

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 1:12cr35
	)	
JESSE CURTIS MORTON,	)	
	)	
Defendant.	)	

POSITION OF THE UNITED STATES  
WITH RESPECT TO SENTENCING FACTORS

The United States hereby submits its position on the sentencing of the defendant Jesse Curtis Morton. According to the Presentence Report (“PSR”), the defendant’s Sentencing Guidelines range is 151-180 months in prison. As philosopher Karl Popper wrote in *The Open Society and Its Enemies*, “if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them.” Further, Popper wrote, “[w]e should therefore claim, in the name of tolerance, the right not to tolerate the intolerant.” In accordance with our right not to tolerate the intolerant - - as well as the calculations of the PSR - - the Court should sentence the defendant to a term of imprisonment of 151 months.

Facts

The facts of this case are described in detail in the PSR. In short, Jesse Morton started Revolution Muslim in 2007. The main function of the organization was to operate internet platforms and websites supportive of violent jihad. Morton and his associates in the Revolution

Muslim organization claimed to follow the teachings of Sheikh Abdullah Faisal.<sup>1</sup> They used the organization's websites to encourage Muslims to support Usama bin Laden, Anwar Awlaki, al-Qaida, the Taliban, and other Muslims engaged in or espousing jihad. They lauded the 9/11 hijackers as examples to be emulated. They encouraged Muslims to prepare for and engage in jihad against those they believed to be enemies of Islam.<sup>1</sup>

In April 2010, Chesser solicited the murder of the creators of *South Park* by posting on Revolution Muslim's website a photo of the body of the murdered Theo van Gogh; a prediction that MS and TP would end up like van Gogh for insulting Islam; audio clips of a sermon by Awlaki calling for the assassination of anyone who "defamed" Muhammad; and details of a residence of MS and TP, along with a suggestion that supporters of Revolution Muslim "pay a visit" to them. Morton then authorized Chesser to post a video to Revolution Muslim's YouTube account that featured Awlaki's assertion of the Islamic justification for killing those who insult Muhammad, while photos were shown of MS, TP, van Gogh, and others who have been publically targeted for death for insulting Islam, including Salman Rushdie, Hirsi Ali, Geert Wilders, Kurt Westergaard, and Lars Vilks.

The initial posts regarding *South Park* created a furor. Morton and Chesser attempted to capitalize on the furor by authoring a joint statement implicitly threatening violence against anyone who insulted Islam. Morton and Chesser posted the statement to a variety of websites

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<sup>1</sup> In April 2009, Morton emailed a friend about the relative merits of Faisal and Anwar Awlaki. Morton explained that Faisal was more true than Awlaki to the cause of violent jihad because when "Anwar was calling for the capture of the mujahideen after 9-11, Faisal was doing time for speaking the haqq way before it became trendy to be a jihadi."

<sup>1</sup> For example, on February 2, 2010, Morton allowed Zachary Chesser to post on Revolution Muslim's website Awlaki's "44 Ways to Support Jihad."

catering to extremists, including on the Ansar Al Jihad Network, where the post would - - as Chesser told Morton - - “scare the kuffar.”

As a gesture of support for the rights of MS and TP to free expression, “MN” drew a cartoon declaring the first annual “Everybody Draw Mohammed Day.” Shortly thereafter, Morton posted online a speech in which he justified terrorizing the participants in Everyone Draw Muhammad Day.

Using a copy of *Inspire* magazine posted on another website, Morton posted the magazine on Revolution Muslim’s website in July 2010. One section of the magazine was titled “Open Source Jihad” and contained an eight-page article titled “Make a bomb in the kitchen of Your Mom” by the “AQ Chef” with detailed instructions regarding the construction of an explosive device. A special section of the magazine contained a hit list with the names of Lars Vilks, Geert Wilders, Salman Rushie, Kurt Westergaard, Ayann Hirsi Ali, and MN, and an article by Awlaki that specifically called for the murder of MN for insulting Islam.

On July 12, 2010, the other website removed the *Inspire* magazine from its own site, thereby causing the magazine automatically to be removed from the Revolution Muslim site as well. Once the *Inspire* magazine was removed by the other site, Morton approved the posting of information to the Revolution Muslim site that provided active links to the *Inspire* Magazine on foreign websites so that it could still be available to followers of the Revolution Muslim organization.

B. Factors Articulated in 18 U.S.C. § 3553(a)

The sentencing factors of 18 U.S.C. § 3553(a) indicate that a term of imprisonment of 151 months is appropriate in this case. The nature and circumstances of the defendant's offenses, as well as the value of general deterrence, warrant such a significant penalty.

