

5-2017

## **An Analysis of Material Support of Terrorism and Violent Plots: Scale and Success**

Ian David Brecht  
*University of Arkansas, Fayetteville*

Follow this and additional works at: <https://scholarworks.uark.edu/etd>



Part of the [Criminology Commons](#)

---

### **Citation**

Brecht, I. D. (2017). An Analysis of Material Support of Terrorism and Violent Plots: Scale and Success. *Graduate Theses and Dissertations* Retrieved from <https://scholarworks.uark.edu/etd/1925>

This Thesis is brought to you for free and open access by ScholarWorks@UARK. It has been accepted for inclusion in Graduate Theses and Dissertations by an authorized administrator of ScholarWorks@UARK. For more information, please contact [scholar@uark.edu](mailto:scholar@uark.edu).

An Analysis of Material Support of Terrorism and Violent Plots:  
Scale and Success

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
Master of Arts in Sociology

by

Ian Brecht  
University of Arkansas – Fort Smith  
Bachelor of Arts in Psychology, 2015

May 2017  
University of Arkansas

This thesis is approved for recommendation to the Graduate Council.

---

Dr. Christopher Shields  
Thesis Director

---

Dr. Brent L. Smith  
Committee Member

---

Dr. Casey Harris  
Committee Member

## **Abstract**

Following the attacks on September 11, 2001, material support of terrorism charges have served as a cornerstone in the U.S. Government's fight against terrorism. However, empirical research looking at the usage of material support charges is lacking. The primary focus of this study is to determine if material support charges are related to increases in terrorist attack success and scale. Using the American Terrorism Study (ATS), 177 post-9/11 Islamic Extremist-linked court cases including material support charges and 140 terrorist incidents were coded and analyzed using chi-square, logistical regression, and linear regression models. Results revealed that material support charges are related to decrease in the likelihood of incident success due to the presence of human intelligence sources while increasing the potential or actual scale of incidents through the number of participants. In conclusion, the material support of terrorism charge remains to be a highly controversial charge that is often used when human intelligence sources are present in an investigation, but is not related to increases in incident success.

©2017 by Ian Brecht  
All Rights Reserved

## **Acknowledgments**

I would like to express my sincere gratitude to the members of my thesis committee members and advisor, Dr. Christopher Shields. Dr. Shields' direction and guidance prior to and throughout my time in the graduate department has been instrumental to my success and achievements. Your encouragement, support, and belief in me solidified my decision to attend the University of Arkansas and work in the Terrorism Research Center. Thank you for all your support and the influence you have had on my education and life.

I would also like to thank the other members of my committee for the help and guidance I received from them. Thank you Dr. Casey Harris for your helpful critiques and for challenging me as a student and researcher. Thank you Dr. Brent Smith for extending me the opportunity to work in the Terrorism Research Center as a graduate research assistant and for helping me develop my research topic. This research would not have been possible without the guidance and support of all my committee members and the opportunity to work in the Terrorism Research Center.

I would also like to thank my wife, Danielle, and all my family and friends. I would not be who I am or where I am today without your steadfast encouragement, love, and support along the way. Thank You

## **Table of Contents**

<b>I. Introduction</b> .....	1
A. Material Support Background .....	2
Controversies Surrounding Material Support .....	3
<b>II. Previous Literature</b> .....	5
A. Material Support Frequency .....	5
Material Support Convictions and Sentencing .....	5
Material Supporters being Ideologically Driven .....	6
Increasing Role of Confidential Informants and Undercover Agents .....	6
Material Support and Violent Plots .....	8
B. Research Questions .....	8
<b>III. Data and Methods</b> .....	11
A. Inclusion Criteria .....	11
B. Variable Description .....	15
C. Analytical Strategy .....	17
<b>IV. Results</b> .....	19
A. Court Cases .....	21
B. Material Support and Incident Success .....	23
C. Material Support and Incident Scale .....	25
<b>V. Discussion and Limitations</b> .....	29
<b>VI. Conclusion</b> .....	37
<b>References</b> .....	39
<b>Appendix A</b> .....	43

## CHAPTER ONE INTRODUCTION

Following the attacks of September 11, 2001, targeting and disrupting material support for terrorist organizations has been a cornerstone of the United States' counterterrorism policy and the war on terrorism (Cole, 2003). The USA PATRIOT Act (USAPA) and other laws have provided new powers to law enforcement and the intelligence community in investigating and prosecuting terrorist groups and individuals. Although several terrorist attacks have been carried out in the United States since 9/11, many more have been thwarted as a result of law enforcement intervention efforts (Dahl, 2011). While government officials and agencies often tout thwarted terrorist plots as victories, little is known about the underlying nature of these plots or how they are investigated (Gruenewald et al., 2016). Despite recent studies by Smith (2016) and Gruenewald et al. (2016) looking at factors impacting incident success, there is a shortage of research examining the link between material support of terrorism charges and how they relate to violent plots (Sullivan, Freilich, Chermak, 2014).

This is an important avenue of research considering that material support of terrorism charges have been the most widely used federal terrorism charges in terrorism-related court cases (Patel & Tierney, 2015; Center for Law and Security, 2011). Furthermore, Sullivan, Freilich, and Chermak (2014) found that approximately 25% of material support and other financing charges were linked to incidents. Knowing that an identified link between material support charges and violent incidents has been established, additional research examining the extent of this relationship is warranted. Thus, the primary goal of the current study is to examine how terrorist incidents involving material support charges differ from non-material support-linked incidents. For this purpose, I will investigate the following research question: **Does material support influence the likelihood of success for violent incidents or plots?** Another important research

question, concerning the impact of material support charges on the scale of incidents, is: **Does material support impact the potential or actual scale of violent incidents or plots?**

The current study plays an important role in addressing existing gaps within the material support literature, specifically the role material support plays in terrorism incidents. The following section will outline the formation of the material support statute as well as some controversies surrounding the charges.

### **Material Support Background**

In 1996, the Antiterrorism and Effective Death Penalty Act (AEDPA) was enacted in response to the 1993 World Trade Center and the 1995 Oklahoma City bombings. One of the provisions outlined in the AEDPA was the designation of foreign terrorist organizations (FTOs) – as determined by the U.S. Department of State – with the aim of denying these FTOs the necessary ingredients for planning and carrying out attacks (DeRosa, 2005; Giraldo & Trinkunas, 2007). The ban on supporting FTOs grew out of concerns held by U.S. Congressional members who believed terrorist organizations were actively engaged in raising funds within the United States through charitable or humanitarian organizations to further domestic and international terrorist activities. Following the 9/11 attacks, the Department of Justice's (DOJ) primary focus shifted to disrupting terrorist plots and dismantling terrorist organizations by restricting the flow of funds and other material support or resources to terrorists (Taxay, 2014). The USA PATRIOT Act (USAPA) was also passed in the wake of the 9/11 terrorist attacks, vastly expanding the investigatory and prosecutorial reach of the government in detecting, preventing, investigating, and prosecuting terrorists (Department of Justice, 2005), while also improving information sharing among law enforcement and the intelligence community (Manget, 2002). Additionally,



the USAPA expanded the definition of FTOs to include groups of two or more individuals, whether organized or not, engaging in selected terrorist activities (Van Bergen, 2004).

While the original terrorism financing statute, 18 USC § 2339A, was enacted in 1994 and prohibited persons from knowingly providing material support or resources to be used in the preparation or carrying out of terrorist attacks (Taxay, Schneider, and Didow, 2014), the USAPA broadened the definition of the material support statute and paved the way for it becoming the cornerstone in post 9/11 prosecutions (DeRosa, 2005; McNulty, 2006). In *United States v. Sattar* (2002), the United States Second Circuit Court of Appeals considered the new definition of “material support or resources” and held it to include “any property, tangible or intangible, or service, including expert advice, training, personnel, lodging, documents, money, transportation or financial services other than medicine or religious materials.” This language helped broaden the scope of the material support statute while also painting it with intentionally plain and ambiguous language (McNulty, 2006).

#### *Controversy Surrounding Material Support*

Despite concerns surrounding the broad reach of the material support statute, the U.S. Supreme Court upheld the statute’s broad prohibition in *Holder v. Humanitarian Law Project* (2010), noting that any support to an FTO, even for peaceful means, “frees up other resources within the organization that may be put to violent ends” and “legitimizes terrorist groups – legitimacy that makes it easier for those groups to persist, to recruit members, and to raise funds – all of which facilitate more terrorist attacks.” The Supreme Court further noted that Congress purposefully weakened language in the material support statute, rendering no meaningful separation between legal and illegal support (Greenberg and Quantrone, 2011). Because of this, the federal material support statute has allowed the government to secure convictions without

having to show that any specific act of terrorism has taken place, is being planned, or even that a defendant intended to further terrorism (Jaffer and Wizner, 2008). This net widening, or expansion of law enforcement reach, has resulted in the material support statute being the most commonly used charge in terrorism court cases since 2009 (Greenberg and Quantrone, 2011).

