

# **EXHIBIT 83**



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

Correctional Programs Division

Counter Terrorism Unit

CTU Address [REDACTED]

November 15, 2010

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR  
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief

SUBJECT: Communication Management Unit (CMU) Referral  
[REDACTED], Reg. No. [REDACTED]

**1. Rationale for Re-designation:**

According to law enforcement reporting, [REDACTED] came to the attention of authorities through communication he conducted on the internet, through various web sites, chat rooms, and bulletin boards. [REDACTED] accessed what were described as radical and extremist Islamic sites, primarily at secure web sites which required user registration, identification and passwords. Knowingly, [REDACTED] sought out extremist sites and views, and posted his own comments, seeking to find those interested more in action rather than just internet chatter.

It has been reported that [REDACTED] made a decision to commit a significant act of violence under the description he called, "self Jihad." [REDACTED] espoused a desire to commit significant acts of violence, and his postings and comments stood out because of his vehement intention to conduct actual, physical terror attacks in the U.S.

[REDACTED] made clear an intention to serve as a soldier for Usama Bin Laden and al-Qaida, and indicated he came to the U.S. for the specific purpose of committing "Jihad for the sake of God," against those he deemed to be enemies of Islam.

According to the FBI, throughout the investigation, undercover FBI agents repeatedly encouraged [REDACTED] to reevaluate his interpretation of Jihad, counseling him the obligation a Muslim has to perform Jihad can be satisfied in many ways, including non-violence. [REDACTED] however, vehemently responded that he intended to commit significant

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Communication Management Unit (CMU) Referral

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acts of violence as his Jihad.

Reporting indicates [REDACTED] has a history of subscribing to a radicalized Islamic philosophy and has maintained consistent interest in radical Islam. Efforts need to be made to effectively manage [REDACTED] and his radicalized points of view, to preclude his views from recruiting or radicalizing other inmates.

In developing the Correctional Intelligence Initiative (CII) in conjunction with the FBI, the Bureau of Prisons has established practices to preclude radicalization and recruitment among inmates while incarcerated and to take steps to stop such behaviors when observed.

Based on his offense conduct and beliefs which could threaten institution security, as well as the safety of staff and inmates, it is recommended [REDACTED] be designated to a CMU where his behavior and specifically his communication can be more strictly controlled and monitored.

Offense Conduct:

G (LE)  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Communication Management Unit (CMU) Referral

[REDACTED] Reg. No. [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Sensitive but Unclassified  
FOIA Exempt

Communication Management Unit (CMU) Referral

Reg. No. [REDACTED]

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- [REDACTED]
2. **Proposed Transfer Code:** This is an initial designation after sentencing.
  3. **CIM Assignment:** Broad Publicity, Separation
  4. **STG Assignment:** STG [REDACTED]  
[REDACTED]
  5. **Release Destination:** Northern District of Texas
  6. **Medical Status:** Inmate [REDACTED] is a Care 1 / Screen 2 MH inmate. There are no indications of medical or dental concerns which would preclude his placement in a CMU.
  7. **Does Inmate Concur With Transfer:** The inmate's opinion was not solicited.
  8. **Additional Pertinent Information:** Inmate [REDACTED] is a 20 year old, white, male. He is a citizen of Jordan. He was convicted of Attempted Use of a Weapon of Mass Destruction, and sentenced to 24 years incarceration, with 5 years supervised release. His scheduled release date has not yet been computed. His security level is MEDIUM; his custody level is IN. His disciplinary history contains no sanctioned incident reports.

DATE: December 7, 2010	FACL: SEA	CUSTODY: IN
NAME: (P-1)	REG NO. (P-1)	S/L: Medium
PHONE OR MAIL ABUSE I.R: N/A		
CIM ASSIGN: (O)2		

---COMMENTS---

**CORRECTIONAL PROGRAMS:** (P-1) year-old male who was recently sentenced to a 24-year term for Attempted Use of a Weapon of Mass Destruction. (P-1) is currently being held in the jail unit at SEA. His instant offense involved his desire to commit significant acts of violence against the U.S. He started by frequenting extremist Islamic web sites. This progressed to online "chats" where he expressed his desires to commit acts of violence and started formulating plans involving attacks. His potential targets included the National Guard Armory in Dallas, TX, the Dallas airport, or large financial institutions. His focus changed to Wells Fargo bank as this was considered the "large fish" or main bank of Dallas. Undercover FBI agents monitored his activities and arranged for a vehicle laden with explosives to be placed and detonated by (P-1) in the parking garage under the Fountain Place office building, containing the Wells Fargo bank. (P-1) took possession of the vehicle and drove it to the parking garage and activated the explosives. After driving a few blocks away, he used a cellular telephone to call a specific number intended to detonate the explosives. However, the mechanism attached to the explosives was made inoperable so the public was never in danger. The phone number called did trigger law enforcement who effectuated his arrest. CTU has recommended (P-1) be transferred to a CMU program based on his subscribing to a radicalized Islamic philosophy and his continued interest in radical Islam. A transfer to a CMU is commensurate with his security and programming needs while allowing for greater control of his communications. It will also effectively manage his radicalized points of view and inhibit his recruiting and radicalizing other inmates. P. Pottios

**CORRECTIONAL PROGRAMS ADMINISTRATOR:** *Concur with CTU's recommendation for placement in a CMU based on the need to monitor communications & evaluate inmate's propensity to continue/recruit. P. Esquivel*

**PSYCHOLOGY SERVICES ADMINISTRATOR:** (P-1)  
 (P-1)  
 (P-1) CMU placement will afford him the most "normal" prison experience compared to the ADX.

