

Posted 2/25/12

WRITTEN, PRODUCED AND DIRECTED

A disturbing legacy of roping in dopes, with no end in sight

By Julius (Jay) Wachtel. [Jose Pimentel](#) was having trouble drilling little holes in big pipes. He didn't know it, of course, but he was fumbling on video.

For two years the 27-year old naturalized citizen (he's originally from the Dominican Republic) had been hanging out with a police informer who lived in the same building. Pimentel's increasingly odd behavior – he once tried to circumcise himself – had estranged him from his wife and led his own mother to kick him out. So the unemployed, emotionally troubled man had taken to smoking pot and talking Jihad with someone who pretended to be his friend. Pimentel had once yakked about going to Yemen for terrorist training but never followed through. But when a CIA drone dropped a bomb on his hero Anwar al-Awlaki last year, permanently taking the fire-breathing cleric out of the terrorism business, Pimentel was outraged.

That's why the pipe bombs. With hundreds of hours of recorded meetings in hand, NYPD detectives offered the case for Federal prosecution. Worries about Pimentel's mental state and his inability to make the devices without the informer's help led the FBI to turn it away. Still, Pimentel had talked about [killing returning military veterans and bombing post offices and a police station](#), and thanks to the informer's encouragement and assistance had acquired enough parts to assemble three pipe bombs. "We weren't going to wait around to figure out what he wanted do with his bombs," a cop explained. So NYPD decided to proceed on its own. Officers arrested Pimentel and booked him on State crimes including possessing a weapon for terrorist purposes and terrorist conspiracy. And that's where things now sit.

When FBI agents arrested [Amine El Khalifi](#) a week ago the unemployed 29-year old Virginia man was about to mosey over to the Capitol, detonate his nail-packed explosive vest and kill as many infidels as possible. Pesky security personnel who got in the way would be liquidated with a MAC-10 submachinegun. Fortunately, the Feds had been monitoring El Khalifi for months. So closely, in fact, that they were there, right next to him.

POLICEISSUES.ORG

Actually, there was no risk, as the gun and explosive vest were inert props given to Khalifi by an FBI undercover agent. An illegal alien from Morocco (he arrived on a tourist visa when he was 16 and never left), he had been under watch since January 2011, when an informer reported Khalifi's desire to "go to war" against the U.S. over its mistreatment of Muslims. In December Khalifi reportedly got serious. After considering targets such as a synagogue and a military building, he finally settled on the Capitol. Khalifi decided to become the weapon that would kill at least thirty and send him to the place where the maidens are.

Thanks to the Government he was well prepared. Khalifi, the informer and an undercover agent posing as an emissary from al-Quaeda practiced detonating explosives at a quarry. They did test-drives by the Capitol. Khalifi even strutted around a motel room simulating firing the MAC-10 while wearing the vest. The only thing he didn't rehearse was his own arrest.

As our prior posts reflect (see "Related Posts," below) the FBI has an extensive track record of leading would-be terrorists by the nose and into prison. That not one has been able to successfully raise entrapment is eloquent evidence of [the impotency of the defense](#) in the face of careful Government staging.

Here is a typical [Federal jury instruction for entrapment](#):

...the government must prove beyond a reasonable doubt either (1) that, before contact with law enforcement, the defendant was ready and willing or had a predisposition or prior intent to commit the offense, or (2) that the defendant was not induced or persuaded to commit the offense by law enforcement officers or their agents.

Note the *or* preceding item 2. All that must be done to prove someone wasn't entrapped is to show that they were predisposed. Bragging about yearnings to blow up infidels usually suffices. Pressures to prevent terrorist attacks, the need to justify the expenditures and realignments that doing so requires, and the rewards that accede to those who chalk up terrorism "wins" have led police and the FBI to take facilitation to new extremes.

Judges are of course well aware of the implications of the new undercover work. Not all are pleased. Here's what one had to say about [another case](#) in which the FBI furnished make-believe bombs:

POLICEISSUES.ORG

Did the government become aware of potential criminal activity and take action to neutralize a real terrorist threat or did it locate some disaffected individuals, manufacture a phony terrorist plot that the individuals could never have dreamed up or carried out on their own, and then wrongfully induce them to participate in it?

Well, back to our two dopes. Why did the FBI pursue Khalifi but turn up its nose at Pimentel? On first glance they don't seem that different. Both were loners caught up in grim situations. Like other losers of whatever stripe, they had taken to spouting vicious rhetoric as an excuse for personal failures. It was bad luck that they drew the attention of crafty informers who skillfully guided them towards the convenient, ready-made solution of martyrdom.

What makes the Pimentel case different is that it lacks key features that have turned FBI rope-a-dopes into an art form. There was no live-fire exercise, no training for the mission, no finished bomb and no scouting of targets, as none had been settled on. Worse, much of the crazy talk happened during pot-smoking sessions. Pimentel was arguably predisposed, but after two years without the intercession of an undercover agent the informer's role loomed uncomfortably large. It's likely that the Feds passed on the case from fears of having a judge or jury say "no." Perhaps DOJ was worried about creating bad law. What if the entrapment defense grew some teeth?

Still, after all the encouragement, Pimentel and Khalifi were undeniably loose cannons. What options were there other than arrest? Perhaps the best solution would have been not to rope them in. With rare exceptions such as [Faisal Shahzad](#), the Times-Square blunderer, most post-9/11 prosecutions of Islamic "terrorists" involve elaborately stage-managed setups written, produced and directed by the FBI. One can only imagine how many we don't know about because for one reason or another they didn't work out. If something had to be done, odd-duck Jose Pimentel could have been remanded for a mental evaluation well before he issued his umpteenth threat. El Khalifi should have simply been deported at the very start.

As your blogger can attest from his own undercover experiences, it's easy to snare opportunists. (For his academic article about such things, click [here](#).) If for no other reason than self-respect, good cops focus on real criminals. They seek to prevent, not create crime. What the FBI and NYPD have devised is something else altogether. Using a doomsday excuse to justify working up tormented men into a frenzy of hatred while manipulating them just-so to satisfy legal requirements is unconscionable. That it's become accepted practice demonstrates just how easily fear and ambition can override our better judgment. Alas, that's a lesson that mankind has yet to learn.