Not surprisingly, the broad scope of material support statutes has resulted in a multifaceted political debate over the constitutionality of the charge. Critics have been quick to point out that the statutes challenge one's First Amendment rights to freedom of assembly, press, religion, and speech by criminalizing activities such as the distribution of literature, engaging in political advocacy, and donating money for humanitarian assistance, even when the support is intended for non-violent and lawful activities, so long as the organization or group has been designated as a FTO (Landman, 2010). An example of this can be seen in the Department of Justice's recent focus on the Somalian-based FTO, Al-Shabaab, which has resulted in the indictment of over forty individuals for providing support to the overseas group that was only designated a FTO as recently as 2008 (Greenberg and Quantrone, 2011).

Questions surrounding the usage of material support charges and the role they play in the United States' fight against terrorism has led to increased interest in studying the charges. The following chapter will outline some previous empirical findings surrounding the use of material support in court cases and the potential link to violent plots or incidents.

## CHAPTER TWO LITERATURE

### *Material Support Frequency*

As previously mentioned, federal prosecutors use of material support charges has increased dramatically in recent years, making them the most frequently used terrorism charges and a cornerstone in counterterrorism policy (Patel & Tierney, 2015; Abrams, 2010; Said, 2011; Skinner, 2012; Center for Law and Security, 2011; Cole, 2003). An analysis of jihadist-inspired terrorism cases by the Center on Law and Security at New York University (2011) confirmed this, finding that the use of material support charges in terrorism-related cases increased from 11.6% of cases in 2007 to 69.4% in 2010. The recent introduction of terrorist organizations, such as the Islamic State of Iraq and Syria (ISIS)<sup>1</sup>, has also led to a rise in the use of material support charges, with 71 out of 79 ISIS-related prosecutions between March 1, 2014, and February 12, 2016, involving at least one material support charge (Center on National Security at Fordham, 2016).

### *Material Support Convictions and Sentencing*

One reason for the increased frequency of material support charges is in part due to the increased likelihood of defendants entering a guilty plea when charged with material support compared to those not charged with material support (Parrot et al., 2008). With a statutory maximum of twenty years' imprisonment (or life imprisonment if the crime results in the death of any person) and a \$250,000 fine, individuals convicted of material support often receive sentences eight times longer than defendants not charged with terrorism or national security charges (Center on Law and Security, 2011). This is in large part due to the label of "terrorism"

---

<sup>1</sup> Also known as Islamic State (IS or as the Islamic State or Iraq and the Levant (ISIL). For the purpose of this report, I will refer to persons or incidents affiliated with this group as ISIS.

that encompasses the charge and the prosecution associating individuals to a specific terrorist group and their extremist ideologies (Parrott et al., 2008).

#### *Material Support being Ideologically Driven*

Sullivan, Freilich, and Chermak (2014) were the first to link the charge to violent incidents, discovering that in 98 material support schemes and 52 financial schemes linked to the Al-Qaeda and Affiliate Movements (AQAM), 97% of the individuals involved in the schemes were ideologically motivated. However, despite perpetrators ideologically identifying with a terrorist group, only 50% had a direct association to an actual terrorist organization, while 33% had an indirect connection, and 17% were non-extremist collaborators.

#### *Increasing Role of Confidential Informants and Undercover Agents*

As previously mentioned, the use of confidential informants (CIs) or undercover agents (UCAs) (hereinafter referred collectively as “human intelligence”) in terrorism-related investigations has been a growing area of interest for researchers. The increased utilization of human intelligence in terrorism-related investigations is, in part, a result of the post-9/11 aggressive approach the Federal Bureau of Investigations (FBI) has taken. This approach has been described as being an "aggressive, proactive, and preventative" strategy, aimed at identifying possible terrorists "at the earliest stage possible with preventative prosecutions" (McNulty, 2006). This preventative strategy includes "identifying not only individuals engaged in terrorist activity, but also those, who if approached, would agree to participate or support terrorism" (Center on Law and Security, 2011, p.4). As a result, nearly 50% of all terrorism-related cases since 2009 and 58% post-9/11 Islamic Extremist-linked cases have involved the use of human intelligence, becoming the primary method for thwarting potential violent terrorist attacks (Gruenewald et al., 2016; Norris and Grol-Prokopzyk, 2017). Furthermore, Norris and

Grol-Prokopzyk (2017) found that out of 580 post-9/11 terrorism prosecutions, an astonishing 55% involved human intelligence prior to any crime being committed. One of the most popular human intelligence operations the government has applied, referred to as a “sting operation,” involves potential terrorism suspects being contacted and offering some sort of assistance or guidance in planning or preparing for a terrorist attack (Greenberg and Quantrone, 2011). A study by Dahl (2011) found that law enforcement intervention through human intelligence is present in many thwarted plots, with nearly 40 percent of terrorist plots being foiled by public tips or confidential informants alone (Strom et al., 2010). Despite these foiled plots being viewed as victories by counterterrorism officials, questions surrounding these investigative techniques have raised concerns by some civil rights advocacy groups, who questioned whether some of these plots were actually manufactured by law enforcement and if entrapment techniques were present (Gruenewald et. al, 2016). Questions about entrapment often stem from government informants resorting to “astonishing” measures to persuade individuals to engage in terrorism, including job offers, promising large sums of money, threatening to harm individuals who back out, and playing an active role in radicalizing them (e.g. *United States v. Shareef, 2006*). In many sting operations, government agents – not the perpetrator – have provided the means needed to commit terrorist acts (e.g. providing bombs or other weapons) that individuals would have been unable to acquire on their own (Aaronson, 2013).

Critics have reasoned that increased pressure on confidential informants (CIs) and undercover agents (UCAs) to generate convictions in terrorism investigations in order to justify the FBI’s vast counterterrorism budget has led to an increase in manufactured plots and cases (German, 2013). Despite the questionable role human intelligence has had in terrorism-related investigations since 9/11, no entrapment defense has ever been successful in blocking a terrorism

conviction (Bernstein, 2010). Despite previous research looking at the frequency and controversy of human intelligence operations, there is a lack of research examining the relationship between material support charges and human intelligence.

### *Material Support and Violent Plots*

Finally, when it comes to linking material support cases to planned or completed terrorist attacks, Sullivan, Freilich, and Chermak (2014) were the first to discover that 20% of the cases they analyzed from the Extremist Crime Database (ECDB) were linked to violent attacks or plots in the United States or overseas (Sullivan, Freilich, and Chermak, 2014). While their findings established a foundation, additional research is required to answer how material support influences these linked incidents in regards to their scale and success. Previous research by Smith et. al. (2016) established that the number of participants, preparatory activities, planning cycle, and weapon sophistication involved in an incident all impact the likelihood of incident success, but did not examine all factors impacting incident outcomes. Specifically, little is known about what factors impact the number of participants or weapon sophistication in an incident. While it is already well established that the acquisition of materials and support are key elements in the planning, attack, and evasion phases of an incident (Smith, 2008), there has been no research looking at how material support relates to the success or scale of an incident.

### **Research Questions**

As discussed above, a significant gap remains in the research concerning material support charges and how they are related to violent incidents. To address this gap, the current study will examine the following research question: **Does the presence of material support increase the success or potential scale for violent incidents?** In order to answer this question, it is important to first operationalize the terms “scale” and “success” as they apply to terrorist incidents.

Prominent terrorism databases such as the Global Terrorism Database (GTD) have quantified fatalities, injuries, and damages in an attempt to measure the scale of an incident. Since the current study includes successful and unsuccessful incidents, not all incidents had a measurable amount of damage or injuries. Therefore, this study will utilize variables from the American Terrorism Study (ATS) database to measure scale for both planned and completed incidents. Specifically, the current study examines weapon sophistication and the number of perpetrators involved in the planning, preparation, or carrying out of incidents. While not complete measurements of scale, they do cover an aspect of the potential or actual scale of an incident and have already been found to influence the likelihood of success for an incident (Smith, 2016). Incident success also uses variables from the ATS, which defines incidents as successful when weapons are successfully delivered to the intended target. Incidents are coded as unsuccessful if the incident failed to occur due to plot cancellation, weapon failure, or human intervention. Incidents are also coded as partially successful, but were labeled as successful for the purpose of this study.<sup>2</sup>

It already established that material acquisition and support are key elements in the planning, attack, and evasion phases of an incident (Smith, 2008) and that, according to resource mobilization theory, a group's ability to successfully mobilize resources is an important factor in being successful (Edwards & McCarthy, 2004; McCarthy & Zald, 1977). If material acquisition and support are key in terrorism incidents and group success, an important question to ask is whether material support is related to the success of terrorist incidents. Using the presence of material support of terrorism charges to measure material support, I propose the following hypothesis:

---

<sup>2</sup> For additional definitions for incident success categories, refer to Appendix A.

H<sub>1</sub>: Material Support-linked violent plots are more likely to be successful than non-material support-linked violent plots.

Following in line with my first research question is the follow-up question of how material support charges may or may not be related to the potential scale of an incident. Smith (2016) established that both the number of participants and weapon sophistication influence the outcome of incidents, but did not examine what impacts the scale of an incident. Since material support includes providing material or personnel support, the relationship material support charges have with scale was tested. To test this, the following hypothesis was proposed:

H<sub>2</sub>: Material support-linked violent plots will have a larger potential scale than non-material support-linked violent plots.

Next, I will discuss how these research questions were tested. The following chapter provides a description of the data and methodology employed to examine these hypotheses. I will begin by outlining my data source, my case inclusion criteria, operationalized variables, and the type of analysis performed.



