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## How FBI Entrapment Is Inventing 'Terrorists' - and Letting Bad Guys Off the Hook

By Rick Perlstein

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This past October, at an Occupy encampment in Cleveland, Ohio, "suspicious males with walkie-talkies around their necks" and "scarves or towels around their heads" were heard grumbling at the protesters' unwillingness to act violently. At meetings a few months later, one of them, a 26-year-old with a black Mohawk known as "Cyco," explained to his anarchist colleagues how "you can make plastic explosives with bleach," and the group of five men fantasized about what they might blow up. Cyco suggested a small bridge. One of the others thought they'd have a better chance of not hurting people if they blew up a cargo ship. A third, however, argued for a *big* bridge – "Gotta slow the traffic that's going to make them money" – and won. He then led them to a connection who sold them C-4 explosives for \$450. Then, the night before the May Day Occupy protests, they allegedly put the plan into motion – and just as the would-be terrorists fiddled with the detonator they hoped would blow to smithereens a scenic bridge in Ohio's Cuyahoga Valley National Park traversed by [13,610 vehicles every day](#), the [FBI swooped in to arrest them](#).

Right in the nick of time, just like in the movies. The authorities couldn't have more effectively made the Occupy movement look like a danger to the republic if they had scripted it. Maybe that's because, more or less, they did.

The guy who convinced the plotters to blow up a big bridge, led them to the arms merchant, and drove the team to the bomb site [was an FBI informant](#). The merchant was an FBI agent. The bomb, of course, was a dud. And the arrest was part of a [pattern of entrapment by federal law enforcement since September 11, 2001](#), not of terrorist suspects, but of young men federal agents have had to talk into embracing violence in the first place. One of the Cleveland arrestees, Connor Stevens, complained to his sister of feeling "very pressured" by the guy who turned out to be an informant and was recorded in 2011 rejecting property destruction: "We're in it for the long haul and those kind of tactics just don't cut it," he said. "And it's actually harder to be non-violent than it is to do stuff like that." Though when Cleveland's NEWS Channel 5 [broadcast that footage](#), they headlined it "Accused Bomb Plot Suspect Caught on Camera Talking Violence."

In all these law enforcement schemes the alleged terrorists masterminds end up seeming, when the full story comes out, unable to terrorize their way out of a paper bag without law enforcement tutelage. ("They teach you how to make all this stuff out of simple household items," one of the kids says on a recording [quoted in the FBI affidavit](#) about a book he has just discovered, *The Anarchist Cookbook*. Someone asks him how much it says explosives cost. "I'm not sure," he responds, "I just downloaded it last night.") It's a perfect example of how post-9/11 fear made law enforcement tactics seem acceptable that were previously beyond the pale. Previously, however, the targets have been Muslims; now they're white kids from Ohio. And maybe you could argue that this is acceptable, if the feds were actually acting out of a good-faith assessment of what threats are imminent and which are not. But that's not what they're doing at all. Instead, they are arrogating to themselves a downright Orwellian power – the power to deploy the might of the State to shape a fundamental narrative about which *ideas* Americans must be most scared of, and which ones they should not fear much at all, *independent of the relative objective dangerousness of the people who hold those ideas*.

To see how, travel with me to rural Florida, and [another arrest that occurred at almost exactly the same time](#). On April 28, members of American Front, a white-supremacist group labeled "a known terrorist organization" in the affidavit justifying the arrest, took a break from training with machine guns for a race war in order to fashion weapons out of fake "Occupy" signs which they planned to use to assault May Day protesters in Melbourne, Florida. No script, no choreography for maximal impact on sensation-hungry news broadcasts, no melodramatic press conference with a U.S. attorney and FBI Special Agent in Charge; this arrest only went down after an informant working with *state* law enforcement fled in fear for his or her life after being threatened by the group's leader Marcus Faella with a 9mm pistol. And though the [media reported](#) the involvement of a "joint terrorism task force of FBI and local law enforcement" the arresting affidavit does not even mention federal law enforcement; the charges filed were state, not federal. A circuit court judge scrawled a bail amount of \$51,250; that was [accidentally knocked down to \\$500](#). The Cleveland anarchists were held without bond.

The contrasts are extraordinarily instructive. When federal law enforcement agencies take an affirmative role in staging the crimes, the U.S. Justice Department then prosecutes, leaving more clear-and-present dangers relatively unbothered, the State is singling out ideological enemies. Violent white supremacists are not one of these enemies, apparently – because, as David Neiwert, probably the nation's top journalist on the subject, told me, the federal

government has much less often sought to entrap them, even though they are actually the biggest home-grown terrorism threat. That is unconstitutional, because law enforcement's criterion for attention has been revealed as the *ideas* the alleged plotters hold – not their observed violent potential.

Who else are we supposed to be afraid of? Certainly animal-rights and environmental radicals. In 2006, when FBI Director Robert Mueller announced the indictments of Animal Liberal Front activists who burned down a horse-rendering plant in 1997, harming no humans, he called such property destruction one of the agency's "highest domestic terrorism priorities." We're supposed to be afraid of Muslims, of course – though not even necessarily Muslim militants. In a sting stunningly anatomized on a Pulitzer-worthy [This American Life episode from 2005](#) the target, British citizen Hemant Lakhani, known as "Habib," was an Indian-born Willy Loman, so dumb he referred to night-vision goggles, which he'd never heard of, as "sunglasses" and so broken down and desperate for attention he told the federal informant he had full-sized submarines to sell. He was egged by the informant into selling him Stinger missiles (Lakhani had approached him hoping to sell him mangoes). Upon Lakhani's terrorism conviction then-U.S. Attorney Chris Christie stepped up to the press conference microphones to announce, "Today is a triumph for the Justice Department in the war against terror. I don't know that anyone can say that the state of New Jersey, and this country, is not a safer place without Hemant Lakhani trotting around the globe attempting to broker arms deals."

