-

AA: Okay.

UC: Depends on where the backpack is he might get killed.



AA: He can suck it up.

UC: [laughs] You don't get care?

AA: He's not a Muslim.

UC: Oh, he's not. Oh, okay, forget it then. [laughs] I don't care. I thought he was one of our brothers.

AA: [laughs] I [UI] to him. [UI]

[laughter]

AA: I'll make sure to tell him, like, no, we're leaving.

UC: Do you know, like, uh, which nightclub?

AA: He goes to City Nights of San Francisco. He goes to a few of 'em.

UC: Okay.

AA: And he's, they're very familiar with him. So, it's, like, uh, a few of 'em.

UC: Okay.

AA: And, you know, they're all crowded so it doesn't matter which one we hit.

UC: Ah, San Francisco-

AA: You been to San Francisco before?

UC: Like years ago, like I told you we had come, uh-

AA: -the Imams?

UC: -cousin, or relatives, over like in Fremont area. Years ago, when I was younger, we went there just for like, uh, tourist stuff.

AA: Yeah.

UC: But I wasn't old enough to go to, like, nightclubs, stuff like that.

AA: You know what, we actually missed something. Uh- today is, yesterday was the first Friday of August. Yesterday was so crowded they closed some streets down in San Francisco and in Oakland. Downtown Oakland was all shut down, like-

UC: Why?

AA: 'cause people were just partying and getting drunk. It was like a whole lot of people.

UC: There's so much traffic right now.

AA: Every, every first Friday in Oakland.

UC: Oh. Even today when I was driving from, uh, Sacramento, there's this one part that goes against/toward the Bay Bridge-

AA: Yeah.

UC: On that 80 freeway, I think.

AA: Yeah [UI]

UC: Everybody was trying to go to the city. I'm like oh my god.

AA: Yep. Man, San Francisco's gonna "mwah" [that Italian finger kissing gesture sound] so good, man, it's like, one bomb is gonna take care of 50 people, 60 people.

UC: It's gonna be that crowded in the nightclubs?

AA: What are ya talkin' about? I [UI] take you to San Francisco

[laughter]

UC: I been, like, I've never been to a nightclub in San Francisco so I don't know what it's like over there.

AA: You don't even need to go inside. I - you'll see I'm lined up all the time, entire block, a whole line of people trying to get in there.

UC: That busy?

AA: Yeah.

UC: [Pshew] [ph] Ah, in a place like that, man-

AA: Oh, they, there's plenty of places like that. Not just one place. There's areas, like AT&T Park, is always crowded. The Japanese Tea Garden, always crowded. Berkeley, uh, on Shatt-, on Telegraph next to the, next to UC Berkeley, all the time, it's always crowded.

GPS: Continue for four miles.

AA: [UI] we're gonna do it, so, um, efficient, it's gonna be so funny the way we do it.

GPS: Continue for a half mile [UI]

AA: It's gonna be very effective and, like, we're gonna be so out of the picture.

UC: You won't know, because if you do it that, the cell phones the way I set it up, is the cell phone's gonna [UI]

AA: Yep. Ah-

UC: That's what does it.

AA: That's very interesting too, the, the, uh, you said as big as big enough to fit in a trunk. How much, how much damage could that cause?

UC: How much damage?

AA: Yeah.

UC: Like if we did it in a trunk, it would bring down, like, a building, like it would literally-

AA: [UI] (Arabic?)

UC: Oh, yeah, like-

AA: [laughs] I get a, I get a car, I's gonna steal my car, I get stolen cars all the time.

UC: You, you got a stolen car?

AA: [UI]

UC: That won't come back to us?

AA: They sell 'em for like \$200 on the street.

UC: No way.

AA: Yeah, you want a (Volvo?) You just tell [UI] some body, he goes gets it, give him \$200, but you know it's hot, so you can get arrested, so you need to move fast.

UC: Yeah, we would have to, like, get everything ready first.

AA: Yeah.

UC: And then-

AA: And plus they're gonna bring it from out of the city, so, if it's reported it in Sacramento, they're not gonna search it in Oakland.

UC: Oh, yeah yeah yeah.

AA: And likes it's gonna take a while.

UC: Yeah, if we, you know, I mean, that's normally what I do, is

AA: Ah.

UC: bigger stuff.

AA: Yep, we're gonna have it so low key, like, don't worry about anything tracing back to you or me or anybody. Are you, do you have your, uh, your Telegram account under your phone number?

UC: This phone is not the [UI], the phone, trust me, we learned a lot from our time in Afghanistan. It's a phone I pay with, uh, cash-

AA: Uh huh.

UC: And, I, uh, buy the minutes.

AA: Okay.

UC: And so it doesn't come to a name. If they look at it, they'd be like, uh, does it come prepaid?

AA: Prepaid?

UC: Yeah, it's prepaid. So you go online, you give them a fake name, like AD or JK, they don't even ask for a full name. And then you just tell 'em what telephone number you want, and that's it. Then I pay the minutes with cash.

AA: Okay.

UC: I go buy the minute cards, and you scratch it off, and you put in the thing on [UI]. You ever get prepaid?

AA: Yeah.

UC: So it never comes back to me, so they'll never know, I just come back to like, nobody really.

AA: Yes, sir.

UC: We learned all this from Afghanistan 'cause they were, at first, didn't, we didn't know a lot of this stuff, but we learned little by little how they were trying to track us. So now, [laugh] they'll never find us unless we do something stupid they never find us.

AA: Man, that's [UI] so cool. I'm so excited, I [UI] I don't even know. I promise [UI](Eddie?) about trying to get him a bazooka.

[laughter]

UC: What do you mean, like a real bazooka?

AA: Yeah.