## **CHAPTER THREE DATA AND METHODS**

### **American Terrorism Study**

Primary data was derived from the American Terrorism Study Database (ATS), which contains information on persons federally indicted in the United States as a result of “terrorism or terrorism-related activities” for the period 1980-present. Since the FBI has exclusive jurisdiction over the investigation of acts of terrorism against U.S. citizens or property and has previously provided names of individuals indicted in terrorism-related court cases to the ATS, the ATS utilizes the FBI’s definition of terrorism as: “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives” (Federal Bureau of Investigation, 2005, p. IV). As of February 2017, the ATS database contains over 1,400 terrorism-related court cases and 600 identified terrorist plots<sup>3</sup> or incidents.

### **Inclusion Criteria**

Potential material support-linked court cases were identified by gathering a list of all individuals federally charged with one or more material support of terrorism charge(s). To ensure the integrity of the included cases, professionally published lists and official Departmental of Justice (DOJ) lists were cross-checked with a list of indictees in the ATS charged with material support of terrorism. Court records for these individuals were then collected from the Public Access to Court Electronic Records (PACER) website and added to the ATS database. Information contained within available court documents was then coded into variables in the

---

<sup>3</sup> Incidents and plots are identified as having at least one preparatory act in the form of planning or preparing to commit a violent terrorist act. Refer to Smith et al. (2016) for further explanation.

ATS database. When certain case information was not readily available in court documents, credible online sources were used to code missing variables and fill any gaps in information. In total, 177 court cases containing at least one material support charge as well as 407 material support indictees between 2000 and January 2017 were included in the final sample.

**Table 1: Characteristics of Material Support Court Cases in the Sample**

		N	%		
<b>Group</b>					
		<u>MS</u>			
	AQAM	64	36.2%		
	ISIS	113	63.8%		
	Total	177	100.0		
<b>Number of Indictees</b>					
	1 Indictee	109	61.6%		
	2-3 Indictees	40	22.6%		
	4 or more	28	15.8%		
	Total	177	100.0		
<b>Overall Counts</b>					
	1 count	39	22.0%		
	2-3 counts	56	31.6%		
	3-4 counts	36	20.3%		
	5 or more	46	26.0%		
	Total	177	100.0		
<b>Indictees Gender</b>					
		<u>MS</u>		<u>Other Islamic Extremists</u>	
	Male	373	91.6%	295	93.1%
	Female	30	7.4%	16	5.0%
	Company/Organization	4	1.0%	6	1.9%
	Total	407	100.0	317	100.0
<b>Indictee Age<sup>4</sup></b>					
		<u><math>\bar{X}</math></u>	<u>Median</u>		
	Material Support	31.6	29.5		
	Non-Material Support	38.2	36		

<sup>4</sup> Represents the mean and median age of indictees on the date of their arrest.

Table 1 provides a descriptive outline of the material support court cases and indictees sample. There was little difference in gender between material support and non-material support indictees<sup>5</sup> with 92% and 93%, respectfully, being male. There was, however, a noticeable difference in the mean and median ages for material support and non-material support indictees; material support indictees have a median age of 29.5 compared to 36 for non-material support. With the emergence of ISIS in 2013, following the decline of Al Qaeda in Iraq, I believed it to be prudent to examine the subcategories of Islamic Extremism separately in order to determine whether patterns of material support differed between the two. Unlike Sullivan et al., (2014), I wanted to look at Al Qaeda-inspired terrorists (AQAM)<sup>6</sup> separately from ISIS and found that ISIS court cases made up well over half (64%) of the sample material support cases (n = 113) compared to AQAM (n = 64). The variation in the number of material support cases between the two is likely the result of shifts in counterterrorism policies over time and will be further examined in figure 1. The number of indictees and the number of counts for material support court cases are also provided in table 1 and will be further analyzed by subcategory in the results chapter.

While examining the basic court case descriptives for material support cases is helpful in understanding the charge within court cases, the primary unit of analysis for this study is terrorism incidents. To be more specific, for this study terrorism incidents are post-9/11 violent

---

<sup>5</sup> Indictee gender only included indictees who had been fully coded. For example, out of 503 “other Islamic Extremist” post-9/11 indictees, only 317 had a coded gender.

<sup>6</sup> AQAM or “Al Qaeda and Affiliated Movement.”

plots or incidents linked to Islamic Extremist groups<sup>7</sup>/ideologies, which in turn are linked to at least one federal court case. For this project, I included 83 post-9/11 Islamic Extremist-linked domestic or international incidents that were linked to at least one federal court case that contained one or more material support charge(s). Violent terrorism incidents were qualified as having at least one actionable step taken towards planning or preparing to carrying out the incident and meeting the FBI's definition of terrorism. After this, 57 post-9/11 terrorism incidents or plots linked to international Islamic Extremist FTOs between October 2001 and January 2017 were added as a comparison group, for a total of 140 incidents. Since material support of terrorism is an international<sup>8</sup> charge, cases labeled as “domestic” under the U.S. Attorney General’s Guidelines were excluded. This eliminated court cases and incidents where no link to a FTO-labeled Islamic Extremist group could be made.

---

<sup>7</sup> This refers to extremists who adhere to aspects of the following beliefs or ideals: 1) only Islam promotes human dignity and affirms God’s authority; 2) rejection of the traditional Muslim respect for “People of the Book,” (i.e., Christians and Jews); 3) believe that “Jihad” (i.e., to struggle in the God’s path like the Prophet Muhammad) is a defining belief in Islam and includes the “lesser Jihad” that endorses violence against “corrupt” others. 4) The belief that their faith is oppressed by governments in the Middle East, North Africa, and Asia that they view as corrupt and occupying Islamic lands (e.g., Russia/Chechnya). 5) Belief that the United States is supporting the humiliation of Islam and exploiting the region’s resources while also engaging in a hedonistic culture (e.g., gay-rights, feminism, sexual permissiveness, alcohol abuse, racism, etc.) and view it as negatively affecting Muslim values. 6) The belief that the American people are responsible for their government’s actions and that there is a religious obligation to combat this perceived assault. 7) The belief that Islamic law—Sharia—provides the blueprint for a modern Muslim society and should be forcibly implemented.

<sup>8</sup> Refer to Appendix A for breakdown on the difference between Domestic and International terrorism according to the FBI.

**Table 2: Characteristics of the Terrorism Incidents in the Sample**

	N	%
<b>Incident-link</b>		
Material Support	83	59.3%
Non-Material Support	57	40.7%
Total	140	100.0
<b>Group-Link</b>		
AQAM	87	62.1%
ISIS	53	37.9%
Total	140	100.0
<b>Incident Outcome</b>		
Success/Partial Success	30	21.4%
Unsuccessful	110	78.6%
Total	140	100.0
<b>Human Intelligence</b>		
	<u>Yes</u>	<u>No</u>
Material Support	49	34
Non-Material Support	17	40
Total	66	74

Table 2 provides descriptive statistics for the incident data used within the current study. The final data sample included 140 post-9/11 violent plots or incidents<sup>9</sup>. For the purpose of this study, successful and partially successful incident categories were collapsed to create a dichotomous measure of successful or partially successful compared to incidents that were unsuccessful. Incidents were deemed unsuccessful if they failed or were foiled as a result of human intervention, plot cancelation, or weapon failure. The final data included 30 successful/partial successful incidents and 110 unsuccessful or foiled incidents. After separating Islamic Extremist-linked incidents subcategories, 87 of the examined incidents were primarily linked to AQAM, with the remaining 53 being linked to ISIS. Finally, the use of human

<sup>9</sup> Both international and domestic incidents were included in the sample as long as they were linked an individual indicted in U.S. federal court under one of the material support statutes.

intelligence during terrorism investigations was examined among material support (49) and other (17) Islamic Extremist-linked incidents.

### **Variable Descriptions**

In order to better understand how material support cases and defendants charged with material support differ from other terrorism court case indictees, basic descriptive statistics on indictee and court case variables were conducted. The first descriptive variable, indictment date, looks at trends in post-9/11 indictment dates<sup>10</sup> for individuals with at least one material support charge and all other Islamic Extremist-linked indictees. Next, court case outcomes for indictees were examined. Case outcome captures whether an indictee charged with at least one material support of terrorism charge (0) *is a fugitive*, (1) *pleaded guilty*, received a (2) *trial conviction*, is currently (3) *awaiting trial*, was (4) *acquitted*, had his/her case (5) *dismissed*, or (6) *died prior to trial*.

After performing descriptive analyses on indictees, AQAM and ISIS-linked court cases were analyzed. The use of human intelligence in AQAM and ISIS cases was dichotomously coded as (0) *no human intelligence used* and (1) *yes human intelligence used*. Second, the average *number of indictees* and the average *number of charges* (including material support charges) between AQAM and ISIS was analyzed.