As described in detail in the Statement of Facts, Morton operated Revolution Muslim to inspire Muslims to engage in terrorism by providing doctrinal justification for violence against civilians in the name of Islam. In that, he succeeded. Conspirator YK solicited the murder of members of Jewish organizations. Mohamed Alessa and Carlos Almonte attempted to travel to Somalia to join a terrorist organization to kill individuals whose beliefs and practices did not accord with their ideology. Zachary Chesser attempted to travel to Somalia to join al-Shabaab and solicited the murder of Facebook members who participated in Everybody Draw Muhammed Day. Colleen LaRose plotted to kill Lars Vilks. Paul Rockwood, Jr. plotted to murder members of the U.S. military and others he perceived to have insulted Islam. Antonio Benjamin Martinez plotted to bomb a military recruiting station. Jose Pimental plotted to assassinate members of the U.S. military returning from active duty in Afghanistan and Iraq. Rezwan Ferdaus plotted to attack the Pentagon and the U.S. Capitol building with remote controlled aircraft filled with explosives.

Morton's actions inspired Muslims overseas, as well. Mohammed Chowdhury, an administrator for Revolution Muslim, planned to bomb the London Stock Exchange. Roshonara

Choudhry stabbed British Member of Parliament Stephen Timms. Bilal Zaheer Ahmad solicited the murder of 383 members of the British Parliament.<sup>2</sup>

Morton's participation with Chesser's solicitation of the murder of the writers of the *South Park* television show is beyond reprehensible, but his distribution of "the AQ Chef's" "Make a Bomb in the Kitchen of Your Mom" is no less so. His distribution of that article is likely to cost innocent people their lives somewhere and someday. In itself, it is deserving of stern punishment. Yet, even these crimes pale in comparison to the heinous nature of Morton's dissemination of Awlaki's call to murder MN because she started "Everyone Draw Muhammad Day." Morton marked her for death for engaging in free expression that he found insulting as well.

Morton may sincerely regret his actions today, and we hope he does. Nevertheless, the solicitations for murder that Morton posted on an internet site patronized by terrorists and their sympathizers likely will never disappear. On May 11, 2010, Morton posted to the Revolution Muslim website a news article regarding an attack on Lars Vilks. That news followed the March 2010 indictment of Colleen LaRose in Philadelphia with attempting to recruit others to murder Vilks. Of particular interest here is the fact that Vilks committed his "offense" in the eyes of Morton, LaRose (and others) nearly three years earlier.

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<sup>2</sup> As noted in the Statement of Facts, Ahmad emailed Morton that the purpose of his solicitation was to "make those MPs fearful, so that they think twice before voting to rape our mothers or kill our brothers, or go onto our lands and try to steal our resources." Ahmad's words, of course, tracked Morton's famous interview with CNN in November 2009, when Morton said that Muslims are "commanded to terrorize the disbelievers," and defined "terrorism" as "making them fearful, so that they think twice before they go rape your mother or kill your brother or go into your land and try to steal your resources."

Similarly - - as David Headley admitted in pleading guilty to terrorism charges in Chicago in 2010 - - Headley helped the terrorist group Lashkar-e-Taiba in November 2008 plan a terrorist attack on the offices of a Danish newspaper in retaliation for its publication of cartoons that he found offensive in 2005. As explained by Ayaan Hirsi Ali in her article, "*South Park*" and the *Informal Fatwa* - - attached to this pleading - - a Somali man broke into the home of Kurt Westergaard in January 2010 to try to kill him in retaliation for his drawing of those cartoons in 2005. Indeed, as explained by Hirsi Ali, she *still* lives with protection as a result of the designation of her as an "enemy of Islam" for making the film *Submission* in 2004 - - the very film over which Theo van Gogh was murdered (as so vividly depicted in the photograph posted on Revolution Muslim in the course of the attempts of Chesser and Morton to make their intentions crystal clear).

In short, the writers of *South Park* and MN will always be marked as enemies of Islam and targets for those who seek to gain entrance to heaven by killing one - - and this is true regardless of Morton's regrets. Like Hirsi Ali, they will never be able to stop wondering whether someone will accept the solicitation of Morton, Chesser, and Al-Awlaki to kill them.

And yet, even *that* is not all the harm that Morton caused.

As described in the Statement of Facts, Morton conspired to solicit the murder of his fellow citizens because he believed that they had insulted his religion. In doing so, he justified his actions on the grounds that, "[a]s Osama bin Laden said with regard to the cartoons of Denmark, 'If there is no check in the freedom of your words, then let your hearts be open to the freedom of our actions.'" In other words, Morton conspired to solicit the murder of his fellow

citizens for engaging in free speech because he believed that he could not convince them to change their minds about his religion by the force of his arguments.

