

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA	.	Criminal No. 1:12cr35
	.	
vs.	.	Alexandria, Virginia
	.	June 22, 2012
JESSE CURTIS MORTON,	.	9:48 a.m.
a/k/a Younus Abdullah	.	
Mohammad,	.	
	.	
Defendant.	.	<u>EXCERPT</u>
	.	
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TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE LIAM O'GRADY
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:	GORDON D. KROMBERG, AUSA United States Attorney's Office 2100 Jamieson Avenue Alexandria, VA 22314 and JOHN T. GIBBS, ESQ. Counterterrorism Section Criminal Division United States Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530
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FOR THE DEFENDANT:	JAMES W. HUNDLEY, ESQ. Briglia Hundley Nutall & Kay, P.C. 1921 Gallows Road, Suite 750 Vienna, VA 22182
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<u>ALSO PRESENT:</u>	SA SCOTT M. McGUCKIN
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OFFICIAL COURT REPORTER:	ANNELIESE J. THOMSON, RDR, CRR U.S. District Court, Fifth Floor 401 Courthouse Square Alexandria, VA 22314 (703)299-8595
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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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P R O C E E D I N G S

(Defendant present.)

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THE COURT: All right, Mr. Morton, please come to the podium. This is your opportunity to tell me anything you'd like to before I sentence you, and please remain at the podium when you're done.

THE DEFENDANT: Thank you, Your Honor. I'll just read a statement for a few minutes.

THE COURT: Certainly.

THE DEFENDANT: There's so much that I would really like to say to you today. I do feel that much of what has been offered about me paints a one-sided and decontextualized perspective, and I actually wish that we could have an opportunity to conversate about some of the specifics, especially those that were mentioned in the courtroom here and that have placed me in front of you, but nevertheless, I know that you realize how important this day is and your sentencing me is for the rest of my life, and so I just want to spend five minutes or so talking a bit about who I was, who I am, and where I'm going, and I thank you greatly for that opportunity.

A person's early experiences certainly shape his personality and outlook, and my development was unfortunately plagued by severe physical, emotional, and spiritual abuse. Every day I was choked, bit, scratched, punched, pulled, and

1 perhaps worst of all, insulted. I became the scapegoat or
2 black sheep of a dysfunctional family, and I tell you this not
3 because I want you to pity me but because it greatly influenced
4 the person that I became.

5 In the home, I adopted the position of savior,
6 seeking to protect my younger siblings. I cannot tell you how
7 many days I was beaten before school and then would have to
8 wipe the spit from my sister's hair, fix her torn-up homework,
9 and counsel her before she entered her classroom.

10 Early on I became an individual deeply concerned with
11 justice for others, but unfortunately, in many ways I was
12 unable to care enough about my own well-being. The abuse
13 continued, and no one intervened. I began to distrust power
14 and authority as the scars left upon my soul led me to question
15 the value of the society around me.

16 In my teenage years, I got involved with marijuana,
17 seeking an escape from my insecurities, and I was lost in a
18 search for an external truth in idealisms, imagining that
19 somewhere out there there was a Utopia or something I could
20 discover. I continued to provide for others, even when it
21 meant neglecting myself. I engaged in harmful and
22 dysfunctional relationships, progressed from marijuana to other
23 drugs, and ultimately ended up in jail, where I began a sort of
24 transformation.

25 I had always neglected organized religion until I

1 found Islam. I was amazed by its compatibility with modern
2 science. Like all monotheistic traditions, it had a foundation
3 in social justice but also a very polarizing outlook, an
4 us-versus-them, good-versus-evil perspective that satisfied my
5 distrust of authority and a bifurcated view of humanity that
6 allowed me to explain and express my discontent with the
7 external reality.

8 I immersed myself in my newfound religion. My faith
9 helped me stop drinking and smoking and to get away from old
10 people, places, and things as I started a new life. I went
11 from a homeless shelter in Harlem, New York, to study on
12 scholarship for my bachelor's degree. I attained accreditation
13 in substance abuse counseling; started a 501(c)(3) nonprofit to
14 help New York City's homeless; secured employment, housing, a
15 wife; and ultimately was accepted into a prestigious master's
16 degree program at Columbia University.

17 However, today I realize that my alteration was not
18 complete, and Islam may have helped to heal the outward
19 manifestations of my historic traumas, but it also provided a
20 means by which the underlying symptoms of neglect, fear,
21 distrust, and anger remained powerful.

22 These were the early years of the war on terror, and
23 I was passionate about the conflict. I put my energies once
24 again into defending those far away, when I could have done a
25 great deal to promote peace and dispel myths amongst those

1 around me. I became active propagating a politicized and
2 revolutionary interpretation of Islam. I started the Web site,
3 and I espoused the Manichean world view that eventually
4 culminated in the events for which I have been prosecuted.