Since the primary dependent variable for this study is incident successfulness, measured as (0) *unsuccessful* and (1) *successful/partially successful*, ATS incident-level variables were used to capture various incident characteristics. To answer the hypothesis associated with my first research question, incidents were coded as (1) *material support* and (0) *not material support* in order to establish whether an individual indicted for material support of terrorism was linked

---

<sup>10</sup> Indictment date is calculated as the date of the first federal indictment for an individual.

to an incident. In an effort to measure the impact that human intelligence efforts may have on incidents, incidents were once again coded dichotomously as having (1) or not having (0) a human intelligence operative involved in the pre-incident investigation or planning process.<sup>11</sup>

After labeling material support and human intelligence-linked cases, weapon sophistication was measured and coded for each incident or plot. Similar to Gruenewald et. al. (2016), the type of intended or actual weapon(s) for an incident was coded on a five-point sophistication scale from 1-5 before being recoded into a three-point likert-type variable used by Smith (2016). The level of sophistication for a particular type of weapon was based on how difficult it is to obtain and successfully deploy the weapon(s)<sup>12</sup>, defined as (3) most sophisticated, (2) moderately sophisticated, and (1) least sophisticated. These three categories included the following types of weapon(s): (1) *blunt objects, hands/feet/fists, knives or other sharp objects, etc.*, (2) *arson/fire, simple incendiary devices, and firearms* (3) *IEDs, other explosive types, RPGs, projectile weapons, chemical weapons, and airplanes* (Gruenewald et al., 2016; Smith, 2016). Next, the number of participants<sup>13</sup> involved in incidents were categorized into (1) *single participant*, (2) *two or three participants*, and (4) *four or more participants*.<sup>14</sup> Finally, the planned or actual target/victim type was coded as (1) *citizens*, (2) *business/commercial*, (3) *political/government*, (4) *military*, (5) *law enforcement*, (6) *transportation*, (7) *social minority*, or (8) *other* (Gruenewald et al., 2016).

---

<sup>11</sup> Individuals are linked to an incident and involved as a co-conspirator in any part of the planning, preparation, or action stages of an incident. For confidential informants and UCAs this would include providing resources, contacts, information, or any other form of assistance.

<sup>12</sup> Incidents involving more than one weapon type were coded for the most sophisticated weapon type, even if it was not the primary weapon.

<sup>13</sup> Refer to footnote 11

<sup>14</sup> The number of participants includes any government informants/agents in applicable cases. Is coded from the perspective of the indicted individuals

## **Analytic Strategy**

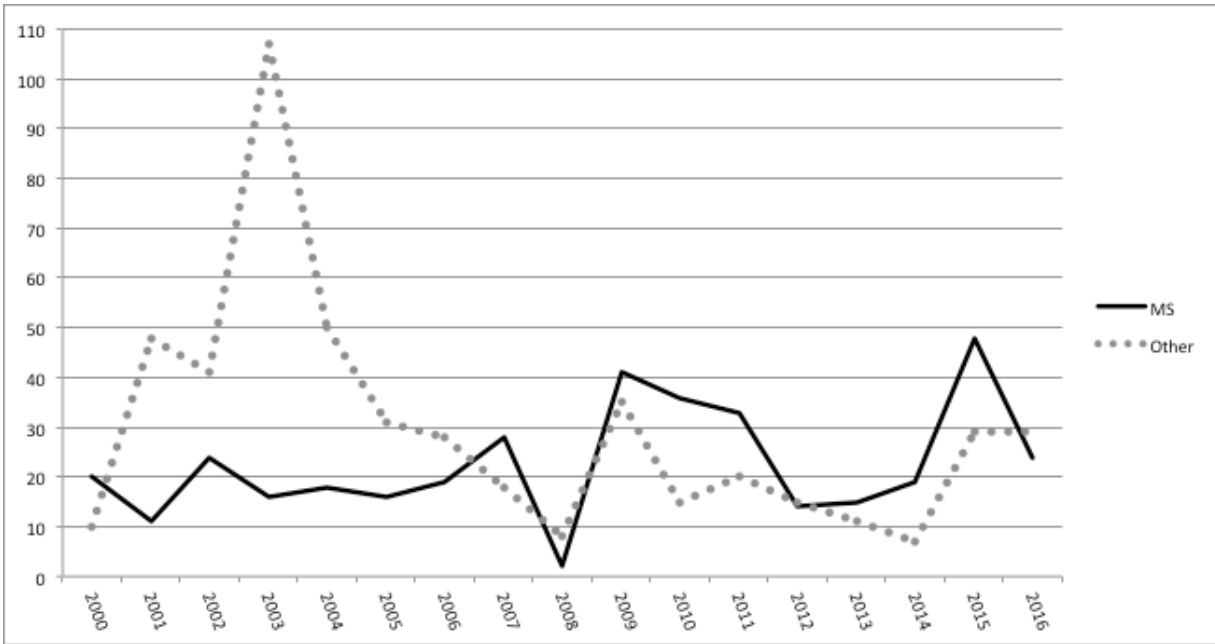
The analysis will be presented in a series of stages. I began by looking at a timeline of material support and non-material support indictments over the years before providing descriptive demographic and outcome statistics about those indicted under material support. This timeline is followed by a cross tabulations comparison between AQAM and ISIS material support court cases. The third stage examines the successfulness of material support and non-material support-linked incidents while also investigating the use of human intelligence and incident success. In the final stage, I examined the influence of material support charges on the potential or actual scale of an incident.

A logistical regression was conducted to confirm findings from the cross tabulation results and determine the odds ratio for material support and incident success as well as answering my first hypothesis. After answering my first hypothesis, linear regression modeling was applied to study the influence material support charges and other factors have on potential or actual scale for violent plots or incidents. In an attempt to construct a dependent measurement of scale, factor analysis scores for weapon sophistication and number of participants were scored as a regression through combined principal component analysis, creating a 0-3 measurement of scale. After examining how material support charges and other factors impact the combined influence of weapon sophistication and number of participants, they were separated and independently measured using linear regression. Material support, human intelligence, and target type were used as controls for all linear regression models. The type of potential/actual target for each incident were used as additional controls, with citizen targets serving as the reference category. The following section will outline my findings.



## CHAPTER FOUR RESULTS

Since the 9/11 attacks there has been a spike in the number of terrorism-related investigations and indictments. Material support charges, while prevalent following the 9/11 attacks, were not used in a majority of cases until after 2009 (Center on Law and Security, 2011).



*Figure 1: Islamic Extremist Individual Indictments (2000-2016)*

As shown in figure 1, there was a noticeable increase in the number of terrorism-related indictments following the 9/11 attacks. One could assume that this is a result of the shift in the U.S. government's focus on counterterrorism policy, specifically towards Islamic Extremist-inspired terrorism. Between 2008 and 2010, there was a strong increase in the number of material support indictments compared to indictments prior to 2008. This, again, may be explained by the establishment of Al-Shabaab as a FTO in 2008 and a change in counterterrorism policy following the election of President Obama in 2008. The establishment of FTO's like ISIS in 2014 also corresponds with an increase in material support indictments.

### Significance Tests – Demographics and Outcomes

Cross tabulations were run to compare *case outcomes* between material support and non-material support indictees. Crosstabs were also used to compare AQAM and ISIS indictees and court cases on *counts number* and *number of indictees*.

**Table 3 Indictee Court Case Outcomes**

<b>Outcome</b>	<b>Mat. Support</b>	<b>Islamic Extremist</b>	<b>Total</b>
Acquittal/Dismissed	17 4.2%	20 6.6%	37 5.2%
Awaiting Trial	44 10.8%	27 8.9%	71 10.0%
Fugitive/Died Prior to Trial	39 9.6%	20 6.6%	59 8.3%
Extradited/Transferred/ Unknown	9 2.2%	7 2.3%	16 2.3%
Plead Guilty	220 54.1%	176 57.9%	396 55.7%
Trial Conviction	78 19.2%	54 17.8%	132 18.6%
<b>Total</b>	<b>N= 407</b>	<b>N= 304</b>	<b>N= 711</b>

( $\chi^2 = 5.121$  df = 5 p = NS) \*includes cases where Indictee outcome were sealed

According to table 3, no significant difference exists between material support indictees and other Islamic Extremist-linked indictees. Varying sample sizes may factor into some of the variation between categories such as fugitives/died before trial and those awaiting trial. This may be a result of material support charges being charged to individuals who have successfully traveled overseas to join and fight with Islamic Extremist groups. An example of this is a group of six Yemeni-American friends who lived in New York, often referred to as the Lackawanna six, who were all convicted of providing material support to Al-Qaeda in December 2003 after

attending an Al-Qaeda training camp in Afghanistan in the Spring of 2001 (United States v. Goba, 2002). While Parrot et al. (2008) found that supporters of terrorism were significantly more likely to enter guilty pleas than all other terrorists; Table 3 shows no significant differences between supporter and non-supporters when confined to Islamic Extremists. Thus, the difference is likely a categorical difference (Islamic Extremist versus Far-right, etc.) rather than a difference among Islamic Extremist subcategories.

### Court Cases

As mentioned earlier, while the category of Islamic Extremist terrorism shares common differences when compared to other categories of terrorism, one should be careful when grouping all types of Islamic Extremist terrorists together. AQAM and ISIS subcategories of Islamic Extremism were examined separately to determine if any patterns of behavior differed between the two.

Referring back to table 2, material support charges have been used more often (64%) in ISIS-linked court cases than AQAM-linked court cases (56%). This difference is likely explained by the increase in material support charge usage observed in figure 1 along with shifts in counterterrorism policy. Within material support court cases, questions remain regarding potential differences between traditional AQAM-linked cases and more recent ISIS-linked cases.