**CORRECTIONAL SERVICES ADMINISTRATOR:** *Concur fully w/ CMU placement. The greater need for strict monitoring exists. P. Pottios, CSA 12/10*

**EXECUTIVE ASSISTANT:** *Concur for CMU referral based on inmate's history of sophisticated methods of communications and his involvement in significant acts of violence. P. Pottios 12/15/10*

(P-1)

SENIOR DEPUTY REGIONAL DIRECTOR: Concur with recommendation for  
CMU placement for in state made  
Amol Khetia SDNS 12/15/10

REGIONAL DIRECTOR: Concur with recommendation  
for CMU placement if law security  
needs are met. [Signature]  
12/15/10

BF-A0944 NOTICE TO INMATE OF TRANSFER TO A COMMUNICATIONS MANAGEMENT UNIT  
 NOV 10

U. S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle):  (P-1)	Register Number:  (P-1)
Warden (print and signature):  Charles L. Lockett, Warden	Institution:  FCI Terre Haute, Indiana

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through complete monitoring of your telephone use, written correspondence, electronic messaging, and visiting. The volume, frequency, and methods of your contact with persons in the community may be limited as necessary to achieve the goal of total monitoring. Your general conditions of confinement in this unit may also be limited as necessary to provide greater management of your communications. Your transfer to this unit is not punitive and, by itself, has no effect on the length of your incarceration. You will continue to earn sentence credit in accordance with law and Bureau policy.


Your transfer to this facility under these conditions is based on the following specific information:

Your current offenses of conviction is Attempted Use of a Weapon of Mass Destruction. Your offense conduct included the self-reported intention to serve as a soldier for Usama Bin Laden, and al-Qaida, a Foreign Terrorist Organization. You sought out and met with others, both via the internet and face to face, whom you believed would assist and support you in committing significant acts of violence. Your contact with persons in the community requires heightened controls and review.

Based on this information, your transfer to this facility for greater communication management is necessary for the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any aspect of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed):  C. SHEPHERD	Staff Member (signature):  	Date Issued:  1/3/2011
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# **EXHIBIT 84**



**U.S. Department of Justice**  
**Federal Bureau of Prisons**

Correctional Programs Division

Counter Terrorism Unit

CTU Address [REDACTED]

June 3, 2011

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR  
NORTH CENTRAL REGIONAL OFFICE

FROM: //s//  
Leslie S. Smith, Chief

SUBJECT: Communication Management Unit (CMU) Referral  
[REDACTED] Reg. No. [REDACTED]

**1. Rationale for Re-designation:**

Inmate [REDACTED] has a CIM separatee L.E./Separatee [REDACTED]

Inmate [REDACTED] G (LE) [REDACTED] LE) [REDACTED] radicalization and recruitment efforts among the inmate population and with persons in the community. It has become evident inmate [REDACTED] possesses and has exerted an undue influence among the inmate Muslim population, as well as demonstrates a disdain and disregard for Bureau of Prisons policies and practices.

As frequently reported by institution Religious Services staff, inmate [REDACTED] has knowingly and willingly violated rules and regulations, as well as specifically violated orders issued by staff. The following incidents demonstrate the radicalized beliefs and actions of inmate [REDACTED] through his willful failure to adhere to directions issued by institution staff, particularly those assigned to Religious Services, as well as his extensive influence and authority among the inmate Muslim population in which he projects his beliefs of resistance and undermining staff authority on other inmates.

- ▶ On March 18, 2010, the Chaplain issued inmate [REDACTED] an incident report for code 307, Refusing an Order, when the inmate was observed wearing his pants with a hem above the ankle. Two weeks prior, the Chaplain had observed the

inmate wearing his pants in a similar manner, and ordered inmate [REDACTED] to lengthen the hem on his pants in compliance with Program Statement 5360.09, section 14.b.4, which states, "Islamic inmates may not hem or wear their pants above the ankle." The wearing of pants in this manner demonstrates a radicalized perspective of the Islamic faith, concerning garments being allowed to hang below the ankles during prayer.

- ▶ A Staff Chaplain reported that on Saturday, March 26, 2011, inmate [REDACTED] was observed leading an Islamic study group in the chapel. Throughout the meeting, inmate [REDACTED] acted as what he himself described as a "referee," in order to determine which of the groups' answer was acceptable. Sitting separate and distinctive from the remainder of the group, inmate [REDACTED] provided comments on the responses based on his own review of the Quran and other study guides.

