
16 Prosecuting Homegrown Extremists: Case Study of the Virginia “Paintball Jihad” Cell

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INTRODUCTION

The United States is a country with a population that is deeply diverse religiously and ethnically. All nationalities and religious groups have a presence here, many maintaining distinct ties to communities and countries abroad. Normally, this situation is not only harmless but often beneficial to the American fabric. However, since Osama bin Laden’s notorious February 1998 *fatwa*¹—an Islamic religious proclamation—declaring war on the United States, certain elements within American society have awoken, as Bin Laden’s call to jihad—and other similar fatwas from a variety of radical sources—have been heard by individuals and cells, and even, sometimes, answered.

In 1993, foreign Islamic extremists attacked the World Trade Center, killing six people and injuring more than a thousand.² And in 2001, another cell of Middle Eastern-born Islamic terrorists finished the job, destroying the Twin Towers and severely damaging the Pentagon, in the worst terrorist attack in American history, killing nearly 3,000 people. But while the most “successful” attacks against American interests have been perpetrated by foreign jihadists, more than a handful of American citizens have sought to take up arms against their own country, or to go off to battle foreign allies, in the name of divinely ordained holy war.

While the phenomenon of an American-born and -bred Islamic suicide bomber has thankfully yet to occur, various American Muslims have in fact taken up arms against their own country, or trained to do just that, while still others have joined their *mujabideen*

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—or Islamic holy warriors—comrades overseas in fighting that does not involve the United States at all.

The best-known case of an American *mujahid* is that of John Walker Lindh, the so-called American Taliban, the District of Columbia–born student who went to Afghanistan on a spiritual journey and ended up joining the military forces of the Taliban regime to fight the U.S. military after its post-9/11 invasion of Afghanistan.

The phenomenon of American-based jihadists (whether born and bred, converts, or immigrants) has created new challenges for our legal system, as prosecutors and legislators wrestle with issues stemming from investigating, detaining, and prosecuting Islamist terrorists and fighters before they act on their violent, and criminal, desires.

As a corollary to such legal challenges, another battle is being waged—in the court of public opinion. Almost every instance in which authorities arrest or investigate individuals and organizations on charges related to Islamist terrorism, a cadre of America’s own Muslim Brotherhood front organizations, presenting themselves as “civil rights” and “advocacy” groups, enter the fray, proclaiming the innocence of the government’s target, often writing press releases and holding press conferences to that effect, denouncing investigations and arrests as “Islamophobic” or “anti-Muslim witch hunts.”

As strategies mature and develop for investigating and prosecuting terrorists, approaches to combat the disinformation campaigns and pressure tactics applied by domestic Islamist groups on behalf of defendants need to evolve as well.

PRIMARY LEGAL ISSUES AND STRATEGIES

Lindh was captured on the battlefield and brought back to the United States, specifically to the Eastern District of Virginia, and brought to trial. Intuitively, one would surmise that Lindh was an ideal candidate to be charged with treason, having taken up arms against his own countrymen. Article III of the Constitution defines the crime thus: “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.”³

However, actual treason cases are notoriously hard to prove and are rarely brought by the federal government as the second part of the treason clause states, “No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”⁴ Because of the difficulties of prosecuting a treason charge, Congress has devised numerous statutes to apply specifically to terrorism, notably the “material support” statute housed in Title 18, Section 2389 of the U.S. Criminal Code.

The government has also resorted to tried-and-true strategies, similar to those used against organized crime, going after known terrorists and accomplices on charges of perjury and obstruction of justice, and has also employed novel—and arguably controversial—strategies, including trying one notable defendant on charges of “soliciting others to wage war against the United States” and “counseling others to engage in a conspiracy to levy War against the United States,” both of which will be outlined below.