UC: Maybe in Afghanistan, I don't know if we can get a bazooka here, man.

AA: You can get some from Mexico.

UC: Mexico? Yeah, probably from the drug folks.

AA: They can smuggle it over here, yeah.

UC: Ah. [laughs] I'm still trying to [UI] protect him, man, he's still, like, learning how to do this stuff, like, hey you gotta be careful and - . He's very, you know, excited, he just wants to do something and I'm always,

like, listen, you have to do it right. You have to plan, you have to be careful. But he listens. That's the good thing about him, you know-

AA: I was, I-

UC: -he listens.

AA: I was also thinking about, like I want to do several different missions, you know, after the bomb thing, you can leave, it's fine, but something else that I was trying to do, eh, inc- included, you know, plus the drugs, and the, uh, the burning the (the hills?)-

UC: Yeah.

AA: I was trying to start uh, a fake company, with a fake website, right? Modeling agency. And, uh, have a nice little place for people to come to when they come, like,

GPS: In a half mile [UI]

AA: You know how everybody in America wants to, all the dudes wanna be rappers?

UC: Yeah.

AA: And all the women wanna be models and actresses

UC: Right.

AA: So that's, like, something like being a model, that's what, almost every girl's dream, so when you approach somebody and market it to her like, hey you, you know you're pretty [UI] give her my card and let her come over to this spot, take a few pictures put in an application - it's gonna be like a fake website, fake company, in Dubai and we're looking for American models over there, because it's very wanted, etc., etc., etc., you know, we could actually, we could, like, bring them to, to our place-

UC: Yeah.

AA: And be like (sound of hand slap?) could kill them over there.

UC: How? What if they tell somebody that they're coming? You know what I mean. What if they bring a friend or something, that's-

AA: We kill them and their friend.

UC: You could, but we, we have to find a place that won't trace back-

AA: -back to us

UC: -to us, yeah...so we could, we just have to be careful not to trace it back to us 'cause whatever you have-

AA: -'cause I want to do several different types of killing. I wanna, like, do the explosives, kill 'em with guns, probably like slaughter them with knives.

UC: Yeah, the, the, the safest obviously, for me-

AA: -is the bombs.

UC: Yeah, 'cause I get away from it, you can do it from two blocks away, you can do it from a mile away, and, the cell phone you destroy, and it doesn't come back to anything, so they just, all they know, is-

GPS: In a quarter mile [UI]

UC: -the bomb went off. Nothing they can do.

AA: How does it work? How do you make it, um, uh, how do you do it with a, the detonator, the cell phone?

UC: I mean, I could, could explain it to you, it's really simple. Uh, it's not, not simple, but so what happens is you have what they call actual thing that goes "boom" right?

AA: Uh huh.

UC: The big part of the bomb that actually explodes. Then you have a small piece, that starts the actual explosion, right? So you can't just, like, connect a wire to the, uh, uh, ammonium nitrate or the actual, uh, explosive. You can't connect it and expect it to blow because it doesn't work like that.

GPS: Continue on to [UI]

UC: You need, like, a spark-

AA: Uh huh.

UC: You need a (strong? long?) spark

AA: Uh huh.

UC: So what I do is, I, uh, have what they call, it's called like a blasting cap.

AA: Hmm hmmm.

UC: And you have one of those and you, uh, attach that, to something that goes, like a, uh, small, like a small explosion that causes the big explosion to, to blow up. And where you start is with a little circuit and you call the cell phone, the cell phone rings, and essentially, like, turns the circuit on-

AA: -with the frequency?

UC: Yeah, and then it ignites, uh, the little small, like a blasting cap-

AA: -sparks?

UC: Yeah, it sparks. It ignites the small spark, then it blows up everything.

AA: So cool.

UC: That way they never know, like, where it came from, how it happened, who did it, 'cause everything, one, everything is destroyed-

AA: Hmm mmm.

UC: -the bomb, the phone, everything is, it's all plastics, it all gets destroyed.

AA: [UI] Something they're gonna look at is the street cameras, though, [UI] disguised for the street cameras [UI] we'll be okay.

UC: Yeah.

AA: [UI]

UC: Well, as long as we're not, you know, [sigh] I mean daytime is not good, 'cause, you know, the, the street cameras pick everything out. But, uh-

AA: How about at night? They don't pick everything out?

UC: No. At night, it's, like this car, I think has tinted windows-

AA: Uh huh.

GPS: In 600 feet, turn right-

UC: So we would get a car like this, to be, like our, um, like our getaway car essentially.

AA: Or I could dress like a homeless guy and [ ] (throw?) [UI]

GPS: Turn right on Concord Ave

AA: -and hide 'em somewhere. We don't even need a car.

UC: We have to get away, though, like if we do it in San Francisco, we have to, well, we have to figure out a way to get out.

AA: Yeah, we call, we call the phone at, when we're out of San Francisco. That's the way [UI] right? Detonate?

UC: So we could, yeah, but we have to park the car. You know what I mean, so we have to park it like, um-

AA: -few blocks away?

UC: Yeah, it's gotta be close enough to someplace that's, that you want, you know, what-whatever nightclub you said that you liked or wherever you wanted. You'd have to park it someplace where we want it, and then, where we want it, and then we would get away from there. And if we look like everybody else, like they won't know, like street cameras and if it's a big enough explosion it'll take those out.

AA: The, the dudes in Boston, they, um, they had ties to Al Qaeda or any other organization?

UC: They, they, they did it for brothers in Al Qaeda.

AA: Okay.

UC: Yeah.

AA: It seems like that the younger one was, the older one was more involved, the younger one was just following.

UC: I think so. I think, uh, the younger brother-

AA: Hmm mmm

UC: -was learning essentially from the older brother.

