



Written by [Michael Tennant](#) on November 23, 2011

Jose Pimentel: Another Informant-created Terrorist?

On November 19, the New York Police Department arrested 27-year-old Jose Pimentel (left) on charges of plotting to explode pipe bombs in New York City and the surrounding area. The next day city officials called a press conference to announce the NYPD's great triumph in preventing terrorism by an alleged "al-Qaeda sympathizer" whom Police Commissioner Raymond W. Kelly described as "a total lone wolf."



It turns out, however, that Pimentel was far from a lone wolf. As in so many other proudly proclaimed victories against domestic terrorists, he appears to have been greatly assisted by a paid government informant. In fact, the [New York Times](#) reports that the informant's role was so significant that the Federal Bureau of Investigation, itself no stranger to [busting terrorist plots instigated largely by its own informers](#), chose to drop its own investigation into Pimentel despite repeated pleas for cooperation from the NYPD.

Assuming the police department's allegations are true, there is little doubt that Pimentel, a convert to Islam who also went by the name Muhammad Yusuf, had a desire to commit terrorist acts. "Pimentel talked about killing U.S. military personnel returning home from Iraq and Afghanistan, particularly Marines and Army personnel," said Police Commissioner Raymond W. Kelly. "He talked about bombing post offices in and around Washington Heights [the neighborhood on the Manhattan side of the George Washington Bridge] and police cars in New York City, as well as a police station in Bayonne, N.J." Kelly further alleged that Pimentel, a native of the Dominican Republic and a naturalized American citizen who had lived much of his life in Manhattan, had spoken of traveling to Yemen for terrorism training, which he then intended to put to use in New York, and had attempted to contact the American-born Muslim cleric Anwar al-Awlaki. (Ultimately he neither made the journey to Yemen nor received a response from Awlaki.) Kelly said Pimentel had maintained a website that included discussions of how to make bombs and was caught in the act of assembling one.

The allegations against Pimentel, if true, also leave no doubt that, like most other terrorists or would-be terrorists, the young man was not motivated to kill Americans because of their freedom but because of their government's foreign policy. According to the Associated Press, the criminal complaint alleges that Pimentel told a detective after his arrest that he "felt Islamic law obligates all Muslims to wage war against Americans to avenge U.S. military action in their homelands." In addition, Kelly stated that Pimentel "jacked up his speed after" the United States' assassination of Awlaki in September, at which



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point his talk “turn[ed] to action,” the *Times* writes.

Here is where incredulity enters the picture. How much of the bomb plot and the actual bomb assembly was Pimentel’s doing, and how much was that of his NYPD-employed informant? The *Times* notes that Pimentel “had little money to speak of, was unable to pay his cellphone bill and scrounged for money to buy the drill bits that court papers said he required to make his pipe bombs. Initially, he had trouble drilling the small holes that needed to be made in the metal tubes.” It also says that he “appears to be unstable, according to several of the people briefed on the case, three of whom said he had tried to circumcise himself.”

In short, he was a perfect target for a wily informant who could use Pimentel’s religion and his loner status to egg him on toward a terrorist plot that the informant could then report to his handlers, who, in turn, could catch Pimentel red-handed. Indeed, as the *Times* reports, “that informer provided companionship and a staging area” — his own apartment — “so Mr. Pimentel ... could build three pipe bombs while the [NYPD] built its case.” The informer also helped the department make “more than 400 hours of secret recordings” of Pimentel’s allegedly incriminating statements, according to the newspaper.

If the NYPD had such a slam-dunk case against Pimentel, why, then, did the FBI choose not to pursue it as well, as is typically done in terrorism cases? The Intelligence Division informed the FBI-NYPD Joint Terrorism Task Force of its investigation into Pimentel a year or more ago and continued beseeching federal agents to get involved up to, and even after, Pimentel’s arrest. However, reports the [Newspaper of Record](#):

In the task force, investigators were concerned that the case raised some entrapment questions, two people said. They added that some investigators wondered whether Mr. Pimentel had the even small amount of money or technical know-how necessary to produce a pipe bomb on his own, had he not received help from the informer.

In addition, several of those speaking to the *Times* on condition of anonymity said Pimentel had “smoked marijuana with the confidential informant, and some recordings in which he makes incriminating statements were made after the men had done so.” Such evidence is not likely to stand up in court.

The FBI, therefore, had good reason to conclude that Pimentel “didn’t have the predisposition or the ability to do anything on his own,” as one law-enforcement official told the AP. The bureau, perhaps wisely, decided to have nothing to do with the case.

Despite this, the NYPD chose to move forward with its investigation and arrest of Pimentel. This, the *Times* remarks, is “the second time in six months that” New York officials “announced the break-up of what Mr. Kelly cast as a major terrorism case that federal authorities had chosen not to pursue.” In the earlier instance, in May, law enforcement had allegedly uncovered a plot to bomb synagogues and churches; but a grand jury refused to indict the two suspects on the most serious charges brought against them, suggesting again that the feds prudently avoided getting involved in a rather flimsy case.

However, the *Times* points out that by keeping the Pimentel case at the state level, “state prosecutors said they were allowed to charge Mr. Pimentel with a conspiracy, even if he were acting with just the informant; federal law does not permit charging such a conspiracy.” Thus, the fact that they may be more likely to obtain a conviction on a serious charge than the feds would be — “a practical advantage,” the paper observes.



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Of course, the aim of trying a suspect should not be merely to put another notch on the prosecutor's belt but to determine whether or not the suspect is guilty of committing or plotting to commit genuine crimes. Pimentel may well be guilty of everything that is alleged in the complaint against him; but he should not be arrested and tried simply because officials think they can obtain a conviction and appear to be "doing something" about terrorism. Nor should the role of the informant, who stands to gain by helping the cops crack such cases, be overlooked; he may very well have turned a confused but essentially harmless individual into a would-be murderer. As Pimentel's mother told a reporter when asked if her son deserved to be arrested: "Deserves is a strong word. It's difficult to say. Justice has to be done."

Photo Jose Pimentel is arraigned at Manhattan criminal court, Nov. 20, 2011, in New York: AP Images



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