

Monday September 4th, 2006

---

**Was it a terror sting or entrapment?: Lawyers say FBI informants funded, encouraged alleged Miami terror cell** (Washington Post)

Standing in an empty Miami warehouse on May 24 with a man he believed had ties to Osama bin Laden, a dejected Narseal Batiste talked of the setbacks to their terrorist plot and then uttered the words that helped put him in a federal prison cell.

"I want to fight some jihad," he allegedly said. "That's all I live for."

What Batiste did not know was that the bin Laden representative was really an FBI informant. The warehouse in which they were meeting had been rented and wired for sound and video by bureau agents, who were monitoring his every word.

Within a month, Batiste, 32, and six of his compatriots were arrested and charged with conspiracy to aid a terrorist organization and bomb a federal building. On June 23, Attorney General Alberto R. Gonzales held a news conference to announce the destruction of a terrorist cell inside the United States, hailing "our commitment to preventing terrorism through energetic law enforcement efforts aimed at detecting and thwarting terrorist acts."

Plot or pipe dream?

But court records released since then suggest that what Gonzales described as a "deadly plot" was virtually the pipe dream of a few disgruntled men with almost no ability to pull it off on their own. The suspects have raised questions in court about the FBI informants' role in keeping the plan alive.

The plot featured self-proclaimed militant religious leaders who referred to themselves as kings, talked of establishing their own nation inside the United States, called their headquarters an embassy and discussed plans to train their recruits to use bows and arrows. One of their quixotic notions was to blow up Chicago's Sears Tower.

Batiste's father, a Christian preacher and former contractor who lives in Louisiana, told the news media after the indictment that his son was "not in his right mind" and needed psychiatric treatment.

Since the Sept. 11, 2001, attacks, separating serious terrorist plotters from delusional dreamers has proved one of the FBI's most challenging tasks. The effort is complicated by the bureau's frequent use of informants who sometimes play active roles in the plotting.

Better safe than sorry

U.S. law enforcement officials say they do not have the luxury of waiting for a terrorist plot to mature before they break it up. A delay, they say, could mean that a member of the plot they had not discovered might be able to pull off an attack.

At the news conference, Gonzales acknowledged that Batiste was nowhere near carrying out a terrorist act.

"Our philosophy here is that we try to identify plots in the earliest stages possible, because we don't know what we don't know about a terrorist plot," he said. It is dangerous to evaluate in advance that "this is a really dangerous group; this is not a dangerous group," he added.

But lawyers for the defendants have raised questions about where a government sting ends and entrapment begins. Not only did government informants provide money and a meeting place for Batiste and his followers, but they also gave them video cameras to conduct surveillance, as well as cellphones, and suggested that their first target be a Miami FBI office, court records show.

At the hearing, Batiste's attorney, John Wylie, showed that the FBI's investigation found no evidence that his client had ever met with any real terrorist, received e-mails or wire transfers from the Middle East, possessed any al-Qaeda literature, or had even a picture of bin Laden.

Asked for a response, a Justice Department spokesman referred a reporter to Gonzales's remarks about the case.

Court documents and testimony at hearings describe how the plot unfolded. Last October, Batiste allegedly contacted a Middle Eastern-born Miami resident who was about to travel to Yemen. The man dealt in fresh produce; Batiste was unaware that he was also a paid informant for the FBI.

#### Making contact with CW1

The man -- known only as CW1 in court documents -- told his FBI handlers that Batiste had spoken of forming an army to wage jihad and overthrow the federal government. He said Batiste was "willing to work with al Qaeda to accomplish the mission and wanted to travel with [the informant] overseas to make appropriate connections," according to court documents.

The FBI would eventually pay the informant, who had previous arrests for assault and marijuana possession, \$10,500 for his services in the Batiste investigation and reimburse him \$8,815 for his expenses.

Over the next few weeks, the informant stayed in touch with Batiste and spent a night at the "embassy" where the group was headquartered. He reported seeing guns, karate practice and

fighting drills that involved machetes.

#### Upping the ante

By mid-November, the FBI decided to take a more active role. Agents introduced a more experienced Middle Eastern-born informant, CW2, to play the role of a potential financier to prevent Batiste from seeking money elsewhere. CW2, according to court papers, had worked for the FBI for six years and provided information that led to the arrests of two individuals on "terrorist-related charges."

But CW2 also soon took a key role in the plotting, suggesting targets and supplying videotaping equipment, according to the court papers. His reward was \$17,000 the FBI paid for his services, and approval of his petition for political asylum in the United States.

At their initial meeting, the second informant said he was there to "evaluate" Batiste's operation and asked what help he needed to carry out his "mission." Batiste drew up a list that included "uniforms, boots, automatic hand pistols, communications equipment like Nextel cell phones, an SUV truck, black in color," according to court documents. Two days later, he asked for more equipment, including a "mini .223 Bushmaster" rifle.

Three days before Christmas, Batiste and CW2 met again, and Batiste talked for the first time about destroying Chicago's Sears Tower, a landmark in a city where he once worked as a FedEx delivery driver and still had associates. Batiste said he would take advantage of the ensuing chaos to liberate Muslims from a nearby jail. They would form an army powerful enough to force the U.S. government to recognize the "Sovereign Moors" -- an offshoot of a religious group, the Moorish Science Temple, to which Batiste claimed allegiance -- as an independent nation.

