



Written by [Michael Tennant](#) on January 24, 2024

Judge Releases Bumbling “Terrorist” Created and Busted by FBI, Lambastes Feds

A federal judge on Friday excoriated the Federal Bureau of Investigation (FBI) as she ordered the release of the last of four New York men convicted of conspiring in a terrorist plot cooked up by an FBI informant.

U.S. District Judge Colleen McMahon reduced the sentence of James Cromitie, the alleged ringleader of the “Newburgh Four,” to time served plus 90 days. She did not, however, overturn his conviction.

“Calling the case ‘notorious,’ Judge McMahon wrote that ‘nothing about the crimes of conviction’ had been of the ‘defendants’ own making,” [The New York Times](#) reported.



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[As with so many other post-9/11 terrorism “busts,”](#) the FBI employed a shady informant — Pakistani Shaheed Hussain, who had been convicted of fraud — to lure a group of bumbling, down-on-their-luck men into participating in a terrorist plot that they “would not have, and could not have, devised on their own,” averred McMahon. With FBI assistance, Hussain even supplied the (fake) bombs they were to use. And when the feds were ready to “bust” this evil scheme, “the FBI and New York City Police Department arranged publicity, with helicopters and camera crews in place to record the arrest,” noted the [Brennan Center for Justice](#).

Cromitie — whom McMahon characterized as a “small time grifter and petty drug dealer with no history of violence” — first met Hussain in the parking lot of a Newburgh, New York, mosque in 2008. According to the Brennan Center, “Hussain claims to have told Cromitie that he was a member of a terrorist organization in Pakistan, which Cromitie allegedly expressed interest in joining.” Yet continued entreaties by Hussain to “make a plan, pick a target, find recruits ... procure guns, and conduct surveillance” were met with indifference from Cromitie.

After his suggestion of rewards in the afterlife failed to entice Cromitie to commit a jihadist attack, Hussain began offering more concrete prizes, including \$250,000 in cash. Still, it took months before Cromitie — by then, in McMahon’s words, “unemployed and broke” — finally agreed to undertake a mission for Hussain.

Cromitie recruited three other Muslim men with similar backgrounds and circumstances to serve as lookouts. “The three men were recruited so that Cromitie could conspire with someone,” penned McMahon. “The real lead conspirator was the United States.”

Prosecutors portrayed Cromitie as the ringleader of the supposed terrorist conspiracy. However, observed McMahon, “The notion that Cromitie was selected as a ‘leader’ by the co-defendants is inconceivable, given his well-documented buffoonery and ineptitude.”



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Once the “terrorists” had all been recruited, Hussain hatched their entire plot: blowing up synagogues in the Bronx and using missiles to shoot down aircraft at the Newburgh Air National Guard base. He even drove them to Connecticut to inspect the phony bombs, thereby turning their “crimes” into a federal case and ensuring longer sentences.

“The F.B.I. invented the conspiracy; identified the targets; manufactured the ordnance,” stated McMahon.

The four men were convicted of terrorism charges in 2010 and, the next year, sentenced to the mandatory minimum of 25 years in prison.

Last July, after the Coalition for Civil Freedoms entered a motion for the compassionate release of Cromitie’s “co-conspirators,” McMahon [ordered their release](#), writing that while they should not have participated in the FBI’s “made for TV movie,” their “sentence was the product of a fictitious plot to do things that these men had never remotely contemplated, and that were never going to happen.”

Cromitie then filed his own motion, which McMahon granted last week.

According to the *Times*:

Prosecutors had argued against Mr. Cromitie’s release, but Judge McMahon rejected those arguments. The time he had spent in prison, she wrote, was “more than sufficient” to “promote respect for the law.”

She continued that what undermined respect for the law in the case was sending a “villain” like Mr. Hussain to “troll among the poorest and weakest of men for ‘terrorists’ who might prove susceptible to an offer of much-needed cash in exchange for committing a faux crime.”

“I’m obviously thrilled that Mr. Cromitie will be released from prison, but still believe that his conviction was entirely the product of government entrapment,” Cromitie’s attorney, Kerry Lawrence, wrote in an email to [The Associated Press](#). “Seeing as he was hounded and manipulated by the government informant way more than any of ... the other defendants who were previously ordered released, it would have been shocking if Judge McMahon didn’t grant our motion.”

The Brennan Center pointed out that “the sting operation against the Newburgh Four was enabled by FBI rules that allow investigations to proceed without a reasonable indication of criminal activities or a factual basis to suspect wrongdoing.” Those rules, first issued in the 1970s, were considerably loosened after 9/11. “The bureau’s post-9/11 guidelines allow agents to investigate people whenever they claim to have an ‘authorized purpose,’ which is broadly defined as protecting national security.” Yet as easy as these guidelines make it for agents to investigate anyone they so choose, the FBI still can’t manage to comply with them, according to a [2019 Justice Department inspector general’s report](#).

The Brennan Center called on Congress to enact reforms to the FBI’s guidelines, which would certainly be a good idea. But the Future of Freedom Foundation’s [Jacob Hornberger](#) has an even better idea: “The best way to ensure that the FBI doesn’t destroy other people’s lives is to abolish it. Its dismantling would go a long way toward restoring freedom and justice in America.”



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