Specifically, in lay terms, although Lindh clearly had engaged in “levying War against” the United States, as well as in adhering, and giving aid and comfort, to our enemies, he was not charged as such. Instead, federal prosecutors charged Lindh with

providing material support and resources, and conspiracy to provide material support and resources, to al Qaeda and the Taliban, as well as other non-terrorism-related, yet serious, charges such as conspiracy to commit murder, and using and carrying firearms and destructive devices during crimes of violence.⁵

Lindh ended up pleading guilty to the counts involving assisting the Taliban and the weapons charges, and was sentenced to 20 years in prison.⁶ Lindh stipulated to the following pertinent facts:

In or about late May or June 2001, the defendant reported to the Dar ul-Anan Headquarters of the Mujahideen in Kabul, Afghanistan, which was used as a Taliban recruiting center. The defendant told personnel at that facility that he was an American and that he wanted to go to the front lines to fight.

In or about late May or June 2001, the defendant agreed to attend a training camp for additional and extensive military training. In or about June 2001, the defendant traveled to the al-Farooq training camp, a facility associated with Usama Bin Laden, located several hours west of Kandahar, in Afghanistan. In or about June and July 2001, the defendant remained at the al-Farooq camp and participated fully in its training activities, including courses in weapons, orienteering, navigation, explosives and battlefield combat.

Having sworn allegiance to jihad, in or about July or August 2001, after completing his training, the defendant traveled to Kabul, Afghanistan to assist the Taliban. In or about July or August 2001, the defendant carried an AKM rifle issued by the Taliban while he traveled, together with approximately 150 non-Afghani fighters, from Kabul to the front line in Takhar, in northeastern Afghanistan. Between about September and November, 2001, the defendant’s fighting group was divided into smaller groups, and rotated in one to two week shifts in the Takhar trenches, opposing Northern Alliance troops.

In or about July 2001 to November 2001, during the commission of a felony which may be prosecuted in a court of the United States, namely, Supplying Services to the Taliban as charged in Count Nine of the Indictment, the defendant knowingly carried with him an AKM rifle and two grenades.

The defendant’s supplying services to the Taliban, by fighting in support of the Taliban, constituted a felony that involved, or was intended to promote, a federal crime of terrorism within the meaning of U.S.S.G. § 3A1.4, in that the Taliban’s control of Afghanistan, and the activities of those individuals fighting in support of the Taliban, provided protection and sanctuary to al Qaeda, a designated foreign terrorist organization.⁷

And while the case of the American Taliban might seem shocking, he is hardly alone. Other individuals and cells from other communities, of varying ethnic and religious backgrounds, have taken up arms—or trained to—against U.S. forces in foreign theaters, or joined various mujahideen in other holy wars, and, for the most part, federal prosecutors have handled such cases in a similar manner.

In the Pacific Northwest, the “Portland Seven” cell members, a mix of natural-born Muslims and converts, were convicted on similar charges to Lindh’s—attempting to fight American forces on behalf of the Taliban—although they were never able to reach their goal of joining the front line of the jihad.⁸ The court sentenced members of the cell to prison terms of up to 18 years.

Similarly, in upstate New York, the so-called Lackawanna Six, American citizens of Yemeni descent, received sentences of seven to 10 years in prison for providing material support to al Qaeda by training at the same Al Farooq camp attended by John Walker Lindh.⁹

More recently, in July 2007 Texas native Daniel Joseph Maldonado, a.k.a. Daniel Aljughafi, was sentenced to 10 years in prison for receiving military training from a foreign terrorist organization. Maldonado's story is interesting, and his transformation into a radical Islamic jihadist came years ago:

[Maldonado] traveled from Houston to Africa in November 2005 and then on to Somalia in December 2006 to join the Islamic Courts Union (ICU) and elements of Al Qaeda to fight "jihad" against the Transitional Federal Government to establish an independent Islamic State in Somalia.

While in Somalia, Maldonado was provided an AK-47, equipped with military combat uniforms and boots in Mogadishu, and participated in training camps in Kismaayo and Jilib, Somalia. The camps included physical fitness, firearms and explosives training, all in preparation to go to the front to fight for the ICU. Al Qaeda members were present at the training camps. ICU and al Qaeda, a recognized foreign terrorist organization, worked together to train fighters in the camps to fight jihad to establish an independent Islamic state in Somalia.

