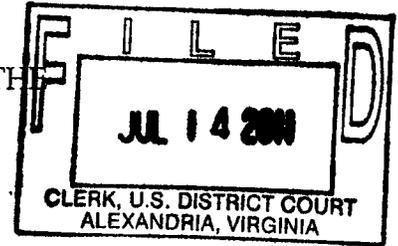


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



| | | |
|---------------------------|---|--|
| UNITED STATES OF AMERICA |) | CRIMINAL NO. 1:11cr326 |
| |) | |
| v. |) | <u>Count 1:</u> Solicitation to commit a crime of violence, 18 U.S.C. § 373(a) |
| |) | |
| EMERSON WINFIELD BEGOLLY, |) | <u>Count 2:</u> Distribution of information relating to explosives, destructive devices, and weapons of mass destruction, 18 U.S.C. § 842(p)(2)(A) |
| Defendant. |) | |

INDICTMENT

July 2011 Term - At Alexandria

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times material to this indictment:

1. The defendant, EMERSON WINFIELD BEGOLLY, was born in New Kensington, Pennsylvania and has been a resident of the New Bethlehem, Pennsylvania area.
2. The Ansar al-Mujahideen Forum is a popular, internationally-known, Islamic extremist web forum used by its members to translate, promote, and distribute jihadist propaganda, as well as a means to communicate with other like-minded extremists.¹ Following the start of Ansar al-Mujahideen's Arabic forum, the website launched Ansar forums dedicated to English and German-language users.
3. BEGOLLY has been an active moderator on the particular Ansar forum known as the Ansar al-Mujahideen English Forum (hereinafter "AMEF"). Through his own prolific

¹ As used in this indictment, the term "mujahideen" is often used to denote Muslim guerilla warriors engaged in violent jihad.

postings on AMEF, BEGOLLY has solicited others to engage in violent acts of terrorism, particularly within the United States. He has also disseminated, on that site, instructions for making various explosives for use in acts of terrorism. BEGOLLY has placed postings on AMEF under the names "Asadullah al-Shishani," "Abu Nancy," and "Goatly." He has had email communications with others he met through AMEF, including email communications conducted through internet services hosted by a server located in the Eastern District of Virginia.

4. On or about July 25, 2010, BEGOLLY placed a number of postings on AMEF, encouraging attacks within the United States. He suggested the use of firearms, explosives, and propane tanks against targets such as police stations, post offices, synagogues, military facilities, train lines, bridges, cell phone towers and water plants.

5. On or about July 26, 2010, in another lengthy posting on AMEF, BEGOLLY discussed favorably the 9/11 and Beslan² attacks and the kidnappings and murders of Nick Berg³ and Daniel Pearl.⁴ He then suggested attacks on civilian planes, financial institutions, military installations, Jewish schools, and daycare centers, and advocated the taking and killing of hostages.

² This is an apparent reference to the Beslan school hostage crisis in Beslan, Russia, that took place on September 1, 2004, where Chechen rebels took more than 1,100 people hostage, including over 777 children. At the end of the three-day stand-off, according to news reports, 334 hostages were killed, including 186 children.

³ An American businessman, who was captured and beheaded by terrorists in Iraq in or about May 2004.

⁴ A *Wall Street Journal* reporter, who was captured in Pakistan and beheaded by al-Qaeda terrorists in or about February 2002.

6. On or about July 27, 2010, BEGOLLY further discussed the need for violence:

Peaceful protests do not work. The kuffar⁵ see war as solution to their problems, so we must see war as the solution to our[s]. No peace. But bullets, bombs, and martyrdom operations.

He then ended this particular posting with the following admonition:

<<<< REMEMBER THIS >>>>::: You are going to die someday, and only Allah knows when. Shall your death be in bed after battling cancer and full of pain? Shall it be in a car crash while going to the store? Shall you slip and fall shoveling snow? There is only one life, let it be spend in the service of Allah. And there is only one death, let it be for the sake of Allah.

7. In a later posting, on or about July 27, 2010, BEGOLLY discussed what he termed “The Psychological Effects of Attacks within America” and referenced the 9/11 and Fort Hood, Texas attacks. He concluded this posting by inciting others: “Allah commands us to terrorize [the average American].”

8. On or about August 3, 2010, BEGOLLY placed a posting on AMEF that set forth his reasons as to why others should target civilians for terrorist attacks. He then solicited a number of acts of violence, preceded by the following introduction:

What are the “small things” in life, for the Mujahid who seeks to remain on the down low and does not rush for Shahadah up front? What you can do, and if carefully done, not get caught? What can seem small, but cause big damage?”

Included in BEGOLLY’s solicitations were the following:⁶

Sabatage train tracks. Trains carried chemical, supplies needed for the crusade, and people. We have seen the attacks on trains and

⁵ The term “kuffar” has a variety of spellings and is used by Begolly in a derogatory manner to refer to non-believers in the Islam faith.

⁶ Begolly’s spelling and grammatical errors are recounted exactly as found in his postings on AMEF.

subways in England, Spain, and Russia. Such incidents for some reason in America are typically blamed on “damn kids.” One could also park a vehicle on a cross way, and for the train to hit it, there are miles of train line that go through often remote mountains and country side that could easily be tampered with unnoticed leaving the train to its demise.

* * *

Sabotage phone lines, power lines, cell phone tower, and other electric things. Just make sure not to get shocked. A bucket of tar could work wonders. A well placed shot from a high power rifle with a scope could sever a line and bring down live wires. A tree, if it falls in the right direction, could take down power lines.

Arson. Forest fires, building fires, you name. Look at the recent fires in Russia, and the past deadly fires in California and Australia. A wild fire is hard to blame on anyone, and fires started in abandoned buildings are usually blamed on those “damn kids” again. Fires can be deadly and cause millions of dollars in damage.

