



Written by [Joe Wolverton, II, J.D.](#) on September 6, 2011

The FBI Imagines Crimes and Then Arrests the Criminals

In the days following the attacks of September 11, 2001, the Federal Bureau of Investigation (FBI) began systematically disregarding civil liberties and arresting “suspects” they believed might commit a crime if given the opportunity.

An example of these violations is found in the case of Yassin Aref and Mohammed Hossain.

In 2007, these leaders at a mosque in Albany, New York were sentenced to 15 years in a federal penitentiary for their alleged connection with terrorist organization and their participation in a plot to launder money obtained by selling a missile to a Pakistani militant group known as Jaish-e-Mohammed. The FBI alleged that the two men had conspired to “make money through jihad” by laundering the proceeds of the sale of the shoulder-launched missile.



What the FBI also admitted was that the crimes of which Aref and Hossain were accused, tried, and convicted were “not real” and that there was never any threat to the American people from the supposed conspiracy.

According to a [story](#) published recently in *Harper’s Magazine*:

The plot had been a sting operation wherein the FBI concocted the assassination plan and furnished the weapon. Though much of the evidence against the two men remained classified, it was unclear that either man even knew he was involved in a terrorist plot.

The sting operation was code named “Green Grail.” The way the FBI went about concocting the scheme and building the case against Aref and Mohammed reads like something out of the movie *Minority Report*. According to the story laid out in *The Atlantic*, in the days following 9/11, one of the founders of the mosque attended by Aref and Mohammed was observed “celebrating the 9/11 attacks on the streets.” This man, Ali Yaghi, was never charged with any crime, but was arrested and deported. After his departure, the FBI kept the mosque he built under surveillance lest any other Muslims show anything other than contrition.

While arresting and deporting a man without charging him with a crime is deplorable enough (regardless of how despicable that man’s behavior may have been), the case only gets stranger and more chilling from there.

Again, [from](#) *Harper’s Magazine*:

The FBI subsequently learned Aref had called a “hot” telephone that investigators believed was a possible Al Qaeda contact number in Syria, where Aref had once lived. [The FBI] also recounted



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how in a “dumpster dive” conducted by agents in a separate case in Syracuse, Aref’s name had turned up in a letter that described him as a “loyal representative” of a group believed to have offshoots connected to Al Qaeda.

The Feds were determined to “get their man” regardless of his guilt or even any reasonable suspicion of criminal behavior. The tenuous links to supposed terrorists and terrorist organization continued being forged by the FBI into a chain with which these men would be shackled and led away to a federal prison.

The tale continues:

Over the course of the eight-month sting operation, beginning in July 2003, the government’s informant, posing as a wealthy Pakistani businessman, befriended Hossain, a pizzeria owner and father of six. The informant visited Hossain regularly, eventually offering to loan him \$50,000 to bolster his struggling business. FBI agents would later acknowledge that Hossain was nothing more than “a way to get in,” a means to catch Aref, who, in keeping with Islamic tradition, was brought in to witness the handover.

What made the deal illegal, according to prosecutors, occurred four months into the operation during a meeting in the informant’s office. Pulling back a tarp in his stockroom to reveal a shoulder-launched surface-to-air missile, the informant told Hossain, “I also do this business for my Muslim brothers.” Prosecutors claimed that Hossain should have been able to deduce that the loan he was receiving might be drawn from proceeds of an illegal weapons sale, and that by accepting the loan he had opened himself to charges of money laundering. Aref himself never saw the weapon. During one of the exchanges of cash — all of which were documented on grainy black-and-white surveillance footage — the missile’s trigger system, which looked not unlike a staple gun, was visible on a table. Prosecutors alleged Aref had seen the trigger and thereby had entered the conspiracy to “assist in money-laundering.”

Reading this tale of entrapment and outright fabrication of facts and criminal intent is disturbing enough, but the truly lawless aspect is that the FBI wasn’t just picking on these two men, as such. They, for reasons still unexplained, believed that someone behaving as these two men behaved was likely a potential terrorist.

Upon being arrested for their participation in the “Albany Missile Plot,” the representatives of the federal government prosecuting the case admitted that “ it involved no terrorists, no terrorism plot, and a missile provided by the FBI.”

In fact, when asked by reporters if there was anything substantial connecting the two men to terrorism, the government’s attorney responded, “Well, we didn’t have the evidence of that, but he had the ideology.”

Ideology, no matter how repugnant to the sense of good people, is not a crime, nor is the embracing of any ideology. Believing this way or that is no crime unless that belief compels one to commit an act contrary to the law. In the case of Aref and Mohammed, there were no such acts.

In criminal law, there are two elements of a crime: the bad thought (mens rea) and the bad action (actus reus). These two required prongs must occur simultaneously. That is to say, if a man thinks he’d like to commit a crime, he has satisfied the “bad thought” requirement of a crime, however, if he never carries out that thought, he is guilty of no crime. That is, unless the FBI decides that his thoughts alone are enough to warrant arrest, sentencing, and incarceration. These thoughts, they would argue,



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constitute a dangerous ideology and in a post-9/11 world, we just can't be too careful.

Lest anyone believe that these agents in Albany acted independently or were going off script, witness this description of a radical change of official FBI policy following the September 11th attacks.

amid the finger-pointing over missed clues and intelligence failures, FBI director Robert Mueller issued a memo to his field offices describing a new policy of "forward-leaning —preventative — prosecutions." Mueller wrote that "while every office will have different crime problems that will require varying levels of resources," the FBI's "one set of priorities" is to stop the next terrorist attack.

How does the FBI go about preventing the next terrorist attack? They anticipate who will one day possibly, maybe, potentially carry out a terrorist attack based on the likelihood that the person espouses an ideology that is conducive to encouraging one to commit such heinous atrocities... perhaps.

The conscience of every American should be shocked that the federal law enforcement has established a policy of preemptively prosecuting and punishing those individuals whom they believe to be potential terrorists based solely upon the suspicion of a threatening ideology. While the threat today is assumed to come from "militant Islam," tomorrow the bright dangling bulb of interrogation could be turned on those adhering to *another* set of principles that the federal government deems dangerous. We must ask not for whom the bell tolls, particularly when we aware of the hand that is ringing it.

Photos: Demonstrators outside the courthouse in support of Yassin Aref and Mohammed Hossain, who were each sentenced to 15 years in federal prison for their roles in a money laundering scheme that involved the FBI's fictional terror plot.: AP Images



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