Inmates frequently referred to inmate [REDACTED] as, "The Sheikh," or Shaykh, an Arabic term which means elder and is used to designate a revered wise man or an Islamic scholar. A Sheikh is not a sanctioned position nor approved by the Bureau of Prisons, and inmates are not permitted to obtain or maintain a position of authority over other inmates. The Chaplain reported inmates have referred to inmate [REDACTED] as The Sheikh for well over a year.

The Chaplain further described the interaction of the group as investing implicit authority upon inmate [REDACTED] and his responses. Though inmate [REDACTED] had been explicitly instructed to not function in a role of teacher or instructor, this incident clearly demonstrated him acting in just such a capacity. It was also perceived that inmate [REDACTED] acting in this manner was sanctioned by the other participants of the group.

- ▶ On Friday, April 8, 2011, a group of twelve Muslim inmates remained in the Chapel after Jumah prayer in order to hold a discussion. A Staff Chaplain discovered through audio monitoring of the group that inmate [REDACTED] in violation of direct instructions he not lead, direct, or instruct the Muslim group in any manner, was in fact leading and directing this group.

The discussion consisted of a question and answer session, characterized by individuals of the group asking questions or making comments, followed by a reverent silence from the group as inmate [REDACTED] responded to each question or comment.

The subject matter of the session was about interpretation of rules/laws for the Muslim inmate population community. The Chaplain indicated it was clear the group expected inmate [REDACTED] to speak for the group as a whole. The Chaplain also perceived, by the groups' application of silence when inmate [REDACTED] spoke that they were vesting authority in his words. Often, when anyone referred to what inmate [REDACTED] had said, inmate [REDACTED] was referred to as The Sheikh and

other inmates in the group glanced directly at inmate [REDACTED]

- ▶ On April 15, 2011, Religious Services staff issued memoranda detailing a group of sixteen Muslim inmates who had gathered in the Chapel after the conclusion of Jumah prayer to discuss various Islamic beliefs of a theological nature about Man, Jinnis (demons), and Angels, as well as their origins and functions.

Staff reported many of the inmates looked to inmate [REDACTED] for answers and guidance, to which he easily replied with no reservation. Inmates frequently again referred to inmate [REDACTED] as, "The Sheikh," or Shaykh.

The group also discussed 13<sup>th</sup> century Islamic scholar by the name of Taqi Ibn Taymiyyah. Ibn Taymiyyah was an Islamic purist who, "sought the return of the Islamic religion to its sources." He is also the source of Wahhabiyah, a mid-18<sup>th</sup> century traditionalist movement of Islam which is perceived to be a radicalized view of the religion and its practices.

One subject which was discussed repeatedly was passages from the Qur'an which the group indicated should be recognized in preparation for a "test." Since the Religious Services staff had not seen a draft of a test or quiz, a concern was raised if the inmates were providing and presiding over a test, especially if the result of the test in some way was meant to establish an inmate's status within the faith (Muslim) group.

Staff reported most of the remaining teaching was innocuous, but references to Jinnis, Shaitan (the devil), magic and other subjects such as (demon) possession gave cause for concern.

- ▶ On April 18, 2011, the SIS staff issued inmate [REDACTED] an incident report for code 307, Refusing an Order, and code 399, Disruptive Conduct - Moderate, relating to the inmate's continued refusal to follow directives to not lead inmate groups. Specifically, on April 8, 2011, an SIS investigation concluded inmate [REDACTED] was leading, directing, and instructing Islamic study groups in the Chapel, contrary to both written and verbal instructions he had previously received precluding him from leading any inmate group or gathering. On March 10, 2010, inmate [REDACTED] signed a Staff Advisement To Inmate form indicating he understood he was not to teach or instruct any inmate group, including Islamic studies, and the consequences for refusing to comply with the written instructions, would result in disciplinary action and/or restricting his participation in group programs.

Inmate [REDACTED] was issued an incident report for code 307, Refusing to Obey an Order, and code 399, Conduct which Disrupts the Security or Orderly running of a BOP facility. The UDC found the inmate guilty of cod 307 and sanctioned him to loss of commissary and visiting privileges.

## Communication Management Unit (CMU) Referral

Reg. No. [REDACTED]

Efforts need to be made to effectively manage inmate [REDACTED] and his radicalized points of view to preclude his views from recruiting or radicalizing other inmates. Based on his radicalized beliefs and his need for greater security, it is recommended inmate [REDACTED] be designated to a CMU.

Offense Conduct:

On October 22, 2009, [REDACTED] was sentenced to 13 years incarceration, with life supervised release; [REDACTED] was sentenced to 20 years incarceration with life supervised release; and [REDACTED] was sentenced to 100 months incarceration with life on supervised release.

These inmates were charged with conspiring to kill or maim persons outside the United States, including U.S. military personnel serving in Iraq, and conspiring to provide material support to terrorists. [REDACTED] and [REDACTED] were also charged with distributing information regarding the manufacture or use of explosives, including suicide bomb vests and Improvised Explosive Devices (IEDs).

A jury convicted the defendants on all counts. According to the Department of Justice, the convictions represented the nation's first successful trial of a "homegrown terror cell" for terrorism related crimes.