A week later, when he met with CW2 again, Batiste asked for more firearms, radios, binoculars, bulletproof vests, SUVs and \$50,000 in cash. He also invited the informant to join him on a trip to Chicago to meet his "two top generals" and look at the Sears Tower. But the trip never took place.

#### Buoyed by bin Laden

By the beginning of January, CW2 had offered Batiste a rent-free warehouse large enough for training. In reality, the FBI wanted a new meeting spot because it could not carry out surveillance at the "embassy," which was located in a high-crime area where agents would be easily spotted. At the same time, however, Batiste began to mistrust CW2 because of his numerous questions and ended direct contact with him for a while.

In mid-January, the first informant contacted Batiste's closest associate in the group to report that

approval for the plan had come from al-Qaeda operatives in Yemen. When bin Laden issued a public statement saying that al-Qaeda soon would strike in the United States, the informant passed word to Batiste that it was a reference to the missions he was planning.

CW2 soon informed Batiste that an explosives expert in Europe -- actually a Scotland Yard agent -- was ready to come help.

On Feb. 19, Batiste met with CW2 in a videotaped session at the informant's Miami apartment, where he "outlined his plan to wage jihad in the United States," according to court records. Batiste said he would conduct a "full ground war" and "kill all the devils we can," beginning with "taking down the Sears Tower in Chicago and attacking a prison to free Muslim Brothers who are incarcerated."

#### Swearing allegiance to al-Qaeda

When Batiste grew impatient for money early in March, CW2 placated him by formally swearing him into al-Qaeda. In a ceremony recorded by the FBI, the informant read an English translation of the al-Qaeda loyalty oath, "welcomed Batiste to al Qaeda and declared that al Qaeda and the Moors were officially united," according to court papers. The informant and Batiste also selected a two-story warehouse as their new headquarters and training site.

On March 15, the FBI wired the warehouse for sound and video. The next night, before a secret camera, CW2 administered an English translation of the al-Qaeda oath to six members of Batiste's group, four of whom called themselves "prince" and two who were addressed as "brother."

The men also face charges of conspiring to aid a terrorist group.

Acting on instructions from the FBI, CW2 told the group that his al-Qaeda bosses were planning to attack FBI buildings in Washington, Chicago, Los Angeles, New York and Miami. He asked that Batiste and his group assist by providing video of the Miami FBI building, "which would be sent back to al Qaeda overseas," according to court papers. He also gave Batiste a video camera.

In late March, driving a van provided by the informant, Batiste and two associates videotaped and photographed the FBI building, as CW2 had requested. They also taped the federal courthouse and detention center, and the Miami police headquarters.

#### A nation armed with bows and arrows

CW2 later expressed interest in meeting top members of the Moorish Science Temple and said al-Qaeda would pay to have Batiste's Chicago associates come to Miami. Batiste called Charles James Stewart, also known as Sultan Khan Bey, in Chicago, where Stewart leads his own branch

of the temple. With \$3,500 in FBI money, Batiste paid for Stewart to come to Miami.

Court papers show that Stewart is a convicted rapist with a long arrest record for other serious crimes. On April 11, with FBI cameras rolling, Stewart and Batiste sat in the Miami warehouse and discussed opening a shop to sell marijuana and drug pipes. They smoked marijuana as they talked, and Stewart revealed his plan to build a Moorish nation of 10,000 people.

Stewart wanted to make his wife, whom he called Queen Zakiyaah, an ambassador of the Moorish nation so she could not be detained by U.S. authorities. He said Moorish soldiers would wear green uniforms and become expert with bows and arrows. They would undergo night training that included jumping from a bridge into water 20 feet below.

But within days, Stewart and Batiste began to have differences over control of the organization and its mission. On April 17, the conflict broke into the open and Stewart tried Batiste under Moorish law on charges of treason and insubordination. He questioned "his relationship and association with the Arabian or Nigerian mafia," a reference to the second FBI informant.

#### Struggle for control

Two days later, Stewart, now running what was left of Batiste's group, was arrested by Miami police after he fired a shot at one of Batiste's supporters.

On May 5, after a local hearing on the shooting, federal weapons charges were lodged against Stewart. Federal agents asked whether he knew of any plots against the United States, and Stewart began talking about Batiste's mission as one that was "starting to get serious," a phrase later cited in court by prosecutors. Stewart became a witness against Batiste and the others.

The defendants have signaled that they will contest the government's actions. At a July 5 detention hearing, Nathan Clark, an attorney for one member of the group, told U.S. Magistrate Judge Ted E. Bandstra that the ceremony at which the defendants took the al-Qaeda oath was "induced by the government themselves in an effort to set these people up."

"What we see is this entire organization, by the government's own admission, falling apart. . . . Nobody really believes that these people are capable of doing anything," he said.

In the end, Bandstra ruled that the seven would have to remain in jail because the allegations were "disturbing." But he added that "the plans appear to be beyond the present ability of these defendants" and told them to argue the government's actions at trial.

Researchers Julie Tate and Madonna Lebling contributed to this report.