5 I offer no excuses for what the Web site became, but
6 I do ask you to consider that I was a tool in a greater game.
7 The space was used by others to convey shallow views. I sought
8 a more intellectual and nuanced approach. I thought I was
9 acting under the protections of the First Amendment, and I
10 honestly never intended violence.

11 At the time I was indicted, I had altered the content
12 and scope of the Web site. I was living and working in Morocco
13 with a U.S. nonprofit that promotes U.S. engagement in the
14 Middle East. I had secured a professorship, recently had my
15 second son, and was preparing to fly to Kuala Lumpur in June to
16 present an academic paper about the economic ramifications of
17 the Arab Spring.

18 I accept full responsibility for sabotaging these
19 efforts, but I mention them here hoping that you consider I may
20 be an asset in promoting peace once I am free. I have been
21 incarcerated for over a year now, and I can honestly stand
22 before you and say that despite this predicament, I try hard to
23 turn my negative circumstances into positives.

24 I have thought deeply about the extreme views I held,
25 and rather than place blame on authorities, law enforcement,

1 government, or conspiracy theories, I realize that I was wrong.
2 I remain critical of the contemporary wars and oppressions
3 throughout the world but realize that the means I selected to
4 address them only contributed to the perpetuation of conflict.
5 The world is just not at all black and white.

6 I still relish the passion that runs through my soul,
7 but I realize that I tend to run my head into walls that cannot
8 be moved while failing to address the things around me that I
9 actually have an ability to influence. Life is a process of
10 constant change, and I accept the responsibility for my
11 choices.

12 I have been open and honest about my altered
13 perceptions with my family and loved ones. I have communicated
14 in ways that express an altered view to those that read my Web
15 site. I continue to participate enthusiastically and honestly
16 during the debriefing process, and I can honestly tell you that
17 I have reformed and that were you to let me go today, I would
18 work diligently and with similar passion to correct the
19 mistakes I have made.

20 Ultimately, my efforts were self-defeating. I
21 contributed to a clash of civilizations when my background
22 would have been better used to promote dialogue and
23 collaboration. My idealisms led me to violate the religion I
24 claimed to love so much. The Koran commands us to stand for
25 justice even if it is against our own selves and to repel

1 injustice with what is better. Instead, I overlooked the
2 faults of my fellow Muslims but was harsh and judgmental with
3 others. I failed to denounce extreme views even when I knew
4 they were incorrect, and I justified atrocities simply because
5 they were carried out by the weak against the powerful, a
6 variable that does not endow any moral justification
7 whatsoever.

8 In turn, I betrayed my country, my community, my
9 principles, my religion, and myself, but the most significant
10 betrayal came at the expense of my family. My wife now must
11 care for two children on her own, and one of them has Down's
12 Syndrome. I have gone without seeing them take their first
13 steps. I will not hear their first words. I may not see them
14 off to their first day of school.

15 While I value my intelligence and passion, I realize
16 today that I must channel it towards those that deserve my love
17 and dedication. I remain hopeful that some day I will be
18 reunited with them.

19 I believe everything happens for a reason, and I
20 understand now that a true idealist must first and foremost
21 refrain from black-and-white perspectives, primarily because
22 they tend to twist compassionate intentions for good into
23 polarized justifications for the perpetuation of conflict.

24 Rather than rely on the principles through which
25 ideals were born, such views stand upon close-minded and

1 intolerant straw men that can never bring about conditions for
2 peace. I ask you to consider that I have truly altered my
3 perspective.

4 Finally, in determining criminal punishment, the most
5 important factors to consider are an offender's culpability,
6 the resulting harms, and the prospect of deterring future
7 crimes. I ask you to consider the variables alluded to in the
8 sentencing memorandum, the limited harms that have arisen, and
9 the fact that I can help deter future crimes if given the
10 opportunity to utilize my education and experiences in ways
11 that are socially productive.

12 Ultimately, I humbly request as much leniency as
13 possible and am extremely grateful for your giving me time to
14 make this statement. Thank you.

15 THE COURT: Where are you today on your belief that
16 anyone who offends Muhammad must die, as taught in the Koran?

17 THE DEFENDANT: It's actually not even taught in the
18 Koran. It's not mentioned in the Koran at all, that
19 perspective. The perspective that was covered in detail in the
20 clarification statement is the statement by a consensus of
21 scholarship from historical tradition, but the -- that
22 understanding leaves out a lot of variables, and that's a very
23 long conversation, but for example, there's a very famous
24 video -- or audio, "The Dust Will Never Settle Down," in which
25 Anwar al Awlaki takes a very old, thousand-year-old fatwa from

1 a classical Islamic scholar by the name of Ibn Taymiyyah, but
2 he makes analogy where it's inappropriate, he falsifies
3 documents, misinterprets what's called the hadith, which is the
4 corpus of texts apart from the Koran, and so it's actually an
5 incorrect statement.