Maldonado was captured by Kenyan military forces on January 21, 2007 as he fled to avoid Ethiopian and Somalian forces. Expelled by Kenyan officials, Maldonado was turned over to American authorities and flown to Houston accompanied by Special Agents of the Federal Bureau of Investigation.¹⁰

Although Maldonado's call to jihad was not directly against U.S. forces, it was certainly against U.S. interests. And the law presumes that anyone training with al Qaeda is a current and future threat to the United States, based on the words and deeds of al Qaeda leaders such as Bin Laden and his number two, Ayman al-Zawahiri, as well as of the numerous al Qaeda operatives who have left a wake of devastation and destruction in their paths.

American-based jihadists have one thing in common: a desire to strike at America and American interests and do as much damage as possible. Some American-born terrorists have made it overseas to undertake their jihad, while others are ferreted out by the government during the planning stages. This chapter will examine one such case, interrupted by the FBI before the jihad was carried out, and successfully prosecuted by the Department of Justice.

THE VIRGINIA "PAINTBALL JIHAD" CELL

Another example of homegrown extremists, led by an American-born imam of Iraqi descent and an American convert from Missouri, was the now-notorious Virginia "paintball jihad" cell, whose members, as the name suggests, trained for their jihad using paintball guns on American soil. Like most Islamic terrorists, whether foreign born or domestic, the cell had ties to a specific terrorist group overseas. For the paintballers, their

allegiance was to a Pakistani-based terrorist group chiefly, but not solely, fighting for the “liberation” of Kashmir from India, *Lashkar e Taiba* (LeT), or Army of the Righteous.

FROM VIRGINIA TO LASHKAR E TAIBA (LET)

LeT was designated a foreign terrorist organization by the State Department on 26 December 2001.¹¹ LeT is a Pakistani-based affiliate of al Qaeda and, according to the federal government, “claims to have trained thousands of *mujahideen* to fight in areas including Afghanistan, Kashmir, Bosnia, Chechnya, Kosovo, and the Philippines.”¹²

But the theater of concern for LeT rhetoric, if not actions, is much wider, concerning the waging of violent jihad against the United States, Britain, Russia, and Israel,¹³ and the group has sworn to “plant Islamic flags in Delhi, Tel Aviv, and Washington.”¹⁴

Originally founded in the mid-1980s to assist with the Afghanistan jihad against the Soviet Union, LeT started as an offshoot of an organization called *Markaz Dawā Wa’al Irsbad*, loosely meaning “Center for Invitation (to Islam) and Instructions,” which expanded to include a military wing.¹⁵

After the Russian defeat at the hands of the mujahideen, LeT shifted its focus toward fighting the Indian government and “liberating” Kashmir.¹⁶

Beginning in the early 1990s, LeT has undertaken numerous terrorist and military operations targeting Indian troops and civilian targets in Kashmir and India proper. According to the U.S. government, LeT is believed to have killed nearly 100 people—mostly Indian Hindus—in eight separate terrorist attacks in August 2001 alone.¹⁷

THE INDICTMENT OF ISMAIL “RANDALL” ROYER AND THE PAINTBALL JIHADIS

This case gained notoriety when Randall Todd, a.k.a. “Ismail,” Royer, at the time an employee of the Council on American-Islamic Relations (CAIR)—a self-described Islamic civil rights and advocacy organization—was arrested and charged for his role in a northern Virginia-based cell of Islamic radicals training to fight Americans overseas.

On 22 September 2001, police pulled Royer over for a traffic violation. Royer had in his possession an AK-47-style rifle and 219 rounds of ammunition.¹⁸ According to court documents, Royer spent a portion of the previous year at LeT training camps in Pakistan, even firing a machine gun at “enemy positions.”¹⁹ Royer told the members of his cell that he could get them into LeT terrorist camps to train to join the Taliban to fight the U.S. military.

In summary, Ismail Royer admitted that he was engaged in unlawful activities on behalf of a designated terrorist group and that he attempted to recruit jihadists for LeT with the intention of joining the Taliban to fight U.S. forces in Afghanistan.