**Table 5 Crosstab of Total Number of All Counts in Court Cases**

<b>Subcategory</b>	<b>1 Count</b>	<b>2-3 Counts</b>	<b>3-4 Counts</b>	<b>&gt; 4 Counts</b>	<b>Total</b>
AQAM	13 11.5%	37 32.7%	24 21.2%	39 34.5%	113 100%
ISIS	26 40.6%	19 29.7%	12 18.8%	7 10.9%	64 100%
<b>Total</b>	<b>39</b> 22.0%	<b>56</b> 31.6%	<b>36</b> 20.3%	<b>46</b> 26.0%	<b>N= 177</b> 100%

( $\chi^2 = 24.71$  df = 3 p  $\leq$  .001)

Table 5 looks at the overall number of counts (including material support charges) in AQAM-linked and ISIS-linked material support court cases. According to the table, AQAM-linked cases are significantly more likely to have four or more counts (35%) than ISIS-linked cases (11%), while ISIS-linked cases are more likely to have only one count (41%) compared to AQAM-linked cases (12%). This discrepancy raises the question as to why there are such significant differences between the two types of court cases? One way to look into this further is to compare the number of indictees in each court case. This is important, as the number of indictees in a court case could be the reason for more overall counts due to added complexity and offenses within a single case.

**Table 6 Crosstab of Total Number of Indictees in Court Cases**

<b>Subcategory</b>	<b>1 Indictee</b>	<b>2-3 Indictees</b>	<b>&gt; 4 Indictees</b>	<b>Total</b>
AQAM	57 50.4%	32 28.3%	24 21.2%	113 100%
ISIS	52 81.3%	8 12.5%	4 6.3%	64 100%
<b>Total</b>	<b>109</b> 61.6%	<b>40</b> 22.6%	<b>28</b> 15.8%	<b>N= 177</b> 100%

( $\chi^2 = 16.62$  df = 2 p = .000)

Table 6 attempts to answer this by looking at the overall number of indictees<sup>15</sup> in these court cases. Once again, there is a significant difference between AQAM-linked and ISIS-linked court cases when it comes to number of indictees. ISIS-linked cases are significantly more likely to have only one Indictee (81%) than are AQAM-linked court cases (50%), while AQAM-linked cases are more likely to have four or more indictees (21%) than are ISIS-linked cases (6%). This

<sup>15</sup> Number of indictees includes those charged with material support charges and those not, as long as at least one indictee is charged with material support.

also confirms that ISIS-linked cases not only have fewer counts, but also have less indictees than AQAM-linked cases. The following section will look at material support charges and how they relate to incident outcomes and potential scale.

**Material Support and Incidents**

In order to begin to understand the potential link between material support and incident success, a simple cross tabulation was run comparing material support-linked incidents and non-material support-linked incidents and incident outcome.

**Table 7 Crosstab of Incident Outcomes**

<b>Incident Outcome</b>	<b>Islamic Extremist</b>	<b>Material Support</b>	<b>Total</b>
Unsuccessful	36 63.2%	74 89.2%	110 78.6%
Successful	21 36.8%	9 10.8%	30 21.4%
<b>Total</b>	<b>57</b> <b>100%</b>	<b>83</b> <b>100%</b>	<b>N= 140</b> <b>100%</b>

( $\chi^2 = 13.57$  df = 1 p = .000)

Table 7 reveals that of the 158 analyzed incidents, only 13% of the material support-linked incidents or plots were successful, while 39% of the non-material support-linked incidents or plots were successful. In order to better understand the potential relationship between these variables descriptive statistics were run. The following tables will further analyze the relationship between material support cases and incident outcomes as they relate to the use of human intelligence sources.

**Table 9 Descriptives of Incident Outcomes and Informants**

<b>Human Intelligence</b>	<b>Unsuccessful Incident</b>	<b>Successful Incident</b>	<b>Total</b>
No	44 59.5%	30 40.5%	74 100%
Yes	66 100%	0 0.0%	66 100%
Total	110 78.6%	30 21.4%	N= 140 100%

\* Chi-square analysis could not be conducted due to successful incidents linked to human intelligence value being less than 5.

Table 9 shows that among incidents without human intelligence there is a fairly similar spread between unsuccessful (60%) and successful incidents (41%). The most important finding revealed in this table is the overwhelming 100% relationship between the use of human intelligence and incidents being unsuccessful. Since the use of human intelligence is such a strong predictor of incident success, one would expect the presence of human intelligence in material support cases to have a similar impact.

**Table 10 Crosstab of Material Support Cases and Informants**

<b>Human Intelligence</b>	<b>Non-Material Support</b>	<b>Material Support</b>	<b>Total</b>
No	40 70.2%	34 41.0%	74 52.9%
Yes	17 29.8%	49 59.0%	66 47.1%
Total	57 100%	83 100%	N= 140 100%

( $\chi^2 = 11.57$  df = 1 p  $\leq$  .001)

Table 10 presents the number of material support and non-material support cases that are linked to the usage of human intelligence. Interestingly, 59% of material support-linked incidents

involved human intelligence compared to non-material support incidents (30%). While it has been established in tables 7 through 10 that material support and the presence of human intelligence are related to and influence incident success, it is not known how much material support influences incident success. To help answer this, a logistical regression model was conducted looking at incident success (DV) and explanatory variables (IVs) such as material support, informants, weapon sophistication, and number of participants.

**Table 11 Logistical Regression on Incident Success**

<b>Model</b>	<b><i>B</i></b>	<b><i>SE</i></b>	<b><i>Wald</i></b>	<b><i>Exp(B)</i></b>
(Constant)	1.073	.565	3.606	2.925
Material Support	-1.548**	.542	8.162	.213
Weapon Sophistication	-1.055**	.334	9.952	.348
Number Participants	-.149	.380	.154	.862

DV: Incident Success

The findings in table 11 show that, net of all other variables, material support significantly decreases the likelihood of incident success. Specifically, material support charges and weapon sophistication have a 79% and 65% odds ratio, respectfully. These findings fail to support my first hypothesis that material support-linked violent plots are more likely to be successful than non-material support-linked violent plots. Table 11 also alludes to an interesting influence human intelligence has on incident success.

### **Material Support and Scale**

If material support and the presence of human intelligence influence the likelihood of an incident to be successful, another question is whether incidents involving material support charges or human intelligence are greater in scale than other incidents. This is an important question as not all incidents are successful and able to be analyzed using traditional measurements of scale (fatalities, damages, etc.). While weapon sophistication and number of

participants are not complete measurements of scale, they do cover different dimensions of the potential or actual scale of an incident and influence the likelihood of success for an incident (Smith, 2016). Along with looking at what impacts weapon sophistication and the number of participants for an incident, additional controls such as the type of potential/actual target for each incident were accounted for (citizen targets served as a reference). In order to capture the potential scale of weapon sophistication and number of participants, the factor analysis scores from both variables were scored as a regression through combined principal component analysis. While the combined regression factor score of these two variables is not meaningful as a unit by itself, it does paint a picture of scale for potential or completed incidents.

**Table 12 Linear Regression on Regression Scale (N= 140)**

<b>Model</b>	<b><i>B</i></b>	<b><i>SE B</i></b>	<b><math>\beta</math></b>
(Constant)	-493.	.162	---
Material Support	.602**	.163	.297
Human Intelligence	.320*	.160	.160
Target Business	.645*	.272	.194
Target Government	.174	.236	.062
Target Military	-.276	.200	-.121
Target Law Enforcement	-1.025*	.421	-.191
Target Transportation	-.081	.260	.093
Target Other	.782	.647	.093

DV: Regression factor score for weapon sophistication and number of participants

Table 12 presents the amount of influence each of these factors have on measurements of scale. The table reveals a strong positive relationship between material support and human intelligence on increases in the combined influence of weapons sophistication and number of participants, as seen through the increase in the factor component score. Compared to plots targeting citizens, incidents targeting law enforcement and businesses are marginally significant;



with plots against law enforcement targets being much less sophisticated than the rest. While table 12 seems to support my second hypothesis that material support-linked violent plots will have a larger potential scale than non-material support-linked violent plots, it does not tell the entire story and should be examined further.

In fact, breaking apart the combined effect of weapon sophistication and number of participants and independently analyzing them tells a different story. When it comes to weapon sophistication, material support no longer has a significant relationship (.248) and number of participants becomes the most significant predictor of weapon sophistication (.001).

**Table 13 Linear Regression on Weapon Sophistication (N= 140)**

<b>Model</b>	<b><i>B</i></b>	<b><i>SE B</i></b>	<b><math>\beta</math></b>
(Constant)	1.360	.106	---
Material Support	-.172	.118	-.131
Human Intelligence	.169	.102	.130
Number Participants	.218**	.074	.268
Target Business	.360	.175	.168
Target Government	.179	.151	.099
Target Military	-.137	.128	-.093
Target Law Enforcement	-.865**	.269	-.249
Target Transportation	.630**	.174	.310
Target Other	.400	.414	.074

DV: Weapon Sophistication

Table 13, similar to table 12, reveals a significant decrease in weapons sophistication when law enforcement is targeted. The large discrepancy in material support's influence between table 12 and 13 raises questions regarding the relationship material support has with the number of participants in an incident or plot. It turns out that material support has a very strong and significant relationship to the number of participants.