The defendants engaged in a conspiracy to kill or maim persons outside the United States, including U.S. armed forces personnel in Iraq. As part of the conspiracy, the inmates conducted firearms training and accessed instructions in the construction and use of explosives, including IEDs and suicide bomb vests. In addition, the inmates conspired to recruit others to participate in jihad training; researched and solicited funding sources for such training; and proposed sites for training in firearms, explosives and hand-to-hand combat.

The conspirators used code words to disguise and conceal the true subject and purpose of their communications over the internet. They used coded e-mail messages and even admonished contacts for being too open in their communications.

- ▶ [REDACTED], together with others, did conspire and agree to kill or maim persons in locations outside of the United States, to include U.S. armed forces personnel serving in Iraq.
- ▶ The conspirators intended to recruit others to train for violent jihad against the United States and its allies in Iraq, and elsewhere, and would propose potential training sites for use in providing ongoing firearms, hand-to-hand combat, explosives, and other paramilitary training to prospective recruits.

## Communication Management Unit (CMU) Referral

Reg. No [REDACTED]

- ▶ The conspirators researched and solicited potential funding sources for the jihad training. Such potential funding sources included government grants, from which funds would be diverted for training purposes, as well as private sponsors.
- ▶ The conspirators viewed training materials, including those found on secure and exclusive web sites, and downloaded and copied training videos and materials for use in jihad training sessions. Such training materials included videos on the production and use of improvised explosive devices (IEDs), and suicide bomb vests, among others.
- ▶ The conspirators traveled to a commercial shooting range for firearms training and practice.

2. **Proposed Transfer Code:** 324, Program Participation

3. **CIM Assignment:** Separation, Special Supervision

4. **STG Assignment:** STG [REDACTED]

5. **Release Destination:** Ohio, Northern District

6. **Medical Status:** Inmate [REDACTED] is a Care Level 1 / Care Level 1 MH inmate. There are no known medical concerns which would preclude his placement in a CMU.

7. **Does Inmate Concur With Transfer:** The inmate's opinion was not solicited.

8. **Additional Pertinent Information:** Inmate [REDACTED] is a 47 year old, white, male. He is an IN custody inmate with LOW security level. Inmate [REDACTED] is a citizen of the United States who was born in Jordan. While an ICE detainer has not yet been lodged, it is anticipated this inmate is subject to deportation. His release date is December 16, 2017, via Good Conduct Time Release.

His disciplinary history includes the following sanctioned incident reports.

04-22-2011	2152100	307	Refusing to Obey an Order
01-12-2011	2109487	305	Possessing Unauthorized Item
10-01-2010	2064664	305	Possessing Unauthorized Item
03-23-2010	1992754	307	Refusing to Obey an Order
		310	Being Absent from Assignment
06-19-2009	1882378	305	Possessing Unauthorized Item
06-11-2007	1606956	312	Being Insolent to Staff Member
02-01-2007	1558119	222	Possessing Intoxicants
09-07-2006	1508312	305	Possessing Unauthorized Item
06-02-2006	1471089	297A	Phone Abuse, Non-criminal

DATE: June 29, 2011

FACT: HER (ATW A-HLD)

CUSTODY: IN

NAME: (P-1)

REG NO. (P-1)

S/L: MEDIUM

PHONE OR MAIL ABUSE I.R: 06/06 Phone Abuse, Non-Criminal (297)

CIM ASSIGN (O)1

---COMMENTS---

CORRECTIONAL PROGRAMS: (P-1) is a 48-year-old male who was sentenced to 162 months for Conspiracy to Kill, Kidnap, Maim, or Injure Persons Outside US; Conspiring to Provide Material Support to Terrorists; Distributing Information Regarding Explosives; Conspiracy to Defraud the Government; Theft of Public Funds; and Wire Fraud, False Material Statements, Aiding and Abetting. He has a projected release date of December 16, 2017, via GCT (P-1) was initially designated to HER arriving at that facility on November 23, 2009. While at that facility (P-1) has incurred four moderate level incident reports, two of which are related to his actions of serving as an unauthorized radical leader of Muslim inmates. Specifically, on March 18, 2010, (P-1) was observed wearing his pants with a hem above the ankle. Islamic inmates may not hem or wear their pants above the ankle which demonstrates radicalized perspective of the Islamic faith. The staff Chaplain observed this behavior on a prior occasion and issued (P-1) a warning, which he failed to heed resulting in the incident report. Additionally, on April 22, 2011, (P-1) was found to have committed the prohibited act of Refusing to Obey and Order, when he was observed to be leading, directing, and instructing Islamic study groups in the Chapel, contrary to both written and verbal instructions precluding him from that activity. Furthermore, on March 26, 2011, (P-1) was observed leading an Islamic study group in the chapel, acting as a "referee" determining which groups' answers were acceptable. Inmates in the group referred to (P-1) as "the Sheikh," or Shaykh, used to describe a revered wise man or Islamic scholar, which is not approved by the BOP as it is a position of authority. These actions by (P-1) also occurred on April 15, 2011, as reported by Religious Services Staff. Lastly, the CTU indicates (P-1), (I), (G)