MS and TP made a television show that suggests that Islam is intolerant; Morton's response was to try to incite Muslims to kill the writers. MN drew a cartoon suggesting that some Muslims are too quick to resort to violence in response to tv shows that suggest Islam is intolerant; Morton's response was to try to incite Muslims to kill the cartoonist.

Morton did not call for "'An eye for an eye." He did not incite Muslims to retaliate against a television show he found insulting by making another television show, nor did he incite Muslims to retaliate against a cartoon he found insulting by making another cartoon. Instead, he incited them to slit throats for a television show and for a cartoon - a throat for every drawing, book, speech, or movie that he deemed to be "insulting." Offend us, Morton said to his fellow Americans, and you will end up in hiding like Salman Rushdie, Hirsi Ali and Geert Wilders, attacked like Kurt Westergaard, or dead like Theo Van Gogh. The law must resist this violent intimidation at all costs.

Morton not only endangered the lives of innocent people, but he also contributed to the destruction of the very freedoms on which our society is based. The natural consequence of Morton's actions is for people throughout the country to fear speaking out – even in jest – lest they also be labeled as enemies who deserve to be killed. The role of Muslims in the United States, the relationship between the United States and the Muslim world, and the existence of links between Islam and terrorism are issues of major public importance. Yet, anyone choosing to address them publicly must carefully weigh the risk of being marked for death by the likes of Morton for saying or writing something perceived as insulting while doing so. Left unchecked,

that risk will hamper public policy decision making by dampening public discourse over some of the most consequential issues of our age.

The punishment that Morton deserves is that which he deserves for inspiring the attempts by Alessa, Almonte, Rockwood, LaRose, Martinez, Pimental, Ferdaus, Chowdhury, Choudhry, and Ahmad to terrorize enemies of Islam, *plus* that which he deserves for distributing the al Qaeda chef's instructions on how to make bombs in Mom's kitchen, *plus* that which he deserves for conspiring to solicit others to murder the *South Park* writers, and *plus* that which he deserves for helping Awlaki to solicit the murder of MN. The punishment that Morton deserves is all that - - *plus* that which he deserves for chilling the ability of every American to benefit from free expression and candid discussion about important issues of the day.

While the drafters of the Sentencing Guidelines may have contemplated the kinds of harm that Morton caused to MS, TP, and MN, we doubt that they ever contemplated a harm of the magnitude that Morton caused our society as a whole by making people shrink from expressing their opinions - - or even telling a joke - - lest they be accused of being an enemy of Islam for whom beheading is the only appropriate punishment. Regardless of the need to punish him for his other offenses, his sentence must deter others from engaging in similar conduct that would chill free expression in our society.

#### Conclusion

Determined enemies are striving through all means to destroy the West and snuff out our traditions of free thought, free speech, and freedom of religion. If they succeed, we will be enslaved. We have an obligation to do our utmost to ensure that violent fanatics do not dictate what Americans draw, what Americans say, and what Americans read. We have an obligation to



resist their suffocating rules and thuggish demands at every turn. Failing to punish Morton in a manner that recognizes the true magnitude of his crimes will be - - in the words of Mark Steyn - - just another shuffling step into a psychological bondage of our own making.

For the foregoing reasons, a term of imprisonment of 151 months in prison is necessary to reflect the seriousness of the defendant's offenses, promote respect for the law, provide just punishment for the defendant's offenses, and afford adequate deterrence to criminal conduct.

Respectfully submitted,

Neil H. MacBride  
United States Attorney

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2012, I electronically filed the foregoing POSITION OF THE UNITED STATES WITH RESPECT TO SENTENCING FACTORS with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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OPINION | APRIL 27, 2010

## 'South Park' and the Informal Fatwa

*The veiled threats against the Comedy Central show's creators should be taken very seriously.*

By AYAAN HIRSI ALI

'South Park' is hilarious, right? Not any more.

Last week, Zachary Adam Chesser—a 20-year-old Muslim convert who now goes by the name Abu Talhah Al-Amrikee—posted a warning on the Web site [RevolutionMuslim.com](http://RevolutionMuslim.com) following the 200th episode of the show on Comedy Central. The episode, which trotted out many celebrities the show has previously satirized, also "featured" the Prophet Muhammad: He was heard once from within a U-Haul truck and a second time from inside a bear costume.

For this apparent blasphemy, Mr. Amrikee warned that co-creators Trey Parker and Matt Stone "will probably end up" like Theo van Gogh. Van Gogh, readers will remember, was the Dutch filmmaker who was brutally murdered in 2004 on the streets of Amsterdam. He was killed for producing "Submission," a film that criticized the subordinate role of women in Islam, with me.