AA: The, the older brother just recently came back from Chechnya and that's what, you know, that's when he came back with, uh, [UI]

UC: Yeah. Yeah.

AA: [UI]

GPS: In a quarter mile, turn left onto Stanwell Drive.

UC: If you go with a backpack, it's easy and the car is easy.

AA: Turn left [UI] light.

UC: [UI]

GPS: Turn left onto Stanwell Drive.

UC: If, uh, whatever we decide to do, brother, whatever, you know, plan we start with, we just have to make sure, like, nothing goes back to us. That's the first thing. Nothing comes back to us. Whether it's the car, the backpacks, the cell phones, uh, whatever, the storage place, nothing comes back to us. That's the first thing.

GPS: Continue on Stanwell Drive for a half mile.

UC: So the stuff that I wanna get for us, the supplies I'm gonna get, I want to put inside the storage place so it's not, it's not coming, I'm not gonna put it where I, where I'm staying with my brothers. I don't want 'em to see it, don't want him to know about it.

AA: You want me to get it?

UC: Get what?

AA: Get the stuff that you need.

UC: Well, well I don't know if you can get it all by yourself because it'll be suspicious, but yes, if you get some and I get some, together we do it.



AA: Okay.

UC: That way, like, you know, if we, if I go and buy it all in one place, it'll be like what are you doing?

AA: Yeah.

UC: But if you get some, and I get some, and you get some, and I get some, within like, uh, I'd say a week and a half or something, I can have all the supplies I need and I can do it. I can prepare what we need.

AA: [UI]

UC: But I, I'm gonna work out of this place. So it's, uh, it's not connected to me.

AA: Okay.

UC: It's clean. We can leave it here-

GPS: [UI] You will arrive at your destination [UI]

UC: -lock it, [UI] I come back to work out of it and that way it's kind of like a workshop.

AA: Yes, sir.

UC: But, it's not coming back to any, to anybody.

GPS: You've arrived.

AA: Is it right?

UC: Yeah, it is.

[getting out of car]

AA: You got a coat?

UC: Yeah, yeah. Got it right here, bro, right here.

[getting back in car]?

UC: This place is open from, this gate is open from 7 to 8. So we can work until 8:00 at night, and we gotta get outta here by 8:00 or so. So it's number 28. [UI]

AA: Is it a big one or a small one?

UC: It's a big one.

AA: Make a left [UI] I think. This 28?

UC: N28.

AA: N28.

UC: Yeah [UI]

AA: [UI] z? w?

UC: Go straight or go back that way [UI]?

AA: Go back the way we came-

[whistling]

AA: [UI] Concord [UI]

UC: No one comes out here this late.

AA: [Arabic]

AA: What number are these? Okay, um, [Arabic] It's my mom.

UC: Is she okay?

AA: Yeah, she's fine, that's [UI] (my mom?)

[UI]

AA: K.

UC: [UI]

AA: L, M,

UC: It's toward the end Good. [U]

[whistling]

AA: [UI] 6, 7,

UC: 28.

[sounds of movement][getting out of car]

UC: He put a lock on it and gave me the key [UI] What's good about this place, the guy said that if you, uh, if you come in without putting in the code, the alarm, it goes off.

AA: [UI] Allah(?)

UC: [UI] coming in, breaking into it, [UI] you need a code to stop the alarm. And then you can come in [UI]

[sound of roll-up door opening]

AA: [UI]

UC: [UI] get lights, so [UI]

AA: [UI] what it looks like in the dark.

[closing roll-up door]

AA: [UI] some [UI]

UC: Yeah [UI] storage unit,

AA: Uh huh.

UC: [UI] there was no, like, driving by [UI] when we blow (roll?) it up. It'd be empty. Be like [UI] So, uh, [UI] some boxes together, make it look like [UI] we get boxes here and we'll work on this side. [UI] see that as we come in, so you'll just see, uh, boxes [UI]

AA: [UI]

UC: [UI] Yeah, [UI] be right to, break the lock and come in as soon as they roll it up, [UI]

AA: [UI]

UC: Good enough light, right?

AA: Yeah, it's [UI] We'll bring some lunch too [UI]

UC: [UI] have a, uh, [UI] change that light to make it brighter.

AA: [UI]

UC: [UI] that is something wrong. don't make-

AA: [laughs]

UC: I don't make mistakes, brother. [laughs] I don't make mistakes, trust me.

[Opening & closing roll-up door]

AA: Ah, it's cold.

[putting lock on door]

[UI]

UC: That's good. That's good, brother. [UI] Almost there. Ah-

AA: Just write me a list of what I need to bring and I'll bring it. I'll drop 'em off here.

UC: Next time, what we should do is, [UI] brother, is the stuff you already have, the backpack, you said you got some kind of, what is it, stryc-, stryc-

AA: Strychnine.

UC: Whatever you have-

AA: Bring it here-

UC: I was [UI] that way it can't come back to you. [UI]

[getting back in car]

[whistling]

UC: [UI] man, doesn't come back to anything, man, it's just a cheap little, throw away phone, man. I almost wanted to ask you to get one too, but I didn't wanna, like, you said you got yours under like, uh-

AA: -yeah, different names.

UC: Yeah, so I'm like [laughs] you're already doing it right, so we're good then [pause] I like the fact that it's far away from everything, it's way in the corner.

AA: Yeah. It's a nice spot.

[yawning]

UC: Do you think you could do our, uh, our "bi-yot" [ph] in there, so we don't have to worry about [UI]. I know you asked, uh-

AA: bi-what you said?

UC: Yeah.

AA: What'd you say? We could do our what?

UC: You called, how do you say it in Arabic?

AA: The what?