**Table 14 Linear Regression on Number of Participants (N= 140)**

<b>Model</b>	<b><i>B</i></b>	<b><i>SE B</i></b>	<b><math>\beta</math></b>
(Constant)	-.111	.183	---
Material Support	.754**	.120	.468
Human Intelligence	-.091	.119	-.057
Weapon Sophistication	.288**	.098	.235
Target Business	.157	.204	.060
Target Government	-.056	.174	-.025
Target Military	-.088	.147	-.049
Target Law Enforcement	.098	.321	.023
Target Transportation	-.826**	.196	-.332
Target Other	.236	.477	.035

DV: Number of Participants

Table 14 supports this claim, revealing that material support and weapons sophistication have strong positive relationships with the number of participants. Transportation targets are also significantly related to the number of participants; with fewer participants being involved in plots or attacks against transportation targets.

In summary, while material support does lead to increased scale in the combined influence of weapons sophistication and the number of participants, tables 13 and 14 reveal that it is not material support that increases the scale of potential incidents or plots, but rather the number of participants.

## **CHAPTER FIVE DISCUSSION AND LIMITATIONS**

This study examines the relationship material support of terrorism charges have with incident success and scale. The analysis also examines the difference between material support and non-material support cases, including differences between AQAM and ISIS-linked court cases. The analysis revealed that there are significant differences between material support and non-material support-linked incidents as well as differences between AQAM and ISIS-linked material support cases. In this chapter, I will present an argument on potential reasons why material support cases have the relationship they do with incident outcomes and scale, and discuss how the government has used the charge to secure convictions in terrorism-related court cases.

Before testing my first research question, I compared material support of terrorism indictments against other Islamic Extremist-linked terrorism indictments. The results provided in figure 1 show a sharp increase in the number of terrorism-related indictments in the aftermath of the 9/11 attacks. As previously mentioned, this increase in terrorism-related indictments may be explained by the U.S. Government's shift in focus to targeting other potential Islamic Extremist-linked terrorists as well as the introduction of new counterterrorism policies. Figure 1 also illustrated how shifts in counterterrorism policy, presidential elections, and the rise and fall of terrorist groups can influence the frequency of terrorism-related indictments and charges.

Along with comparing material support indictments to other Islamic Extremist-linked indictments, case outcome differences between material support and non-material support-linked court cases were examined. While it was anticipated that there would be significant differences between material and non-material support-linked cases, supporting the findings of Parrott et al.

(2008), there were no significant differences between the two. This is likely due to the current study only examining post 9/11 Islamic Extremist-linked court cases.

Next, when looking solely at material support-linked court cases, a significant difference emerges between AQAM and ISIS-linked cases, particularly in the total number of indictees and counts. The majority of ISIS-linked court cases (81%) contained only one defendant, whereas AQAM-linked cases involved one defendant only 50% of the time. On the contrary, AQAM-linked cases were more likely to have four or more defendants (21%) compared to ISIS-linked cases (6%). This trend continues for the total number of counts within court cases, as ISIS-linked cases are more likely to have only one charge (41%) compared to AQAM-linked cases (12%). One explanation for this may lie in the high number of ISIS-linked cases involving one person attempting to travel overseas and join the terrorist organization. This observation stems from anecdotal evidence encountered while coding ISIS-linked court cases. With ISIS being a hot political topic and focus of government investigations, prosecutors have found success in convicting individuals on fewer counts compared to earlier AQAM-linked cases, where prosecutors set out to indict as many persons in a single court case with as many counts as possible. Another explanation for this could lie in the complexity of ISIS-linked court cases. What I mean by this, is that increased implementation of human intelligence in more recent terrorism-related investigations has allowed prosecutors to gather evidence quicker and charge individuals earlier in an investigation (McNulty, 2006). Material support of terrorism charges have also been used extensively in many of these cases in an effort to exert pressure toward a plea bargain (Setty, 2015)

According to a report by the former Deputy U.S. Attorney General Paul J. McNulty in 2006, one of the biggest challenges facing law enforcement in the fight against terrorism is

staying a step ahead of the ever-growing sophistication of terrorist organization, especially in their utilization of the Internet for recruitment and global communication. Because of this,

“[law enforcement] is regularly confronted with the challenging task of having to identify [terrorism] risks and prosecute early enough to prevent harm to America, while simultaneously having to let our investigations play out long enough to allow [law enforcement] to identify all co-conspirators in a terrorist plot and to accumulate evidence sufficient to prosecute” (McNulty, 2006).

This quotation supports what has been observed the current study, that the use of human intelligence and material support charges have been on the rise and a successful strategy in the investigation and prosecution of individuals charged in terrorism-related court cases.

To examine the first research question, a series of statistical tests were run looking at material support-linked incidents compared to non-material support-linked incidents as well as the use of confidential informants or UCAs in material support-linked cases. Material support-linked incident success (11%) was significantly low compared to other Islamic Extremist-linked non-material support incidents (37%). With nearly 90% of material support-linked incidents resulting in failure, descriptive statistics were run looking at whether the use of human intelligence influenced incident success. This finding revealed a startling and important finding; when human intelligence is involved in a terrorist plot, incidents are unsuccessful 100% of the time. The best explanation for this potentially lies in the role confidential informants and UCAs play in terrorism-related investigations. As Gruenewald et al., (2016) pointed out, while these foiled plots are often viewed as victories by government officials, questions regarding the investigative techniques used by confidential informants or UCAs have raised concerns. For example, if confidential informants or UCAs are the original masterminds behind a planned plot or are providing critical components for an incident, the incident will always be foiled since the government has “control” of the plot as they build prosecutorial evidence for court. This results

in a potential select effect limitation. Differentiating and analyzing the exact type and role human intelligence play in individual investigations or plots was not available in this current study and was a limiting factor in being able to further deconstruct their exact role in terrorism-related investigations.

I next looked at how often human intelligence was utilized in material support-linked incidents and non-material support-linked incidents. Not surprisingly, human intelligence was present in 60% of material support-linked incidents compared to only 30% of other Islamic Extremist-linked incidents. Again, this is likely a result of the role human intelligence plays in terrorism-related investigations. “Apart from assessing and identifying potential terrorists and potential co-conspirators, confidential informants and UCAs are also responsible for accumulating sufficient evidence that is able to satisfy the beyond-a-reasonable-doubt standard in court” (McNulty, 2006). Based on informant gathered from human intelligence sources, the government has been able to successfully prosecute individuals with material support of terrorism due to its vague language and broad reach (Gruenewald et al., 2016). As previously discussed, even if the indicted person did not have a strong desire to commit an act of terrorism on their own, the fact that they spoke favorably of committing an attack or provided tangible material support to a confidential informant or UCA is often enough evidence to secure a material support of terrorism conviction.

This significant relationship between the use of human intelligence and material support-linked incidents and unsuccessful incidents appears to contradict my first hypotheses that material support-linked incidents will have a higher rate of success than non-material support-linked incidents. To confirm this finding, a logistical regression analysis looking at material support and incident success was run, confirming that material support has a significant negative

relationship with incident success. The majority of material support-linked incidents involving the use of human intelligence, again, may explain this result. Material support charges were not the only variable significantly related to a decrease in the likelihood an incident was successful; incidents with greater weapon sophistication were associated with incident failure, rather than success. Reasons for this could be due to increased difficulty in obtaining and utilizing more sophisticated weapons without being detected by law enforcement or resulting in weapon failure (Smith et. al., 2016). Again, the presence of confidential informants or UCAs, while relevant to this study, results in a potential selection effect, as informants building evidence for court prosecutions may affect increases in weapon sophistication. I anecdotally observed incidents where human intelligence sources provided weapons or encouraged the use of more sophisticated weapons during the planning process.

Regarding testing my second hypothesis concerning incident scale, material support charges were found to have a significant and positive influence on the scale of incidents, or at least the combined weight of weapon sophistication and the number of participants. Material support increasing the likelihood of greater incident scale appears to be explained in table 14 by increasing the number of participants. It is also important – when comparing with the results of table 6 – to recognize that participants includes indicted and unindicted co-conspirators, meaning that even though a plot may involve multiple individuals, it does not mean they will all be indicted.

Surprisingly, only the number of participants increased weapon sophistication. Similar to Smith et. al. (2016), the number of offenders involved in a terrorist incident was significantly related to an increase in weapon sophistication. One possible explanation for this is that when

more persons are engaged in a plot, there is an increase in opportunities and determination to incorporate complicated, and lethal, large-scale weapons (Smith, 2016).

As previously mentioned, potential or actual target types were implemented as controls within my linear models. One reoccurring limitation in this study is the ability to use other traditional incident control variables such as planning cycle, the number of preparatory activities, deaths, injuries, damages, etc. These variables were not available for all analyzed incidents, as many of the incidents never came to fruition, had not been coded in their entirety, or were currently being investigated/prosecuted.