(G), (I), (P-1)

CTU staff

recommend placement in a CMU to allow staff greater monitoring and control over his activities. P. Pottios

CORRECTIONAL PROGRAMS ADMINISTRATOR: *Although deemed as a leader of the Muslim inmates, his actions do not appear compelling enough to warrant the CMU program. A Case Supervision transfer and tougher discipline may be more appropriate. P. Pottios*

PSYCHOLOGY SERVICES ADMINISTRATOR: *No MH issues noted in available records to impact consideration for the placement of this IM into a CMU. IM has demonstrated his willingness to separate from the role of being the study with the LE community combined with his actions within the BOP are consistent with several criteria for placement into a CMU. of 4/2/11*

CORRECTIONAL SERVICES ADMINISTRATOR: *Based on his offense conduct and behavior while incarcerated as described in the referral, and documented in his disciplinary record, increased monitoring of (P-1) communication is warranted. Concur with request for CMU placement. Although*

EXECUTIVE ASSISTANT: *Concur with CMU placement based on inmate's actions and CTU indicating his continuous involvement in radicalization and recruitment efforts in the community. P. Pottios 7/20/11*

(P-1)

SENIOR DEPUTY REGIONAL DIRECTOR: *Concur with CMU placement consideration based upon noted comments and recommendations -*

REGIONAL DIRECTOR: *Concur w/ CMU placement consideration based upon noted SDRD comments.*  
*Amel Khusn SDRD 7/20/11*  
*M. W. J. 7/22/11*



NOTICE TO INMATE OF TRANSFER TO COMMUNICATIVE MANAGEMENT UNIT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle): (P-1)	Register Number: (P-1)
Warden (print and signature): J. Oliver, Warden <i>J. Oliver</i>	Institution: FCI Terre Haute, Indiana

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through more effective monitoring of your telephone use, written correspondence, and visiting. Your communication by these methods may be limited as necessary to allow effective monitoring. Your general conditions of confinement in this unit may also be restricted as necessary to provide greater management of your communications. Your transfer to this unit, by itself, will have no effect on the length of your incarceration. You will continue to earn good-conduct sentence credit in accordance with Bureau policy.

Your transfer to this facility under these conditions is based on the following specific information: Inmate (P-1) engaged in a conspiracy to kill or maim persons outside the United States, including U.S. armed forces personnel in Iraq. Code words were used during the instant offense to disguise and conceal the true subject and purpose of their communications over the internet. While incarcerated, inmate (P-1) has demonstrated a disdain and disregard for Bureau of Prisons policies and practice by knowingly and willingly violated rules and regulations, as well as specifically violated orders issued by staff.

Based on this information, your transfer to this facility for greater communication management is necessary to the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

OPPORTUNITY TO APPEAL TRANSFER DECISION - You may appeal this transfer decision, or any conditions of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. " 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

INSTRUCTIONS TO STAFF - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed): SHEPHERD CSW	Staff Member (signature): <i>[Signature]</i>	Date Issued: 9/13/2011
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# **EXHIBIT 85**



**U.S. Department of Justice**  
**Federal Bureau of Prisons**  
Correctional Programs Division

Counter Terrorism Unit

CTU Address [REDACTED]

August 24, 2012

MEMORANDUM FOR PAUL M. LAIRD, REGIONAL DIRECTOR  
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief

THROUGH: Randy S. Eternick, Administrator  
Counter Terrorism Branch

SUBJECT: Communications Management Unit (CMU) Referral  
[REDACTED] Reg. No. [REDACTED]

**1. Rationale for Re-designation:**

[REDACTED] was convicted of 18:922(G)(1), Felon in Possession of a Firearm and was sentenced to 7 years incarceration, with 3 years supervised release.

[REDACTED] was sentenced above the statutory guideline, and above a recommendation by the government, due to the seriousness of the offense, promote respect for the law, provide just punishment, afford adequate deterrence to criminal conduct, and to protect the public from further crimes of the defendant.

At sentencing, the Judge sentenced [REDACTED] with an upward departure to seven years incarceration, two years above the recommendation of the government, and five years above the guideline, and stated the reasoning for the departure was due to [REDACTED] danger to the community and expected lack of rehabilitation while in prison.

Throughout an investigation, [REDACTED] stated he wanted to "take action" and he sought out those he called armed revolutionaries in the white supremacist movement to actively

**Sensitive but Unclassified**  
**FOIA Exempt**

Communications Management Unit (CMU) Referral

Reg. No. [REDACTED]

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engage in actions which targeted minorities, immigrants, Jews and other non-white nationalities. [REDACTED] described himself and other like minded people as "racialists" who understood "the Jews are the main problem."

[REDACTED] expressed admiration for a number of BOP inmates convicted of terrorism related offenses, including those associated with the Aryan Nations, The Order, and even one individual who was sentenced to death based on his offense conduct.

G (LE), I (DP)

[REDACTED]

Specifically, [REDACTED] targeted a Planned Parenthood clinic and wanted to identify the doctor who performed the abortion of his [REDACTED] child (the mother of the child sought the abortion without [REDACTED] knowledge). [REDACTED] stated he intended to build a bomb and detonate the bomb at the Planned Parenthood clinic.