6 What the, what the, what the authors of *South Park*
7 did, to compare that to what occurred when a person was
8 assassinated during the lifetime of the Prophet Muhammad and to
9 compare that and to make that analogy is an incorrect analogy,
10 and it's a deliberate misinterpretation of the religion, and so
11 by my publishing that, that opinion, I should have added a
12 caveat, and I knew that it was very ludicrous in comparison to
13 what these people did. Having seen the cartoon myself, I knew.

14 So even back then, I didn't agree, but even now, even
15 more so, so I vehemently oppose such a view. I think if
16 anything, we need to talk about conversations about Muhammad
17 and his role in Islam, and we need to promote more dialogue,
18 and as Mr. Kromberg alluded to, by approaching the subject the
19 way that I did, I shut off all opportunity for dialogue, a
20 completely close-minded and idiotic stance, and I regret that I
21 did it.

22 THE COURT: Okay. Well, thank you. You're such a
23 bright, potentially positive influence in the Muslim world, and
24 you took such a horrible turn because of idealism, because of
25 your passion, and because of your anger, and you endangered the

1 lives of a great number of people, and, you know, you did that
2 intentionally, and you -- as much as people used you, you used
3 them, and you were, you know, rubbing elbows with some of the
4 most powerful and most dangerous revolutionaries in the past
5 years, who were espousing very violent acts, and, you know,
6 making victims available to those who would, who would
7 perpetrate the acts themselves, and whether by bomb or by knife
8 or by whatever means that they chose, and so the need to deter
9 you is clear, and the need to deter others from taking up your
10 causes like this in this way is, is so prominent in the
11 sentencing guidelines.

12 I am very hopeful that you now understand that, you
13 know, there has to be religious tolerance in the world, and
14 there has to be freedom of speech, and that people have to have
15 the confidence that they won't be killed because they oppose
16 Islam or Jesus Christ or God, and that what you did had a
17 terrific chilling effect on freedom of speech, which is what
18 you, you know, I think at one stage believed that, you know,
19 *Revolution Muslim* was all about, projecting freedom of speech
20 to change the dialogue on what was happening in the Muslim
21 world, and I think that was very laudable, but the way that you
22 spun out of control is extraordinarily dangerous to the
23 community here and the communities around the world, and you're
24 not being punished for, you know, some of the comments about
25 the justification for killing of other human beings, but only

1 the call for persons to commit those acts.

2 So a lengthy sentence is necessary for purposes of
3 deterrence for you and of others and for the crime that you
4 committed. I'm going to sentence you to 60 months of
5 imprisonment on Count 1, 60 months on Count 2, and 18 months on
6 Count 3. Those sentences will run consecutively. They will
7 take into consideration the six months that you spent awaiting
8 your extradition to the United States when you were in custody
9 in Morocco.

10 Three-year terms of supervised release as to each of
11 the counts, to run concurrently. As special conditions of your
12 supervised release, I'll order that you be -- that you comply
13 with the requirements of computer monitoring programs that may
14 be administered by the Probation Office, that I'll impose \$300
15 worth of special assessment fees. I will not impose the costs
16 of incarceration or a fine, believing that you are unable to
17 afford it.

18 I'll make the recommendations we discussed regarding
19 designation of the Bureau of Prisons.

20 Mr. Hundley, I apologize, was there a request for an
21 evaluation for RDAP as well in this case, the residential drug
22 program?

23 MR. HUNDLEY: Oh, yes, Your Honor.

24 THE COURT: All right, I'll make that recommendation
25 as well.

1 I'll give you credit for time served in U.S. custody
2 awaiting sentencing today.

3 And, you know, I read all of your family's letters.
4 I am moved by the plight of your wife and children, who are
5 innocent victims of, of this conduct, but I am very much
6 hopeful that you will go forward and do what you say you're
7 going to do, and you have the ability to be a very significant
8 contributor to your community if you do it the right way, and I
9 hope that you'll make that choice.

10 THE DEFENDANT: Thank you.

11 THE COURT: Anything else this morning?

12 MR. KROMBERG: No, thank you, Your Honor.

13 MR. HUNDLEY: No, Your Honor, thank you.

14 THE COURT: All right, then we're going to take a
15 brief recess. We'll come back with our civil docket. We're in
16 recess.

17 (Which were all the proceedings
18 had at this time.)

19

20 CERTIFICATE OF THE REPORTER

21 I certify that the foregoing is a correct transcript of
22 the record of proceedings in the above-entitled matter.

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/s/
Anneliese J. Thomson