

Preemptive Prosecution: The strange case of Shannon Maureen Conley

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“Targeting non-violent individuals because the government believes that they represent a potential for violence is precisely what preemptive prosecution is all about.”
—Attorneys Stephen Downs and Kathy Manley of Project SALAM¹

19-year-old Shannon Maureen Conley, a self-professed Muslim² woman from Arvada, Colorado, USA, was arrested at Denver International Airport on April 8, 2014 on charges of providing material support and resources to a designated foreign terrorist organization,³ namely the Islamic State of Iraq and Syria.⁴ Court records for the case, which were only recently released, showed the criminal complaint was filed by Christian K. R. Byrne, a marshal assigned to the Denver field office of the Federal Bureau of Investigation, Joint Terrorism Task Force.⁵

Once again, terrorism has emerged from the heartland of America, or has it? The 14-page affidavit in support of the criminal complaint reads more like a diary relating a concerned family friend’s efforts to counsel a rebellious teenager. In his affidavit, Byrne stated that Faith Bible Church officials first contacted local authorities on November 5, 2013 when they observed Conley “wandering around and taking notes in a notebook” on church property. In confronting Conley, the church staff, perhaps accusing her of terrorist activity, asked to see her notes to which she responded, “Why is the church worried about a terrorist attack?”⁶

Two days later, Conley was interviewed by Arvada, Colorado plainclothes detectives, who informed her that she was not under arrest, did not have to speak with them, and was free to go whenever she wished. During this voluntary interview, Conley criticized the pro-Zionist stand of Faith Bible Church, after which she attempted to explain the concepts of defensive jihad in Islam as well as internal jihad within oneself. Byrne stated that Conley felt the deaths of noncombatants on U.S military bases, which she referred to as targets, during a defensive attack may be acceptable,⁷ something which calls to mind Washington’s notion of “collateral damage” in drone attacks on “terrorists.”

During an interview conducted by Byrne and agent Karim Khomssi on December 6, Conley disclosed that she was planning to train with the U.S. Army Explorers, a privately funded youth paramilitary program for male and female American youths aged 13 through 18, affiliated with the Boy Scouts of America, and led by a Colonel Ricky L. Clay,⁸ who is also a minister for the Universalism Church⁹ with a custom wedding business on the side.¹⁰ According to Byrne’s deposition, Conley wanted the military training “to wage Jihad” and “to train Islamic Jihadi fighters in US military tactics.” Conley, a licensed Certified Nurse’s Aide, would use her medical training to aid fighters, if not allowed in combat herself.¹¹

Once again on December 19, Conley was interviewed by Byrne and Khomssi. This time, Byrne claimed that Conley, while disavowing knowledge of the Red Crescent or its mission, stated that jihad is needed since humanitarian work does nothing to solve the problem. Byrne stated that Conley showed the two interviewers a book allegedly on Al Qaida’s doctrine for insurgency, in which she had underlined passages on motorcade attacks and waging guerilla warfare. Another

interview followed on January 15, 2014 during which Conley reportedly stated that she was going to Iraq to “make contact with a friend of a friend of one of her travel companions,” so she could find a camp for jihadist training. However, Conley said she did not know the name or location of the contact in Iraq.¹²

Additional interviews with the same two agents followed on February 4 and 11, and March 18, during which, after being asked if she would like to go to Syria, she claimed to know an ISIL member as well as a “sister” married to one. Later on March 27, agents Khomssi and Gamal Abdel-Hafiz met with Conley and, according to Byrne, attempted “to dissuade Conley from violent criminal activity and give her the opportunity to turn away from her intention to participate in supporting terrorist activities,”¹³ an essential step for entrapment to hold legally.