Initially indicted in June 2003 with charges ranging from participation in a criminal conspiracy to the use of a firearm in a crime of violence,²⁰ Royer had additional charges, including conspiracy to levy war against the United States and providing material support to al Qaeda and the Taliban, added against him in September 2003.²¹ In January 2004, Royer pled to “aiding and abetting the use and discharge of a firearm during and in relation to a crime of violence, and with aiding and abetting the carrying of an explosive during the commission of a felony”²² in a deal that included his cooperation

to testify against various cell members. Royer has admitted that both charges are related to his activities on behalf of a terrorist group. According to the Department of Justice,

Royer also admitted to helping co-defendant Ibrahim Ahmed Al-Hamdi gain entry to the Lashkar-e-Taiba camp, where Al-Hamdi received training in the use of a rocket-propelled grenade in furtherance of a conspiracy to conduct military operations against India. Royer acknowledged that he committed his offenses to help other jihadists gain entry to the Lashkar-e-Taiba training camp following a meeting on Sept. 16, 2001, at which an un-indicted conspirator said that the terrorist attacks on Sept. 11, 2001, would be used as an excuse to trigger a global war against Islam, and that the time had come for them to go abroad and, if possible, join the mujahideen.²³

COUNSELING OTHERS TO LEVY WAR AGAINST THE UNITED STATES

The unindicted coconspirator referenced in the sentencing press release for Royer is Ali al-Timimi, an American-born imam of Iraqi descent, and spiritual leader to Royer and his cohorts. In April 2005, al-Timimi was himself convicted on charges of “soliciting others to wage war against the United States; counseling others to engage in a conspiracy to levy war against the United States; attempting to aid the Taliban, counseling others to attempt to aid the Taliban; counseling others to violate the Neutrality Act, and counseling others to use firearms and explosives in furtherance of crimes of violence.”²⁴

Al-Timimi, the “primary lecturer” at the Dar al Arqam Islamic Center in northern Virginia,²⁵ had convened private “prayer” and “study” sessions in the homes of some of the cell members that were much more than spiritual or academic meetings. According to the government, “in the Taiba Bulletin that Timimi subscribed to, the leader of LET, his friend, Hafiz Saeed, said the real jihad is to kill the Jews in their own homes, the right path. This is what he’s telling young Muslim men, converts in Northern Virginia.”²⁶

In October 2001, al-Timimi implored members of the paintball jihad cell to join the jihad in Afghanistan. According to the indictment statements, al-Timimi “provided . . . historical examples from Islamic history justifying attacks on civilians,” telling the cell members that the “muhajideen killed while fighting Americans in Afghanistan would die as martyrs,” and recommended that they “obtain jihad training from Lashkar e Taiba because its belief system was good and it focused on combat.”²⁷

Al-Timimi was convicted in April 2005 and, in July 2005, sentenced to life in prison.²⁸ Yet despite overwhelming evidence of criminality and ill intent, al-Timimi had his defenders.

During the course of his trial and his sentencing, the Muslim American Society (MAS) tried to portray al-Timimi as an innocent victim of an overzealous federal government, only targeting Muslims to curtail their free speech rights.²⁹

Mahdi Bray, executive director of the MAS “Freedom Foundation,” wrote the following letter to the *Washington Post* after al-Timimi’s conviction:

The verdict in Dr. Al-Timimi’s case is a sad day for American Muslims and the U.S. Constitution. It bodes ill for the Bill of Rights, and especially the First Amendment (Freedom of Speech). I agreed with many of America’s lawyers and constitutional scholars that Dr. Al-Timimi’s speech is constitutionally protected, even if others find it repugnant and inflammatory.

Since free speech is supposed to be guaranteed in this country, the issue of speech is always juxtaposed against the right to harm others. You have free speech, but you can’t shout ‘fire’ in a crowded theater. I don’t believe that was Dr. Al-Timimi’s intent, or that his words were intended to have people go and take his words and translate them into killing other human beings, particularly Americans. However, it appears that the jury didn’t understand that, and thought that Dr. Al-Timimi shouted ‘fire’.