Table 12 revealed that, compared to incidents targeting citizens, incidents targeting businesses significantly increase the scale of an incident – or at least the combined effect of weapon sophistication and the number of participants. Also, compared to citizen targets, incidents targeting law enforcement were significantly related to decreases in weapon sophistication. The decreased weapon sophistication associated with law enforcement targets may be explained by some anecdotal evidence in which perpetrators targeted law enforcement individuals or entities as reactionary crimes occurring before or during apprehension or interaction. One example of this was Fareed Mumuni who, knowing law enforcement was onto his plot, lunged at officers with a knife while they were carrying out an arrest warrant at his residence. During the trial, it was discovered that Mumuni had stored additional knives in various locations in the event law enforcement attempted to arrest him before the completion of his plot (*United States v. Saleh et al.*, 2017). Another example of law enforcement being targeted with less sophisticated weapons is Usaamah Rahim, who was plotting with others to behead an unidentified U.S. citizen before deciding to target to law enforcement due to a co-conspirators belief that they were being watched and because he believed law enforcement was "the easiest



target." Shortly afterward, Rahim would be confronted by law enforcement officers in a Boston parking lot, where he would be shot and killed upon charging at them. (*United States v. Wright et al.*, 2015). Interestingly, the presence of human intelligence within both Mumuni and Rahim's cases was minimal, with each of them only being surveilled by law enforcement.

This raises an important question concerning the role human intelligence plays in incidents and how they often push for larger targets and more sophisticated weapons. As seen in table 12, the results indicated a positive, significant relationship between the existence of human intelligence and increases in overall scale. An example of human intelligence sources purposefully increasing the scale, especially weapon sophistication is the case of Hemant Lakhani. During the course of the investigation the government informant proposed that Lakhani obtain a shoulder-mounted missile launcher and then sell it to the informant. When Lakhani was unable to obtain a missile, the government arranged for an undercover agent to "sell" him a missile, so that Lakhani could turn around and sell it to the informant (Bartosiewicz, 2005). Another example is Hosam Smadi, a nineteen-year-old, who the FBI identified online and introduced to an UCA. The UCA supplied Smadi with a fake car bomb, instructing him to detonate it under a prominent Dallas skyscraper (Norris and Grol-Prokopczyk, 2017). Or perhaps, the most startling case, *United States v. Pimentel* (1994), where Jose Pimental was convicted of constructing a pipe bomb with the intent of using it during a terrorist attack. The problem? Pimentel was mentally ill and required precise instructions for each step in manufacturing the pipe bomb, requiring the NYPD informant's assistance in drilling holes in the pipe as well as purchasing the necessary ingredients (Rashbaum & Goldstein, 2011).

Contrary to law enforcement targets, incidents aimed at targeting transportation targets were significantly more likely to increase weapon sophistication and decrease the number of

participants. An explanation for this would be the rise in the number of terrorist plots targeting large metropolitan subway or train systems. Cases like Shahawar Siraj and James Elshafay's attempt to bomb the New York subway system before the 2004 Republican National Convention, Assem Hammoud's attempt to bomb the New York and New Jersey subway systems, Abdul Kadir and his accomplices plot to bomb the fuel line at JFK International Airport, and Farooque Ahmed's attempt to bomb Washington D.C.-area subway stations are just a few examples of plots targeting the transportation sector. Not surprisingly, many of these plots involve the implementation of more sophisticated weapons such as cookers and other explosive devices to inflict the maximum number of casualties and cripple the transportation sector and those who use its services.

### **Additional Limitations**

Along with the limitation as mentioned earlier, the overarching limitation for this study boils down to a selection effect. Since this study operationalizes an incident or court cases as being linked to material support if there is at least one material support of terrorism statute present, there is a selection effect in the final sample. For example, there are incidents where explicit and overt material support actions may have occurred, but it would not be linked to material support unless materials support of terrorism count was present. The dependency on material support charges being present means that only incidents and court cases with federal indictments are in the final material support-linked sample. This dependence relies on the government's decision on whether to indict an individual with material support of terrorism charges, making it a policy and prosecutorial decision limitation. These limitations will be addressed again, along with suggestions for future research, in the following section.

## **CHAPTER SIX CONCLUSION**

Previous literature, while establishing a foundation for this current study, has been focused more towards case study and policy examinations, demographics and descriptive analysis with little empirical research. The present study adds to previous literature by taking an empirical approach to the material support of terrorism charges and their relationship with planned or completed terrorist plots. This study confirms previous findings and reveals a significant relationship between material support charges and incident success and scale. These results illustrate the impact material support charges can have on the scale and success of incidents as well as the high correlation the charge has with the use of confidential informants and undercover agents. The current study confirms that material support charges have a significant influence on the outcome and scale of Islamic Extremist-linked incidents, while also setting a foundation for future research.

While this study analyzed court case outcomes for indictees, future research should investigate how various material support statutes differ in terms of sentencing and punishment. This future research could be accomplished by examining the how often particular material support statutes result in guilty pleas, trial convictions, acquittals, etc. as well as the types of sentences or punishments handed down compared to other charges in terrorism-related court cases. This analysis would provide a better understanding of the effectiveness of material support of terrorism charge usage.

Along with this, future research should delve into specific language and tactics utilized in material support of terrorism court cases to better understand how the prosecution and defense handle material support charges. This could be accomplished by examining the amount and type

of motions, evidence, superseding indictments, and prosecutorial and defenses methods used within material support cases compared to other terrorism-related cases.

Future research should also examine the use of material support charges across a wider timeframe and multiple categories of terrorism, not just Islamic Extremist-linked cases. This widened scope would provide a better understanding of material support charges usage before 9/11 as well as their implementation in non-Islamic Extremist-linked cases like narco-terrorism cases.

Finally, though it is known that the presence of human intelligence sources greatly increases the likelihood for incident failure and obtaining convictions in terrorism-related court cases, but there is still debate surrounding how they are used in these investigations. While some offenders have or likely would have engaged in terrorist acts or plots without the introduction of human intelligence sources, there remain cases where planned terrorist plots would not have existed without them (Bernstein, 2013; Norris and Grol-Prokopzyk, 2017). Thus, an important question for future research to answer is whether the use of human intelligence sources is justified and how the use of confidential informants differs from the use of undercover agents.

The current study has built upon previous literature and set a foundation for future research examining material support of terrorism cases and incidents. While not able to answer all questions surrounding material support cases, this study sheds further light on some of the controversies and complexities surrounding material support of terrorism charges and their usage in terrorism-related cases within the United States.

## REFERENCES

- Aaronson, T. (2011, September/October). The Informants. Retrieved from <http://www.motherjones.com/politics/2011/08/fbi-terrorist-informants>
- Aaronson, T. (2013). *The Terror Factory: Inside the FBI's Manufactured War on Terrorism*. Brooklyn, NY: Ig Publishing.
- Abrams, N. (2010). The *Material Support Terrorism Offenses: Perspectives Derived from the (Early) Model Penal Code*, 1 *Journal of National Security, Law, and Policy*. 5, 5–6 (2010). [http://jnslp.com/wp-content/uploads/2010/08/02\\_ABRAMS\\_MASTER.pdf](http://jnslp.com/wp-content/uploads/2010/08/02_ABRAMS_MASTER.pdf)
- Bartosiewicz, P. (2005). I.O.U. One Terrorist: Rounding Up “Al Qaeda, ”. *OneStoogeata Time*, *Harpers Magazine*, Aug. 1, 2005, at 48, 48.
- Bernstein, Richard (2010). A Defense That Could Be Obsolete, *International Herald Tribune*. Dec. 1, 2010, p. 2.
- Bernstein, A. (2013). The Hidden Costs of Terrorist Watch Lists. 61 *Buffilo Law Review*. 461, 478.
- Center on National Security at Fordham Law. (2016). *ISIS Cases in the United States*, <http://static1.squarespace.com/static/55dc76f7e4b013c872183fea/t/56be4881b654f9af652ea926/1455310977496/ISIS+Statistical+Overview+%26+Names+02-12-16.pdf>.
- Cole, D. (2003). The new McCarthyism: Repeating history in the war on terrorism. *Harv. CR-CLL Rev.*, 38, 1.
- Dahl, J. E. (2011). “The Plots that Failed: Intelligence Lessons Learned from Unsuccessful Terrorist Attacks Against the United States,” *Studies in Conflict & Terrorism* 34 (2011): 621–48.
- Department of Justice. (2005) The USA PATRIOT Act: Preserving Life and Liberty. Retrieved from <https://www.justice.gov/archive/ll/highlights.htm>
- Department of Justice. (2002). “Fact Sheet: Shifting from Prosecution to Prevention, Redesigning the Justice Department to Prevent Future Acts of Terrorism,” <http://www.justice.gov/archive/ag/speeches/2002/fbireorganizationfactsheet.htm>
- DeRosa, M. (2005). Material Support. Retrieved from <https://apps.americanbar.org/natsecurity/patriotdebates/material-support>
- Doyle, C. (2010). *Terrorist material support an overview of 18 U.S.C. 2339A and 2339B* (pp. 1-33) (United States, US Congress). Washington, D.C.: Congressional Research Service.