[REDACTED] also wanted to kill the doctor who performed the abortion as well as other workers at the clinic. [REDACTED] created an "enemies list" which included Planned Parenthood employees. [REDACTED] planned to kill the employees at their individual homes rather than at the clinic in order to further scare and terrorize the employees.

[REDACTED] used coded telephone communications to discuss the obtaining of materials, construction of IEDs and targeting of locations, including the Planned Parenthood clinic.

The case agent assigned to the investigation described [REDACTED] as a "credible threat" to commit an act of domestic terrorism. The agent stated [REDACTED] possessed the desire to complete such an act of violence, however, lacked only the knowledge, with respect to explosives, to commit the act.

[REDACTED] can be defined as a Homegrown Violent Extremism (HVE), a term utilized by law enforcement to describe characteristics found in individuals who have become radicalized and motivated to conduct attacks against the homeland and their own communities for political ends. [REDACTED]

G (LE)

[REDACTED]

Efforts need to be made to effectively manage [REDACTED] and his radicalized points of view to preclude his views from recruiting or radicalizing other inmates. [REDACTED] has advocated and espoused violent action against individuals and groups which did not fit his extremist perception of society and who held views dissimilar to his own.

Statements by law enforcement officers and court officials reporting from this investigation indicate serious concerns for the safe environment for both staff and

Communications Management Unit (CMU) Referral

Reg. No. [REDACTED]

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inmates, as well as the security of the institution confining inmate [REDACTED]

Offense Conduct:

G (LE)



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Sensitive but Unclassified  
FOIA Exempt

Communications Management Unit (CMU) Referral

Reg. No. \_\_\_\_\_

G (LE)



Sensitive but Unclassified  
FOIA Exempt

Communications Management Unit (CMU) Referral

Reg. No. [REDACTED]

G (LE)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Communications Management Unit (CMU) Referral

Reg. No. [REDACTED]

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G (LE)  
[REDACTED]

2. **Proposed Transfer Code:** This is an initial designation after sentencing.
3. **CIM Assignment:** none
4. **STG Assignment:** STG [REDACTED]  
[REDACTED]
5. **Release Destination:** Eastern District of Washington
6. **Medical Status:** Inmate [REDACTED] is a Care 1 / Care 1-MH inmate. There are no indications of medical or dental concerns which would preclude his placement in a CMU.
7. **Does Inmate Concur With Transfer:** The inmate's opinion was not solicited.
8. **Additional Pertinent Information:** Inmate [REDACTED] is a [REDACTED]. He is a citizen of the United States. His security level is MEDIUM; his custody level is IN. His scheduled release date has not yet been computed. His disciplinary history includes no sanctioned incident reports.

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Sensitive but Unclassified  
FOIA Exempt



CMU REFERRAL

DATE: September 17, 2012	FACTL: Transit Facility	CUSTODY: IN
NAME: (P-1)	REG NO. (P-1)	S/L: Medium
PHONE OR MAIL ABUSE I.R.: N/A		
CIM ASSIGN: (O)2		

---COMMENTS---

**CORRECTIONAL PROGRAMS:** (P-1) is a 31 year-old male who was recently sentenced to a 7 year term for Felon in Possession of a Firearm. The Judge sentenced (P-1) above the statutory guideline due to the danger he poses to the community and expected lack of rehabilitation while in prison. (P-1) has been identified as a Homegrown Violent Extremism (HVE), a term used by law-enforcement to describe characteristics found in individuals who have become radicalized and motivated to conduct attacks against the homeland and their own communities for political ends. His offense involved (P-1) planning to bomb the Planned Parenthood clinic that performed the abortion of his child, specifically targeting the doctor. The mother of the child sought the abortion without (P-1) knowledge. In addition (P-1) planned to kill other employees at their homes rather than the clinic. (P-1) maintains radical white supremacist beliefs and has expressed his radical intentions to confidential sources. He has espoused his admiration towards BOP inmates convicted of terrorism, to include those associated with the Aryan Nations and The Order. He has been described as a credible threat by the case agent, a person who has the desire but lacks the knowledge with respect to explosives. (P-1)(G)(I)

(G)(I)

(G)(I) CTU staff recommend

placement in a CMU to allow staff greater monitoring and control over his activities. P. Pottios

**CORRECTIONAL PROGRAMS ADMINISTRATOR:** *Based on his radical beliefs and his possible recruitment of others, I concur with C.M.U. placement to monitor his communication.* [Signature]

**CORRECTIONAL SERVICES ADMINISTRATOR:** *Based on his radical beliefs and his potential recruitment of other inmates with CMU placement to monitor.* [Signature], Acting CSA 9/17/12

**PSYCHOLOGY SERVICES ADMINISTRATOR:** *AVAILABLE RECORDS ARE LIMITED. RECORDS THAT ARE AVAILABLE INDICATE THE SUBJECT HAS A CRIME-AND ASSOCIATION WITH NO EVIDENCE OF PSYCHOLOGICAL IMPAIRMENT. FOR CMU BE MAINTAINED AS A CMU.* [Signature]