There has been some debate about whether Mr. Stone and Mr. Parker should view the Web posting as a direct threat. Here's Mr. Amrikee's perspective: "It's not a threat, but it really is a likely outcome," he told [Foxnews.com](http://Foxnews.com). "They're going to be basically on a list in the back of the minds of a large number of Muslims. It's just the reality." He's also published the home and office addresses of Messrs. Stone and Parker, as well as images of Van Gogh's body.

According to First Amendment experts, technically speaking this posting does not constitute a threat. And general opinion seems to be that even if this posting was intended as a threat, Mr. Amrikee and his ilk are merely fringe extremists who are disgruntled with U.S. foreign policy; their "outrage" merits little attention.

This raises the question: How much harm can an Islamist fringe group do in a free society? The answer is a lot.

Mohammed Bouyeri, a Dutch-Moroccan Muslim first thought to have been a minor character in radical circles, killed Theo van Gogh. Only during the investigation did it emerge that he was the

ringleader of the Hofstad Group, a terrorist organization that was being monitored by the Dutch Secret Service.

The story was very similar in the case of the Danish cartoons of the Prophet Muhammad. The cartoons, drawn by Kurt Westergaard, were published in September 2005 to little notice but exploded five months later into an international drama complete with riots and flag-burnings. The man behind this campaign of outrage was an Egyptian-born radical imam named Ahmed Abu-Laban.

Prior to this conflagration, Mr. Abu-Laban was seen as a marginal figure. Yet his campaign ended up costing Denmark businesses an estimated \$170 million in the spring of 2006. And this doesn't include the cost of rebuilding destroyed property and protecting the cartoonists.

So how worried should the creators of "South Park" be about the "marginal figures" who now threaten them? Very. In essence, Mr. Amrikee's posting is an informal fatwa. Here's how it works:

There is a basic principle in Islamic scripture—unknown to most not-so-observant Muslims and most non-Muslims—called "commanding right and forbidding wrong." It obligates Muslim males to police behavior seen to be wrong and personally deal out the appropriate punishment as stated in scripture. In its mildest form, devout people give friendly advice to abstain from wrongdoing. Less mild is the practice whereby Afghan men feel empowered to beat women who are not veiled.

By publicizing the supposed sins of Messrs. Stone and Parker, Mr. Amrikee undoubtedly believes he is fulfilling his duty to command right and forbid wrong. His message is not just an opinion. It will appeal to like-minded individuals who, even though they are a minority, are a large and random enough group to carry out the divine punishment. The best illustration of this was demonstrated by the Somali man who broke into Mr. Westergaard's home in January carrying an axe and a knife.

Any Muslim, male or female, who knows about the "offense" may decide to perform the duty of killing those who insult the prophet. So what can be done to help Mr. Parker and Mr. Stone?

The first step is for them to consult with experts on how to stay safe. Even though living with protection, as I do now in Washington, D.C., curtails some of your freedom, it is better than risking the worst.

Much depends on how far the U.S. government is prepared to contribute to their protection. According to the Danish government, protecting Mr. Westergaard costs the taxpayers \$3.9 million, excluding technical operating equipment. That's a tall order at a time of intense fiscal pressure.

One way of reducing the cost is to organize a solidarity campaign. The entertainment business, especially Hollywood, is one of the wealthiest and most powerful industries in the world. Following the example of Jon Stewart, who used the first segment of his April 22 show to defend "South Park," producers, actors, writers, musicians and other entertainers could lead such an effort.

Another idea is to do stories of Muhammad where his image is shown as much as possible. These stories do not have to be negative or insulting, they just need to spread the risk. The aim is to confront hypersensitive Muslims with more targets than they can possibly contend with.

Another important advantage of such a campaign is to accustom Muslims to the kind of treatment that the followers of other religions have long been used to. After the "South Park" episode in question there was no threatening response from Buddhists, Christians and Jews—to say nothing of Tom Cruise and Barbra Streisand fans—all of whom had far more reason to be offended than Muslims.

Islamists seek to replace the rule of law with that of commanding right and forbidding wrong. With over a billion and a half people calling Muhammad their moral guide, it is imperative that we examine the consequences of his guidance, starting with the notion that those who depict his image or criticize his teachings should be punished.

In "South Park," this tyrannical rule is cleverly needled when Tom Cruise asks the question: How come Muhammad is the only celebrity protected from ridicule? Now we know why.

*Ms. Ali, a former member of the Dutch parliament, is the author of "Nomad: From Islam to America—A Personal Journey through the Clash of Civilizations," which will be published next month by Free Press.*

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