UC: [UI] you say "bi-yot" [ph]

AA: Oh, the "bay-yot" [ph] yeah, yeah, yeah.

UC: [laughs] In Farsi, it's very different.... This guy like [UI] he owns the road or something. He can put a little further [UI]

AA: [UI]

UC: Yeah, [UI] long

AA: [UI] bro [pause] I've been threatening to kill everybody that they call me my friends, they come around, like what, you got something to say, what? I'm gonna shoot you.

UC: [laughs]

AA: Explains(?) [UI]

UC: [laughs] Don't scare 'em so much that they end up [UI] calling the cops or something, right? 'cause we don't want-

AA: [UI] guys are sensitive.

UC: So, tomorrow, they're actually gonna let you, uh, shoot a weapon someplace?

AA: Yeah. At the shooting range.

UC: Where's that?

AA: Chabot.

UC: Chabot. What's Chabot?

AA: A little past San Leandro.

UC: Oh, okay.

AA: Yeah.

UC: In a different city?

AA: Like 20 minutes away.

UC: All right.

AA: 25 minutes.

UC: This is some class you have to take before?

AA: I already took the class today, this morning. It was, I woke up at 8:00, went there, got there at 8:30, and I left there at like 4:30.

UC: [UI]

AA: I gotta push it up?

UC: It's uh, it's 19283.

AA: Pound?

UC: Yeah, uh, first I think it's star

AA: Star, 19-

UC: 283, and then pound.

[beeping]

UC: Yeah, thank you, it's good.

AA: There you go.

UC: You have to remember to do that every time, even if the gate is open.

AA: Yeah.

UC: So they can't-

AA: So they can register(?), that your lock (?)

UC: Yeah, yeah, so if, the alarm, you're authorized.

AA: Ah.

UC: Not that anybody's gonna go break into our storage unit, but-

AA: [UI] nobody would do that.

UC: Yeah, it's [UI] too [UI]

AA: Are there any cameras? I didn't see any cameras. Yo ?

UC: I think they have one just when you enter, that's it, but if we're in the car it won't pick us out. [UI] But no cameras anywhere out here, you know it's not like in the middle of the city, like, a lot of businesses, where they have cameras on the street. It looks like a sleepy place here, man.

AA: Yeah.

UC: [UI] Dust field(?) [pause] I like to look around to see the kind of stuff we need, so I can send you the list. But I might send it to you, like, separately, right, I'm not gonna send you the whole list at once.

AA: Okay.

UC: So I'll send you like two items, then two more, then two more items, so it doesn't, like, you know-

AA: Hmm-hmm.

UC: -look weird, but it'll be like normal stuff. It won't be something that somebody's like hey why are you buying fertilizer, why are you buying, you know, this, why you buying that. It'll be like normal stuff. And I'll buy some stuff. And I'll bring it in here.

AA: There's something like, kinda hot, or, you know, dangerous to get, you could tell me, I know, I know how to send.

UC: You have some boys that (get a price?)

AA: Yeah, I got some Mexicans, they do construction all the time, so it's normal for them to buy this kind of stuff.

UC: That's where I get some of mine, like the detonators.

AA: Yeah.

UC: From construction people. Like, I know brothers in Nevada and Utah who do, like construction-

AA: Hmm-hmm.

UC: And they get some supplies from them.

AA: [UI] talk to them [UI] [Arabic?]

UC: You don't think they'll be suspicious, asking a lot of questions or nothing like that?

AA: They don't care. They're all illegal. Everything here is illegal [UI] uh, where you came from – Salt Lake City? [laughs]

UC: [laughs]

AA: [UI] serious [UI]

UC: I was, I was in Nevada and Utah, shit, nobody gives a shit about Nevada, right, everybody's, like, doing crazy stuff in Nevada, man, so [laughs] but Utah, they do a lot of construction, they do a lot like mining and stuff. So getting explosives there is pretty easy too.

AA: Oh, is that right?

UC: Yeah, yeah

AA: The detonators, right?

UC: Yeah, yeah. They do a lot of stuff over there, and stuff goes missing overnight [laughs]

AA: Is that right? [laughs]

UC: Ah.

AA: Yeah, they can't do no detonation over here 'cause the city's too crowded and [UI]

UC: Yeah [UI] there's nothing to do out here. [laugh] Making fun of Salt Lake City [laughs]

AA: Maybe they go "amigo" [UI][Spanish-Arabic?] explosive boom-bah. Yeah, bro. [laughs] Go "aqui" they [UI] be every, they're lovers, they love us [UI]

UC: The Mexicans, you think?

AA: Just don't hurt them, you know. [laughs] Yeah, everybody loves us.

UC: Just tell us where so we're not there. [laughs]

AA: Yeah, they got, you know we got a strong-ass reputation over here.

UC: [laughs] Are we going the right way back?

AA: Yes, sir.

UC: I want to get back to Sacramento, but I don't want to go to Sacramento.

AA: We're going toward San Jose.

UC: Was I supposed to turn there?

AA: No, you're supposed to turn here. There's another entrance over there. Just make a left. Keep on straight. Oh, they're gonna make us make a u-turn? [UI]

UC: [UI] There's no u-turn there. I don't want some prick cops stopping us here. [UI]

AA: [UI] kill the cop. You got your license plate on [UI]

UC: That's gonna ruin our plan, man, it's gonna ruin our plan.

AA: Man, I wasn't going to do that, I'm just kidding.

UC: [laughs]

AA: You, you have your driver's license, so he can't search you-

UC: I just hand him my license and say, yeah, if you're gonna give me a ticket, yeah, give me a ticket, but-

AA: They're not, they can never search the cars [UI] anybody in the car, unless they have probable cause. And, uh, traffic violation not probable cause.