Agents Byrne and Khomssi interviewed Conley on April 4 for what appeared to be the last time before her arrest at Denver International Airport on April 8. During the interview, Byrne stated that Conley now claimed the ISIS fighter she knew was her suitor and that she was aware that ISIL and ISIS were one in the same organization, The Islamic State of Iraq and Al Sham. She also stated that she knew this organization was on the U.S. list of designated foreign terrorist organizations. Byrne stated that Conley told them she planned to be the suitor’s wife and the camp nurse, but would engage in actual combat if needed.¹⁴

Conley’s father, John, was also interviewed on numerous occasions and claimed that he was aware his daughter had converted to Islam, but did not know her views “were far more extreme than he had previously thought.” It was Conley’s father who reported to Byrne on April 4 that he had found a one-way ticket for her to travel from Denver, Colorado to Adana, Turkey. The tickets had been reportedly purchased by Conley, who was due to depart for Istanbul on April 8, and scheduled to arrive in Adana on April 10 to meet her suitor, supposedly a Tunisian national,¹⁵ but possibly an FBI informant posing as an ISIL member.

Conley’s arrest is not surprising, as the U.S. has a long history of periodic purges against contrived evil threats to its national security. In the twentieth century alone, numerous cases of mass arrests and deportations occurred; each one involved a suspension of citizens’ rights under the U.S. constitution and was justified by some “clear and present danger” threatening the American Homeland. The “Red Scare” following the Russian Revolution of 1917 resulted in substantial abridgement of civil liberties and culminated in the infamous Palmer Raids during which up to 10,000 people suspected of disloyalty to the U.S. were arrested in thirty-three cities and hundreds were deported. These gross violations of constitutional rights found disturbingly widespread support among the American public.¹⁶

The next wholesale violation of rights came when the Hearst newspaper chain initiated a fear campaign by alleging communist radicals were infiltrating schools and colleges. By 1938, the House Un-American Activities Committee had begun its nefarious inquisition, spreading fear and ruining lives over its lifespan of forty years,¹⁷ while U.S. propaganda portrayed the Soviet Union as a cancerous communist colossus hell-bent on spreading its spies and agents inside America. By executive order, President Harry Truman established a loyalty program, which mushroomed into a network of over 109,000 informants, one of whom was the former Warner

Brothers Studios actor, Ronald Reagan. Within a three-year period, 2 million federal employees were investigated, and some 2,700 lost their jobs.¹⁸

The U.S. sank to a new moral low during World War II when President Franklin Delano Roosevelt signed Executive Order no. 9066, forcing the removal by February 1942 of 120,000 west coast residents of Japanese descent, of whom 80,000 were U.S citizens, to evacuation centers in the interior.¹⁹ These so-called “reception centers” were really concentration camps surrounded by barbed wire, machine guns and military police.²⁰ One man, Governor Ralph Carr of Colorado, dared to inveigh against the massive mistreatment of Japanese Americans and, as a result, was smeared as a “Jap lover,” and lost his political career.²¹ “As the only western governor to oppose the violation of the constitutional rights of the Japanese American, I aroused much criticism,” he remarked years later.²²

Arriving on the American political scene after WWII was the Junior Senator from Wisconsin, Joseph McCarthy, whose infamous communist witch hunts put the word “McCarthyism” in the English dictionary. Backed by militant anticommunist ideologues across the political spectrum from Francis Cardinal Spellman to Joseph P. Kennedy, McCarthy oversaw a reign of terror in America from 1946 until 1955.²³ As chairman of the powerful Senate Permanent Subcommittee on Investigations from 1953 to 1955, McCarthy held 117 investigative hearings, accusing numerous witnesses—over 600 testified in 1953 alone—blacklisting them for alleged communist sympathies and ruining their careers by intimidation and innuendo.²⁴

At the time of the Japanese internment during World War II, Albuquerque, NM mayor Clyde Tingley summed up the sentiments of most Americans. “This is no place for Japanese to be running loose,” he said, “I don’t trust any of them since Pearl Harbor.”²⁵ Exchange “Muslims” for “Japanese” and “9/11” for “Pearl Harbor” and the resulting statement accurately captures the mood of most Americans today. The present day disciples of McCarthy have merely replaced “Socialists” and “Communism” with “Muslims” and “Islam” as their ideological targets.