It’s rather ironic that a speech similar to Dr. Al-Timimi’s was not viewed by our government as criminal during the period when the Russians occupied Afghanistan. Clearly, the bar for free speech has been raised since the tragic events of 9/11, and this backlash is adversely affecting American Muslims.

However, we expect vindications of Dr. Al-Timimi upon appeal. Additionally, American Muslims must not let this and other similar decisions make them afraid to speak out or resist injustice. We must resist any and all efforts to relegate our status in this country to second-class citizenship.

Free speech is not just a constitutional right; it is a God-given right.

Sincerely,

Mahdi Bray

Executive Director

MAS Freedom Foundation³⁰

Bray apparently believes that organizing and encouraging American Muslims to fight against U.S. troops should be viewed in the same way as fighting the Soviet Union. Yet these sentiments should surprise no one, as Randall Royer himself was once the communications director of MAS,³¹ and this illustrates both the dangers of certain so-called civil rights groups and the lengths they will go to conflate the legitimate targeting of radical Islamists who are purveyors of violence against the United States and others with the targeting of Muslims in general.

Their goal is to create a climate of fear among their own constituents, an indoctrination process that results in radicalization and further adherence to fundamentalism, meant to isolate and separate them from society at large. Clearly, average citizens not soliciting and counseling others to levy war against the United States—the vast majority of all Americans, including Muslim Americans—have nothing to fear from the precedent set by the al-Timimi conviction, and are only made safer by such a ruling. MAS—an American branch of the Muslim Brotherhood³²—however, unsurprisingly espouses the belief that soliciting individuals to fight against U.S. forces should not be considered a criminal act.

PERJURY AND OBSTRUCTION OF JUSTICE

The government sometimes uses seemingly more minor charges to prosecute cell members, and the paintball jihad case also provides such an example.

The last member of the paintball jihad cell to be convicted was Sabri Benkahla. Initially acquitted of terrorism charges after the judge granted a motion to sever his trial

from the other cell members',³³ prosecutors then called Benkahla as a witness in the grand jury investigation against Ali al-Timimi.

Benkahla proceeded to lie under oath about his activities and travels and was "convicted of making materially false statements both in his grand jury appearances in 2004, as well as to the FBI in 2004."³⁴ The jury concluded that Benkahla lied about his attendance at a terrorist training camp and also lied about various contacts with specially designated global terrorists, including Omar Ahmed Abu Ali, convicted of planning to assassinate President Bush as well as providing material support to al Qaeda.³⁵ Interestingly enough, Abu Ali's case was also championed by the MAS Freedom Foundation.³⁶

U.S. attorney Chuck Rosenberg described the reasoning behind his office's legal approach to the Benkahla case, stating of the conviction, "Truthful and complete information is a cornerstone of our war on terror. We need and expect the truth; when we do not get it, as Mr. Benkahla now knows, we prosecute perjury and obstruction of justice aggressively."³⁷

CHALLENGES IN THE PUBLIC SPHERE: PRETENSE OF "MUSLIM ADVOCACY"

As noted above with MAS's defenses of Ali al-Timimi and Omar Ahmed Abu Ali, various Muslim organizations that purport to safeguard the civil rights of Muslims act as advocates on behalf of accused terrorists, often acting in complete disregard to the severity of the charge or the nature of the evidence. Oftentimes, as seen with the al-Timimi and Abu Ali cases, defendants are embraced by Muslim "civil rights" groups.

In the case of the Virginia "paintball jihad" cell, and Ismail Royer specifically—an employee at one time or another with two of the larger American Islamic advocacy groups—CAIR employed a different tactic: simultaneously attempting to diminish the nature and scope of Royer's charges, his role in the global jihad, *and* his ties to CAIR.