UC: Have you been pulled over a lot, man? [laughs]

AA: No, I, I just, you know, they keep us aware of all this stuff. 'cause you know, we, we, we used to move a lot of drugs in the [UI] always ride high so we would, we would have to learn all of this.

UC: [UI] let me tell you.

AA: [UI]

UC: I think we're gonna be doing that, I think we wanna [UI]

AA: We're gonna be perfect [UI] you know-

UC: You know your stuff, brother, and, you know you're not like me, gotta take a risk for the causes, too my [UI] which makes me very comfortable. At first, I was a little nervous. I'm like, you know, I was telling my cousin,



are you sure? [UI] Went down and talked to you for a couple days, man, you're know what you're doing, so [UI]

AA: [laughs]

UC: [UI] make simple mistake or something, you're gonna be okay.

AA: We're gonna make a u-turn here. Check [UI]

UC: Oh, man.

AA: Oh my god, \$2.50 cheeseburgers, dude.

UC: You hungry?

AA: Go back, man.

UC: Seriously?

AA: No.

UC: We can turn around.

AA: Nah.

UC: I can't make a u-turn, we can make a u-turn the

AA: I'm just saying it these fat-as American will eat- [UI]

UC: [laughs]

AA: They buy that stuff, man, it's crazy.

UC: [laughs] Funny, man.

AA: They wouldn't even be hungry, but, oh that's a good deal, let's just get it. Why. Because. It's not [UI]

UC: They just want to kill their stomach with more [UI] more garbage in their stomach. [pause] I like your little backpack right there.

AA: Yep.

UC: You wouldn't even know it.

AA: You know in Oakland, there's a lot of, uh, homeless people that walk around with carts.

UC: Yeah, I saw that. Last few times, yeah.

AA: They, they fill 'em up with, uh, cans and stuff, and garbage, and all.

UC: Yeah, yeah, yeah.

AA: We have, uh, do you have a cart? You're riding around with this cart, looking like a homeless dude, and it's full of garbage, but it's not. It's a bomb. And you just leave it somewhere in the park. That, that's usual, it's not like outta, outta the ordinary.

UC: They won't even care.

AA: Yeah. [singing in Arabic] You've been driving a lot?

UC: Well, just from Sacramento, you know, which is all right, I mean-

AA: Why'd you get fired from your job in Salt Lake?

UC: Because I stopped to do a prayer.

AA: [UI] [laughs]

UC: Yeah. Bastards, make your life [UI] I gotta [UI] You know, I didn't like the job anyhow. It's just something I was doing just to get by. So when they said you're fired it was almost like a relief, you know, it's like (an omen?) it's a like a sign for me to do what I wanted to do, so. For them it's a sad day, for me it's like, this is it. [pause] So what do you think, man?

AA: It's gonna allow me to get started.

UC: Hmm hmm. [UI] you know this place like you know San Francisco, you know the different places in San Francisco-

AA: Yep.

UC: You tell me when you think would be good for backpack, car, or if you wanna try it, or you try the homeless thing, but I've never done that before. Like I don't know, like-

AA: The car's a, uh, the car's is, is like one of the [UI] you know how, you know how to do that, we definitely need to do the car on that, that's gonna create a lot of damage and a lot of people are gonna get hurt. But that's gonna be in the heart of San Francisco, like in the downtown area-

UC: Yeah.

AA: 'cause if we're, the, um, the backpacks are gonna be real good too. Do you have any problems making small [UI] difficulties?

UC: No. It'd just be a little smaller, that's all.

AA: Okay.

UC: We would do like pipe bombs in a backpack

AA: Yep.

UC: So I could do either one, man.

AA: And those, I'm thinking about just spreading them everywhere, you know-

UC: You mean the same days? So, if like, or we talking about different days?

AA: What do you think? I mean same day, I want to make a difference. As long as we have the detonator, we can detonate it any time we want.

UC: Yeah, well-

AA: It could be like one night, I go out and I just spread all of 'em from, you know, in the areas, that we would target. And the next morning we wake up 'cause, or, in some areas, we're gonna have to hit them in the morning some other areas at night, like San Francisco, we're gonna have to hit the nightclubs at night obviously, the bars.

UC: Yeah.

AA: Uh, Oakland, we're gonna need to hit some places up in the morning, like Chinatown, downtown, 'cause that's when it's most busy, like you see a hundred people at one place over there.

UC: Really?

AA: Yeah, it's real busy. So much foot traffic you can't believe it. Um, but yeah, so basically if we're gonna hit up, like the places we're gonna hit up in the morning, I'm gonna set the place, set the bombs at night. And we detonate it the next day. [UI] in the morning around 10:00, 11:00, something like that.

UC: So they- that's smart, 'cause if they won't even look for us that [UI] You know, the video cameras only show like the last hour or something. They don't show us place the backpacks. The next day, they're like, well the video only shows the last hour the backpack was there 12 hours ago-

AA: Yep.

UC: 8 hours ago, whatever 9 hours ago. They won't even, no, that's good, yeah.

AA: Uh huh. Then we detonate them from far away. Uh, yeah.

UC: Yeah, that's, that's good. With the backpacks.

AA: And just imagine, like ten different locations or 15 different locations, boom! Boom! Boom!

UC: It would be chaos, man.

AA: [laughs]

UC: They would, like, they would try to set [UI]

AA: [UI]

UC: -in one place. And then they're like, no, no, we gotta go do other places, and they'd separate, go another place, and another place, and another place, they, I think they would just go crazy.

AA: Yep.

UC: The whole like, whole, city-

AA: City

UC: city would just shut down-

AA: The whole state, I think the whole state would shut down. Homeland Security's gonna come. The FBI, the federal, fed [UI] everybody's gonna come.