* * *

:: Real terrorism, but on a small scale. :: Attacks of civilians or police or government agents of military. Best as single shot, drive by, hit and run, beat down. Who are the best targets? Off duty police, off duty soldiers, gang member, family members of soldiers, government agents, workers at ammunition factory, white supremacists or black supremacists. It is best if targeting soldiers or police that they are off duty and out of uniform simply because their investigations will look usually for “robbery gone wrong” or “revenge” then as act of terrorism or revolt.

9. On or about October 27, 2010, in response to an article posted on AMEF about the reported shootings earlier that month at the Pentagon, in Arlington County, Virginia, and at the Marine Corps Museum, in Quantico, Virginia, BEGOLLY posted the following comment:

Allahu akbar!
Insha Allah someone had put the below into action:
<http://ansar1.info/showthread.php?t=24569>

The link provided by BEGOLLY was to the thread on AMEF that included his postings, including the August 3, 2010, posting.

10. On or about November 24, 2010, BEGOLLY placed the following postings on AMEF:

Dear brothers and sisters, I have solid PROOF that one can legally purchase a firearm in America even if this person IS on the “terror watch” list, just so long as they [sic] are not a convicted felon and are a US citizen and over 18!

My advice: As long as you still can, take advantage of this and MOVE... MOVE... MOVE...!!!

* * *

One more piece of advice:

A successful lone-wolf attack, when even kills 1 or 2 or 3 of the kuffar is BETTER THAN and [sic] UNSUCCESSFUL massive attack which also results in your own arrest...

11. On or about December 28, 2010, BEGOLLY, using his online moniker “Abu Nancy,” posted links to a document entitled, “The Explosives Course” by “The Martyred Sheikh Professor, Abu Khabbab al Misri,” who is purported to have once been al-Qaeda’s top chemical and biological weapons expert. This is a 101-page document that contains information on how to set up a laboratory, conduct basic chemistry, and manufacture explosives.

12. Approximately 14 minutes after he posted the link to the explosives manual, BEGOLLY followed up by posting the following comments:

For those who decide to download, please keep in mind:

. . . Please use precautions when downloading by using appropriate anonymizing software.

Also, save it to a flash drive, not your hard drive.

And use extreme caution if attempting anything mentioned in this booklet; I don't want to see posted in the Ummah News section "Suspected Islamist killed while mixing chemicals for bomb making."

13. On or about January 3, 2011, in Manassas, Virginia, within the Eastern District of Virginia, a Special Agent of the FBI downloaded "The Explosives Course" document from one of the upload site links provided by BEGOLLY in his internet posting on AMEF.

14. On or about January 4, 2011, in New Bethlehem, Pennsylvania, BEGOLLY physically assaulted two Special Agents of the FBI when they approached to interview him. In the course of the ensuing altercation, BEGOLLY bit both agents, drawing blood, and attempted to retrieve from his jacket pocket, a loaded Makarov 9 mm semi-automatic handgun, with the safety off and a round loaded in the chamber.

15. On or about April 14, 2011, in Manassas, Virginia, within the Eastern District of Virginia, a Special Agent of the FBI accessed and downloaded BEGOLLY's AMEF internet postings.

COUNT ONE

18 U.S.C. § 373(a)

Solicitation to Commit a Crime of Violence

THE GRAND JURY FURTHER CHARGES THAT:

A. The Grand Jury realleges and incorporates by reference paragraph 8 of the General Allegations of this Indictment.

B. From on or about August 3, 2010 to on or about April 14, 2011, in the Eastern District of Virginia and elsewhere, defendant EMERSON WINFIELD BEGOLLY, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States, and under circumstances strongly corroborative of that intent, did unlawfully and knowingly solicit, command, induce, and otherwise endeavor to persuade others, unknown to the grand jury, to engage in such conduct, including the following felonious offenses that constitute violations of United States law: 18 U.S.C. § 844(i) (arson of property used in interstate commerce); 18 U.S.C. § 1362 (destruction of communications lines, stations or systems); 18 U.S.C. § 1992 (terrorist attacks and other violence against railroad carriers and mass transit systems).

(In violation of Title 18, United States Code, Section 373(a).)

COUNT TWO

18 U.S.C. § 842(p)(2)(A)

*Distribution of Information Relating to
Explosives, Destructive Devices, and Weapons of Mass Destruction*

THE GRAND JURY FURTHER CHARGES THAT:

A. The Grand Jury realleges and incorporates by reference the General Allegations of this Indictment.

B. From on or about December 28, 2010 to January 3, 2011, in the Eastern District of Virginia and elsewhere, defendant EMERSON WINFIELD BEGOLLY did unlawfully and knowingly distribute by any means information pertaining to, in whole or in part, the manufacture and use of an explosive, destructive device, and weapon of mass destruction, with the intent that the information be used for, and in furtherance of, an activity that constitutes a Federal crime of violence, including 18 U.S.C. § 2332a (use of weapons of mass destruction), and 18 U.S.C. § 2332f (bombings of places of public use, government facilities, public transportation systems and infrastructure facilities).

(In violation of Title 18, United States Code, Section 842(p)(2)(A))

A TRUE BILL:

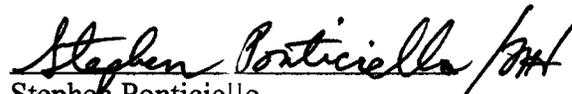
Pursuant to the Federal Government Act,
the original of this charge has been filed
under seal in the Clerk's Office.

FOREPERSON

Neil H. MacBride
United States Attorney

By:


W. Neil Hammerstrom, Jr.
Assistant United States Attorney


Stephen Ponticiello
Trial Attorney
U.S. Department of Justice