Interestingly, CAIR itself has recently been dragged from the court of public opinion to the courtroom itself. Federal prosecutors in Dallas officially named CAIR as an unindicted coconspirator and member of the "Palestine Committee" of the Muslim Brotherhood in the 2007 trial against the Holy Land Foundation for Relief and Development (HLF), the largest terrorist fund-raising trial in U.S. history.³⁸ HLF allegedly funneled over \$12 million to Hamas-linked organizations,³⁹ CAIR's ties to the HLF were extensive, and its own leadership has multiple ties to Hamas and Hamas-front groups in the United States.⁴⁰

With such a dubious background, it is not surprising the lengths CAIR has gone to hide its agenda and obscure the facts. For example, in January 2007, CAIR released an open letter, ironically titled "De-mystifying 'Urban Legends' about CAIR,"⁴¹ in which the organization engages in its patented brand of mythmaking, once again downplaying its well-known ties to terrorists and, as expected, demonizing and defaming its critics. CAIR's word games cannot change the actual facts: that its employee conspired to engage in a holy war against an ally of the United States and, as Royer has also admitted, against the United States itself. Those are the facts, admitted by Royer, and well known to

CAIR. But that does not stop it from sending out a disingenuous press release, “demystifying” so-called “urban legends” by dissembling in the worst way.

Why is it relevant to examine the words and statements of an Islamic “civil rights” group? There are two reasons. First is simply because of the fact that one large component of this battle, working in tandem with our justice system, is the court of public opinion. CAIR, and groups like it, has the ability to poison jury pools and to pull the wool over the eyes of some lazy members of the media, giving the impression that there is some kind of focused effort by law enforcement authorities to target innocent Muslims, rather than an effort to safeguard American citizens against actual and legitimate threats from Islamic radicals.

Secondly, such efforts on the part of CAIR actually serve to radicalize the domestic Muslim population. CAIR and similar groups repeatedly claim that such prosecutions amount to the federal government’s engaging in what CAIR calls a “war on Islam.” As recently as July 2007, CAIR chairman Parvez Ahmed did just that, writing in the *Dallas Morning News* that “[t]his irrational fear, or Islamophobia, leads to discrimination against Muslims, the exclusion of Muslims from the sociopolitical process, guilt by association and even hate crimes” and concluding that “[t]here now seems to be a perception that the U.S. has entered into a war against Islam itself.”⁴²

In a federal court filing from December 2007, federal prosecutors described CAIR as “having conspired with other affiliates of the Muslim Brotherhood to support terrorists,” in *United States v. Sari Benkabila*, a trial related to the “paintball jihad” case. The government also stated that “proof that the conspirators used deception to conceal from the American public their connections to terrorists was introduced” in the Dallas Holy Land Foundation trial last year. The government also stated that another organization, the Muslim American Society, was “founded as the overt arm of the Muslim Brotherhood in the United States.” This appears to be the first time the U.S. government has officially described the true origins and ulterior agenda of the Muslim American Society.⁴³

Yet a study conducted by the Canadian Security Intelligence Service (CSIS), published in 2007, concluded that the repeated refrain that Western governments are engaged in a “war on Islam,” rather than in the fighting of terrorists, is a direct cause of the radicalization of so-called homegrown jihadists.⁴⁴ And, thus, CAIR and other Muslim Brotherhood–linked organizations are actually making the job of U.S. law enforcement agencies doubly difficult.

CONCLUSION

Since September 11, 2001, when al Qaeda terrorists brought their war to American soil, the war on terror has been fought and prosecuted on several fronts, both militarily and in our criminal courts. The Department of Justice has had many victories prosecuting the war on terror from a legal standpoint, yet it has faced various setbacks as well. While those seeking to take up arms against American interests and U.S. forces overseas have routinely been convicted and sentenced to relatively stiff punishments, prosecuting terrorist financiers has proved much more difficult.

While the United States has been a cash cow for assorted Islamic “charities” who have raised money here for the mujahideen overseas, much of the evidence has either

been stale—as official U.S. designations of terrorist groups often occurred well after American-based organizations decided to fund their holy warriors of choice (the “charities” often became much more careful about public statements and record keeping after official U.S. government terrorist designations), or documentary evidence found overseas, not subject to Fourth Amendment limitations, has been an easy target for defense lawyers and often considered less than compelling by American juries. Regardless, the Department of Justice deserves much credit for taking on these difficult and complex cases, because other organizations predisposed to funding mujahideen overseas are on notice that the government is watching.