UC: They won't know what hit 'em because it's so different, different places. Not just one.

AA: All over the place. Yep, we're gonna hit every downtown, we're gonna, man, tellin' you [UI] it's gonna be big. It's gonna be the biggest attack [laughs] America [laughs] since Pearl Harbor. [UI]

UC: And they won't have no clue what happened.

AA: Yep.

UC: Man, that's smart. I've been so used to just doing like, t...r, and the detonating it, and the car.

AA: The car we're definitely gonna go that. That's like the main one. That's gonna be like in the heart of San Francisco.

UC: You just like park it and walk away

AA: Park it and walk away. And if you- b...g...n a if it could bring down a concrete building?

UC: Yeah, any building.

AA: Okay, because if you could bring down a concrete building, there's huge buildings, you know the parking lot buildings?

UC: No, like, like, whattya mean parking lot buildings?

AA: It's just like concrete buildings, like seven or eight stories, and it's all just for, for parking cars.

UC: Oh, okay.

AA: So we could bring that one, I mean it's not kill a lot of people, it's gonna cause a lot of damage. But we could, we could - how long would it take to make those?

UC: Uh, like a, like a car bomb?

AA: Yeah. Like a month?

UC: No. If I work, if we got the supplies? You me some stuff and I got some supplies, we could do it like maybe-

AA: Work at your pace, don't rush nothin'

UC: No, no. I never rush that.

AA: Yeah, definitely.

UC: That's why I have ten fingers. [laughs] 'cause I don't rush it. [laughs]

AA: Yep.

UC: [laughs] You'll see a lot of my brothers that rushed, they don't have no fingers, they don't have a hand, 'cause they rushed and they made a wrong mistake and-

AA: Yeah.

UC: So, no, I [laughs]

AA: We take our sweet time. [UI] right [UI]

UC: I think, ten days.

AA: Tens days – perfect.

UC: Yeah.

AA: You think it'll be better to do two?

UC: Two car bombs?

AA: Yep. [UI] one explosive [UI]

UC: I mean, it will just take – if I did two, I would have to separate 'em, so give me fifteen days. But can we get two cars?

AA: I can work on that. We can get two.

UC: Right.

AA: We can, we can get one car, we can get two cars definitely.

UC: Two cars. Two cars would be- I've never done like two at the same time, like, you know, driving two, like I drove one, you drive one?

AA: Hmm-mmm.

UC: I've never done that. I've always been, one, and a brother drives it, and then I detonate it.

AA: One thing about San Francisco, there's a lot of cameras. So, disguise, we're gonna have to disguise ourselves.

UC: Like we wear glasses and a hat or something?

AA: Glasses, fake mustache, fake beard, whatever.

UC: I think. Yeah, if we wore glasses and hats-

AA: That's good enough. But didn't the brothers in Boston wear glasses and hats?

UC: I don't know [UI] The cameras they showed-

AA: We could get synthetic masks.

UC: You see, they, the mistake they made, they did it daytime, man, it was like, they did everything at daytime, you know what I mean?

AA: So, it seems like they didn't plan it right, huh?

UC: No, no. If they were smart, they could've-

AA: Got away?

UC: -put that backpack in the, the trashcans the night before

AA: Yep. That's right.

UC: That's it. But they did it that day, in broad daylight and people were there and, like-

AA: They didn't even have enough time to escape

UC: Yeah. They didn't-

AA: They seemed like they didn't even have an escape plan 'cause the dude was found in a boat.

UC: Yeah. They had no plan

AA: That same night

UC: They had no plan. You and me, man, we would just get in a car, drive to Mexico.

AA: Oh!

UC: [UI]

AA: I'm gonna get married in Mexico, uh?

UC: There were thousands of people go to Mexico every day. They'd be, like, all right.

AA: Oh.

UC: Two Chicanos going to Mexico, what's the big deal?

AA: And we could, we could fly to Mexico.

UC: Yeah. Flying would be, like, whatever. Get on a flight and go, it's like, yeah, we're going to Mexico. All these people going to Mexico to gamble and to, you know, do whatever and they'd be like, yeah, just two guys

going to Mexico. [pause] Driving, I mean, might be, I don't know, if we fly at the airports. I guess it depends on how soon after, like if we tried it, flying right after, they're gonna be suspicious, right? So, you would've had to wait a, a couple weeks, until things cool down.

AA: Ah.

UC: And then we can fly. That way they'd be okay, well, uh-

AA: Yep.

UC: Whatever happened, they'd be – the guys escaped – because it's two weeks later – they're gone.

AA: [UI]

UC: Then we could fly. Or, if we drove, we could drove, we could drive

[UI] [voice from speaker phone?]

AA: Excuse me a second. Hey, hello. Oh, okay, you can hear me now though? Look, did you call Adam's family or no? [pause] Okay. Okay. Try to get his uncle, because Adam's a square. Make sure you connect [UI] with his uncle. [pause] Yeah, we could drive down there tomorrow. [pause] I got you man, don't worry about it. Hell, no [UI] What you talking' about? [UI] [pause] All right [ ] take care. [pause] Sorry about that

UC: It's okay, brother.

AA: So, you said stay here like a week, ah ah before we leave for Mexico.

UC: Yeah. We fly, uh, we need to, e-

AA: Or, how about, uh, okay, I don't want to go all the way to San Diego and then, then enter from San Diego because I want to be here when it detonates 'cause I want to see it detonate.

UC: No, we would, yeah, we would uh, that, that, that's [UI] here. Like, we would be two miles away or three miles away or whatever. We would be far enough away where there are no cameras, like we would have to, like, drive by and-

AA: Yeah.

