

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

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 1:13cr 418
)	
YOUSEF AL-KHATTAB)	

POSITION OF THE UNITED STATES
WITH RESPECT TO SENTENCING FACTORS

In accordance with Section 6A1.2 of the *Sentencing Guidelines* and this Court's policy regarding guideline sentencing, the government hereby represents that it has reviewed the Probation Office's presentence report and that it does not dispute any of the factors or facts set out therein. The defendant's sentencing guidelines range is 33-41 months in prison. The guidelines as calculated by the Probation Office accurately reflect the punishment that is appropriate in this case. The United States asks the Court to impose a sentence of 36 months in prison.

Facts

The facts of this case are described in detail in the PSR. In short, Yousef Al-Khattab and Jesse Morton started Revolution Muslim in 2007 to operate internet platforms and websites supportive of violent jihad. 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.

For years, Al-Khattab espoused hatred for Jews. For example, in January 2007 (even before the Revolution Muslim website was started), Al-Khattab posted on-line a *Time* magazine cover from 1933 featuring Nazi leader Joseph Goebbels, and a link to Goebbels' article "The Jew."¹ Al-Khattab wrote that "I urge you to rush forth in Allah's service in any and all ways legal :wink: to eliminate the teachings of Judaism aka The Jewish People."

In March 2008, he posted on Revolution Muslim platforms praise for the murder of eight students at a Jewish school in Jerusalem. In December 2008, he posted praise for the specific targeting of an American rabbi and his American wife for murder during the terrorist attack on Mumbai, India. In October 2009, he posted a prayer asking Allah for supporters of Israel to be burned in their prayer booths, for drain cleaner to be thrown in their faces, and to make "their fingers and brains stick on café walls from impact." In the course of an on-line discussion in May 2010, Al-Khattab argued that bus bombs, cafe explosions, and attacks on Jewish schools were more effective at scaring "the Jews" than attacking compounds of Israeli settlers in the West Bank or Gaza.

Al-Khattab was proud that al-Qaeda leader Zawahiri praised Revolution Muslim. He called for Allah destroy the United States. He praised Nidal Hasan's murder of American soldiers at Fort Hood in November 2008.

While the sentiments described above were not illegal to hold, we include them here because they provide the context for Al-Khattab's illegal activity:

On or about January 8, 2009, Al-Khattab posted to the Revolution Muslim website a video encouraging viewers upset about Israeli military actions in Gaza to seek out the leaders of

¹ Al-Khattab posted the same article on the Revolution Muslim website in 2009.

Jewish organizations in America and “deal with them directly at their homes.” He encouraged his viewers to put to the right purpose all of their hatred for infidels, and he encouraged them to do so anonymously. To make that task easier, he provided the addresses of three of the larger synagogues in New York, and the address of the Chabad organization in Brooklyn. He closed the video by stating “Give me liberty or I’ll give you death.”

On January 20, 2009, Al-Khattab posted to the Revolution Muslim website a photo of the headquarters of the Chabad organization in Brooklyn, with accompanying links to a video and a map. Above the photo was the message “Do Not Let Orthodox Judaism Get Away From Murder in Ghaza,” Inserted into the photo were cartoon balloons pointing out the location of Chabad’s main temple facility, and noting that it was always full at prayer times. Below the photo, Al-Khattab inserted the text, “Make EVERY attempt to reach these people and teach them the message of Islam or leave them a message from Islam.” Shortly thereafter, Al-Khattab posted a link to “The Anarchist Cookbook,” which is a manual for (among other things) constructing and using explosive devices.

The next day, Al-Khattab posted to the Revolution Muslim website a slideshow alternating between photos of the Brooklyn headquarters of Chabad, a blood-stained Hebrew prayer book from the massacre of the Jewish students in Israel in 2008, and dead children, presumably just killed by the Israeli military in Gaza. The only soundtrack was a low heartbeat that quickened and slowed and then sped up again until the end, when the heartbeat was terminated by loud and jarring sounds of gunshots.

Two days later, Al-Khattab posted to the Revolution Muslim website a video accusing the headquarters of Chabad with funding terrorism, and urging viewers to find the leaders of

Jewish organizations he named, “hold them responsible,” “speak in front of their homes,” and “leave them the message of Islam.” He taunted law enforcement for its inability to undo what he had done:

New York City Police Department, CIA, and FBI, you can put me in jail for the rest of my life. As long as I got that information out there for people to what to do, I did something. I didn’t sit on my behind. I did what I could legally do, what was in my means to do so.

The video ended with gunshots.

In his Statement of Facts, Al-Khattab admitted that, by making the posts involving Jewish organizations in 2009, Al-Khattab was trying to scare Jews and Jewish organizations. He further admitted that he knew that some viewers of the Revolution Muslim websites were inclined to violence.

Argument

The nature and circumstances of the defendant’s offense, as well as the value of general deterrence, warrant a significant penalty in this case. The sentencing factors of 18 U.S.C. § 3553(a) indicate that a term of imprisonment of 36 months is appropriate.

As described in detail in the Statement of Facts, Al-Khattab operated Revolution Muslim with Jesse Curtis Morton to inspire Muslims to engage in terrorism by providing doctrinal justification for violence against civilians in the name of Islam. In that, they succeeded. For example:

In January 2009, *Bryant Neal Vinas* pled guilty in the Eastern District of New York to conspiring to murder U.S. nationals and providing material support to Al-Qaeda. That same month, *Zubair Ahmed* pled guilty in the Northern District of Ohio to conspiring to provide

material support to terrorists to carry out a plot to kill American troops in Iraq and/or Afghanistan.

Colleen LaRose, also known as “Jihad Jane,” was a subscriber to Revolution Muslim YouTube accounts, who was arrested in 2009 in the Eastern District of Pennsylvania for a variety of terrorism-related offenses, including plotting to kill a cartoonist in Denmark.