But don't worry your pretty little heads over the [epidemic of far-right insurrectionism that followed the election of Barack Obama](#): all told, according to a forthcoming data analysis by Neiwert, there have been 55 cases of right-wing extremists being arrested for plotting or committing alleged terrorists acts compared to 26 by Islamic militants during the same period. The right-wing plots include the bombing of a 2011 Martin Luther King Day parade in Spokane and the assassination of abortion doctor George Tiller in 2009. Neither of their perpetrators, it goes without saying, had been arrested before they attempted their vile acts; neither required law enforcement entrapment to conceive and carry them out. It's just too bad for their victims they did not fit the story federal law enforcement seeks to tell.

I use the word "story" advisedly. Entrapment is the most literary of abuses of power: Investigators and prosecutors become as unto little Stephen Kings, feeding into, and feeding, the fear centers of our lizard brains in order to manipulate their audience. Unsurprisingly, the tactic crops up whenever the powers that be are themselves most frightened for their power, such as [during the 1960s](#), when instigation of criminal acts by *agents provocateurs* infiltrating the anti-war movement became extremely prevalent. When one of the accused Chicago 7 left the courtroom just as a witness for the prosecution left the stand, the other six became horrified when it became clear that the guy who had just got up (actually to go to the bathroom) was a plant about to testify against them.

The antiwar movement soon learned whom to be afraid of: people who don't quite fit in, who always seemed ready to volunteer for anything (if you're on the FBI payroll, you don't need a job), people pressing violence when everyone else in the room preferred peace. In the 1972 "Camden 28" trial of Catholic left conspirators who tried to steal and destroy registration records from a local draft board, the star witness got his breaking-and-entering training from the FBI and

swore in court that the accused never would have raided the building absent his leadership. Although the people the FBI preferred to recruit were the sort who had trouble keeping jobs anyway. They were frequently mentally unstable: the *agent provocateur* whose recordings got twenty-three members of Vietnam Veterans Against the War indicted for supposedly conspiring to attack the 1972 Republican National Convention with "lead weights, 'fried' marbles, ball bearings, cherry bombs ... wrist rockets, slingshots, and cross bows" had received a psychological discharge from the Army. And they were usually criminals. In the Harrisburg 7 trial of in 1972 (in which the feds fantastically claimed that a pacifist priest, some nuns, and their confreres intended to blow up the steam tunnels beneath Washington, D.C.) the prosecution's star witness had offered himself to the FBI as an undercover New Lefty from the jail cell where he was serving time for so many crimes the U.S. Attorney had classified him as a "menace to society."

The entrapment game still works the same. In the case documented on *This American Life*, informant "Habib" was such a notorious liar, thief, and con man that the feds deactivated him – until after September 11, when suddenly "different FBI bureaus were fighting" for his services. The key informant in the Animal Liberation Front arrests was a truck thief and heroin addict. The dude in the Cleveland anarchist case, identified by [thesmokinggun.com](http://thesmokinggun.com) as a Donald Trump fan named Shaqil Azir, had convictions for cocaine possession, robbery, and passing bad checks – and was also under a *current* check-fraud indictment the FBI covered up in its affidavit. They also neglected to mention his frequent appearances in bankruptcy court.

Such choices are a feature, not a bug: Criminals with cases pending are able to act more convincingly as, well, criminals, and will do anything the government asks to reduce their sentences; sociopaths are better able to manipulate the emotions of macho young men. The play's the thing. Although sometimes the play becomes *too* convincing: In the Watergate hearings in 1973, some of the witnesses testified that hearing about VVAW's violent plans to disrupt the Republican convention were what convinced them it was OK to break laws on behalf of their president.

Not everything is the same since the 1970s, of course. The media has changed: *Newsday* editorialized in 1972 of the Camden case, "We have come to expect such tactics from totalitarian nations that have no respect for individual rights permitting dissent. They have no place in American and those who advocate them have no place in this government." You don't see that sort of language much any more. Indeed, *Newsday* appears not to have covered the arrest and trial of Hemant Lakhami at all. "Such tactics" are just not a very big deal any more.

You know what else has changed? You and I – to our shame. Entrapment is illegal – but the question of whether law enforcement set up a legal sting or illegal entrapment is for a jury to decide. Entrapment was why juries acquitted the defendants in the Camden, VVAW, and Harrisburg cases. "How stupid did those people in Washington think we were?" a Harrisburg juror told a reporter. The feds don't have to worry about folks like that any more. Not a single "terrorism" indictment has been thrown out for entrapment since 9/11 – not the Liberty City goofballs supposedly planning to blow up the Sears Tower who had no weapons and refused them with offered; not the Newburgh, New York outfit whose numbers included a schizophrenic

who saved his own urine in bottles. (Even the judge who sentenced them said "the government made them terrorists.")

The civil liberties of the Florida white supremacist Marcus Faella, at least, have been honored. He was out on bail the day he was arrested. There's no police informant to monitor his activities any more, but not to fear. His experiments in attempting to produce the deadly toxin ricin, according to the Florida affidavit, have not so far been successful. And Connor Stevens, heard on the menacing video shown on Cleveland news saying that his favorite part of Occupy protests "is meeting people walking down the street, average people, talking to them, hearing about how they're affected by the economy, by the justice system, things like that"? He is safely behind bars. So, for the rest of his life, is Hemant Lakhami, the hapless Stinger missile salesman. The man who put him there, Chris Christie, is now the celebrated governor of New Jersey, and was all but begged by his fellow to run for president. Republicans think he tells a good story.