The main charge of “providing material support” to terrorist groups has, overall, been a successful tool in the prosecution of violent terrorists and homegrown armed insurgents, whether lone wolves or larger cells. This particular instrument, along with more traditional prosecutorial tools such as obstruction of justice, and novel means such as “solicitation” and “counseling” charges, were used in combination to wrap up a jihadist cell of Washington, DC, suburbanites, prepping to kill American soldiers in Afghanistan.

The prosecution of the Virginia “paintball jihad” cell indicates, more than anything else, that the war on terror is not limited to battlegrounds in the Middle East, despite the protests of the Muslim Brotherhood front groups that there is no domestic threat from radical Islamists. As the ambitions of the global mujahideen show no signs of slowing, and as more and more Americans hear and obey the call to jihad, whether emanating from an overseas fatwa from Osama bin Laden or Ayman al-Zawahiri or from a U.S.-based imam such as Ali al-Timimi, American law enforcement will, unfortunately, have more and more opportunities to test in a court of law the approaches described above.

NOTES

1. “Al Qaeda’s Fatwa,” Online NewsHour, www.pbs.org/newshour/terrorism/international/fatwa_1998.html.
2. Larry Neumeister, “1st Trade Center Attack: 10 Years Ago,” CBS News, 26 February 2003, www.cbsnews.com/stories/2003/02/12/attack/main540376.shtml.
3. U.S. Constitution, art. 3, sec. 3, available at caselaw.lp.findlaw.com/data/constitution/article03/.
4. Ibid.
5. *United States v. John Phillip Walker Lindb*, 02-CR-37, Indictment, EDVA, 5 February 2002.
6. Office of Public Affairs, Department of Justice, “Department of Justice Examples of Terrorism Convictions since Sept. 11, 2001,” news release, 23 June 2006, www.usdoj.gov/opa/pr/2006/June/06_crm_389.html.
7. *United States v. John Phillip Walker Lindb*, 02-CR-37, Statement of Facts, EDVA, 15 July 2002.
8. “War on Terror: ‘Portland Seven’ Terrorism Investigation,” OregonLive.com, www.oregonlive.com/special/terror/index.ssf?/special/terror/pdx_archive.html.
9. Roya Aziz and Monica Lam, “Profiles: The Lackawanna Cell” Frontline, www.pbs.org/wgbh/pages/frontline/shows/sleeper/inside/profiles.html.
10. Southern District of Texas U.S. Attorney’s Office, Department of Justice, “US Citizen Sentenced to Prison for Receiving Military Training from a Terrorist Organization,” news release, 20 July 2007, houston.fbi.gov/dojpressrel/pressrel07/houston072007.htm.