- Edwards, B. and J.D. McCarthy (2004), 'Resource mobilization and social movement', in D.A. Snow, S.A. Soule and H. Kriesi (eds), *The Blackwell Companion to Social Movements*, Oxford: Blackwell, pp. 116-52.
- Federal Bureau of Investigations. (2005). *Terrorism Report 2002-2005* (pp. 1-73). Retrieved from [https://www.fbi.gov/file-repository/stats-services-publications-terrorism-2002-2005-terror02\\_05.pdf](https://www.fbi.gov/file-repository/stats-services-publications-terrorism-2002-2005-terror02_05.pdf)
- Frederic F. Manget, Deputy General Counsel of the Central Intelligence Agency, Opening Remarks before the Senate Select Committee on Intelligence (Jul. 31, 2002).
- German, Michael (2013). Manufacturing Terrorists: How FBI Sting Operations Make Jihadists out of Hapless Malcontents, *Reason*, Apr. 2013, at 54-55.
- Giraldo, Jeanne K., and Harold A. Trinkunas. "Terrorist Financing: Explaining Government Responses." *Terrorism Financing and State Responses: a Comparative Perspective*. Stanford, CA: Stanford UP, 2007. 282-296.
- Greenberg, Karen J., Quantrone, Susan (2011). "Terrorist Trial Report Card: 11 September 2011-11 September 2011," Center on Law and Security, New York University School of Law, 2011.
- Gruenewald, Jeff, Brent R. Klein, Joshua D. Freilich & Steven Chermak (2016): American jihadi terrorism: A comparison of homicides and unsuccessful plots, *Terrorism and Political Violence*, DOI: 10:1080/09546553.2016.1253563
- Holder et al. v. Humanitarian Law Project et al.*, 561 U.S. 1, 30 (2010).
- Jaffer, Jameel & Wizner, Ben (2008). Don't Replace the Old Guantanamo With a New One, *Salon*, Dec. 9, 2008, <http://www.salon.com/news/opinion/feature/2008/12/09/guantanamo>.
- Knox, G. E. (2014). *The Slippery Slope of Material Support Prosecutions: Social Media Support to Terrorists*, 66 *Hastings Law Journal*. 295, 303 (Dec. 2014), Retrieved at: <http://www.hastingslawjournal.org/wp-content/uploads/Goldberg-66.1.pdf>.
- Landman, S. I. (2010, June 21). Supreme Court Upholds Material Support Law. Retrieved from <http://www.investigativeproject.org/2019/supreme-court-upholds-material-support-law#>
- McCarthy, J. D., & Zald, M. N. (1977). Resource Mobilization and Social Movements: A Partial Theory. *American Journal of Sociology*, 82(6), 1212-1241. doi:10.1086/226464
- McNulty, J. Paul, Deputy Attorney General, Department of Justice, Prepared Remarks at the American Enterprise Institute (May 24, 2006), available at [http://www.usdoj.gov/archive/dag/speeches/2006/dag\\_speech\\_060524.html](http://www.usdoj.gov/archive/dag/speeches/2006/dag_speech_060524.html).

- National Institute of Justice. (2011, September 13). Terrorism. Retrieved from <http://www.nij.gov/topics/crime/terrorism/pages/welcome.aspx>
- Norris, J. J., Grol-Prokopczyk, H. (2017). Estimating the Prevalence of Entrapment in Post-9/11 Terrorism Cases. *Journal of Criminal Law & Criminology*. 105. <http://scholarlycommons.law.northwestern.edu/jclc/vol105/iss3/2>
- Parrott, Neil, Smith, Brent L., Adams, Douglas, Patnoe, Jerry. (2008). "An Analysis of Terrorism Financing Court Cases." Master Thesis. University of Arkansas, Department of Sociology and Criminal Justice. Fayetteville, AR, USA.
- Patel, F. & Tierney, A. (2015). *The Reasons Why Dylann Roof Wasn't Charged with Terrorism*, Brennan Center for Justice (July 30, 2015). Retrieved from: <https://www.brennancenter.org/blog/reasons-why-dylann-roof-wasnt-charged-terrorism>.
- Rashbaum, K. W. & Goldstein, J. (2011). Informer's Role in Terror Case Is Said to Have Deterred F.B.I. *New York Times*, Nov. 21, 2011. <http://nymag.com/daily/intelligencer/2011/11/jose-pimentel-a-indeed.html>.
- Said, E. W. (2011). *The Material Support Prosecution and Foreign Policy*, 86 *Indiana Law Journal*. 543, 544 (2011), [http://ilj.law.indiana.edu/articles/86/86\\_2\\_Said.pdf](http://ilj.law.indiana.edu/articles/86/86_2_Said.pdf); U.S. Department of Justice, Office of the U.S. Attorneys, *Counterterrorism Efforts*, <https://www.justice.gov/usao/priority-areas/national-security/counterterrorism-efforts>.
- Setty, S. (2015). The United States, in *COMPARATIVE COUNTER-TERRORISM* (Cambridge University Press 2015).
- Skinner, P. C. (2012) *Punishing Crimes of Terror in Article III Courts*, 31 *YALE L. & POL'Y REV.* 308, 330–32, <http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1647&context=ylpr>
- Smith, B. L. (2008, July 15). A Look at Terrorist Behavior: How They Prepare, Where They Strike. Retrieved from <http://www.nij.gov/journals/260/pages/terrorist-behavior.aspx>
- Smith, B.L., Gruenewald, J., Klein, B., Ratcliff, K., Jackson, S., Brecht, I. Temporal Sequencing, Incident Sophistication, and Terrorist Outcomes." College Park, MD: START, 2016. [https://www.start.umd.edu/pubs/START\\_CSTAB\\_ATS\\_TemporalSequencingIncidentSophisticationTerroristOutcomes\\_Sept2016.pdf](https://www.start.umd.edu/pubs/START_CSTAB_ATS_TemporalSequencingIncidentSophisticationTerroristOutcomes_Sept2016.pdf)
- Smith, B. L. (2016). Sequencing Terrorists' Precursor Behaviors: A Crime Specific Analysis. Final Report. *Research and Evaluation on Radicalization to Violent Extremism in the United States*. NIJ Grant No. 2013-ZA-BX-0001.

- Sullivan, Brandon A., Joshua D. Freilich, and Steven M. Chermak. "Financial Crime and Material Support Schemes Linked to al-Qaida and Affiliated Movements (AQAM) in the United States: 1990 to June 2014," Report to the Resilient Systems Division, Science and Technology Directorate, U.S. Department of Homeland Security. College Park, MD: START, 2014.
- Strom, Kevin, Hollywood, John, Pope, Mark, Weintraub, Garth , Daye, Crystal and Gemeinhardt, Don, "Building on Clues: Examining Successes and Failures in Detecting U.S. Terrorist Plots, 1999–2009," Institute for Homeland Security Solutions, October 2010.
- Taxay, Michael (2014). Trends in the Prosecution of Terrorist Financing and Facilitation. Terrorist Financing. The United States Attorney's Bulletin. Sep. 2014 vol. 62, 5.
- Taxay, Michael, Schneider, Larry, and Didow, Katherine (2014). What to Charge in a Terrorist Financing or Facilitation Case. Terrorist Financing. The United States Attorney's Bulletin. Sep. 2014 vol. 62, 5.
- Terrorist Trial Report Card*, Center on Law and Security, N.Y.U., 7, 19 (2011), <http://www.lawandsecurity.org/wp-content/uploads/2011/09/TTRC-Ten-Year-Issue.pdf>.
- United States v. Goba, No. 02-M-107 (W.D.N.Y. Oct. 8, 2002), *available at* [http://news.findlaw.com/hdocs/docs/terrorism/usgoba\\_102102ind.html](http://news.findlaw.com/hdocs/docs/terrorism/usgoba_102102ind.html).
- United States v. Saleh et. al.*, 15-cr-517 (E.D.N.Y. September 16, 2015)
- United States v. Sattar et al.*, 02-cr-395 (S.D.N.Y. April 8, 2002).
- United States v. Shareef*, 06-cr-919 (N.D. Ill. December 8, 2006).
- United States v. Wright et al.*, 15-cr-10153 (D.MA June 3, 2015).
- Van Bergen, J. (2004). In the Absence of Democracy: The Designation and Material Support Provisions of the Anti-Terrorism Laws. *Cardozo Public Law, Policy, and Ethics Journal*, 2(107), 107-160. Retrieved from [http://www.pegc.us/archive/Articles/JVB\\_material\\_support.pdf](http://www.pegc.us/archive/Articles/JVB_material_support.pdf)



## APPENDIX A

<b>Variable Name</b>	<b>Description</b>
Domestic Terrorism	The unlawful use, or threatened use, of force or violence by a group or individual based and operating entirely within the United States or Puerto Rico without foreign direction committed against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social objectives (Federal Bureau of Investigations, 2005, p. V).
International Terrorism	Involves violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state, or that would be a criminal violation if committed within the jurisdiction of the United States or any state. These acts appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping. International terrorist acts occur outside the United States or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum (Federal Bureau of Investigations, 2005, p. V).
Successful Incident	Codes when all weapons were delivered to the intended target causing a significant amount of damage
Partial Success	Codes when an incident occurred, but the intended target was not harmed or the weapon used in an attack failed to detonate or discharge as initially intended.
Unsuccessful Incident	Codes when the incident on the intended target was prevented or failed to occur due to plot cancellation, complete device failure, or human intervention.