**EXECUTIVE ASSISTANT:** *Based on the inmates radicalized points of view to include recruiting and radicalizing other inmates, I concur with CMU placement.* [Signature] 9/18/12

(P-1)

SENIOR DEPUTY REGIONAL DIRECTOR: Concur with recommendation for CMU  
housing based upon above noted comments

Amo Whitehead SDRD 9/24/12

REGIONAL DIRECTOR: Concur w/ recommendation for CMU placement

[Signature]  
9/24/12

BP-80944  
NOV 10

NOTICE TO INMATE OF TRANSFER TO A COMMUNICATIONS MANAGEMENT UNIT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Inmate Name (Last, First, Middle):  (P-1)	Register Number:  (P-1)
Warden (print and signature):  J.S. Walton, Warden	Institution:  USP Marion, Illinois

NOTICE: This notice informs you of your transfer to a Federal Bureau of Prisons (Bureau) facility that allows greater management of your communication with persons in the community through complete monitoring of your telephone use, written correspondence, electronic messaging, and visiting. The volume, frequency, and methods of your contact with persons in the community may be limited as necessary to achieve the goal of total monitoring. Your general conditions of confinement in this unit may also be limited as necessary to provide greater management of your communications. Your transfer to this unit is not punitive and, by itself, has no effect on the length of your incarceration. You will continue to earn sentence credit in accordance with law and Bureau policy.

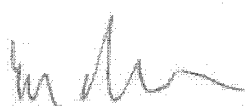
Your transfer to this facility under these conditions is based on the following specific information:

Your current offense of conviction is for Felon in Possession of a Firearm. Your offense conduct included the targeting of a Planned Parenthood clinic which you intended to destroy with an Improvised Explosive Device (IED). You also planned to identify a doctor who performed abortions, as well as other clinic staff, all of whom you intended to kill. To facilitate the planning of your acts, you utilized coded telephone communications to obtain materials, construct IEDs, and identify target locations, including the Planned Parenthood clinic. Your contact with persons in the community requires heightened controls and review.

Based on this information, your transfer to this facility for greater communication management is necessary for the safe, secure, and orderly operation of Bureau institutions, or protection of the public. Your continued designation to this facility will be reviewed regularly by your Unit Team under circumstances providing you notice and an opportunity to be heard, in accordance with the Bureau's policy on Classification and Program Review of Inmates.

**OPPORTUNITY TO APPEAL TRANSFER DECISION** - You may appeal this transfer decision, or any aspect of your confinement, through the Bureau's Administrative Remedy Program, 28 C.F.R. §§ 542.10 through 542.19, and corresponding policy. A member of your Unit Team will provide you with the necessary form upon request.

**INSTRUCTIONS TO STAFF** - Provide the inmate a copy of this form and complete the following information documenting delivery.

Staff Member Name and Position (printed):  M. Neumann, CSW	Staff Member (signature):  	Date Issued:  11/19/12
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# **EXHIBIT 86**

U.S. Department of Justice  
Office of the Inspector General

## A Review of the Federal Bureau of Prisons' Selection of Muslim Religious Services Providers



Office of the Inspector General  
April 2004

### A REVIEW OF THE BUREAU OF PRISONS' SELECTION OF MUSLIM RELIGIOUS SERVICES PROVIDERS

#### I. INTRODUCTION

This report describes the Office of the Inspector General's (OIG) review of the Federal Bureau of Prisons' (BOP) policies and procedures for the selection of individuals who provide Islamic religious services to federal inmates. On March 10, 2003, Senator Charles Schumer wrote a letter to the OIG requesting that we examine the BOP's process for selecting Muslim chaplains based on concerns that the BOP relies solely on two Islamic groups to endorse its Muslim chaplains, the Islamic Society of North America (ISNA) and the Graduate School of Islamic and Social Sciences (GSISS). Schumer noted that the ISNA and the GSISS allegedly are connected to terrorism and promote Wahhabism, which some consider an exclusionary and extreme form of Islam. In addition to Senator Schumer, Senators Jon Kyl and Dianne Feinstein expressed similar concerns and asked the OIG to examine these issues as they relate to the BOP.

In response to these requests, we reviewed the recruitment, endorsement, selection, and supervision of Muslim chaplains and other Muslim religious services providers who work with BOP inmates. We also examined the roles the ISNA, the GSISS, and other organizations have in the endorsement of chaplain candidates.

During this review, the OIG interviewed the BOP's ten Muslim chaplains, the BOP detailee to the Federal Bureau of Investigation's (FBI) National Joint Terrorism Task Force (NJTTF), and officials at BOP Headquarters who are responsible for religious services providers, including the Chief of the Chaplaincy Services Branch and the Senior Deputy Assistant Director (SDAD) of the Correctional Programs Division. We also interviewed FBI counterterrorism officials and representatives of the U.S. Commission on International Religious Freedom at the U.S. Department of State (Commission).