UC: Okay, good, okay. That's what we want, uh, that's where we want, uh, the car parked and this is where we want the backpacks. We would, like, plant it-

AA: Hmm-hmm.

UC: -and then, like, two days later we would do it. And we would like find a place where you, you and I would be safe, like far enough away.

AA: Okay.

UC: Where there'd be nothing, no cameras, nothing, and that's what we would do, like a parking lot, or some place where it's there are no cameras or nothing. We would do it, and then all the medical, emergency, would be going there.

AA: Yeah.

UC: While you and I kinda drive away, or we could, like, park our car in there the day before or something, right?

AA: You know what would be even cooler? Like, let's say the, um, bombs that we've spread into Berkeley and Oakland, let's say, uh, we choose our areas, our targets, like three bombs in downtown, a couple bombs here and there, you know, in targets areas, and then, we, we'd know the route that the firefighters take and the emergency, and we plan bombs on their routes.

UC: But how would we know the routes?

AA: We could figure that out. I could find that out for sure, for sure. [pause] That's, that's just too much time, huh?

UC: Yeah.

AA: If you think about it, yeah, it's probably too much.

UC: You know what? If we try to, they might, uh, that's-

AA: Yeah.

UC: -that's too much, I think. It's a smart idea if we had more people, we could do it, like if we had-

AA: Yeah.

UC: If we were in Afghanistan- Yeah

AA: We'd definitely do it. Ha ha.

UC: Yeah, we would like, that's a good idea. I need to [UI] go back and talk about that, it's like, hit 'em, how would they get to, to help those people, and how could we hit 'em on their way to help. 'cause we've always done two sometimes, we do one, and when the people get there, we do one more.

AA: Do the second one.

UC: Yep.

AA: But if one's too close to the other, it might detonate it too, right?

UC: No, no, no, we would do it so, like, uh, if, if you do it right, uh, it would detonate, it would blow up like the bomb in the building, right? And there'd be like, uh, [UI] that'd be the second vehicle would be like, maybe, half a block away or something. Or like uh, you know, uh, across the street inside the other building. So this building goes down and all the medical people come, thinking they can take shelter in this other building, and [laughs] when it [UI] So they wouldn't, one wouldn't cause the other one to explode.



AA: Okay, got you. [UI] We could do that, too. [pause] Okay, I was thinking about buying, hmmm, like if we're gonna stay for a while, for like another week or so, we'd buy some weapons, some big weapons, automatics-

UC: Yeah.

AA: Just in case they come at us.

UC: Yeah.

AA: We're not going out like [UI] (Arabic?)

UC: I got money for, I told you I sold everything.

AA: Yeah. Don't worry about buying the weapons. That's on me. But, uh, what's the expenses on the, uh, the stuff for the bombs and all?

UC: Depends on how big we make it. Like, if we make it, uh-

AA: Let's say we're gonna make one car bomb and like, ten, fifteen backpack one.

UC: Like, uh, in Utah there was a little different because we could get the actual explosive a little easier.

AA: Uh-huh.

UC: Here, in California, I know they have a lot more rules just driving around, like, you know, my brothers [UI] here in Sacramento, there's all the rules and everything. I think, fifty pounds of ammonium nitrate, the fertilizer, and I have to separate the ammonium nitrate, uh, if we do, what car, what kind of car do we think we can get so I know if I put 'em in barrels, or put 'em in, like, boxes-

AA: Man. I- [tsk] we could barrel too, huh?

UC: Yes.

AA: Want a minivan like that?

UC: A minivan like that we could put barrels in there, yeah, so then I would probably, like, three barrels would be enough to take out a building.

AA: [laughs] Okay, I could get a minivan like that.

UC: Okay, so I'll get the, I'll get the, I'll do the supplies and how much ammonium nitrate I'll need and how much fertilize, 'cause you have to separate it. This isn't- you really can't buy it like that-

AA: Yeah, yeah.

UC: Two years ago you could, but now they're very-

AA: [tsk]

UC: You know they're all freakin' (?), worried about stuff. So I would separate that stuff. Put 'em in three barrels, mix 'em-

AA: So what are we looking at? Like \$10,000?

UC: Nooo. No way. Uh, maybe a couple grand, if that.

AA: Serious.

UC: Yeah. It's not expensive, man, that's the one thing about America.

AA: [giggles] They make it easy.

UC: They make it easy and Americans love their explosions, man. So, nah, a couple thousand. It's not gonna cost us \$10,000. No way.

AA: This is gonna be too good. You know there's a lot of Muslim sisters in Mexico? That, uh, we were talking to them, and they were complaining about how there's a lot of sisters that ain't married because they can't find a Muslim man?

UC: In Mexico?

AA: Yeah, more like not a right, not a, not a committed Muslim man. Like, the Muslims over there are from Morocco and from Saudi Arabia, they drink a lot, they go to clubs there [UI]-

UC: -there's a lot of drinking-

AA: [UI]

UC: Yeah.

AA: So they were, like, so that, there's 28, 29 year old women who refused to get married to those type of men.

UC: Well, something about [UI]-

AA: [UI] we go there [clap] [UI] (Arabic?) don't do that.

UC: Yeah, good sisters are good sisters, they're not married-

AA: Uh-huh. Since they refuse, they want, they just care about the [UI] a man of [UI]

UC: I didn't know that, man.

AA: Yep. Somebody was just telling me the other day, like two weeks ago, and he was like let's go right now and get married in Mexico. I'm like, well not right now, right now you know I'm kinda busy. But definitely-

UC: You got some things doing.

AA: Yeah. But we was showing me the text messages, like, he was talking to them and all [UI]. Who would've ever thought Mexico, huh?