An example of preemptive prosecution and entrapment, the Conley case is not unique, as a report by the Support and Legal Advocacy for Muslims (SALAM) stated, “The vast majority of arrests in the war on terror have consisted of the FBI foiling its own entrapment plots.”²⁶ Like the communist-baiters in McCarthy’s time, today’s Islamophobes are full of long-winded charges, but short on hard evidence of terrorist activity. But unlike Conley’s case, no charges result when one of their own is involved, as was former Pentagon inspector general Joseph E. Schmitz, who arranged to send “rebels” in Syria 70,000 AK-47s and 20 million rounds of ammunition.²⁷

After all, if we are to believe agent Byrne’s testimony, Conley had done nothing but buy a plane ticket to Turkey and utter some ill-advised words. In contrast, President Obama wants to send \$500 million to support the “moderate Syrian rebels”²⁸ who share a common goal of regime change with Conley’s alleged ISIL suitor. And we are supposed to believe that Islam and Muslims are not being targeted?

Endnotes

¹ Stephen Downs , and Kathy Manley, *Inventing Terrorists: The Lawfare of Preemptive Prosecution* (Albany, NY: Project SALAM and National Coalition to Protect Civil Freedoms, 2014), 4-5, accessed July 5, 2014,

<http://www.projectsalam.org/Inventing-Terrorists-study.pdf>.

² Alan Gathright, "19-year-old Arvada woman, Shannon Maureen Conley, charged with aiding ISIS terror group, FBI says," *The Denver Channel*, July 2, 2014, last modified July 3, 2014, accessed July 6, 2014,

<http://www.thedenverchannel.com/news/local-news/19-year-old-colorado-woman-shannon-maureen-conley-charged-with-aiding-terrorist-group-fbi-says07022014>.

³ 18 U.S. Code § 2339B - Providing material support or resources to designated foreign terrorist organizations, accessed July 5, 2014, Legal Information Institute, Cornell University School of Law, accessed July 5, 2014,

<http://www.law.cornell.edu/uscode/text/18/2339B>.

⁴ Alan Gathright, *ibid.*

⁵ Criminal Complaint, United States vs Shannon Maureen Conley, U.S. District Court for the District of Colorado, April 9, 2014, accessed July 5, 2014, <http://www.scribd.com/doc/232399093/U-S-v-Conley>.

⁶ Criminal Complaint, *ibid.*

⁷ Criminal Complaint, *ibid.*

⁸ FAQ, United States Army Explorers website, accessed July 5, 2014, <http://www.armyexplorers.us/10.html>.

⁹ Ricky L. Clay, LinkedIn, accessed July 5, 2014, <http://www.linkedin.com/pub/ricky-l-clay/25/152/5a>

¹⁰ Wedding Your Way, accessed July 5, 2014, http://www.linkedin.com/company/wedding-your-way?trk=ppro_cprof.

¹¹ Criminal Complaint, *ibid.*

¹² Criminal Complaint, *ibid.*

¹³ Criminal Complaint, *ibid.*

¹⁴ Criminal Complaint, *ibid.*

¹⁵ Criminal Complaint, *ibid.*

¹⁶ Haynes Johnson, *The Age of Anxiety: McCarthyism to Terrorism* (Orlando, FL and New York: Harcourt, 2005), 109.

¹⁷ Haynes Johnson, *ibid.*, 113.

¹⁸ Haynes Johnson, *ibid.*, 131.

¹⁹ Adam Schrager, *The Principled Politician: The Ralph Carr Story* (Golden, CO: Fulcrum Publishing, 2008), 2.

²⁰ Adam Schrager, *ibid.*, 213.

²¹ Adam Schrager, *ibid.* 321.

²² Adam Schrager, *ibid.*, 316.

²³ Haynes Johnson, *ibid.*, 137, 162-163.

²⁴ Haynes Johnson, *ibid.*, 286-288.

²⁵ Adam Schrager, *ibid.*, 213-214.

²⁶ Stephen Downs, and Kathy Manley, *ibid.*

²⁷ "WSJ: Pentagon Official Sought to Arm Syria Militants, Finance from KSA," *Alahed News*, May 20, 2014, accessed July 6, 2014, http://english.alahednews.com.lb/essaydetails.php?eid=26204&cid=393#.U71WY_15NqU.

²⁸ Julian E. Barnes, Adam Entous and Carol E. Lee, "Obama Proposes \$500 Million to Aid Syrian Rebels," *Wall Street Journal*, June 26, 2014, accessed July 6, 2014, <http://online.wsj.com/articles/obama-proposes-500-million-to-aid-syrian-rebels-1403813486>.