In addition, we visited low, medium, and high security BOP institutions, where we interviewed prison officials, examined the chaplaincy programs, and observed Muslim religious services. These facilities included the Federal Correctional Institution (FCI) in Fort Dix, New Jersey; the FCI in Fairton, New Jersey; the United States Penitentiary (USP) in Allenwood, Pennsylvania; and the USP in Lewisburg, Pennsylvania. We also met with analysts specializing in Middle East affairs at the Congressional Research Service, including the author of the December 2003 report, *The Islamic Traditions of*

follows the Prophet Muhammad and his companions,” and also can be used to describe all Muslims, not just Wahhabis. According to one Islamic scholar, “[w]ahhabism, in its present form, is a particular orientation within Salafism. . . . It is fair to say that all puritanical groups in the Muslim world are Salafi in orientation but not necessarily Wahhabi.”<sup>3</sup>

Fifteen of the 19 September 11 hijackers were from Saudi Arabia, and all of them are believed to have been Wahhabis. In the United States, Wahhabism has been equated with radicalism and terrorism in some newspaper articles, books, and public discourse. For instance, in his 2002 book, *The Two Faces of Islam*, journalist Stephen Schwartz wrote that, “Wahhabism exalts and promotes death in every element of its existence: the suicide of its adherents, mass murder as a weapon against civilization, and above all the suffocation of the mercy embodied in Islam.”<sup>4</sup>

However, not all experts agree that “Wahhabism” and “Salafism” are inherently synonymous with violence, terrorism, or radicalism. For example, FBI counterterrorism officials told us that Wahhabism is not inherently violent or terroristic, but has been manipulated for violent or terroristic ends. In addition, representatives from the Commission noted to us that many Wahhabis/Salafis throughout the world are doctrinally rigid, but peaceful.

The BOP’s ten Muslim chaplains, representatives from the Commission, and counterterrorism experts at the FBI also stated that radical Islam can be found in many different sects of Islam, not just in Wahhabism/Salafism. Several of the Muslim chaplains said that prominent Wahhabis have publicly condemned terrorism, suicide bombers, and Usama Bin Laden. Similarly, representatives from the Commission said that Islamic extremism is not so much the result of a particular doctrine as it is the result of an individual’s school of learning or associations with groups that espouse hate, extremism, and violence. In addition, FBI counterterrorism experts and representatives from the Commission stated that other Islamic sects, such as extreme Shiite Islam, could be just as radical and as much of a terrorism threat as extreme Wahhabism/Salafism.

<sup>3</sup> See Khaled M. Abou El Fadl, *And God Knows the Soldiers: The Authoritative and Authoritarian in Islamic Discourses* 5 n. 5 (2001).

<sup>4</sup> See Stephen Schwartz, *The Two Faces of Islam* 180 (2002).

## B. Islam in Federal Prisons

### 1. Number of Muslim Inmates, Chaplains, Contractors and Volunteers

The BOP houses approximately 150,000 inmates in 105 BOP facilities nationwide.<sup>5</sup> According to the Chief of the BOP’s Chaplaincy Services Branch, approximately 9,000 inmates, or about 6 percent of the inmate population, seek Islamic religious services. While Muslim inmates are not required to report which sect of Islam they identify with, inmate self-reporting indicates that Muslim inmates generally can be classified into four groups: Sunni, Shiite, Nation of Islam, and Moor Science Temple of America. Approximately 85 percent of BOP inmates who identify themselves as Muslim are Sunni or Nation of Islam. In contrast, less than 1 percent of the Muslim inmates – many of whom are from Middle Eastern countries – are Shiite. The Nation of Islam is a U.S.-based group that follows the teachings of Elijah Muhammad. The Moor Science Temple of America is a very small group and, according to the SDAD of the BOP’s Correctional Programs Division, not very active in BOP institutions.

The BOP provides Muslim inmates with religious services through BOP chaplains, contractors, and volunteers. Since 2001, 10 BOP chaplains, or a little more than 4 percent of the BOP’s total chaplains, are Muslim. According to the BOP, it currently is experiencing a “critical shortage” of Muslim chaplains. The Chief of the Chaplaincy Services Branch said a critical shortage of chaplains exists when there is 1 chaplain of a certain faith for every 700 inmates of that faith BOP-wide. Currently, there is 1 Muslim chaplain for every 900 Muslim inmates. When a Muslim chaplain is not available in a prison, Muslim inmates’ religious services are provided by Muslim volunteers, contractors, or inmates.

Muslim contractors are compensated by the BOP to provide certain Islamic services to inmates. Volunteers are not compensated by the BOP and are classified into two groups: Level 1 and Level 2 volunteers. Level 1 volunteers are authorized to enter a particular BOP institution less than four times a year and must be supervised by a BOP staff member at all times. Level 2 volunteers have greater access to institutions and, according to the BOP, need only be supervised intermittently because they have completed more thorough background investigations than Level 1 volunteers. As of September 6, 2003, there were 56 Muslim contractors and 108 Muslim Level 2 volunteers

<sup>5</sup> These numbers do not include contract facilities or halfway houses, which are responsible for providing religious services to the BOP inmates housed there.