UC: Yeah, usually, like I hear from people from Vegas, going to Tijuana, Tijuana going to Vegas, I had no idea that they had good sisters in Mexico, man.

AA: Yep. [singing][Arabic]

UC: [UI] start. I'm going to start looking at, um, how much, that we need for, for three barrels.

AA: Okay.

UC: And, uh, I'll come over with a list of stuff we need and I'll get some stuff. And if you can help me get some stuff.

AA: Of course.

UC: Okay.

AA: Use me as much as you, you [UI] You know, even, almost everything, I can get everything, you want me to get everything, I'll get everything. You don't have to worry about it.

UC: Well, I want to make sure that we don't, like, uh, make anybody suspicious, right-

AA: Uh-huh.

UC: If we get it all from one store, they'd be like why are you buying all this at once, they might be suspicious.

AA: Okay.

UC: We gotta do it in the way, like where but it as soon as you buy it, you have to like, you know, drive it over here.

AA: Yep.

UC: So, maybe like almost I don't know, daily, we buy little pieces, take it over there, put it in, and the next day I work on it-

[cell phone ringing]

UC: Is that my phone?

AA: Yep.

UC: [answers phone][Arabic? Farsi?] That's one of the guys in Sacramento, he's asking if I [UI]

AA: What is it, an hour and a half to Sacramento, right?

UC: Yeah, uh, uh, the downtown Sacramento part? From, like, here, it's like an hour and a half, yeah, depending on traffic with, I think it's that 80 freeway, when you start getting closer to like the San Francisco area, man, [UI] it's like, like lock down, man, everybody's going to the city or something, they're obviously going toward Berkeley, like even on a Saturday night, it's like, what's wrong with you people?

AA: Right. [whistling]

UC: But, yeah, it's an hour and a half. So I was thinking, we could, um, we get the supplies, 'cause when you get 'em you gotta take 'em over there, right, you can't, like, take it to your house [laughs], like – what is this? You know, [UI] Your, uh, your roommate would be like why are you buying all this shit for, man?

AA: [UI](Arabic?)

UC: [laughs]

AA: [UI](Arabic?)

UC: [laughs]

AA: [UI] I kill him [UI]

UC: [laughs] Remember, not until after the-

AA: But, yeah, I know, uh-huh.

UC: [laughs] I know.

AA: I'm just saying, yes, I'm, I'm doing it, out of, but – our safety – 'cause, I would do it, if it was me by myself I would put it there, and if he says anything, I [UI] b – 'cause you're involved in it, I want it-

UC: Thank you, brother.

AA: -both of us.

UC: I appreciate that. I thank y

AA: Yeah, yeah. [pause] [Answers cell phone] Hello? [UI] Did you, did you call him, he said it's all good or what? Did they have it? How much? How much? That's right. How much? How much? [pause] Okay, all right, it's all good, it's all good. How far? How far is Ukiah from here? How far? What is it like an hour drive? All right. We could take [UI] car. My car is in the shop. Ah. [pause] Okay. [UI] Make a right. Okay, okay. Hold on. Okay, what they- did you ask, did you ask him about the white? [UI] Okay, when we get there, we talk to them, okay? All right, thank you. Okay. It's all good. It's all good. All right, bro, I see you. Take care. Okay. I'll see you tonight, okay? Um, what was I talking to you about? Oh, yeah, um ah, so this over my friend, this is Acorn Apartments, this is the Acorn complex, yeah.

UC: Okay. It's like a bad one or something?

AA: Eh. It's one of the bad neighborhoods, but this is where a lot of things(?) come out, this is where I got the customers, right here.

UC: In this neighborhood?

AA: [UI] coming up. But there's, ah, a message over here, that's why we can't [UI] As much I just wanted to [UI]

UC: Oh, okay.

AA: So these are the proj- our projects, they're not like New York's projects [UI] Make a left. [UI] look like the projects. Then right. Every time the police come over here, they don't know where to go, they try to chase somebody, he goes in the projects, and [UI] he's lost.

UC: -gone. Ha ha.

AA: You know there's so many ins and outs to it, you can hide.

UC: Good for them man, [UI] that the cops [UI]

AA: I don't know [UI] It goes all the way down there [UI] This is like the [UI] center.

UC: Go straight?

AA: Yep, you can just make a left and park and then we'll go inside and we'll meet somebody in a minute, and then maybe I'll head out to Ukiah today, there's some, uh, product to [UI] there [UI] and trying to [UI] It was good seeing you, man.

UC: Good seeing you, brother.

AA: Whenever you're ready, just send me a list and I'll take care of everything for you-

UC: [UI]

AA: - you don't even got to go get it, I'll do all the work for you.

UC: Excellent, brother.

AA: Concord is closer to me. You don't want to come all the way from Sacramento to Concord, just to drop something off. I'll do all that.

UC: That's good, brother. I appreciate it, brother.

AA: And, if you need anything just let me know [UI] you know, out of the subject.

UC: [laughs]

AA: [UI] bro

UC: (Arabic?) brother. I'll just hit you up on Telegram?

AA: Telegram? I already made my three [UI], I just-

UC: Is it a new one?

AA: Yeah, it's a new one.

UC: Okay, okay.

080616; 21:48 PM

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AA: I'm, uh, add you in right now. You already sent me your user name, right?

UC: Yeah, yeah, I did.

AA: Okay. I got you, I got you.

UC: Thank you, brother.

AA: (Arabic)

UC: (Arabic)

[UCE drives off]

UC: This is UCE4270. Today's date is August 6, 2016. Time is approximately 7:14 pm and I just finished a meeting with Amer in Oakland, CA.

DRAFT

# **EXHIBIT D**

**(disc manually filed)**