Carlos Almonte and *Mohamed Alessa* were members of Revolution Muslim in New York and regularly met with Khattab. In June 2010, they were arrested in the course of their attempt to join al-Shabaab, and kill individuals whose beliefs and practices did not accord with their ideology; they pled guilty to related charges in March 2011.

Abdel Hameed Shehadeh operated a website that hosted extremist material and al-Qaeda videos. While living in New York, *Shehadeh* attended Revolution Muslim meetings and made his site a feeder site for Revolution Muslim’s website. In mid-2008, *Shehadeh* arranged for all visitors to his website to be routed automatically to RevolutionMuslim.com. In March 2013, *Shehadeh* was convicted of falsely denying his attempts to join the Taliban on a trip to Pakistan in 2008.

Before attempting to join al-Shabaab in Somalia in July 2010, *Zachary Chesser* (with *Jesse Curtis Morton*) solicited the murder of the creators of the *South Park* television show in April 2010, and the next month he did the same for Facebook members who participated in Everybody Draw Muhammed Day.

Samir Khan was a friend of Al-Khattab’s who posted materials on Revolution Muslim, and often collaborated with *Khattab* and *Morton*, before moving to Yemen to join al-Qaeda of the Arabian Peninsula in 2009. *Khan* is believed to have created the *Inspire* magazine to inspire

support for al-Qaeda. The magazine included an eight-page article titled "Make a bomb in the kitchen of Your Mom," with detailed instructions regarding the construction of an explosive device, and an article by Awlaki calling for the murder of a cartoonist who started a campaign on Facebook to support the free expression rights of the writers of the *South Park* television show. *Khan* is believed to have been killed with Awlaki in a drone strike in Yemen in 2011.

In July 2010, *Paul Rockwood Jr.* pled guilty in the District of Alaska to making false statements to investigators regarding his plans to commit violent acts including mail bombs and assassination. *Rockwood* admitted he visited the Revolution Muslim sites, and was inspired by *Khatab's* articles praising Nidal Hasan's shooting rampage at Fort Hood, Texas.

In 2010, *Rezwan Ferdous* contacted Revolution Muslim to ask whether martyrdom operations were a proper Islamic practice. In September 2011, *Ferdous* was arrested and charged in connection with a plot to attack the Pentagon and the U.S. Capitol building with remote controlled aircraft filled with explosives; he pled guilty to related charges in July 2012.

In November 2011, *Jose Pimental* was arrested for plotting to assassinate members of the U.S. military returning from active duty in Afghanistan and Iraq. The next month, Al-Khatab's friend *Tarik Mehenna* was convicted in Massachusetts for conspiring to aid al-Qaeda.

In January 2012, *Antonio Benjamin Martinez* pled guilty in Maryland to plotting to bomb a military recruiting station after being arrested in December 2010; the criminal complaint noted that *Martinez* was a follower of the Revolution Muslim websites. In December 2012, *Abu Khalid Abdul-Latif* pled guilty in the Western District of Washington to attempting to use a weapon of mass destruction and murder officers and agents of the United States, after being arrested in June 2011 for a Fort Hood-style assault on a Seattle military installation. In

December 2013, *Terry Lee Loewen* was arrested for plotting to conduct a suicide bombing at the airport in Wichita, Kansas; the affidavit in support of his criminal complaint noted that *Loewen* bragged that he was a financial supporter of Revolution Muslim.

Revolution Muslim inspired Muslims overseas, as well. In May 2010, *Roshonara Choudhry* stabbed British Member of Parliament Stephen Timms. In November 2010, *Bilal Ahmad* solicited the murder of 383 members of the British Parliament. In February 2012, *Mohamed Chowdury* pled guilty in a court in the United Kingdom for plotting to bomb the London Stock Exchange, the American embassy and the home of London's mayor. *Chowdury* met Khattab online in November 2009, and was an administrator of Revolution Muslim in 2010.

It is true that Al-Khattab was not significantly involved in the day-to-day operations of the Revolution Muslim organization after 2009. It also is true that he was not personally involved in the particular threats and solicitations to murder that are attributable to Morton, Chesser, and Samir Khan. Finally, we do not deny that Al-Khattab publicly admitted the error of at least some of his prior positions before he was arrested. For these reasons, we do not seek a sentence for Al-Khattab that is remotely equivalent to those received by Morton and Chesser.

At the same time, it cannot be denied that Al-Khattab's actions set in motion a sequence of events that - - in the hands of Morton, Chesser, and Samir Khan - - spiraled into even more serious criminal activity. Al-Khattab's outrageous postings likely emboldened Morton, Chesser and Khan to make their own. In short, the fact that Morton, Chesser, and Khan pushed the envelope of murder solicitations on the internet as far as they did is likely attributable to the fact that they started from the point at which Al-Khattab stopped.

Al-Khattab may sincerely regret his actions today, and we hope that he does. Yet, the messages that he posted on internet sites patronized by terrorists and their sympathizers likely will never disappear. Regardless of any regrets that he may have now, Chabad and the leaders of the Jewish organizations identified by Al-Khattab in 2009 will always be marked as targets for those who seek to gain entrance to heaven by killing an enemy of Islam.

Conclusion

All of us live in a world that was changed for the worse by the brazen nature of Al-Khattab's internet posts. Those posts will be preserved on-line forever. His punishment should be based on the recognition that the world is populated by too many people who will heed what he said then, rather than anything that he may say now.

For the foregoing reasons, a term of imprisonment of 36 months in prison is necessary to reflect the seriousness of the defendant's offense, promote respect for the law, provide just punishment for his offense, and afford adequate deterrence to criminal conduct.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2014, 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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