11. U.S. Department of State, "Powell Names Two Groups as Terrorist Organizations," news release, 26 December 2001.
12. *United States v. Royer et al.*, 03-CR-296, Indictment, EDVA, 25 June 2003.
13. U.S. Department of Justice, "Defendants Convicted in Northern Virginia Jihad Trial," news release, 4 March 2004.
14. David E. Kaplan et al., "Hundreds of Americans Have Followed the Path to Jihad," *U.S. News & World Report*, 10 June 2002.
15. *United States v. Royer et al.*, Indictment.
16. *Ibid.*, 3.
17. Department of Homeland Security, "Day 100 of the War on Terrorism: More Steps to Shut Down Terrorist Support Networks," news release, 20 December 2001.
18. *United States v. Royer et al.*, 03-CR-296, Superseding indictment, EDVA, 23 September 2003.
19. *United States v. Royer et al.*, 03-CR-296, Statement of Facts, EDVA, 28 January 2004.
20. *United States v. Royer et al.*, Indictment.
21. *United States v. Royer et al.*, Superseding Indictment.
22. Department of Justice, "Randall Todd Royer and Ibrahim Ahmed Al-Hamdi Sentenced for Participation in Virginia Jihad Network," news release, 9 April 2004, www.usdoj.gov/opa/pr/2004/April/04_crm_225.htm.
23. *Ibid.*
24. Eastern District of Virginia United States Attorney, Department of Justice, news release, 26 April 2005, www.usdoj.gov/usao/vac/Pressreleases/04-AprilPDFArchive/05/42605TimimiPR.pdf.
25. *United States v. Al-Timimi*, 04-CR-385, Indictment, EDVA, 23 September 2004.
26. *United States v. Al-Timimi*, 04-CR-385, Opening Statement, Transcript of Jury Trial before the Honorable Leonie M. Brinkemam, United States District Judge, EDVA, 4 April 2005.
27. *United States v. Al-Timimi*, Indictment.
28. Office of Public Affairs, "Department of Justice Examples of Terrorism Convictions since Sept. 11, 2001."
29. Mahdi Bray, "MAS Freedom Executive Director's Open Letter on Dr. Ali Al-Timimi Verdict in the Washington Post," Muslim American Society, www.masnet.org/takeaction.asp?id=2380.
30. *Ibid.*
31. Ismail Royer, "America Must Revise Stance towards Islamic World," Muslim American Society, www.masnet.org/articlesandpapers.asp?id=33.
32. "A Rare Look at Secretive Brotherhood in America," *Chicago Tribune*, 19 September 2004, available at www.chicagotribune.com/chi-0409190261sep19,0,693751.story?page=6&coll=chi-site-nav.
33. Eastern District of Virginia United States Attorney's Office, "'Virginia Jihad' Member Convicted of Perjury, Obstruction," news release, 5 February 2007, www.usdoj.gov/usao/vac/Pressreleases/02-FebruaryPDFArchive/07/20070205benkahlanr.pdf.
34. *Ibid.*
35. *United States v. Abu Ali*, 05-CR-53, Judgment, EDVA, 17 April 2006.
36. "Why We Support the Abu Ali Case," Muslim American Society, www.masnet.org/takeaction.asp?id=2412.
37. Eastern District of Virginia United States Attorney's Office, "'Virginia Jihad' Member Convicted of Perjury, Obstruction."

38. *United States v. Holy Land Foundation et al.*, 04-CR-240, Attachment A: List of Unindicted Co-conspirators and/or Joint Venturers, NDTX, 29 May 2007, available at www.investigativeproject.org/documents/case_docs/423.pdf.
39. *United States v. Holy Land Foundation et al.*, 04-CR-240, Indictment, NDTX, 26 July 2004, f1.findlaw.com/news.findlaw.com/cnn/docs/hlf/ushlf72604ind.pdf.
40. See Steven Emerson, "HLF and CAIR, A Supplement to Mainstream Reporting," Counterterrorism Blog, entry posted 25 August 2007, counterterrorismblog.org/2007/08/hlf_and_cair_a_supplement_to_m.php.
41. Council on American-Islamic Relations, "De-mystifying 'Urban Legends' about CAIR," www.cairphilly.org/files/Demystifying_Urban_Legends_About_CAIR.pdf.
42. "Parvez Ahmed: U.S. Can Ill Afford the Perception That We Are at War with Islam," *Dallas Morning News*, 5 July 2007, quoting the congressional testimony of Steven Kull, editor of WorldPublicOpinion.org, www.dallasnews.com/sharedcontent/dws/dn/opinion/viewpoints/stories/DN-ahmed_05edi.ART.State.Edition1.4319f5f.html.
43. "For the Record: Government Reminds Court of CAIR/MAS Ties to Terrorists," The Investigative Project on Terrorism (IPT News), www.investigativeproject.org/article/597 (accessed 15 February 2008).
44. Stewart Bell, "Jihadization of Youth a 'Rapid Process'; CSIS: Study of Extremism," *National Post*, 26 January 2007, available at www.canada.com/nationalpost/news/story.html?id=25e76872-b309-47a7-841b-938bdd9ffd71.